

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

ORIGINAL

Appeal from Greenwood County

Honorable Frank R. Addy, Circuit Court Judge

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SC Court of Appeals

THE STATE,

RESPONDENT,

V.

HOWARD JAMES WOODS, JR.

APPELLANT

APPELLATE CASE NO. 2017-000775

RECORD ON APPEAL

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STATE OF SOUTH CAROLINA
COUNTY OF GREENWOOD

EIGHTH JUDICIAL CIRCUIT
IN THE COURT OF GENERAL SESSIONS

STATE OF SOUTH CAROLINA,)
)
 PLAINTIFF,)
)
)
 -VS-)
)
 HOWARD JAMES WOODS, JR.,)
)
 DEFENDANT.)
 _____)

CASE NO.: 2017-GS-24-0208
2017-GS-24-0209

TRANSCRIPT OF RECORD

MARCH 14-15, 2017
GREENWOOD, SOUTH CAROLINA

B E F O R E:

THE HONORABLE FRANK R. ADDY, JR., JUDGE, AND A JURY

A P P E A R A N C E S:

ATTORNEY FOR PLAINTIFF:

YATES BROWN, DEPUTY SOLICITOR
ANNA SUMNER, ASSISTANT SOLICITOR

ATTORNEY FOR DEFENDANT:

JANA NELSON, ESQUIRE
JENNIFER CLINKSCALES, ESQUIRE

TARA T. SCOTT, CVR
CIRCUIT COURT REPORTER

1 deny it and we'll call it a customary procedure for
2 qualifying the jury panel for this particular case.
3 Anything else I need to know about this case before we
4 proceed?

5 MS. SUMNER: No, Your Honor.

6 THE COURT: Let's go ahead and have the jury in,
7 please.

8 (Whereas, the jury entered the courtroom.)

9 THE COURT: The record will reflect that the jury is --
10 the jury panel is back and seated at this point in time.
11 Solicitor, if you'll call your next case for trial.

12 MR. BROWN: Your Honor, at this time the State -- it's
13 the *State vs. Howard James Woods, Jr.*, indictment
14 17-GS-24-0208, criminal sexual conduct with a minor in the
15 first degree. Also indictment 17-GS-24-0209, *State vs.*
16 *Howard James Woods, Jr.*, criminal sexual conduct with a
17 minor in the second degree.

18 The State is ready to proceed.

19 THE COURT: Is the Defense ready to proceed at this
20 point, Ms. Nelson?

21 MS. NELSON: Yes, Your Honor.

22 THE COURT: All right. Ladies and gentlemen of the
23 jury panel, I've been presented with two indictments. They
24 charge Mr. Howard James Woods, Jr. with the offenses of
25 criminal sexual conduct in the first degree and criminal

1 sexual conduct in the second degree, both with a minor. I
2 instruct you at the outset, ladies and gentlemen, that the
3 fact that Mr. Woods has been charged or indicted in this
4 case of course is not evidence. These indictments are
5 nothing more than a piece of paper, or pieces of paper by
6 which these cases are brought to Court. All right? In this
7 case Mr. Woods has pled not guilty to these charges and that
8 plea puts the burden on the State to prove each and every
9 element of these offenses beyond a reasonable doubt.

10 Now, in this case the State of South Carolina is being
11 represented by Deputy Solicitor Yates Brown. Mr. Brown and
12 Ms. Sumner. Mr. Brown, would you care to introduce the
13 individuals that are seated at your table with you, please.

14 MR. BROWN: My name is Yates Brown. I'm a Deputy
15 Solicitor Greenwood and Abbeville County. Seated next to me
16 is Anna Sumner, Assistant Solicitor, and also Wendi
17 Chappell, an investigator with our office.

18 THE COURT: Thank you. In this case the Defense, Mr.
19 Woods, is being represented by Jana Nelson. Ms. Nelson, if
20 you could, introduce yourself, and certainly your client and
21 anyone else at the table with you.

22 MS. NELSON: Thank you very much, Your Honor. My name
23 is Jana Nelson and I practice strictly criminal defense here
24 in the Eighth Circuit, which is Greenwood, Abbeville,
25 Laurens, and Newberry. This is Ms. Jennifer Clinkscales who

1 play it.

2 THE COURT: Well, assuming that you're not going to be
3 in a position to publish the video to the jury today, that
4 will give you some opportunities this evening to maybe
5 review it, figure out what portions you want redacted, and
6 then we can get it recut. I assume that you've got the
7 capacity to recut it in the way that you want in light of --

8 MS. NELSON: I don't know how to recut it. But what
9 we've done before is stopped it and --

10 THE COURT: Moved it on.

11 MS. NELSON: -- fast-forwarded it and started it again
12 with, you know, kind of looking over each others shoulder
13 when we did that.

14 THE COURT: We'll figure it out.

15 MS. NELSON: Thank you, Your Honor.

16 THE COURT: Anything else we need to address before we
17 bring the jury out?

18 MS. NELSON: I do have a few more things.

19 THE COURT: Go ahead.

20 MS. NELSON: There is -- I would -- I would move to
21 quash both the indictments on the basis that they're -- that
22 they're overbroad. As you know, Your Honor, the first --
23 the first degree charge encompasses a period of two years.
24 The indication from the discovery is that there will be
25 testimony about one incident that took place within that two

1 year period. I don't know -- I don't know to what extent
2 testimony will or won't be consistent with discovery. But
3 that's what the discovery indicates, that it was a one time
4 event at the Baptist Street location. Yet we are confronted
5 with an indictment that covers a period of two years.

6 The second indictment for the second degree charge,
7 Your Honor, covers a period of five years. The discovery
8 indicates at one point that things happened 20 to 30 times.
9 This would have been at the Barley Drive location. That the
10 sexual conduct happened 20 to 30 times. Then in another
11 part -- in another incident report it says it happened once
12 or twice a week. We -- Mr. Woods is put in the position of
13 having to defend himself against allegations that encompass
14 a total of a seven year period; 2003, '04, '05, '06, '07,
15 '08, '09. Seven years.

16 Your Honor, I know that the case law for criminal
17 sexual conduct cases does say that since time is not an
18 element of the offense, that it does not have to be alleged
19 in the indictment, I know that time spans can be allowed.
20 But I would argue for a change in the law to afford Mr.
21 Woods due process under our State and Federal Constitutions
22 and ability to adequately defend himself when he's
23 confronted years later with allegations that span a seven
24 year period. It's not like he can -- it's not like he can
25 say, okay, I have to address something -- you can't even --

1 we don't even get a month, much less a day, where you can
2 actually look at someone's employment records and see if
3 they're home at the time that these events occurred. You
4 are -- you're put to an impossible task of proving a
5 negative for a period of seven years.

6 THE COURT: Forgive me for a moment. But, Solicitor,
7 on indictment 17-209, that's the CSC second degree, it
8 alleges that the minor was 14 but less than 16 years of age,
9 which encompasses a two year period, but the body of the
10 indictment references a four-year period. Clearly the State
11 knows at what point the alleged victim turned 14 and then
12 turned 16. Why do you need a four-year gap when you're only
13 talking about a two-year timeframe?

14 MS. NELSON: It's actually five years, because it's
15 '05, '06, '07, '08, '09.

16 THE COURT: You're right. Sorry. Five years. Why
17 would you need a five year gap if her date of birth is [REDACTED]
18 [REDACTED], 1994? I haven't done the math. But clearly -- let's
19 see. Fourteen. She would have turned 14 on 2008 sometime,
20 right -- or 2009. She would turn 14 on [REDACTED] of
21 2009. If her date of birth -- her date of birth is [REDACTED],
22 1994, right?

23 MS. NELSON: I think it's '08, Your Honor.

24 MR. BROWN: [REDACTED] 1994 would be her birthday, Your
25 Honor.

1 MS. NELSON: 2008.

2 THE COURT: You're right, 2008.

3 MS. NELSON: I'm having to do the same finger counting
4 to do it.

5 THE COURT: Correct. She would have been 14 on [REDACTED]
6 [REDACTED] 2008. Yet the indictment references a timeframe from
7 July 1, 2005 to December 31, 2009 for a CSC second degree.

8 MR. BROWN: Your Honor, it appears to me when it was
9 done that the first date range was done off the CSC second
10 with a minor. I guess it would be (a). And then the last
11 part was done with (b) which would limit it to 14 -- it
12 would be between 14 and 16, or could be 14 to 16 age range,
13 if living with somebody, a familiar custodial relationship.
14 That's what it appears to be.

15 THE COURT: Now, I'm just looking at the body of the
16 indictment. It says that, "The Defendant did engage in
17 sexual battery upon a person who was at least 14, but less
18 than 16 years of age, to wit: --" victim name, victim date
19 of birth, "-- in violation of 16-3-655(b)." And I don't
20 have that statute in front of me, but my understanding --

21 MR. BROWN: Fourteen to 16. So I think the -- it
22 appears to me to be a scrivener's error on January 1, 2005.
23 And I would say it should be July 16, 2008 if it's -- but
24 July -- January 1, 2005 would be -- 2009 would be under (a).
25 It would be under CSC with a minor second degree (a). And

1 (b) would then also encompass -- would be in those date
2 ranges, and we're ending on December 31, 2009. As part of
3 the case, she actually went and had an abortion prior to
4 that time. It was in December of 2009.

5 THE COURT: And it's the State's theory that the
6 termination of the pregnancy was a direct result of the
7 assault that took place?

8 MR. BROWN: Yes, sir.

9 THE COURT: And that took place in December 2009?

10 MR. BROWN: The abortion took place in December of
11 2009.

12 THE COURT: So the Court limits -- or the State loses
13 nothing by the Court limiting the timeframe to July 16, 2008
14 to December 31, 2009. Am I correct? I mean, I'm just
15 losing at how it's indicted here. You never indicted for
16 (a). You only indicted under subsection (b).

17 MR. BROWN: We would still have evidence of CSC during
18 that time range of '08 to December 31, 2009.

19 THE COURT: Well, here's how I'm going to address her
20 motion. The indictment, for whatever reason, doesn't
21 reference (a). It only references (b), which I believe is
22 the 14 to 16, correct?

23 MR. BROWN: Yes.

24 MS. NELSON: Yes, sir.

25 THE COURT: So the State's going to be limited to any

1 sort of testimony in that date range, July 16, 2008 to
2 December 31, 2009 as it relates to indictment 209, the CSC
3 with a minor second degree. That's equitable, and it's also
4 exactly what Mr. Woods is indicted for. If a longer period
5 of time or a more broad period of time had been desired,
6 then a different indictment should have been prepared or
7 different charges should have been prepared.

8 As it relates to the other indictment, the law is
9 pretty clear, Ms. Nelson. In cases of this nature a broad
10 timeframe is allowed, especially since the alleged victim,
11 Minor, would have been in the nine to 10-year-old range
12 as it relates to the CSC first degree. And obviously that's
13 a young person. They have a hard time pinpointing precise
14 dates. So your point is made, but your objections -- or
15 your motion is denied with regard to that. Okay?

16 MS. NELSON: And I apologize, Your Honor. We're
17 amending the timeframe in the second degree indictment to
18 July 16, 2008 through December of 2009?

19 THE COURT: That has to be the case, because that's the
20 only thing that your client is indicted for, by the way I
21 read the indictment. He was only indicted under subsection
22 (b). He was not indicted under subsection (a) or a CS --
23 presumably they could have pursued CSC first degree charges
24 under that same timeframe, if my thinking is correct.

25 MS. NELSON: It is under part (b) and the indictment

1 specifically says 14 to 16.

2 THE COURT: Right.

3 MS. NELSON: I believe the date of the abortion was
4 December 16, 2009.

5 THE COURT: That's what's been represented to the
6 Court, so... All right. Anything else?

7 MS. NELSON: Yes, sir. The mention of the documented
8 abortion leads me to my next motion, Your Honor, which would
9 be a motion to suppress any testimony about the pregnancy or
10 abortion in December of 2009. My understanding from the
11 discovery is that the pregnancy was discovered on December
12 15, 2009 and the abortion took place the next day. Am I
13 right? I believe that's correct.

14 MS. SUMNER: That's correct, Your Honor.

15 MS. NELSON: Your Honor, we would move to suppress that
16 testimony under Rules 401 and 403. The statute, of course,
17 does not require that -- pregnancy is not an element of the
18 offense. It's not a fact at issue. And it is the fact that
19 -- that [Minor] was pregnant and had an abortion, there's
20 absolutely no evidence linking that to Mr. Woods other than
21 strictly what [Minor] says. So we would object to its
22 relevance under Rule 401, its probative value, and would
23 object also under Rule 403 as being more prejudicial than
24 probative, Your Honor.

25 THE COURT: Well, we are talking about a legal

1 different from the movies.

2 I want to thank you ahead of time for your attention on
3 this case. Please, at all times do pay attention to
4 everything that's said by the attorneys, by the witnesses,
5 and at the conclusion of the trial I think you'll be in as
6 best a position possible to render a verdict.

7 Now, the first order of business for you is, if you
8 would, just stand where you are, raise your right hand, and
9 I'll ask the Clerk of Court to administer your oath to you
10 as jurors, please.

11 (Whereupon, the jury was sworn in at 12:08 p.m.)

12 THE COURT: Ladies and gentlemen, again, what I now say
13 is intended to serve as an introduction to the trial of this
14 case and these remarks are not instruction on the law. I'll
15 instruct you on the law at the conclusion of the trial
16 before you retire to deliberate your verdict. Again, this
17 is just an overview that we're going to -- or an overview of
18 the procedure that we're going to use so that you can better
19 understand what's going on as we go forward.

20 Now, ladies and gentlemen, some of you may want to take
21 notes during the course of the trial. I'll tell you that
22 that's completely permissible. After lunch, if you want to
23 take any notes, just let Mr. Willingham or one of the other
24 bailiffs know and we'll provide you with a notepad and a pen
25 or a pencil. Just a few rules about note-taking though.

1 First, please don't let the taking of notes distract you
2 from the attention -- or distract you from the witnesses.
3 Don't let it distract your attention from the testimony
4 that's being given. Secondly, any notes that you take are
5 your private property. Okay? So just leave the notebooks
6 tonight when we take a break. Leave those here. Mark them
7 in some way. Put your name on the front or whatever. We'll
8 secure them overnight and return them to you tomorrow. All
9 right? But those are basically the two rules. Don't let
10 the taking of notes distract you, and, of course, those are
11 your private property, your private thoughts. All right?

12 Now, ladies and gentlemen, in this case Mr. Woods is
13 charged with two crimes; criminal sexual conduct with a
14 minor in the first degree and criminal sexual conduct with a
15 minor in the second degree. I'll explain the elements of
16 these offenses to you at a later point in time before you
17 begin your deliberations.

18 Now, again, as I mentioned earlier, these indictments
19 are merely the means by which these cases are brought into
20 Court and, of course, they're not in any sense of the word
21 evidence of any of the allegations contained in the
22 indictments. Mr. Woods has pled not guilty to these charges
23 and, of course, that plea puts the burden of proving each
24 and every element on the State of South Carolina. It will
25 be your duty to determine whether the State has met it's

12 Now, ladies and gentlemen, it's especially important
13 that you perform your duty of determining the facts
14 diligently and conscientiously because ordinarily there is
15 no way to correct an erroneous determination of facts by a
16 trial jury. On the other hand, the same law that makes you
17 the judge of the facts makes me the judge of the law.
18 You'll have to accept it and apply the law as I state it to
19 you. So if you have any idea as to what the law is or what
20 the law ought to be, you'll have to abandon this idea.
21 Again, I can't tell you what the facts are. You're not
22 permitted to disagree with me about what the law is or what
23 the law should be. Your job will be to take the law as I
24 give it to you, apply it to the facts as you find them to
25 be, and after doing that you'll render your verdict under

1 the oath that you've just taken.

2 Now, until I advise you to begin your deliberations you
3 cannot discuss this case with anyone. Not friends, family
4 members, not even your fellow jurors. After the case is
5 submitted to you, you can only discuss it in the jury room
6 in the presence of all 12 jurors.

7 Now, the parties and the lawyers in this case have been
8 told that they're not to have anything to do with you while
9 the case is going on. All right? So if you happen to see
10 one of the lawyers coming or going from the courthouse and
11 they don't say hello to you, understand they're not being
12 rude. They're simply following my instructions to have
13 nothing to do with you while the case is progressing. Okay?
14 The reason for this is self-evident. If the other side sees
15 you having a conversation with the lawyer for the other side
16 it could easily be misinterpreted as jury tampering, even if
17 it's just an innocent conversation about the weather. The
18 easiest way to keep that issue from even arising is just to
19 say that jurors are off limits while the case is going on.
20 All right?

21 Now, I don't know if there will be any media coverage
22 during the course of the trial, but, of course, please do
23 not read or listen to any sort of media reports about this
24 case regardless of what format it's in. Whether it's online
25 or in the newspaper or radio or TV. Okay? I will tell you

1 that from time to time judges in this state have been faced
2 with a situation where jurors have decided that they wanted
3 to go and start Googling peoples' names and doing internet
4 searches of people and they've run across various reports in
5 online media about the case. I'm telling you from the
6 get-go, ladies and gentlemen, that that would be violation
7 of your oath as jurors and it would subject you to a finding
8 of contempt by the Court. I don't mean to be so
9 heavy-handed, but the reason for this, ladies and gentlemen,
10 is, as you probably appreciate, there is no filter with the
11 internet. People can put whatever they want to online. It
12 can be true. It can be 100 percent false. It can be
13 somewhere in between. All right? Your oath is to judge
14 this case based solely on the evidence and the facts that
15 are presented in this courtroom, and the rules of evidence
16 are designed to give you the most reliable facts possible.
17 Okay? The stuff that's put online, the stuff that's in the
18 media, they may try to get it right but they don't always.
19 So I'm telling you that it would be a violation of your oath
20 to perform any kind of independent research, any sort of
21 independent investigation of any of the facts in this case.
22 You'll get the facts that you need from this witness stand.
23 You don't need to investigate it. Okay? So please, do
24 refrain from doing that.

25 Now, ladies and gentlemen, it's important that you keep

1 an open mind and not decide any issue in this case until all
2 the evidence has been presented, the lawyers have made their
3 closing argument to you and you've received my instruction
4 on the law. It's your solemn responsibility to determine
5 the guilt or the innocence of the Defendant and your verdict
6 must be based solely on the evidence as presented and on the
7 law as I instruct you.

8 Now, in a moment, ladies and gentlemen, the Solicitor
9 will make what's known as an opening statement or an opening
10 argument in which he'll explain to you what the issue are,
11 or what they believe the issues are in the case.

12 Are you going to give the opening, Mr. --

13 MR. BROWN: Yes.

14 THE COURT: Mr. Brown will be giving the opening for
15 the State. I'll instruct you -- and, of course, the Defense
16 will be given an opportunity to give an opening statement as
17 well, although they're not required to do so. Of course,
18 what the lawyers say to you during their opening, ladies and
19 gentlemen, is not evidence. The evidence will be presented
20 from the witness stand. Even though it's not evidence
21 though, you should pay attention to what they say to you in
22 their openings because it'll provide an overview or a
23 roadmap somewhat of what they anticipate the evidence
24 proving.

25 Now, ladies and gentlemen, again, the evidence will be

1 presented from the witness stand, as well as any exhibits
2 introduced into the record.

3 Now, from time to time during the trial, ladies and
4 gentlemen, it may be necessary to take a break while the
5 lawyers may say something like, Judge, we have an issue of
6 law for the Court, or we need to take up an issue of law.
7 The reason that I may ask you to leave the courtroom during
8 those arguments is that sometimes in ruling on an issue of
9 law it's necessary for me to make a comment about what
10 testimony has been presented, what evidence has been
11 offered. Because you're the sole judges of the facts, I
12 don't want anything that I say about the facts to have any
13 affect on what you ultimately determine those facts to be.
14 That's why I will ask you during those breaks, or during
15 those arguments about the law, that's why I'll ask you to
16 leave for the jury room so that any comment I make I'm sure
17 won't have any affect on what you ultimately determine the
18 true facts to be. Of course, please don't speculate on what
19 I'm saying while we're on those breaks or what I might be
20 saying out here, because the law does not permit me to have
21 any opinion about the facts in this particular case.

22 Now, ladies and gentlemen, in determining what the true
23 facts are you'll have to decide whether or not the testimony
24 of witnesses is believable. It's my responsibility to rule
25 as a matter of law on whether certain testimony is admitted.

1 However, once that testimony is admitted, whether you choose
2 to believe it is solely for you to determine. In deciding
3 whether to believe a witness you have the right to consider
4 the interest of any witness, the bias of any witness, the
5 prejudice of any witness, the opportunity for the witness to
6 have seen the matters and things about which they testify,
7 and you may also consider the way they act while on the
8 witness stand. You can consider anything that's in the
9 record in this case which will help you evaluate the
10 testimony of the witnesses. That means it's your duty to
11 pay close attention to them, listen to them and observe
12 them. Also pay close attention to the attorneys in the
13 Court and keep your thoughts from wondering. If you give
14 strict attention to the testimony, to the argument of
15 counsel and to the Court, you'll be in as best a position
16 possible to render a verdict under the oath that you have
17 just taken at the conclusion of the trial.

18 Now, in order to preserve everyone's rights I'll give
19 everyone -- or I'll give the attorneys a chance to object to
20 anything I've said to you during these opening remarks, and
21 then we'll proceed with the trial.

22 Any objections from the State?

23 MR. BROWN: None from the State.

24 THE COURT: From the Defense?

25 MS. NELSON: None, Your Honor.

1 THE COURT: All right. We will now begin the trial.
2 Mr. Brown, you're recognized for your opening.

3 MR. BROWN: Thank you, Your Honor. May it please the
4 Court.

5 THE COURT: Yes, sir.

6 OPENING STATEMENT

7 BY MR. BROWN: Memories. In life you have good
8 memories, bad memories, fond memories, horrible memories,
9 dark memories. In this case [Minor] has the latter.
10 She has horrible memories from her childhood. Little dark
11 things that happened to her that she can't escape. Some
12 things you just assume you're not ever have to remember
13 again. You can just get it out of the back of your mind,
14 that would be great. She can't do it. These memories were
15 brought about because of that man sitting there, Mr. Woods.
16 Howard Woods lived in the same house with [Minor] and
17 her mother from the time [Minor] was a baby. He's
18 essentially her step-dad. Living in the same house. When
19 [Minor], around eight or nine years old, her step-dad
20 assaulted her. They continued on. Elementary school,
21 middle school and then high school. Until she was 15-years-
22 old. That man sexually assaulted her that put those
23 memories in her head that she can't get rid of. It all
24 stopped when she became pregnant. She had to get an
25 abortion, and at that time her mother found out. Partial

1 light was shown on what was happening, he was then kicked
2 out of the house. The decision was made not to go forward
3 to law enforcement at that time. It wasn't until 2015,
4 [Minor] is now a young lady, out in the working world.
5 Those memories -- she couldn't shed them. She went to law
6 enforcement.

7 Ladies and gentlemen, the Defendant is charged with two
8 charges, two crimes; criminal sexual conduct with a minor in
9 the first degree and criminal sexual conduct with a minor in
10 the second degree. Criminal sexual conduct and -- let me
11 put it this way, is a sexual battery. Sexual intercourse,
12 fellatio, which is oral sex on a male, cunnilingus, oral sex
13 on a female, anal intercourse, or any intrusion however
14 slight to another person. Criminal sexual conduct in the
15 first degree is a child under the age of 11. It's age. So
16 sexual battery on a child under the age of 11. Criminal
17 sexual conduct in the second degree, in this case what he's
18 indicated for, between the ages of 14 and 16 by somebody in
19 a familial or custodial parenting situation. That is also a
20 sexual battery, or sexual assault, on this young lady.

21 Now, throughout this case and at the end of the trial
22 you'll hear from the judge that the State has the burden of
23 proof. We have the burden of proof to prove to you all
24 beyond a reasonable doubt Mr. Woods did, in fact, commit a
25 sexual assault on [Minor]. It's a burden we welcome

1 and a burden we'll meet. At the end of this trial we'll get
2 back up for you and we'll ask you to find him guilty of
3 these two crimes.

4 THE COURT: Thank you, Ms. Brown. Ms. Nelson, you are
5 recognized for your opening, ma'am.

6 MS. NELSON: Thank you, Your Honor. May it please the
7 Court.

8 THE COURT: Yes, ma'am.

9 OPENING STATEMENT

10 BY MS. NELSON: I want you to imagine something with me
11 for just a minute. Let's pretend that it's illegal to have
12 a steak for dinner. I know that sounds silly. I know that
13 sounds terrible for those of you like me who like to get
14 steak. But let's pretend just for a minute that it's
15 against the law to have a steak for dinner. My son comes
16 along in 2015 and tells the police that I've had steak for
17 dinner over and over again in 2003, 2004, 2008, 2009. I had
18 steak while we lived at one house in this part of town. I
19 had steak for dinner when we lived at another house in this
20 part of town. He tells them 12 years. Twelve years after
21 I've supposedly had this first steak for dinner in 2003.
22 Now, nobody else in my house saw me have any steak for
23 dinner in that time period. I'm one of those annoying
24 people who likes to post picture of my food on Facebook.
25 There's no pictures of steak on my Facebook page during that

1 whole time period. There's nothing except my son 12 years
2 later saying that I had steak a bunch of times for dinner.
3 And I know -- I hope you don't think that I'm minimizing any
4 of this, because this is a big deal. It's way bigger than
5 having a steak for dinner. But how do I defend myself
6 against that? Twelve years later. How do I prove the
7 negative? That no, I did not do that. No, I didn't break
8 the law. That's the position that Howard's in today,
9 because this accusation has been made years later to law
10 enforcement that he did something back in 2003, back in
11 2008. And he was in the position of having to prove the
12 negative to you that he didn't do these things, or he would
13 be in that position if our law said you're guilty until
14 you're proving innocent. And you know that -- you know
15 that's not right, right? You know you're innocent unless
16 you're absolutely proven guilty. That's what Mr. Brown just
17 talked about, the State's burden of proof. In order for you
18 to convict in this case is that they have to show you that
19 Howard is guilty beyond a reasonable doubt.

20 He sits there before you in this courtroom years later
21 innocent. That's an innocent man. He's innocent just
22 because that's the truth, and he's innocent also because
23 that's what the law tells you. He's not guilty until proven
24 innocent. He is innocent, unless the State overcomes this
25 heavy burden of proving to you that he's guilty. So he

1 doesn't have to prove that negative to you all. And I know
2 it has to be hard and sit here and listen to these charges
3 and here what -- what -- that this young lady had a
4 pregnancy when she was 15 that was terminated. An abortion.
5 And it's real easy to look at Howard over there and assume
6 that -- assume that that's the truth. But folks, you have
7 to give him -- the law says you have to give him the benefit
8 of the doubt.

9 We're in a really special room right now. It's not
10 church, but it's got it's own kind of sanctity, because ever
11 single citizen in this county, a citizen who's been accused
12 of something terrible like Howard, one of the worst things
13 you can do to another human being. That's what he's accused
14 of. And in this room he is innocent. And if you don't
15 treat him that way you're not respecting what this room is
16 and what this law is and what our constitution requires of
17 us when we're looking at something that sounds so horrible
18 at the beginning. It's going -- you're going to hear a
19 classic case of she said, he said. [Minor] says these
20 things happened to her. Mr. Woods says he did not do these
21 things to [Minor].

22 At the end of this case you're going to essentially
23 have one of three decisions to make. Do you believe beyond
24 a reasonable doubt that these allegations are true, do you
25 believe Howard Woods when he says these things didn't

1 happen, or do you not know? Do you not know what to
2 believe, since all you have is someone's word years later.
3 Twelve years after things supposedly started. When all you
4 have is someone's word. Maybe you don't know what to
5 believe. At the end of this case we'll come back and ask
6 you to consider everything you've heard. Ask you -- this is
7 so important, like Judge Addy told you, to everybody in the
8 courtroom. This is Howard's chance for you to know that
9 he's not guilty. And at the end of the case that's exactly
10 what we'll ask you to do is return a not guilty verdict.
11 Thank you.

12 THE COURT: Thank you, Ms. Nelson. Ladies and
13 gentlemen, we're going to go ahead and take a lunch break
14 instead of breaking up the first witness's testimony. So if
15 you would, please be back in the jury room at 2:00, and at
16 that point in time we'll resume with the trial. Normally I
17 only break for about an hour, hour and a half, or an hour
18 and 15 minutes, and I've got something I've got to get done
19 today on my lunch break though and it's going to take about
20 15 minutes. So we're going to talk -- we're going to start
21 back rather at 2:00.

22 If you happen to go to lunch with one of your fellow
23 jurors, that's perfectly fine. Just don't talk about the
24 case. Don't discuss the case with anyone at any time that
25 we are on break. All right?

Minor - DIRECT EXAMINATION

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1 With that, please be back at 2:00. We'll resume with
2 the case at that point in time. You're excuse for lunch.
3 Thank you.

4 (Whereupon, the jury exited the courtroom at 12:31
5 p.m.)

6 THE COURT: The jury is out. Let's give them a few
7 moments to filter out. And when we resume, Solicitor, if
8 you want to just ask the mother of Minor to stay back
9 there where you're sequestering the rest of the witnesses --

10 MR. BROWN: Yes, sir.

11 THE COURT: -- and we can straight into her testimony.

12 Minor rather.

13 MR. BROWN: Yes, sir.

14 THE COURT: Anything else?

15 MS. NELSON: No, sir, Your Honor.

16 THE COURT: See you all around 2:00.

17 (Whereupon, a lunch recess was held from 12:31 p.m. to
18 2:15 p.m.)

19 THE COURT: Let's have the jury, please.

20 (Whereupon, the jury entered the courtroom at 2:15
21 p.m.)

22 THE COURT: The record will reflect that the jury is
23 back and seated. At this point, Solicitor, call your first
24 witness.

25 MS. SUMNER: Thank you, Your Honor. The State calls

1 Minor .

2 THE COURT: Ma'am, come up, please.

3 Minor , having been first
4 duly sworn, testified as follows:

5 DIRECT EXAMINATION

6 BY MS. SUMNER:

7 Q Please introduce yourself to the jury.

8 A My name is Minor . I am 22-years-old.

9 Q When's your birthday?

10 A My birthday is .

11 Q Did you make a report to law enforcement in 2015?

12 A Yes, I did.

13 Q What report did you make?

14 A That I was sexually assaulted in the timeframe that was
15 first being presented.

16 Q And who were you sexually assaulted by?

17 A Howard Woods.

18 Q How do you know Mr. Woods?

19 A Well, he was my step-father. He pretty much watched me
20 grow up from an infant until I was 15.

21 Q When did Mr. Woods first sexually assault you?

22 A Well, the first incident occurred when I was -- it

23 started one day -- I was -- one day I was going to school.

24 And the way the house was set up it was a set of steps and

25 then a brick walkway, and then it was two additional steps.

Minor - DIRECT EXAMINATION

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1 As I was getting on the bus I twisted my ankle and my right
2 leg and it was hurting, so my momma suggested that I stay
3 home from school. So I stayed home from school, and then my
4 brother got on the bus and my momma went to work. So Mr.
5 Woods suggested that he would stay home with me. So I went
6 back to sleep, and I -- he woke me up and he blindfolded me
7 and I just felt something wet, which I figured it was his
8 tongue, on the vagina area.

9 Q All right, Minor. Let's back up for a minute. I
10 believe you said Mr. Woods was your step-father; is that
11 correct?

12 A Yes, ma'am.

13 Q Do you see him here in the courtroom today?

14 A Yes, he's right there.

15 Q Can you tell the jury what he's wearing?

16 A He's wearing a white shirt with a tie and slacks.

17 THE COURT: The record will reflect that she's
18 identified the Defendant. Ms. Sumner, you may need to speak
19 up just a little bit, please.

20 MS. SUMNER: All right. Thank you, Your Honor.

21 Q Now, Minor, when Mr. Woods first sexually assaulted
22 you do you recall what you were wearing?

23 A No, I don't.

24 Q Did you have -- were you fully clothed?

25 A I believe it was pajamas.

- 1 Q Did he remove any clothing from your body?
- 2 A Just my bottoms and my underwear.
- 3 Q And where did this take place?
- 4 A Most of the time in the bedroom.
- 5 Q What home were you residing in at the time?
- 6 A It was [REDACTED] Barley Drive.
- 7 Q Now, what age were -- I believe you said you were nine
- 8 when this first started; is that correct?
- 9 A That's correct.
- 10 Q What school would you have been going to at the time?
- 11 A It was East End.
- 12 Q East End Elementary School?
- 13 A Uh-huh, correct.
- 14 Q When you were nine years old what address did you
- 15 reside at?
- 16 A [REDACTED] Baptist Avenue.
- 17 MS. SUMNER: Your Honor, may I approach the witness?
- 18 THE COURT: Please.
- 19 Q If you would take a look at these two pictures that
- 20 have been marked as exhibits -- State's Exhibits 3 and 4.
- 21 Do you recognize those pictures?
- 22 A I do.
- 23 Q What are those pictures?
- 24 A That was the house that we lived in, the house when I
- 25 was blindfolded.

Minor - DIRECT EXAMINATION

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1 Q Are those two pictures a fair and accurate depiction of
2 Baptist?

3 A They are.

4 MS. SUMNER: Your Honor, at this time the State would
5 move these two pictures into evidence.

6 THE COURT: All right. Without objection State's 3 and
7 4 are in evidence.

8 (Whereupon, State's Exhibit Nos. 3 and 4 were admitted
9 into evidence.)

10 Q Now, Minor, after this first incident occurred did
11 you tell anyone?

12 A No, I didn't.

13 Q Did you ever tell anyone about this first incident?

14 A I told my mom.

15 Q What happened after you told your mom?

16 A Well, I guess they talked and I guess --

17 MS. NELSON: Objection, speculation.

18 THE COURT: All right. Sustained. She can testify
19 though as to anything that she observed, but obviously not
20 something that somebody said or et cetera. Go ahead,
21 please.

22 Q Minor did you witness anything happen in your home
23 after you told your mom?

24 A No.

25 Q Was that the only time that Mr. Woods sexually

1 assaulted you?

2 A (Non-verbal response)

3 Q The only time ever?

4 A During the timeframe that -- during the first incident.

5 Q So that was the only time he sexually assaulted you
6 when you were nine years old?

7 A That's correct.

8 Q Did he ever sexually assault you again at the [REDACTED]
9 Baptist residence?

10 A No.

11 Q When was the next time that Mr. Woods sexually
12 assaulted you?

13 A The time that I was getting ready to start sixth grade.

14 Q How old were you at the time?

15 A I was 12.

16 MS. NELSON: Your Honor, I'm going to object to any
17 testimony about assaults outside the timeframe of the
18 indictment.

19 MS. SUMNER: Your Honor, I believe this would go to the
20 res gestae.

21 THE COURT: You all approach real quick.

22 (Whereupon, a sidebar was held.)

23 THE COURT: Objection is noted subject to the
24 conference we had up here. I'll put that on the record in a
25 moment. The objection is noted. Overruled. You may allude

Minor - DIRECT EXAMINATION

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1 to this.

2 MS. SUMNER: Thank you, Your Honor.

3 Q How old were you at the time Minor?

4 A I was 12.

5 MS. NELSON: And I apologize, Your Honor. I just -- I
6 just couldn't hear her.

7 THE COURT: She said she was 12.

8 MS. NELSON: Thank you.

9 THE COURT: If you can speak up just a little bit more
10 and maybe move that microphone just a little bit more toward
11 the center that would be very good. Thank you.

12 MS. NELSON: I'm sorry. I think I'm just sitting far
13 away.

14 THE COURT: Go ahead.

15 Q Minor, when you were 12 years old were still
16 residing at the Baptist address?

17 A No.

18 Q Where were you living?

19 A We were saying in Wheatfield, Barley Drive.

20 MS. SUMNER: Your Honor, may I approach the witness?

21 THE COURT: Yes.

22 MS. SUMNER: I'm showing the witness what's been marked
23 State's Exhibit for identification 1 and 2.

24 Q Minor, what are those pictures of?

25 A That's the house that the sexual abuse started.

1 Q What address?

2 A [REDACTED] Barley Drive.

3 Q And is that a fair and accurate depiction of the home
4 you resided at [REDACTED] Barley Drive?

5 A It is.

6 MS. SUMNER: Your Honor, at this time the State would
7 move Exhibits 1 and 2 into evidence.

8 MS. NELSON: No objection.

9 THE COURT: Without objection, 1 and 2 are in evidence.

10 (Whereupon, State's Exhibit Nos. 1 and 2 were admitted
11 into evidence.)

12 Q [REDACTED] Minor, what county was the [REDACTED] Barley Drive home
13 located in?

14 A It was in the county.

15 Q What county would that be?

16 A Greenwood County.

17 Q And then also the previous address you lived at when
18 you were younger, the [REDACTED] Baptist Avenue, what county is
19 that home located in?

20 A In Greenwood.

21 Q What school were you attending at age 12?

22 A I was going to Brewer Middle School.

23 Q What happened when you were 12 years old when you were
24 sexually assaulted?

25 MS. NELSON: Same objection, Your Honor.

1 THE COURT: Overruled. You can continue.

2 Q You can answer the question, please.

3 A When the sexual abuse started, most of the time he
4 would either already be there or a little while after I
5 would get home from school, because my brother was in high
6 school so it was a gap in between.

7 Q Can you tell us specifically what happened? What went
8 on when he sexually assaulted you?

9 A Basically he was just telling me that he was getting me
10 ready for whenever I get a boyfriend that I already know
11 what to do.

12 Q When he would sexually assault you would this be oral
13 sex?

14 A Sometimes.

15 Q Would you perform oral sex on him?

16 A Sometimes, yes.

17 Q Would he perform oral sex on you?

18 A Sometimes. Yes, ma'am.

19 Q Would Mr. Woods perform intercourse on you?

20 A Yes.

21 Q And when you say he performed intercourse would you
22 tell us what body parts would enter which body parts?

23 A His penis into my vagina.

24 Q Did he ever have any other type of intercourse with
25 you?

- 1 A Anal once.
- 2 Q Why did he have anal with you that one time?
- 3 A He told me if I didn't -- I wasn't laying right or suck
4 his penis right that he would perform anal.
- 5 Q [REDACTED] Minor, how many times would Mr. Woods have sex with
6 you?
- 7 A It was a lot.
- 8 Q More than once a week?
- 9 A Maybe once -- once during the week, sometimes twice if
10 he would send my momma to the store. My momma and brother
11 to the store.
- 12 Q Who all was living in your home at the [REDACTED] Barley
13 Drive?
- 14 A It was me, my momma and my brother, and Mr. Woods.
- 15 Q Where there ever times that you were home alone with
16 Mr. Woods?
- 17 A No. Just the time that I would get home from school
18 and my momma and brother would -- my brother would be at
19 school and my momma would be at work.
- 20 Q Where would your mom be when you were -- when you got
21 home from school?
- 22 A She would be at work.
- 23 Q And then where was your brother going to school?
- 24 A Greenwood High.
- 25 Q Did you and your brother have different schedules?

Minor - DIRECT EXAMINATION

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1 A Uh-huh.

2 Q What time of day did these sexual assaults usually take
3 place?

4 A Most of the time during the day.

5 Q And where would they take place?

6 A Most of the time in the livingroom on the couch.

7 Q Would Mr. Woods have sex with you if you were on your
8 menstrual cycle?

9 A No.

10 Q Would he engage in any activities with you if you were
11 on your menstrual cycle?

12 A No.

13 Q Minor, when did Mr. Woods stop sexually assaulting
14 you?

15 A After I found out that I was pregnant.

16 Q When did you find out you were pregnant?

17 A It was the -- it was wintertime of December. I can't
18 remember the exact year.

19 Q How old would you have been at the time?

20 A I would say 14 going on 15.

21 Q What school would you have been attending?

22 A Emerald.

23 Q And what grade were you in in Emerald High School?

24 A Ninth.

25 Q How did you find out that you were pregnant?

1 A Well, my momma took me to the Urgent Care and the lady
2 brought the pregnancy test back and said it was positive.

3 Q What happened after you found out you were pregnant?

4 A Well, my momma in the doctors office asked me who was
5 it and I proceeded to tell her that it was Mr. Woods and how
6 long it had been going on.

7 Q How long had it been going on?

8 A Since I was the age of 12 up until it stopped.

9 Q Prior to 12 had Mr. Woods been sexually assaulting you?

10 A No.

11 Q What about the one incident when you were -- you were
12 eight or nine-years-old? Did that happen prior to when you
13 were 12?

14 A No.

15 MS. SUMNER: Can you hear, Tara?

16 Q Minor, after you found out you were pregnant what
17 did you and your mom decide to do?

18 A To get an abortion.

19 Q Who went with you to get an abortion?

20 A Mr. Woods, my momma, and myself.

21 Q Who drove?

22 A He did.

23 Q Where did you go for this abortion?

24 A It was in Augusta.

25 Q Could you say that one more time for me?

Minor - DIRECT EXAMINATION

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- 1 A In Augusta.
- 2 Q Would that be Augusta, Georgia?
- 3 A Uh-huh, correct.
- 4 Q Who paid for the abortion?
- 5 A Mr. Woods.
- 6 Q Who went in with you to get the abortion?
- 7 A Well, my momma went with me but she couldn't go in the
8 room, but she stayed until they were ready -- getting ready
9 to do the procedure.
- 10 Q So were you by yourself during that procedure?
- 11 A I was.
- 12 Q Minor, Mr. Woods stopped sexually assaulting you
13 after the abortion; is that correct?
- 14 A That's correct.
- 15 Q Earlier you told us that you reported it in 2015.
- 16 A That's correct.
- 17 Q Why did you report to law enforcement?
- 18 A Well, it was something that I wanted to do for myself.
19 I started having anxiety attacks and I was taking
20 counseling, so I realized that it was something I had to
21 deal with and something I wanted to do for myself to move on
22 and have closure with my life.
- 23 Q Let's go back to the incident at the home on [REDACTED]
24 Baptist. You were going to school at East End at the time?
- 25 A That's correct.

1 Q Who was living with you all at that [REDACTED] Baptist home at
2 the time?

3 A Mr. Woods, my momma, and my brother, and myself.

4 Q And what happened at [REDACTED] Baptist with Mr. Woods?

5 A The incident where I was blindfolded.

6 Q And I believe you told me that happened in the
7 livingroom; is that correct?

8 A That's correct.

9 Q Where specifically in the livingroom?

10 A On the couch.

11 Q Did Mr. Woods take your clothes off?

12 A Just my bottoms, underwear.

13 Q And I know this is difficult, but can you tell the jury
14 exactly what area of your body he touched you?

15 A Just my vagina area.

16 Q Now, when you were older Mr. Woods performed oral sex
17 on you; is that correct?

18 A That's correct.

19 Q Had you ever -- when you were older did that feel like
20 the same thing that happened when you were nine-years-old?

21 A It did.

22 Q [REDACTED] Minor, when you went for the abortion did you have a
23 boyfriend at the time?

24 A No.

25 Q Had you had any sexual partners other than Mr. Woods?

Minor - CROSS EXAMINATION

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1 A No.

2 MS. SUMNER: Beg the Court's indulgence.

3 THE COURT: Yes.

4 Q Minor, I may have asked you this, but what's your
5 birthday?

6 A My birthday is .

7 Q 1994?

8 A That's correct.

9 MS. SUMNER: Minor, I have nothing for you at this
10 time. Please answer any questions that Ms. Nelson may have
11 for you.

12 THE COURT: Ms. Nelson, cross.

13 MS. NELSON: Thank you, Your Honor.

14 CROSS-EXAMINATION

15 BY MS. NELSON:

16 Q Hi, Minor. You've testified about moving from
17 Baptist Street to Barley Drive, right?

18 A That's correct.

19 Q And Mr. Woods was living with you and your mom and your
20 brother at both those places, right?

21 A That's correct.

22 Q And there came a time when -- well, let me ask you this
23 first. Your brother's name is Freddie?

24 A That's correct.

25 Q Where is Freddie now?

1 A Well, he's not -- he's not staying in Greenwood. He
2 lives in Ware Shoals.

3 Q Okay. And all -- it was the four of you in both those
4 homes during this timeframe we're talking about, right?

5 A That's correct.

6 Q And there came a time when you and your mother and
7 Freddie left Barley Drive and moved out, right?

8 A That's correct.

9 Q And you all moved out into Guy Butler Apartments?

10 A That's correct.

11 Q And that's on Margaret Street in Greenwood, right?

12 A That's correct.

13 Q And the people who lived in Guy Butler Apartments, when
14 you moved out of Barley Street -- or Barley Drive, that was
15 you and your mom and Freddie?

16 A That's correct.

17 Q Mr. Woods stayed at [REDACTED] Barley Drive when you moved out
18 with your mother, right?

19 A That's correct.

20 Q And we've talked about -- you've talked about finding
21 out that you were pregnant in December; is that right?

22 A That's correct.

23 Q And you couldn't remember for sure what year it was?

24 A No, ma'am.

25 Q But you know you were in ninth grade?

Minor - CROSS EXAMINATION

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1 A That's correct.

2 Q Is that right?

3 A That's correct.

4 Q And in December of 2009 you would have been 15?

5 A That's correct.

6 Q Okay. By the time you found -- you and your mom found
7 out about that in December you all had already moved out to
8 Guy Butler Apartments, right?

9 A That's correct.

10 Q And at the time that you found out you were pregnant
11 what you learned was that you were about five weeks pregnant
12 at that time; is that right?

13 A Yes, ma'am.

14 Q And again, you had moved out of Barley Drive by that
15 time and were living in Guy Butler Apartments with your
16 mother --

17 A Yes.

18 Q -- and with Freddie?

19 A Yes.

20 Q Is Freddie your older brother?

21 A He's one of my older brothers.

22 Q How much older is Freddie than you?

23 A We're three years apart.

24 Q Three years. And he's your -- is he technically your
25 half-brother; is that right?

1 A Uh-huh.

2 Q You all have --

3 A We have the same mom, different dads.

4 Q Right. Were there times when you would see your dad
5 when you lived with Mr. Woods and your mother at these two
6 addresses we've talked about?

7 A Occasionally.

8 Q Do you have brothers -- half-brothers with your dad,
9 too?

10 A Uh-huh, I have three.

11 Q How old are they, Minor?

12 A Twenty-seven, 21, and 24.

13 Q And sometimes during this time period we're talking
14 about your dad would pick you up to visit with you?

15 A He would just come to visit. He wouldn't really come
16 pick me up. He would just come and visit.

17 Q Did you get to see your brothers during this timeframe?

18 A No, not really.

19 Q You didn't see them at all for the whole seven years
20 that we're talking about?

21 A I would see them occasionally, but it wasn't an every
22 day basis.

23 Q Right. I understand not -- like you didn't live with
24 them, right?

25 A No.

1 Q They lived with your dad or somewhere else?

2 A That's correct.

3 Q But what I'm -- what I'm asking is there would be times
4 you would see them during this time period we're talking
5 about?

6 A That's correct.

7 Q So, I guess, two of them are older than you and one's
8 younger, it sounds like --

9 A Uh-huh, yes.

10 Q -- based on the ages you gave me? And again, when you
11 guys moved to Guy Butler Apartments Howard stayed at [REDACTED]
12 Barley Drive?

13 A That's correct.

14 Q And you were already living at Guy Butler Apartments at
15 the time that the abortion happened, right?

16 A That's correct, uh-huh.

17 Q You've testified that -- that the sexual abuse stopped
18 after that point?

19 A Yes, ma'am.

20 Q That nothing else happened?

21 A That's correct.

22 Q You were still -- at that point you were in ninth
23 grade, right?

24 A Yes, ma'am.

25 Q And your -- at which school again?

1 A Emerald.

2 Q At Emerald. After that pregnancy was terminated you
3 were still getting on the bus and riding to [REDACTED] Barley
4 Drive, weren't you?

5 A No.

6 Q Because your momma was still at work? That's not true?

7 A No.

8 Q Okay. So your mom and Howard didn't have an agreement
9 that you would ride the bus to Barley Drive to stay with
10 Howard until she got off work?

11 A No.

12 Q [REDACTED] Minor, you've identified State's Exhibit 4 and
13 State's Exhibit 2 as the houses at Baptist Street and Barley
14 Drive --

15 A Yes, ma'am.

16 Q -- is that right?

17 A Yes, ma'am.

18 MS. NELSON: Your Honor, at this time I'd like to
19 publish these to the jury since they haven't seen them yet
20 --

21 THE COURT: Go right ahead, please.

22 MS. NELSON: -- so we can talk intelligently about the
23 houses.

24 (Whereupon, State's Exhibit Nos. 2 and 4 were published
25 for the jury.)

Minor - CROSS EXAMINATION

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1 Q [redacted] Minor [redacted], that's the house on -- at [redacted] Baptist?

2 A That's correct.

3 Q And that's the house at [redacted] Barley Drive?

4 A That's correct.

5 MS. NELSON: Excuse me just a second. I'll be right
6 back.

7 Q Let's just look at this one for a second. When you go
8 into this front door in the Baptist Avenue house you go
9 right into the livingroom, right?

10 A That's correct.

11 Q And then over here on the right where we can't really
12 see was -- that was your momma and Howard's bedroom, wasn't
13 it?

14 A That's correct.

15 Q It's a door from that master bedroom opens into the
16 livingroom, doesn't it?

17 A No.

18 Q You can't -- you can't go from the livingroom into the
19 master bedroom?

20 A No.

21 Q What do you go into if you go to the right outside the
22 livingroom?

23 A To the right is the -- was my room next, and then
24 across was my brother's room, and then down the hall was the
25 bathroom and then it was the kitchen.

- 1 Q Okay. So the bedroom to the right of this door was not
2 your mom and Howard's bedroom?
- 3 A Yes.
- 4 Q It was?
- 5 A Yes.
- 6 Q Okay. And that's on the front of the house --
- 7 A Yes, ma'am.
- 8 Q -- right?
- 9 A Yeah.
- 10 Q And then there's another bedroom right behind that
11 bedroom, isn't there?
- 12 A That was my bedroom.
- 13 Q That was your bedroom?
- 14 A Yes.
- 15 Q So it's -- so you walk into the livingroom through that
16 door --
- 17 A That's correct.
- 18 Q -- and then if you go this way, there's your mom and
19 Howard's bedroom and there's your bedroom; is that right?
- 20 A That's correct, uh-huh.
- 21 Q Then there's -- I'm walking into the livingroom. Was
22 it Freddie's bedroom that's right behind the livingroom?
- 23 A Yes, that's correct.
- 24 Q And then the bathroom and kitchen are all the way at
25 the back of the house?

1 A That's correct.

2 Q And there's a backdoor out the back?

3 A That's correct.

4 Q Okay. And when you've talked about this incident at
5 Baptist you're saying that it happened in the livingroom
6 right when you went in the front door?

7 A That's correct.

8 Q And again, this is the house at Barley Drive?

9 A That's correct.

10 Q And that's the house Howard stayed in when you moved
11 out with your mom into Guy Butler?

12 A That's correct.

13 Q And again, this front door also goes into a livingroom,
14 doesn't it?

15 A That's correct.

16 Q When you go into this livingroom through the front door
17 the kitchen's right behind it back here, isn't it?

18 A Yes, ma'am. That's correct.

19 Q And this side door here is coming out of the kitchen?

20 A That's correct.

21 Q Over here on this side is where the washer and dryer
22 and sink and stove were in the kitchen --

23 A That's correct.

24 Q -- right?

25 A Uh-huh.

- 1 Q And then right next to the livingroom here is a bedroom
2 --
- 3 A That was my brother's room.
- 4 Q And then another bedroom here?
- 5 A That was my room. And across from my bedroom were my
6 momma's room.
- 7 Q In the back of the house?
- 8 A Uh-huh.
- 9 Q Minor, when you decided to talk to law enforcement,
10 to police officers, there were actually three different
11 officers you talked to; is that right?
- 12 A Uh-huh, that's correct.
- 13 Q You first went on October 6th and talked to Officer
14 Kerry Cooper --
- 15 A That's correct.
- 16 Q -- is that right? And is that a man or a woman?
- 17 A It was a male.
- 18 Q You talked to that officer just the one time, right?
- 19 A That's correct.
- 20 Q And that officer told you he was going to make a report
21 of what you had talked to him about, right?
- 22 A That's correct.
- 23 Q Have you ever had a chance to see his report?
- 24 A No.
- 25 Q And you actually went up to the Greenwood City Police

1 Department to talk to him?

2 A Uh-huh, I did.

3 Q You told Officer Cooper during that interview that Mr.
4 Woods had only had sexual intercourse with you and there was
5 no other touching; is that right?

6 A That's correct.

7 Q You didn't give him many details about the alleged
8 abuse, right?

9 A Right.

10 Q You told Officer Cooper that your mother, Cheryl,
11 didn't know anything about any of it until she knew you were
12 pregnant?

13 A That's correct.

14 Q And that was the first officer you talked to, right?

15 A Yes, ma'am.

16 Q And then a couple days later on October 8th, when you
17 were off work, you went and talked to Detective Blake Moore;
18 is that right?

19 A Yes, ma'am.

20 Q Do you remember him?

21 A Yes, ma'am.

22 Q And this was all in the year 2015; is that right?

23 A Yes, ma'am. That's correct.

24 Q You graduated high school in June of 2012?

25 A That's correct.

1 Q So that was -- you were in the class of 2012?

2 A Yes, ma'am.

3 Q And these conversations you had with law enforcement
4 officers, again, those were in 2015, right?

5 A That's correct.

6 Q So you talked to Officer Blake Moore on October the
7 8th, right?

8 A That's correct.

9 Q And you told Officer Moore about this incident on
10 Baptist Avenue and where you said that Howard was messing
11 with your vagina?

12 A That's correct.

13 Q Was that how you phrased it to Detective Moore?

14 A Yes.

15 Q Have you ever had a chance to see his report about
16 talking to you that day?

17 A No.

18 Q Okay. You told Detective Moore that you didn't know
19 whether it was Howard's fingers, his penis, or an object
20 because you were blindfolded --

21 A That's correct.

22 Q -- is that right?

23 A Uh-huh.

24 Q He asked you if you'd had any problems with your
25 vaginal area after that and you said no.

1 A That's correct.

2 Q He asked you about feeling any liquid come out of his
3 penis and you said no?

4 A That's correct.

5 Q You told him it only happened one time on Baptist
6 Avenue --

7 A That's correct.

8 Q -- right?

9 A Yes, ma'am.

10 Q So again, you told Detective Moore that you weren't --
11 that you weren't sure what Howard was messing with your
12 vagina with, right?

13 A That's correct. Yes, ma'am.

14 Q You didn't -- you didn't know fingers, object?

15 A No, ma'am.

16 Q You didn't -- you didn't mention anything about how it
17 might have been Howard's tongue, did you?

18 A No, ma'am.

19 Q And you talked to Detective Moore about moving to
20 Wheatfield Subdivision, right?

21 A Yes, ma'am.

22 Q And that was when you lived at Barley Drive?

23 A Yes, ma'am.

24 Q You told Detective Moore that the abuse had happened
25 about 20 to 30 times while you lived there?

1 A That's correct.

2 Q And you lived at Barley Drive for about five years
3 before you and your mom moved out, right?

4 A That's correct.

5 Q So 20 to 30 times over the course of five years is what
6 you told Detective Moore?

7 A That's correct.

8 Q And when Detective Moore asked you about why it took so
9 long for you to report it you told him that your mother
10 didn't want you to have to deal with that while you were in
11 high school?

12 A That's correct.

13 Q And you finished high school, again, in 2012?

14 A That's correct.

15 Q So that was the second officer you talked to. And
16 again, the first officer, you didn't really tell him any
17 details about the encounters?

18 A No, ma'am.

19 Q And you told him it was just sexual intercourse and no
20 other touching?

21 A That's correct.

22 Q And then you talked to a third officer on October 14th,
23 right?

24 A That's correct, uh-huh.

25 Q And that was Ms. Sharon Middleton with the Sheriff's

1 Department?

2 A That's correct.

3 Q Did you go down to the Sheriff's Office to talk to her?

4 A I did.

5 Q Okay. And when you talked to her you actually wrote
6 out a statement for her, didn't you?

7 A That's correct.

8 Q Was that something she asked you to do?

9 A Yes.

10 Q How did it go? Did you talk to her first about what
11 happened and then write it all down in a statement?

12 A No. I wrote it down in a statement and then talked to
13 her.

14 Q You wrote it down and then talked to her?

15 A That's correct.

16 Q So when you all talked after you wrote it down you were
17 basically going over what you wrote down, right?

18 A That's correct.

19 Q Have you had a chance to see her report that she wrote
20 about talking to you?

21 A No.

22 Q Okay. And that's okay. I'm just curious. Now, your
23 statement that you wrote for Ms. Middleton is about seven
24 pages long, right?

25 A That's correct.

- 1 Q And you wrote this yourself?
- 2 A I did.
- 3 Q And in this statement that you wrote you talked about
- 4 this incident at Baptist Avenue with the blindfold, right?
- 5 A That's correct.
- 6 Q And what you wrote was that you "didn't know what he
- 7 was doing. I just felt something funny in the vaginal
- 8 area"?
- 9 A That's correct.
- 10 Q You wrote that you couldn't tell what he was doing
- 11 because of the blindfold?
- 12 A That's correct.
- 13 Q And you wrote that when your momma came home from work
- 14 that day that you told her what happened?
- 15 A That's correct.
- 16 Q So you really told your momma way back when you were
- 17 nine-years-old that something was going on?
- 18 A I told her about the incident, yes.
- 19 Q You said you told her about the incident?
- 20 A Yes. The blindfold incident.
- 21 Q All right. After you told her about that everybody
- 22 still kept living together at Baptist Avenue, right?
- 23 A That's correct.
- 24 Q In this statement you talked about -- you talked about
- 25 how your brother would get home from school after you --

1 A That's correct.

2 Q -- is that right?

3 A Yes, ma'am.

4 Q And at that point you're talking about the Barley Drive

5 --

6 A Yes, ma'am.

7 Q -- address?

8 A Yes, ma'am.

9 Q Because you're saying the only thing that happened at
10 Baptist Avenue was the one incident on the couch in the
11 livingroom?

12 A That's correct.

13 Q So everything else you're talking about you're saying
14 happened at Barley, right?

15 A That's correct.

16 Q So while you're living at Barley Drive you talk about
17 in this statement how your brother would get home from
18 school and Howard would send him out to cut the grass?

19 A That's correct.

20 Q And then -- and again, this is the -- this is the house
21 we're talking about --

22 A That's correct.

23 Q -- right?

24 A Yes, ma'am.

25 Q And so, Howard would send him out to either cut the

1 front or the backyard?

2 A That's correct.

3 Q And while he's out there cutting the grass, Howard is
4 having sex with you right here in this livingroom, right?

5 A That's correct. Yes, ma'am.

6 Q You said most of the time that's happening on the
7 couch?

8 A That's correct.

9 Q And the couch is in this room right here with the
10 double windows?

11 A That's correct.

12 MS. NELSON: Do you need -- do you need to take a
13 minute? It's okay if you do.

14 THE COURT: Do you need some water.

15 MS. NELSON: I know it's long. /

16 (Whereupon, witness was provided water.)

17 MS. NELSON: Do you want me to go ahead, Minor, or
18 do you want to --

19 (Whereupon, witness indicates in the affirmative.)

20 MS. NELSON: Okay. You just tell me if you need to
21 stop.

22 Q You also talked about in this statement how sometimes
23 your momma would go out late at night and Howard would come
24 into your bedroom?

25 A That's correct. Yes, correct. Yes, ma'am.

Minor - CROSS EXAMINATION

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- 1 Q Okay. So sometimes your momma would leave at night --
- 2 A Yes, ma'am.
- 3 Q -- late?
- 4 A Yes, ma'am.
- 5 Q And I'm sorry. Which -- was this your bedroom window
- 6 or was this your --
- 7 A The one on the end.
- 8 Q This one was your bedroom window?
- 9 A Yes, ma'am.
- 10 Q And you talked about in this statement how Howard would
- 11 sometimes come into your bedroom?
- 12 A Yes, ma'am. That's --
- 13 Q And --
- 14 A -- correct.
- 15 Q I'm sorry.
- 16 A That's correct. Yes, ma'am.
- 17 Q I didn't mean to cut you off. And you talked about him
- 18 doing that when your brother was there?
- 19 A Yes, ma'am. While my brother was asleep.
- 20 Q And your brother is in this -- in this room right next
- 21 to you?
- 22 A Yes, ma'am.
- 23 Q And you talk about how if my brother came out of his
- 24 room he would cut the bathroom light on and close the door
- 25 so it would seem like he was in the bathroom?

- 1 A That's correct.
- 2 Q So if your brother came out Howard would leave your
3 room and go turn on the bathroom light?
- 4 A No, before. He would go cut the bathroom light on,
5 close the door and pretend like he was in the bathroom.
- 6 Q Okay. And the bathroom is right -- right back on the
7 back of the house behind your bedroom, isn't it?
- 8 A Yeah. It's right across -- like right across the hall
9 from my brother's room.
- 10 Q Okay. Right across the hall from your brother's room?
- 11 A Yes.
- 12 Q And your bedroom is right next-door to your brother's
13 bedroom?
- 14 A Yes, ma'am.
- 15 Q You talk in this statement about how there were times
16 that if you got your period at school and you would call
17 Howard to get a change of pants?
- 18 A Yeah, because my mom couldn't leave work. So she would
19 tell me to call Howard and he would come pick me up from
20 school to come change my pants.
- 21 Q And he would bring you home and change your pants?
- 22 A Yes.
- 23 Q And you testified earlier that he wouldn't mess with
24 you if you were having your period?
- 25 A No, ma'am.

1 Q And these times when Howard came and got you from
2 school so that you could change your clothes, that was after
3 you say all of this abuse was already taking place, right?

4 A That's correct. Yes, ma'am.

5 Q In this same statement you talk about things happening
6 on the weekend, too, right?

7 A Uh-huh.

8 Q So just to be clear, you're not -- you're not saying
9 that things only happened in that -- in that brief time
10 period when you were home from school? Things happened at
11 other times, too?

12 A That's correct.

13 Q Things happened when your brother was outside cutting
14 the grass?

15 A That's correct.

16 Q Things happened when your brother was in the room
17 next-door sleeping?

18 A That's correct.

19 Q Things happened when your mother would leave late at
20 night?

21 A That's correct.

22 Q And things would happen on the weekends?

23 A That's correct.

24 Q And you wrote that on the weekends Howard would be up
25 before everybody else --

- 1 A That's correct.
- 2 Q -- right? What time did he get up?
- 3 A It was early in the morning. The exact time I don't
- 4 remember.
- 5 Q And you wrote that while your brother and your momma
- 6 would still be asleep he would tell you to come in the
- 7 kitchen?
- 8 A That's correct.
- 9 Q And this is all happening again at this same house at
- 10 Barley -- at Barley Drive?
- 11 A Yes, ma'am. That's correct.
- 12 Q So they would be asleep right here? That would be your
- 13 brother?
- 14 A Yes, ma'am.
- 15 Q And then your momma would be in the back bedroom on the
- 16 back of the house that we can't see the window to, right?
- 17 A Yes, ma'am. That's correct.
- 18 Q And Howard would tell you to come in the kitchen which
- 19 is right back in this part of the house?
- 20 A Yes, ma'am.
- 21 Q And then when you got in the kitchen you said he would
- 22 take your underwear off?
- 23 A Yes, ma'am.
- 24 Q And he would sit you up on top of the sink and have sex
- 25 with you?

Minor - CROSS EXAMINATION

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1 A That's correct.

2 Q And the sink, again, is -- it's on this side of the
3 kitchen? It's not on this back wall, it's over on this
4 side?

5 A Yeah.

6 Q Is that right?

7 A Uh-huh.

8 Q Let me -- let me try to do it this way. If I'm -- if I
9 come in the front door and come in the livingroom, the
10 kitchen is straight ahead of me, right?

11 A Yes, ma'am.

12 Q There's kind of a divider wall right here?

13 A Uh-huh.

14 Q And right past that divider wall is all the sink and
15 the washer and dryer, all that's right here on this wall,
16 right?

17 A That's correct.

18 Q And you said sometimes he would sit you on the dryer
19 and have sex with you there?

20 A That's correct.

21 Q And the dryer is on that same wall as the sink?

22 A No, it was across from the sink.

23 Q Okay. In the kitchen?

24 A Yes, ma'am.

25 Q The washer and dryer were not -- they were right out in

1 the open in the kitchen?

2 A No. It was kind of in a corner. The washer was right
3 here, then the dryer was right here next to the
4 refrigerator.

5 Q They weren't in a closet or anything?

6 A No.

7 Q They were -- like if this was a wall, they were sitting
8 right here next to a wall, right?

9 A That's correct.

10 Q You could -- if you were standing at the sink you could
11 see the washer and dryer in the kitchen, couldn't you?

12 A That's correct.

13 Q You wrote that if he heard your momma or your brother
14 coming he would jump up and put his penis back in his
15 boxers, right?

16 A That's correct.

17 Q And you'd pull your underwear back up and put your
18 pajama bottoms back on?

19 A That's correct.

20 Q And that was all -- that was all happening while you
21 all were right back here in this house?

22 A That's correct.

23 Q And when you were nine and this blindfold incident is
24 supposed to have happened, you told your mother then, right?

25 A That's correct, uh-huh.

1 Q And then after you had the pregnancy terminated you --
2 you got back -- you wrote that you got back in the car after
3 the abortion, right?

4 A That's correct.

5 Q And your momma asked was it Howard?

6 A That's correct.

7 Q And that's when you all got back in the car after the
8 -- after you had the termination procedure?

9 A Yes, ma'am.

10 Q They gave you some birth control pills after the
11 abortion?

12 A That's correct.

13 Q And while you all were in the car your momma asked how
14 long it's been going on and you said since Wheatfield?

15 A That's correct.

16 Q And Wheatfield is the Barley Drive house?

17 A That's correct.

18 Q So you didn't mention Baptist Avenue after the
19 abortion?

20 A No.

21 Q You just talked about Wheatfield?

22 A Yeah.

23 Q And again, this time when you were nine what you
24 described in your written statement that you wrote yourself
25 was that you felt something funny in the vaginal area while

1 you were blindfolded?

2 A That's correct.

3 Q And you didn't -- you wrote this statement in October
4 of 2015?

5 A That's correct.

6 Q And when you said you felt something funny you did not
7 describe oral sex in this -- in this statement, right?

8 A That's correct.

9 Q And you say Howard drove you to this abortion?

10 A That's correct.

11 Q And when you and your momma leave and get back in the
12 car that's when she says was it Howard, right?

13 A That's correct.

14 MS. NELSON: Give me just one moment, Your Honor.

15 Q Your mother used to have a good friend named Tammy
16 who's now deceased, right?

17 A That's correct. Yes, ma'am.

18 Q Tammy had some older daughters that you were friends
19 with?

20 A That's correct.

21 Q And there would be times when you would go stay over at
22 Tammy's house with her daughters?

23 A That's correct.

24 Q And you even went to Greenville with them sometimes; is
25 that right?

Minor - CROSS EXAMINATION

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1 A That's correct.

2 Q And you had a cousin out at Guy Butler Apartments, your
3 great-aunt Lynn's daughter?

4 A That's correct.

5 Q And there were times that you -- that you liked to go
6 over to your cousin's house while you all lived at Guy
7 Butler, right?

8 A That's correct.

9 Q When you talked to Officer Middleton, Minor, did
10 she -- did she ever video record you? Did she put a video
11 camera on and record anything you were saying?

12 A No.

13 Q Did she turn on any kind of audiotape and record
14 anything you were saying?

15 A Yes.

16 Q She did do an audio recording?

17 A Yes.

18 Q Have you ever had a chance to hear that?

19 A No.

20 Q And you're sure she did that?

21 A Uh-huh.

22 Q Okay. I'm only asking that because I've never heard
23 it. So in addition to the audio recording you wrote her
24 this -- this seven page statement, right?

25 A Yes.

1 Q And that was your opportunity when you wrote that
2 statement to -- that was actually your third opportunity to
3 talk about everything that you say Howard did you to, right?

4 A That's correct.

5 Q And everything that we've been over is accurate as to
6 what you told the three officers and what you wrote in this
7 statement --

8 A That's correct.

9 Q -- is that right?

10 A Yes, ma'am.

11 MS. NELSON: Give me just a moment, please, Your Honor.

12 THE COURT: Certainly.

13 MS. NELSON: That's all I have, Your Honor. Thank you.

14 THE COURT: Redirect?

15 MS. SUMNER: Briefly, Your Honor.

16 REDIRECT EXAMINATION

17 BY MS. SUMNER:

18 Q [Minor], did Howard Woods only have oral sex with you
19 at the residence on Baptist?

20 A Yes, ma'am.

21 Q Where were you living when the intercourse began?

22 A [Redacted] Barley.

23 Q In your statement that you gave to Sharon Middleton
24 with the Sheriff's Department, is it correct that you said
25 "something funny in the vaginal area"?

Minor -RE CROSS EXAMINATION

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1 A That's correct.

2 Q When you found out you were pregnant who were you
3 living with?

4 A I was living with my mom.

5 Q Had you been living with Howard at that time?

6 A No.

7 Q How recent to your pregnancy had you been living with
8 Howard?

9 A It was like a couple years.

10 Q After you had the abortion did your mom and Howard
11 continue to date?

12 A No. They were already broken up when we moved to the
13 Guy Butler.

14 MS. SUMNER: Beg the Court's indulgence.

15 THE COURT: Yes, ma'am.

16 Q Minor when is the last time you spoke to Mr. Woods?

17 A It was a couple years before the last time it happened
18 when I found out I was pregnant. That was the last time I
19 spoke with him.

20 Q So the last time you spoke with him was when you found
21 out you were pregnant?

22 A That's correct.

23 Q And, Minor, who went with you for the abortion?

24 A Mr. Woods, my mom and myself.

25 Q Prior to that abortion had you had sex with anyone

1 other than Mr. Woods?

2 A No.

3 MS. SUMNER: Nothing further, Your Honor.

4 MS. NELSON: Just briefly, Your Honor.

5 RECROSS-EXAMINATION

6 BY MS. NELSON:

7 Q I just want to make sure I have it right, Minor .

8 You had moved with your mother into Guy Butler Apartments a
9 couple of years before the abortion, right?

10 A That's correct.

11 Q So you weren't living -- you had moved out of that
12 Barley Drive house two years before December of 2009?

13 A That's correct.

14 Q So two years before would have been 2007 that you moved
15 out?

16 A Uh-huh.

17 Q And I want to ask again about the Baptist Avenue
18 incident. You just described that as oral sex, right?

19 A That's correct.

20 Q When you wrote your statement back in October of 2015
21 you did not describe oral sex at that point, did you?

22 A That's correct.

23 Q You said it was something funny in the vaginal area and
24 you didn't know what it was?

25 A That's correct.

1 Q And when Detective Blake Moore talked to you he asked
2 you if you had had any problems with your vaginal area after
3 that happened and you said you had not?

4 A That's correct.

5 Q And you did not describe to Detective Moore anything
6 wet on your vagina, right?

7 A That's correct.

8 MS. NELSON: Thank you, ma'am.

9 THE COURT: All right. Ma'am, you may step down.

10 (Whereupon, the witness stepped down from the witness
11 stand.)

12 THE COURT: Ladies and gentlemen, we've been on the
13 record for about an hour, so it's probably a good idea to go
14 ahead and take a break before we proceed with the next
15 witness. Obviously any time that we're on break please
16 don't talk about the case. If any of you happen to smoke or
17 need to step outside for a cigarette, or even just a breath
18 of fresh air, that's perfectly fine. Let Mr. Willingham
19 know and they'll escort you outside for a few moments.
20 Okay? We'll be on break for about five or 10 minutes and
21 then come back on the record.

22 (Whereupon, the jury exited the courtroom at 3:11 p.m.)

23 THE COURT: All right. We'll be at ease.

24 (Whereupon, a recess was held from 3:11 p.m. to 3:36
25 p.m.)

KERRY COOPER-DIRECT EXAMINATION

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1 THE COURT: Let's have the jury, please.

2 (Whereupon, the jury entered the courtroom at 3:36
3 p.m.)

4 THE COURT: The jury is back and seated. The record
5 will reflect that the Defendant is present with counsel.
6 Solicitor, call your next witness, please.

7 MR. BROWN: The State calls Kerry Cooper.

8 KERRY COOPER, having been first
9 duly sworn, testified as follows:

10 DIRECT EXAMINATION

11 BY MR. BROWN:

12 Q Mr. Cooper, please state your name and spell it for the
13 record.

14 A Kerry Cooper. K-e-r-r-y, C-o-o-p-e-r.

15 Q And, Mr. Cooper, where do you work?

16 A SLED. South Carolina Law Enforcement Division.

17 Q How long have you been with SLED?

18 A Approximately eight months.

19 Q Prior to going to SLED where did you work?

20 A Greenwood City Police Department.

21 Q How long with Greenwood City Police Department?

22 A Around three years.

23 Q Were you employed at Greenwood City Police Department
24 at the time you took a report -- or did you take a report
25 from a [REDACTED] Minor ?

KERRY COOPER-DIRECT EXAMINATION

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1 A Yes, sir. I did take a report from [Minor].

2 Q So you were working at the police department in October
3 of 2015?

4 A That is correct.

5 Q Now, tell me when did you speak with [Minor]?

6 A I spoke with [Minor] on the evening of October 6th,
7 2015 at approximately 6:55 p.m.

8 Q And when [Minor] came did she come for a particular
9 reason?

10 A Yes, sir. She came to report an incident that had
11 happened to her within the city limits on Baptist Avenue
12 when she was nine.

13 Q And is that in Greenwood County?

14 A Yes, sir. That is within the city limits of Greenwood.

15 Q Did she ended up saying -- telling you any facts about
16 what she alleged to have happened to her when she was
17 nine-years-old?

18 A Yes, sir. She -- her statements to me were that a
19 Howard Woods had made inappropriate contact with her from
20 the ages of nine, when she was living on Baptist Avenue
21 which is in the city limits of Greenwood, until she turned
22 15, and at around that age she had become impregnated by Mr.
23 Woods.

24 Q Did you learn a history of how long [Minor] and Mr.
25 Woods lived together?

KERRY COOPER-DIRECT EXAMINATION

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1 A Yes, sir. During my conversation with [Minor] she
2 made a statement to me that Mr. Woods had been in her life
3 since she was a very young -- young lady. Less than
4 one year old.

5 Q And they have been living together ever since?

6 A Yes, sir.

7 Q Did she provide you very many details with your initial
8 interview with her?

9 A No, sir. She -- my initial interview was a very vague
10 details. The subject matter is sensitive, so the patrol
11 unit -- we take a broad encompassing statement to establish
12 the initial incident, and it is approved by supervisors and
13 the Detective Division picks up and does further
14 investigating.

15 Q Now, after you met [Minor] what did you do after
16 that? Did you have any other encounter with [Minor] in
17 investigation of this case?

18 A No, sir. Other than my initial conversation, taking of
19 the initial report with [Minor]. I typed my report and I
20 have had no further dealings with this particular case.

21 Q But since that time other investigators did take
22 control of this case, right?

23 A That is correct.

24 Q And again, your position at the police department at
25 that time you were -- what role were you at that time?

KERRY COOPER-CROSS EXAMINATION

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1 A I was a uniform patrol. Calls for service, taking
2 reports, wrecks, enforcing traffic laws, things of that
3 nature. Uniform patrol.

4 Q And uniform patrol, as you said, you would -- you would
5 take a report and then pass it on for someone else to --

6 A Yeah. If it needed any further in-depth investigation
7 it was forwarded to the Detective's Division.

8 Q Do you know which detective got this case after you?

9 A Yes, sir. Detective Blake Moore.

10 MR. BROWN: No further questions.

11 THE COURT: Any questions?

12 MS. NELSON: Thank you, Your Honor.

13 CROSS-EXAMINATION

14 BY MS. NELSON:

15 Q Hi, Mr. Cooper.

16 A Hi.

17 Q I just want to clear one thing up. Mr. Brown -- you
18 talked about how Howard started living with [Minor] and
19 her mother when [Minor] was very young? Less than a year
20 old?

21 A That's the statement that was made to me. Yes, ma'am.

22 Q And Mr. Brown asked you the question, "And they're
23 living together ever since," and your response was yes. Is
24 that correct?

25 A In the literal term up until present day that is not

1 correct.

2 Q Okay. That's the part I was trying to make sure of.

3 A Yeah. Until -- until the incident that occurred, being

4 **Minor** becoming impregnated by Mr. Woods, they -- they
5 were in a living arrangement.

6 Q Okay. There's actually not anything in your report
7 about them living together until the time she got pregnant,
8 is there?

9 A I haven't read back through my report in detail. But
10 from my conversation that I remember with **Minor**.

11 Q Do you have your report with you?

12 A I do have it.

13 Q Would it help refresh your memory?

14 THE WITNESS: If I may refer to the report, Your Honor.

15 Q I'm not seeing anywhere in there where you reference
16 them continuing to live together until the time of the
17 pregnancy. But if you -- if you find it and I'm missing it,
18 please let me know.

19 A No, ma'am. It's not in this report.

20 Q Okay. So you don't -- you don't know from your

21 conversation with **Minor** exactly how long Mr. Woods
22 continued to live with her and her mother, right?

23 A The only statement that I remember is that she stated
24 that Mr. Woods has been in her life since she was a young --
25 a very young lady, and that she has -- he has served and

KERRY COOPER-CROSS EXAMINATION

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1 referred to her as a daughter. Somewhat of a father figure
2 to her. It is not documented in this report.

3 Q And at the time you took the report it actually is
4 documented that Mr. Woods was -- was now living on Blyth
5 Road with his sister --

6 A It is.

7 Q -- right?

8 A Uh-huh.

9 Q So again, you don't know from this report exactly when
10 Mr. Woods and [Minor] and her mother stopped living
11 together?

12 A No. From this I do not.

13 Q Okay. And you did specifically ask [Minor] for some
14 details, right, so --

15 A I did, but --

16 Q -- so that you --

17 A -- they weren't -- go ahead.

18 Q I'm sorry. So that you could take the report?

19 A So I could -- I could provide enough detail to provide
20 the detectives into the direction they may need to pursue.

21 Q And the one address [Minor] mentioned to you was
22 Baptist Avenue, right?

23 A Yes, ma'am. She couldn't identify to me the numerics
24 at the time I took the report, but she did know it was on
25 Baptist Avenue.

BLAKE MOORE-DIRECT EXAMINATION

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- 1 Q So she mentioned Baptist Avenue, but couldn't tell you
2 the house number, right?
- 3 A That is correct. She could not tell the house number.
- 4 Q That's what you mean by numerics?
- 5 A Numerics, that is correct.
- 6 Q She mentioned Baptist Avenue and she tells you that Mr.
7 Woods only had sexual intercourse with her and there was no
8 other touching; is that accurate?
- 9 A Yes, ma'am. That's the note that I took from the
10 conversation.
- 11 Q She did not mention oral sex or anal sex to you?
- 12 A In that report, no, ma'am.
- 13 Q And she said that this happened on Baptist Avenue?
- 14 A Yes, ma'am.
- 15 Q And she also indicated that her mother, Cheryl, did not
16 know anything about it until [Minor] got pregnant?
- 17 A Yes, ma'am. She indicate to me that when she became
18 pregnant that is when the incidents came to light, if you
19 will.
- 20 Q That's when -- that's when she said her mother knew
21 something had happened?
- 22 A That's -- that's when the clarification on how she
23 became in that physical state from her mother.
- 24 Q Specifically the way you put it in your report was that
25 [Minor] indicated that her mother, Cheryl Worsley, had no

BLAKE MOORE-DIRECT EXAMINATION

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1 knowledge of the incident until it was known that she was
2 pregnant.

3 A That is correct.

4 MS. NELSON: That's all I have. Thank you, Mr. Cooper.

5 THE COURT: Sir, thank you. You can step down.

6 THE WITNESS: Yes, sir.

7 (Whereupon, the witness stepped down from the witness
8 stand.)

9 THE COURT: Call your next witness, please.

10 MR. BROWN: The State calls Blake Moore.

11 BLAKE MOORE, having first been duly
12 sworn, testified as follows:

13 DIRECT EXAMINATION

14 BY MR. BROWN:

15 Q Officer Moore, where do you work?

16 A Greenwood City Police Department.

17 Q And how long have you been with the Greenwood City
18 Police Department?

19 A May will be seven years.

20 Q What's your position there?

21 A Currently an investigator.

22 Q Back in 2015 were you an investigator?

23 A I was.

24 Q In 2015 did you become involved in a case involving
25 Howard Woods?

BLAKE MOORE-DIRECT EXAMINATION

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1 A I did.

2 Q [REDACTED] Minor ?

3 A Yes.

4 Q Do you recognize [REDACTED] Minor ?

5 A I do.

6 Q Did you have the opportunity to speak with [REDACTED] Minor ?

7 A I did.

8 Q And when did -- when did you talk with [REDACTED] Minor ?

9 A First time I spoke with her was on October the 7th on
10 the telephone. And the second time I spoke with her was in
11 person, and that was October the 8th.

12 Q And how did you become involved, or what made you call
13 [REDACTED] Minor ?

14 A Kind of our procedure -- I believe you all heard
15 Officer Cooper testify before me. He took what we call the
16 original incident reporter from [REDACTED] Minor . He left that
17 case what we call active, and that means it needs to be
18 followed up on. The next morning one of my supervisors, I
19 don't remember who, sent me a case number, which is this
20 incident number, and advised me that I was going to be the
21 followup investigator on this case. So then -- and my first
22 step in that is contacting the victim of the incident.

23 Q And then on October 7th, 2015 you did attempt to call
24 [REDACTED] Minor ?

25 A I did.

BLAKE MOORE-DIRECT EXAMINATION

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1 Q Were you able to get in touch with her that day?

2 A At first I did not. I left a business card, I believe,
3 at a residence. She did call me back later on in the day
4 and she told me she would be able to come to my office on
5 October 8th around 1:30 in the afternoon.

6 Q On October the 8th, 2015 were you able to talk with
7 her?

8 A I did.

9 Q And during your conversation with [Minor] where did
10 you all have this conversation?

11 A At the City Detective Office.

12 Q Did she tell you what she was there to speak to you
13 about?

14 A She did,

15 Q And what she -- what did she indicate was going on?

16 A That she was being sexually assaulted by a person by
17 the name of Howard Woods.

18 Q Did you say being or was?

19 A Or was.

20 Q So at the time she came and spoke to you do you
21 remember how old she was?

22 A At the time of the incident or --

23 Q The time she spoke to you face to face.

24 A I don't recall.

25 Q She wasn't talking about anything that had just

BLAKE MOORE-DIRECT EXAMINATION

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1 happened? She was talking about something in the past?

2 A Right.

3 Q And once she spoke to you what did she tell you was
4 going on, or what happened back a few years ago?

5 A While speaking with her she advised me the first
6 incident occurred when she was eight or nine years of age.
7 And she stated that was when Mr. Woods started molesting
8 her. She said the first incident occurred on Baptist
9 Avenue, which is within the city limits of Greenwood. She
10 stated she was blindfolded by Mr. Woods. She stated that he
11 was messing with her vagina. I asked her in what type of
12 way and she -- she stated she didn't know if it was his
13 fingers, an object, or anything else because she was
14 blindfolded at the time by him.

15 Q How many times did she say that occurred at Baptist
16 Avenue -- or Baptist Street?

17 A She said it only happened one time on Baptist.

18 Q Did she give any other accounts of sexual assault
19 occurring between Mr. Woods and Minor?

20 A Yeah. She said after -- well, I asked her how many
21 times it happened on Baptist. She stated it was only one
22 time. I then asked her again when it happened and she --
23 she said approximately a year to a year and a half later.
24 And at that time her and her family had moved. She advised
25 me the Wheatfield Subdivision which is in the county of

BLAKE MOORE-DIRECT EXAMINATION

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1 Greenwood, which is the Sheriff's Office jurisdiction.

2 Q Now, did she give you any other indication or any
3 details of about what took place at the Wheatfield
4 Subdivision?

5 A She stated it occurred multiple times. And she stated
6 at the age of 15 she became pregnant by Mr. Woods and that
7 her family took her out of town to have an abortion.

8 Q Your notes -- or in your report where did you document
9 they took her to have the abortion?

10 A I documented Greenville. But later on, after speaking
11 with Investigator Middleton, it was determined through
12 records, I believe, that she obtained that it was in
13 Augusta. It was my mistake by writing Greenville. That was
14 just an error on my part.

15 Q In any event, she did say she had an abortion based off
16 a pregnancy that occurred when she was 15?

17 A She did.

18 Q After you took this report and spoke with [Minor] did
19 you have any other conversation with her?

20 A I did not.

21 Q Did [Minor] ever tell you she had any kind of sexual
22 relations with anybody else?

23 A I did not. That was one of the questions I asked -- I
24 asked her when she told me that she became pregnant. I
25 asked her was there -- was she sexually involved with anyone

BLAKE MOORE-CROSS EXAMINATION

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1 else and she told me no.

2 Q Did she ever give an explanation as to why she waited
3 so long to come forward with this to law enforcement?

4 A I did ask her that question. She advised me because of
5 her age her mother told -- her mother advised her she did
6 not want her to report it since she was in high school
7 because it would bring a lot of stress to [Minor] ' life
8 and gain her a lot of attention. [Minor] said she finally
9 -- when she became older in later years she felt comfortable
10 enough to report it on her own.

11 Q After you had this conversation with [Minor] did you
12 pass it on to anybody else?

13 A I did. The reason I passed the case along, [Minor]
14 advised me it happened one time in my jurisdiction. It
15 happened multiple times in the Sheriff's Office
16 jurisdiction. I can only apply the law within the city.
17 The Sheriff's Office is a little different. They can apply
18 the law in the county and within the city. After reviewing
19 the facts of the case, speaking with [Minor], I realized a
20 majority of all this occurred in the county. I thought it
21 was the best interest of the victim, instead of me having to
22 talk to her and pull her in and speak with her and
23 Investigator Middleton doing the same thing, through two
24 investigators, Investigator Middleton and I agreed it would
25 be best if she just took on the case and took -- and took

BLAKE MOORE-CROSS EXAMINATION

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1 care of everything. So I closed it on the city side.

2 Q And with it being in the county you said she mentioned
3 Wheatfield Subdivision. Is that in the county?

4 A No. That's in the city.

5 Q Wheatfield Subdivision --

6 A Oh, I'm sorry. Wheatfield is in the county.

7 Q County of --

8 A Greenwood.

9 Q When talking to her -- talking with [Minor] did she
10 seem real comfortable with you?

11 A She would tell me -- she would answer my questions, but
12 I could tell she was very nervous. And I finally asked her,
13 you know, towards the end -- I had a feeling that more may
14 have happened and I knew -- and by basing it with the county
15 I knew investigator Middleton dealt a lot with these type of
16 cases. I asked her would she feel more comfortable talking
17 with a female officer or a female investigator and she
18 stated she would. That was also another reason I passed it
19 on to the sheriff's office, because in our office we do not
20 have a female investigator.

21 MR. BROWN: I have no other questions. Please answer
22 anything Ms. Nelson might have for you.

23 MS. NELSON: Thank you, Your Honor.

24 CROSS-EXAMINATION

25 BY MS. NELSON:

BLAKE MOORE-CROSS EXAMINATION

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1 Q Detective Moore, this one conversation that you --
2 well, technically two conversations. You had a phone call
3 with [Minor], but the purpose of that phone call was just
4 to schedule a meet in person, right?

5 A Correct.

6 Q And so, the conversation of substance took place on
7 October 8th, right?

8 A Correct.

9 Q And you documented that conversation in a report the
10 same day?

11 A Correct.

12 Q And one of the things you documented that you, I
13 believe, have already testified to was that this incident
14 that occurred on Baptist Avenue, [Minor] did not know what
15 Mr. Woods was supposedly using to mess with her vagina?

16 A That's correct, because she said she was blindfolded.

17 Q She didn't know if it was his fingers, his penis or an
18 object?

19 A Correct.

20 Q She did not report during this -- at least according to
21 your report, she did not -- she did not say anything to you
22 about him having oral sex with her at any point, did she?

23 A I don't recall that.

24 Q If she had said that, would you have put it in your
25 report?

BLAKE MOORE-CROSS EXAMINATION

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1 A Correct.

2 Q And it's not in your report, is it?

3 A I don't see it.

4 Q She said that something happens one time on Baptist
5 Avenue but 20 to 30 times at Wheatfield, according to your
6 report?

7 A Correct.

8 Q Do you know how long they lived at Wheatfield?

9 A I do not.

10 Q Well, let me -- let's say hypothetically that Ms.

11 **Minor**, Mr. Woods, her mother, Cheryl, and her brother,

12 Freddie, all lived in Wheatfield Subdivision from 2005 to

13 2007. That would be '05, '06, '07. A three year period --

14 A Okay.

15 Q -- right? Is that --

16 A Correct.

17 Q If we just -- if we say hypothetically they lived there
18 from January 1st of 2005 to December 31st of 2007, we're
19 talking about a three year period.

20 A Okay, correct.

21 Q Is that right? And she -- she tells you that something
22 happened 20 to 30 times?

23 A Correct.

24 Q She doesn't tell you specifically what happened?

25 A Correct.

BLAKE MOORE-CROSS EXAMINATION

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1 Q So if we go on the higher end of that estimate and they
2 lived there three years, we'd be talking about something
3 happening on an average 10 times a year?

4 A Correct.

5 Q And if I'm -- if I'm wrong on my hypothetical and they
6 actually lived there longer, then it would be fewer than 10
7 times a year?

8 A Correct. I didn't really get into the Wheatfield
9 incidents with her, because I have no control what happens
10 in the county. I can't investigate that. I'm only --

11 Q Sure.

12 A -- certified to investigate what happens within the
13 city. So I didn't put a lot of weight into that because I
14 knew there was nothing I could help her with on that. So
15 that's one of the main reasons I called Investigator
16 Middleton.

17 Q Right. I understand that you were turning it over to
18 the county, because if it happened in the county 20 to 30
19 times as opposed to once in the city, you felt it more
20 appropriate for the county to handle it because they could
21 prosecute everything --

22 A Correct.

23 Q -- right? Yeah, that completely makes sense. What you
24 just said was that you didn't put much weight on the
25 Wheatfield?

BLAKE MOORE-CROSS EXAMINATION

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1 A I couldn't -- I can't investigate anything in the
2 county. I can't even lock anybody up in the county without
3 the sheriff's office with me. I -- she's the one that
4 advised me that it happened once on Baptist, which is in the
5 city. Told me what happened in the city. Then she said
6 when she was -- and after that -- after about a year she
7 moved with her family to Wheatfield, which I knew is a
8 sheriff's office jurisdiction. Therefore I can't do
9 anything. I can't even investigate that incident. So --

10 Q Right. I understand that. She told you that something
11 happened 20 to 30 times at Wheatfield?

12 A Right.

13 Q So again, if they lived there longer than three years,
14 at a rate of 20 to 30 times, it would be less than 10 times
15 a year?

16 A Correct.

17 Q It wouldn't be once or twice a week, in that
18 hypothetical?

19 A Correct.

20 Q You talked to her about the fact that she didn't report
21 this until 2015?

22 A Right.

23 Q You testified about that. And she and her mother
24 didn't want to report it while she was in high school was
25 the answer you got?

SHARON MIDDLETON-DIRECT EXAMINATION

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1 A Right. She said her mother did not want her to report
2 it.

3 Q Right, sorry. Just her mother. Do you know when
4 [Minor] graduated from high school?

5 A I don't.

6 Q And again, you did not do any followup investigation
7 because you were turning that over to the Sheriff's
8 Department, right?

9 A Correct. Once I got this information -- actually after
10 I asked her what took her so long to report it, I contacted
11 Investigator Middleton right then, because [Minor] was at
12 my office. I actually called Investigator Middleton and she
13 met [Minor] at my office.

14 Q And you -- the extent of you documenting this
15 conversation, the documentation is all contained in your
16 supplemental report, right?

17 A Correct. It's all the involvement I had in this case.

18 Q You -- when [Minor] came in you did not ask her to
19 write you a statement?

20 A Correct. I have no recorded audio, video or a written
21 statement from her.

22 Q Do you have the capacity to do those kinds of things at
23 the City Detectives Office?

24 A Correct. I can do a audio. We do not have a camera
25 there, and we -- if they can read or write they can write a

SHARON MIDDLETON-DIRECT EXAMINATION

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1 statement if they choose to do so.

2 Q But once you figured out that most of this -- most of
3 the allegations had supposedly occurred within the county
4 you didn't do those things because you were turning it over,
5 right?

6 A Correct.

7 MS. NELSON: Thank you, Detective Moore. That's all I
8 have.

9 MR. BROWN: No further questions for Mr. Moore.

10 THE COURT: All right, sir. Thank you very much for
11 coming. You may step down.

12 (Whereupon, the witness stepped down from the witness
13 stand.)

14 THE COURT: Call your next witness, please.

15 MR. BROWN: The State calls Sharon Middleton.

16 SHARON MIDDLETON, having first been
17 duly sworn, testified as follows:

18 DIRECT EXAMINATION

19 BY MR. BROWN:

20 Q Good afternoon, Officer Middleton. Where do you
21 currently work?

22 A At the Greenwood Sheriff's Office.

23 Q How long have you been there?

24 A Twenty-three and a half years.

25 Q Have -- did you work anywhere else prior to the

SHARON MIDDLETON-DIRECT EXAMINATION

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1 Greenwood County Sheriff's Office?

2 A I worked at Service Merchandise and at the Abbeville
3 Rug Barn while I was in college.

4 Q But since college you've been at the Greenwood County
5 Sheriff's Office?

6 A I have.

7 Q And what's your position there?

8 A I am an investigator at the Greenwood Sheriff's Office.

9 Q Officer Middleton, did you have the occasion to talk to
10 [REDACTED] Minor ?

11 A Yes, I did. A couple of different occasions.

12 Q And is [REDACTED] Minor in the courtroom?

13 A Yes, she is.

14 Q When did you first meet or talk with [REDACTED] Minor ?

15 A On October the 8th when City Detective Mike -- Blake
16 Moore called me. Advised me that he had a victim in his
17 office that needed to make a report. So I went to the City
18 Detectives Office.

19 Q And did you speak with her very long that day?

20 A I did not speak to [REDACTED] Minor very long on that day
21 because I already had a scheduled appointment. So what I
22 did was I asked her could she come back the following day
23 and she advised me that she had to work. So I gave her a
24 business card and told her that we could set up something so
25 that she wouldn't have to miss work. So we set up -- she

SHARON MIDDLETON-DIRECT EXAMINATION

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1 contacted me the following day and we scheduled an
2 appointment for October the 14th.

3 Q Now, on October the 14th did you have the opportunity
4 to speak with her more in-depth?

5 A I did.

6 Q And what was she there about?

7 A She said that she wanted to make a formal complaint
8 about being sexually abused from the time that she was
9 nine years old until she was 15 years old.

10 Q And when she was nine years old what year would that
11 have been?

12 A To the best of my ability, I believe 2003.

13 Q So 2003 she would have been nine years old. And were
14 you able to -- after she said it began when she was
15 nine years old did she tell you where it began?

16 A She did. She told me that she lived at [REDACTED] Baptist
17 Street in the Greenwood city which is located in Greenwood
18 County. She said that that was the first time that the
19 abuse began.

20 Q Did she tell you specifically about that time?

21 A She did.

22 Q And she told you that day?

23 A Yes.

24 Q What did she say?

25 A She told me that she recalled the first time that the

1 incident occurred it was the day that she was on her way to
2 school. She had an accident coming down the steps and she
3 twisted her ankle. And due to the fall she did not feel
4 like going to school, so she stayed home with Mr. Howard
5 Woods.

6 Q Did she describe kind of the relationship with how --
7 what Mr. Woods was to her? Did she give any indication?

8 A She said that he was her step-father. That he had been
9 in her life for a long period of time. Ever since she was a
10 very young child.

11 Q When she was disclosing this did she say was there
12 anybody else in the house during this encounter or during
13 this event?

14 A During this first encounter no one else was at the
15 house. Just Minor and Mr. Woods.

16 Q What did she say happened during that first encounter?

17 A She said that she recalled Mr. Woods blindfolded her
18 and taking her to the livingroom and laying her on the sofa.
19 And she said that she felt something funny on her vagina.
20 Let me make sure. She said that she couldn't quite describe
21 what it was because she was only nine at the time, but it
22 was wet.

23 Q It was funny and wet on her vagina?

24 A Her exact words were that she felt something funny an
25 wet on her vagina. She said but it must have been his

SHARON MIDDLETON-DIRECT EXAMINATION

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1 mouth.

2 Q Did she say anything else that any kind of actual
3 intercourse happening right after that event, or was there a
4 break in the assault?

5 A On that particular day?

6 Q Yes.

7 A On that particular day she said that that was all that
8 occurred on that day. But after that first sexual encounter
9 then he began to touch her breasts and touch her butt on top
10 of her clothes while she was at this incident location,
11 being [REDACTED] Baptist.

12 Q After [REDACTED] Baptist Street did she say they moved
13 anywhere, or where did they go?

14 A They moved to [REDACTED] Barley Drive.

15 Q Where is that located?

16 A That is located in the Wheatfield Subdivision which is
17 in Greenwood County.

18 Q Once they were at that location what did she describe
19 happening?

20 A [REDACTED] Minor she stated that she was in the sixth grade
21 when she started having her menstrual cycle, and at that
22 point that is when Mr. Howard began having sexual
23 intercourse with her and --

24 MS. NELSON: Renew our previous objection, Your Honor.

25 THE COURT: Let's try to move it along a little bit, if

SHARON MIDDLETON-DIRECT EXAMINATION

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1 we could, please.

2 Q How long did that continue?

3 A It continued until she was 15 years old.

4 Q Did she describe just vaginal intercourse, or were
5 there other instances of sexual battery?

6 A There were multiple sexual encounters. There was
7 vaginal, there was -- she was made to perform oral sex on
8 him. He performed oral sex on her. There was anal sex.

9 Q When did [Minor] say all this stopped?

10 A [Minor] said that this stopped when she became
11 pregnant, and after the pregnancy was terminated then Mr.
12 Howard and her mother broke up.

13 Q What grade -- did you write down a grade or did you --
14 did she tell you what grade she was in when this stopped and
15 how old she was?

16 A She was 15-years-old when it stopped and she was in
17 ninth grade.

18 Q Now, it looks like in your report you documented tenth
19 grade. Could she have been in the ninth or tenth grade?

20 A Well, in my report I know she said that -- she was
21 adamant that she was 15 years old whenever the incident
22 stopped, because she found out she was pregnant in December
23 9th of 2015.

24 Q But she ultimately was in high school?

25 A She was in high school.

SHARON MIDDLETON-DIRECT EXAMINATION

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1 Q How did she find out she was pregnant?

2 A She stated that she was not feeling good. Her mom
3 noticed that she had been eating more and she had gained --
4 maybe had gained some weight. So her mom took her to
5 Express Care.

6 Q And after she went to Express Care she went and had the
7 abortion done?

8 A After it was confirmed that she was pregnant she went
9 to the Women's Center in Augusta and terminated the
10 pregnancy on December the 16th.

11 Q When she was speaking to you in October of 2015 how old
12 was she then?

13 A She was 21 years old.

14 Q So this is a six year gap between the time the sexual
15 assaulted ended and the time she reported it to law
16 enforcement?

17 A Yes.

18 Q While [Minor] was meeting with you on October 14th,
19 2015 did she have the opportunity to give a written
20 statement?

21 A She did. She was very reserved and had a hard time
22 talking about the events that had occurred. So I asked if
23 she would write me a statement and I asked that she not
24 leave anything out, even if it was something that she didn't
25 tell me, to make sure that she put it in her statement

SHARON MIDDLETON-DIRECT EXAMINATION

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1 because it was very important.

2 Q And that statement was roughly seven pages long?

3 A Yes.

4 Q When she was giving this statement was this audio or
5 video recorded?

6 A No, sir.

7 Q So you did not record anything that she said that day?

8 A I did not record anything she said that day. I only
9 got her to give me a written statement.

10 Q After speaking with [Minor] that day did you consult
11 with Blake Moore again about obtaining records?

12 A I did consult with him. He came back and he wanted to
13 know how the case was going and if there was anything he
14 could do to help me, and I asked, I said, if you don't mind,
15 could you go ahead and get the medical records from Express
16 Care and he said that he would. So he -- Blake Moore, he
17 obtained the medical records from Express Care.

18 Q And Express Care would have been under the -- under the
19 Self --

20 A Self Regional.

21 Q -- Hospital System?

22 A It would have been.

23 Q After talking with [Minor], getting her statement and
24 also getting the records from Express Care, did you seek
25 warrants?

SHARON MIDDLETON-CROSS EXAMINATION

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1 A I spoke with her mother, Cheryl Worsley, and I was able
2 to speak with her about the events that had occurred.

3 [Minor] advised me that she had talked with her mom about
4 her coming and making an official complaint against Mr.
5 Woods. So I was able to speak with her and get a written
6 statement from her at that time.

7 Q And after getting that statement and speaking with
8 [Minor] did you ultimately arrest Mr. Woods?
9 I did.

10 MR. BROWN: No further questions.

11 THE COURT: Ms. Nelson.

12 MS. NELSON: Thank you, Your Honor.

13 CROSS-EXAMINATION

14 BY MS. NELSON:

15 Q Hi, Investigator Middleton.

16 A Hello.

17 Q So you -- when you met with [Minor] on October 14th
18 you took a written statement from her?

19 A I did.

20 Q She was mistaken when she testified about you taking an
21 audio statement, right?

22 A She was. No audio.

23 Q All right. So there's not some missing audio statement
24 out there somewhere, right?

25 A No, ma'am. Not at all.

SHARON MIDDLETON-CROSS EXAMINATION

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1 Q Okay. You said you met with her briefly on October 8th
2 when she had talked to Detective Moore. That meeting was so
3 brief that you didn't even document that in a report, right?

4 A I did not, because I know that Officer Moore had
5 already spoken with her and I had someone else waiting. So
6 when he called me and asked me would I come over there then
7 I told him I would come over there. And once -- I just kind
8 of briefly, you know, got a synopsis of what was going on.
9 And as I said earlier, I made an appointment so that I could
10 talk in detail with her.

11 Q And that's what you did on October 14th?

12 A Yes, ma'am.

13 Q And then later on October 23rd you actually wrote up a
14 supplemental report about that October 14th meeting?

15 A Yes, I did.

16 Q And essentially your report -- your report pretty much
17 tracks [Minor]'s written statement, doesn't it?

18 A It does.

19 Q Do you actually have her written statement in front of
20 you? Her seven-page-statement from October 14th?

21 A Yes, ma'am.

22 Q I'd like to refer you to page two of that statement
23 where [Minor] is writing about the supposed blindfold

24 incident. And what her actual words are, she writes, "I

25 don't know what he was doing. I just felt something funny

SHARON MIDDLETON-CROSS EXAMINATION

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1 in the vaginal area." It's on the second line of the second
2 page.

3 A Okay. Yes.

4 Q And that's when she's talking about the blindfolding at
5 Baptist Avenue?

6 A Yes.

7 Q And she says, "I don't know what he was doing. I just
8 felt something funny in the vaginal area."

9 A Yes.

10 Q Her exact words were not "funny and wet", right?

11 A If you turn to page seven then on -- in her statement
12 here she says that, "I was going to East End Elementary. He
13 blindfolded me. Laid me on the sofa. I felt something wet
14 on my vagina. It must have been his mouth."

15 Q So that's a separate statement where she says
16 "something wet"?

17 A Something wet.

18 Q And on page two she says "something funny"?

19 A Something funny.

20 Q So it wasn't really ever funny and wet? It was funny
21 in one place and wet --

22 A Yes.

23 Q -- five pages later. Is that accurate?

24 A That's accurate.

25 Q She also talked about times when she would -- she would

SHARON MIDDLETON-CROSS EXAMINATION

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- 1 have her period at school and would call Howard to come pick
2 her up --
- 3 A Yes, ma'am.
- 4 Q -- so she could change her clothes?
- 5 A Yes.
- 6 Q And she -- she tells you that Howard would make her
7 have oral sex when those instances happened?
- 8 A Yes.
- 9 Q She also talked to you about Howard making her brother
10 go outside and cut grass and he would have sex with her
11 while her brother was outside cutting grass?
- 12 A Yes.
- 13 Q She talked to you about waking her up early in the
14 morning on the weekend when her mother and brother were in
15 the home?
- 16 A Yes.
- 17 Q And having sex with her on the dryer or having sex with
18 her on the sink --
- 19 A Yes.
- 20 Q -- in the kitchen?
- 21 A Yes.
- 22 Q After you took this statement from Minor that was
23 the last conversation you had with her as a part of your
24 investigation; is that right?
- 25 A No, probably not, because I tried to obtain her medical

SHARON MIDDLETON-CROSS EXAMINATION

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1 records from Georgia.

2 Q And she gave you a release?

3 A Yes.

4 Q So she signed a piece of paper letting you get those
5 medicals records, right?

6 A Yes.

7 Q She had told you in the course of your investigation
8 that Howard had paid for that abortion in 2009, right?

9 A Yes.

10 Q Did any of the records you got from that procedure
11 indicate that Mr. Woods had paid for anything?

12 A I was never able to get the medical records. They --
13 they never sent them to me.

14 Q You never got the records?

15 A Not the records from the Women's Center in Augusta. I
16 never got those.

17 Q Have you ever seen them?

18 A I have not.

19 Q The Solicitor's Office hasn't shown them to you?

20 A I have not seen them.

21 Q Okay. So you -- I guess the answer to my question is
22 then you were never able to substantiate that Mr. Woods had
23 paid for that?

24 A No.

25 Q Because you didn't get anything?

SHARON MIDDLETON, CROSS EXAMINATION

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1 A No.

2 Q So Detective Moore got the Express Medical Records from
3 Self Regional?

4 A Yes.

5 Q Did you look at those?

6 A I did.

7 Q And that was when it was determined that [Minor] was
8 pregnant, right?

9 A Yes.

10 Q But you've never seen the actual records from the
11 termination procedure?

12 A I have not.

13 Q And are you the one who took the pictures of the houses
14 that we've seen in the courtroom today?

15 A Yes.

16 Q You took more photographs than just the ones we've
17 seen, right?

18 A I did.

19 Q None of those photographs were of the inside of the
20 homes?

21 A I did not go inside of the house, no.

22 Q You never made any attempt to go inside either of those
23 homes?

24 A Whenever I went to the residence no one was there. And
25 I went out a couple different times. I left cards on the

SHARON MIDDLETON-CROSS EXAMINATION

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1 door and no one never returned my call. So I just took
2 photographs of the outside of the house.

3 Q All right. Did you have [Minor] or her mother, Ms.
4 Worsley, ever diagram the insides of those houses for you so
5 you would kind of know where these things had supposedly
6 taken place?

7 A I did not.

8 Q So you talked to [Minor] on October 14th and then you
9 talked to her mother on November 4th? Is that accurate?
10 And I'm getting that from her statement that she wrote for
11 you.

12 A The statement was written on the 4th. I had a phone
13 call with her prior to that.

14 Q Is any of that documented in any report --

15 A Whenever I --

16 Q -- that you --

17 A No. Whenever I spoke with her I asked her would she be
18 willing to give me a written statement about the events that
19 had occurred and she said that she would.

20 Q And she wrote that statement at North Hospital Street?

21 A She asked would I -- could I bring the statement form
22 to her place of employment and if she could write it there.

23 Q And so, is it correct then that you spoke with her on
24 November 4th, 2015 when she wrote those --

25 A I spoke with her on November the 4th, 2015 as well.

SHARON MIDDLETON-CROSS EXAMINATION

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1 Q As well as the phone call?

2 A As well as the phone call.

3 Q All right. And the purpose of the phone call was to
4 ask her to write this statement for you?

5 A Yes.

6 Q And when Ms. Worsley wrote this statement for you, it's
7 two pages long; is that right?

8 A Yes.

9 Q And when she wrote this for you did you also have a
10 conversation with her --

11 A I did not.

12 Q -- or did you just take the statement and leave?

13 A Because she was at work I didn't have a conversation
14 with her.

15 Q Okay. And the information that Ms. Worsley gave you
16 was -- was all based on information she had gotten from Ms.
17 **Minor**; is that correct? At least as far as the allegations
18 of sexual abuse?

19 A Yes.

20 Q Ms. Worsley did not ever witness any inappropriate
21 incidents between Mr. Woods and **Minor**?

22 A No.

23 Q At least not that she reported to you?

24 A No.

25 Q If she had seen anything like that, you would have

SHARON MIDDLETON-CROSS EXAMINATION

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1 expected her to put that in her statement, right?

2 A Yes.

3 Q She did not report to you that she had ever heard
4 anything between [Minor] and Mr. Woods that made her
5 suspicious that something inappropriate was going on, did
6 she?

7 A No.

8 Q And if she had ever heard anything, you would have
9 expected her to put that in her statement, right?

10 A Yes.

11 Q After you talked to [Minor] and Ms. Worsley and took
12 the photographs at the two houses of the exteriors, the next
13 thing you did was go and obtain arrest warrants for Mr.
14 Woods?

15 A Yes. I presented the information to the judge.

16 Q That was on November 17th?

17 A Yes.

18 Q So on November 17th, based on what [Minor] had told
19 you, and I suppose based on what you saw in the express
20 medical records, that is what led you to have the warrants
21 taken out?

22 A Yes.

23 Q And you have to go see a judge and get the warrants
24 signed and that's what allows you to go arrest somebody,
25 right?

SHARON MIDDLETON-CROSS EXAMINATION

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1 A Yes.

2 Q And then you contacted Mr. Woods and asked him to come
3 talk to you at the Sheriff's Department, right?

4 A I went out to his house and asked him to come to the
5 sheriff's office and talk with me.

6 Q And he did?

7 A And he did.

8 Q He voluntarily came along with you to the sheriff's
9 office?

10 A Yes, he did.

11 Q Did he ride with you or did he drive himself?

12 A He rode with me.

13 Q Okay. So he got in your -- do you have a marked car?
14 Do you have a police car that you were driving?

15 A I have an unmarked car.

16 Q Okay. He got in -- he knew that you were a law
17 enforcement officer?

18 A Yes.

19 Q You had, of course, identified yourself to him as a
20 detective --

21 A Yes.

22 Q -- when you went to his house?

23 A Yes.

24 Q So he knew he was getting in the car with a law
25 enforcement officer and he went with you to the Sheriff's

SHARON MIDDLETON-CROSS EXAMINATION

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1 Department?

2 A Yes, he did.

3 Q When you got there, there is a -- there's a room that
4 you guys have in the Sheriff's Department where a video
5 camera is set up, right?

6 A Yes.

7 Q And you told Mr. Woods you were going to turn on a
8 videotape and videotape him?

9 A I did not.

10 Q You didn't tell him he was being videoed?

11 A No.

12 Q Did you tell him he was being audio recorded?

13 A No.

14 Q So he didn't know that this interview with you was --
15 was going to be on tape, so to speak?

16 A He did not.

17 Q He agreed to talk to you at that point?

18 A He did.

19 Q And again, at that point you had already obtained the
20 arrest warrants for Mr. Woods?

21 A Yes.

22 Q You knew you were going to arrest him at the end of the
23 conversation?

24 A Yes.

25 Q And you knew that no matter what he said one way or the

SHARON MIDDLETON-CROSS EXAMINATION

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1 other you were going to arrest him?

2 A Yes.

3 Q You did not tell him that he was going to be arrested
4 after he talked to you, did you?

5 A Repeat the question?

6 Q Before you had the conversation with Mr. Woods did he
7 know he was under arrest?

8 A At that time he was not under arrest.

9 Q And he didn't know that you had warrants taken out at
10 that point?

11 A He did not.

12 Q So given that he's a suspect at that point, one of the
13 things you have to do is advise him of his Constitutional
14 rights before he talks to you, right?

15 A Yes.

16 Q And you've got a form that you use to do that?

17 A Yes.

18 Q It's called and Advice of Rights or Waiver of Rights
19 form?

20 A Yes.

21 Q Howard signed that for you on November 18th at 9:24
22 a.m.?

23 A Yes.

24 Q And he signed that for you freely and voluntarily,
25 didn't he?

SHARON MIDDLETON-CROSS EXAMINATION

159

1 A Yes.

2 Q He didn't hesitate --

3 A He did not.

4 Q -- to do that for you? And, of course, the things you
5 told him are the kinds of things that we hear a lot of times
6 on TV, that he had the right to remain silent?

7 A Yes.

8 Q That anything he said could and will -- would be used
9 against him?

10 A Yes.

11 Q That he could talk to a lawyer and have a lawyer with
12 him while he was being questioned?

13 A Yes.

14 Q That if he couldn't afford a lawyer he could get one
15 appointed to him to represent him during the questioning?

16 A Yes.

17 Q That he could decide any time he wanted to exercise
18 these Constitutional rights and not make any statements to
19 you?

20 A Yes.

21 Q You asked him if he understood all of that?

22 A Yes.

23 Q And you asked him, knowing that he had those
24 Constitutional rights, did he still wish to talk to you?

25 A Yes.

SHARON MIDDLETON-CROSS EXAMINATION

160

1 Q And his response was yes, that he understood his
2 rights, correct?

3 A Yes.

4 Q And that he still wanted to talk to you?

5 A Yes.

6 Q And he actually put his initials on that form giving up
7 each of those rights when he agreed to voluntarily talk to
8 you?

9 A Yes.

10 Q He said he didn't want a lawyer there?

11 A Correct.

12 Q That's why the statement's in this -- in this Advice of
13 Rights form, isn't it?

14 A It is.

15 Q "I'm willing to make a statement and answer
16 questions."?

17 A Yes.

18 Q "I don't want a lawyer at this time."?

19 A Yes.

20 Q And then Howard sat there with you at that table and
21 talked to you for almost an hour --

22 A Yes.

23 Q -- right?

24 A Yes.

25 Q And he -- he told you how he and Cheryl Worsley, Ms.

SHARON MIDDLETON-CROSS EXAMINATION

161

1 [Minor] mother, had started dating about 14 years -- that
2 they actually dated about 14 years?

3 A Yes.

4 Q And they got together when [Minor] was a baby and her
5 brother was just a little bit older?

6 A Correct.

7 Q He said they lived together that entire 14 years as a
8 family?

9 A Yes.

10 Q He repeatedly said that he considered [Minor] his
11 daughter, right?

12 A Yes.

13 Q And she called him her step-father, didn't she?

14 A Yes.

15 Q Even though he and Ms. Worsley were not technically
16 married --

17 A Yes.

18 Q -- legally married?

19 A Yes.

20 Q He talked about them having a loving -- a loving
21 father/daughter relationship, didn't he?

22 A Yes, he did.

23 Q And that was when you asked him what kind of
24 relationship he had with [Minor]?

25 A Yes.

SHARON MIDDLETON-CROSS EXAMINATION

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- 1 Q He talked about how he had helped raise her?
- 2 A Yes.
- 3 Q He talked about the things they had done together as a
- 4 family in that 14 year period that he had been with Ms.
- 5 Worsley?
- 6 A Yes.
- 7 Q He talked to you about some of the issues that he and
- 8 Ms. Worsley had had with her son Freddie, didn't he?
- 9 A Yes, he did.
- 10 Q Freddie had had some problems that caused the police to
- 11 be called out one night, right?
- 12 A Yes.
- 13 Q And Mr. Woods described that to you?
- 14 A Yes.
- 15 Q And at some point, not very long into the conversation,
- 16 you told Mr. Woods about the allegations that Minor had
- 17 made against him, right?
- 18 A Yes.
- 19 Q And the first thing you talked about was inappropriate
- 20 touching?
- 21 A Yes.
- 22 Q And Howard denied that --
- 23 A Yes.
- 24 Q -- didn't he?
- 25 A Yes.

SHARON MIDDLETON-CROSS EXAMINATION

163

1 Q He said that had never happened?

2 A Yes.

3 Q Then later when he asked you exactly what [Minor] said you told him that she said he had raped her, right?

5 A Yes.

6 Q He denied that as well, didn't he?

7 A Yes.

8 Q You talked to him about the abortion that [Minor] had had in that conversation?

10 A Yes.

11 Q And he was not aware of that abortion until you told him about it, right?

13 A He said he was not aware of it.

14 Q You asked him about driving [Minor] and Ms. Worsley to have -- to this abortion procedure and he said that did not happen?

17 A That he did not drive there?

18 Q That he did not -- yes, ma'am. I can see how that's confusing. That he did not take them to this procedure?

20 A He said that because she has asthma that he would take her to doctors, so he wasn't aware that he was taking her to the doctor to terminate the pregnancy. He wasn't aware that she was pregnant. But he said he'd take her to the doctor because she has asthma.

25 Q And he specifically said the only medical condition

SHARON MIDDLETON-CROSS EXAMINATION

164

1 he'd ever known [Minor] to have was asthma?

2 A Yes.

3 Q He was very clear on that, wasn't he?

4 A Yes.

5 Q And when you -- when you asked him about taking them on
6 that trip he was adamant that he had never been to an
7 abortion clinic in his life?

8 A Yes.

9 Q Now, Ms. Middleton, since you knew already that you
10 intended to arrest Howard after this conversation, would you
11 agree with me that your primary purpose in talking to him
12 was to elicit a confession?

13 A Yes.

14 Q That was what you were hoping you achieve with that
15 conversation?

16 A Yes.

17 Q And you wanted to have that on video?

18 A Yes.

19 Q Are you -- during your -- how long is your law
20 enforcement career again? How long have you been --

21 A Twenty-three years.

22 Q Twenty-three years. During your lengthy history as a
23 law enforcement officer have you been trained in something
24 called the Reid Method?

25 A I'm sorry. I couldn't hear you.

SHARON MIDDLETON-CROSS EXAMINATION

165

1 Q Have you been -- I'm sorry. I can't believe somebody
2 can't hear me.

3 A Someone -- there was coughing, so...

4 Q Have you been trained in a technique called the Reid
5 Method?

6 A I haven't had that training.

7 Q Do you know what I'm talking about?

8 A I've heard about that training. But I've had other
9 training as far as interviewing and interrogation training,
10 but not the Reid training.

11 Q An interrogation technique that you can use to try to
12 elicit a confession from someone is to try to build a
13 rapport with them, right?

14 A Yes.

15 Q To try to kind of give them the impression that you're
16 on their side?

17 A Yes.

18 Q That you're trying to help them out?

19 A Yes. There's different type of techniques you can use.

20 Q Well, let's talk about the specific ones that you used.

21 One of the techniques you used in this interview was to
22 encourage Howard to do right by Minor?

23 A Yes.

24 Q You told him that she needed to own up to it?

25 A Yes.

SHARON MIDDLETON-CROSS EXAMINATION

166

- 1 Q And there's a long period of time in this interview
2 where you're just talking to Howard trying to get him to
3 confess something to you?
- 4 A Yes.
- 5 Q And he's sitting there listening to you?
- 6 A Yes.
- 7 Q You tell him you're not there to judge him?
- 8 A Yes.
- 9 Q You tell him everybody makes mistakes?
- 10 A Yes.
- 11 Q And that we all have to own up to our mistakes?
- 12 A Yes.
- 13 Q And these are all things that you say to people to try
14 to encourage them to confess to a crime?
- 15 A Yes.
- 16 Q You told him it was time to put his cards on the table?
- 17 A Yes.
- 18 Q Time to do the right thing?
- 19 A Yes.
- 20 Q You told him over and over again we all make mistakes,
21 everybody makes mistakes, and this is your time to fix it?
- 22 A Yes.
- 23 Q You said don't do this to Minor ?
- 24 A Yes.
- 25 Q You said you're calling her a liar and you know she's

SHARON MIDDLETON-CROSS EXAMINATION

167

1 not a liar, right?

2 A Yes.

3 Q And [Minor] in her statement to you, was calling
4 Howard a child molester, wasn't she?

5 A Yes.

6 Q You told him it doesn't make you a bad person?

7 A Yes.

8 Q What you've done. I know you're not a bad person.

9 A Yes.

10 Q You're a good person. I know you are.

11 A Yes.

12 Q You owe it to her.

13 A Yes.

14 Q And that kind of encouragement, let's call it, or that
15 interrogation technique you were using went on for several
16 minutes with Mr. Woods, didn't it?

17 A Yes.

18 Q And after you got through all of that, his response to
19 you was, "I've listened to everything you've said," right?

20 A Yes.

21 Q And he said, "Now I'm asking you to listen."

22 A Yes.

23 Q "Nothing happened."

24 A Yes.

25 Q He told you they had a normal family relationship,

SHARON MIDDLETON-CROSS EXAMINATION

168

- 1 right?
- 2 A Yes.
- 3 Q And again, this conversation goes on for almost an
- 4 hour, right?
- 5 A Yes.
- 6 Q When he told you their family relationship was normal,
- 7 your response to him was, "Well, some people think abuse is
- 8 normal," right?
- 9 A Yes.
- 10 Q And he -- his reaction was pretty strong when he said,
- 11 "No, that is -- that is not normal," --
- 12 A Yes.
- 13 Q -- right?
- 14 A Yes.
- 15 Q He made it clear he didn't think that was normal?
- 16 A Yes.
- 17 Q He said, "I'm saying no, I did not do any of this."?
- 18 A Yes.
- 19 Q He reiterated that he did not know about Minor
- 20 pregnancy?
- 21 A Yes.
- 22 Q After he told you again that he was telling the truth
- 23 about nothing happening, you told him, "I know you're not
- 24 being honest with me."
- 25 A Yes.

SHARON MIDDLETON-CROSS EXAMINATION

169

1 Q You kept insisting to him that there was inappropriate
2 touching of [Minor] during this time period, right?

3 A Yes.

4 Q You told him, "It's time you go ahead and admit it."

5 A Yes.

6 Q Over and over you said, "You're not being honest."?

7 A Yes.

8 Q You actually said to him at one time, "You've buried it
9 in your memory and that's why you're not telling me."?

10 A Yes.

11 Q And again, he very adamantly reiterated, "There was no
12 sexual abuse."?

13 A Yes.

14 Q Then you tried getting him to admit to something that
15 he said didn't happened by saying, "Don't you want to help
16 yourself," right?

17 A Yes.

18 Q "Don't you want to help yourself and tell the truth."

19 A Yes.

20 Q You talked about his parental feelings toward [Minor]
21 and said that he owed it to her to apologize to her if he
22 really cared about her?

23 A Yes.

24 Q You said, "You need to apologize to her so she can move
25 forward."?

SHARON MIDDLETON-CROSS EXAMINATION

170

- 1 A Yes.
- 2 Q He said again, "I didn't do this. I didn't do anything
- 3 wrong."?
- 4 A Yes.
- 5 Q And again, this is -- this is well -- by this time
- 6 you've been talking to Mr. Woods for over half an hour?
- 7 A Probably.
- 8 Q You said, "Please help this child. That's the least
- 9 you can do. You've got to make it right."?
- 10 A Yes.
- 11 Q You were saying everything you could think of to say to
- 12 try to get him to admit to doing something to Minor?
- 13 A Yes.
- 14 Q When he -- when he wasn't telling you what you wanted
- 15 to hear, then you encouraged him to write it down, right?
- 16 "Maybe you can write down what happened."
- 17 A Yes.
- 18 Q Did you say that?
- 19 A Yes.
- 20 Q And you told him, "You know, sometimes it's easier to
- 21 say it if you write it down than if you have to say it out
- 22 loud."?
- 23 A Yes.
- 24 Q And his response was, "All I can write is that nothing
- 25 happened."?

SHARON MIDDLETON-CROSS EXAMINATION

171

1 A Yes.

2 Q So he didn't refuse to write anything? He just told
3 you I don't have anything to write for you except that
4 nothing happened?

5 A Yes.

6 Q You told him, "You've been keeping this secret all
7 these years."?

8 A Yes.

9 Q "You need to do the right thing."?

10 A Yes.

11 Q You did the "we all make mistakes" thing again?

12 A Yes.

13 Q And then you pulled out the big guns by saying, "You
14 want her to end up killing herself," --

15 A Yes.

16 Q -- right? You didn't have any indication whatsoever in
17 your investigation at that point that Minor was or had
18 ever been suicidal, did you?

19 A No.

20 Q "You tell the truth and you're going to save her
21 life."?

22 A Yes.

23 Q "Do you want her life on her hands."?

24 A Yes.

25 Q Is that what you said to him? And after all of that he

SHARON MIDDLETON-CROSS EXAMINATION

172

1 still said, "I care about [Minor], but this did not
2 happen," right?

3 A Yes.

4 Q So when none of that worked that was when you gave up
5 and arrested him, right?

6 A Yes.

7 Q So he talked to you freely. During that whole
8 conversation never asked to get up and leave, right?

9 A No.

10 Q Never asked for a lawyer?

11 A No.

12 Q Knew what he was being accused of but never said, "I
13 don't want to talk to you anymore, Ms. Middleton."?

14 A No.

15 Q He sat right there and listened to everything you had
16 to say?

17 A Yes.

18 Q And the entire time he denied ever doing anything
19 inappropriate to [Minor]?

20 A Yes.

21 MS. NELSON: Just one moment, Your Honor. Thank you,
22 ma'am. That's all I have.

23 THE COURT: Redirect?

24 MR. BROWN: Redirect.

25 REDIRECT EXAMINATION

SHARON MIDDLETON-REDIRECT EXAMINATION

173

1 BY MR. BROWN:

2 Q Investigator Middleton, when you were speaking with Mr.
3 Woods that day you did provide him an Advice of Rights form?

4 A Yes.

5 Q I'll show you what's been -- I'm going to show you and
6 see if you recognize that.

7 A Yes.

8 Q And what is that?

9 A Advice of Rights.

10 (Whereupon, State's Exhibit No. 6 was marked for
11 identification.)

12 Q We have State's Exhibit 6. Next to the Advice of
13 Rights is that also referred to as a Miranda warning?

14 A Yes.

15 Q And he initialed each question?

16 A Yes.

17 Q And he signed it at the bottom?

18 A Yes.

19 Q And he proceeded to talk to you?

20 A Yes, he did.

21 Q And to sum it all up --

22 MR. BROWN: Your Honor, at this time State would move
23 State's Exhibit 6 into evidence.

24 MS. NELSON: No objection.

25 THE COURT: Without objection, State's 6 is in

SHARON MIDDLETON-RECROSS EXAMINATION

174

1 evidence.

2 (Whereupon, State's Exhibit No. 6 was admitted into
3 evidence.)

4 Q And to sum up your conversation with Mr. Woods, he
5 denied it?

6 A Yes, he did.

7 Q Did that surprise you?

8 A No, it doesn't.

9 MR. BROWN: No further questions.

10 RECROSS-EXAMINATION

11 BY MS. NELSON:

12 Q He denied it repeatedly, didn't he?

13 A He did.

14 Q Over your -- over all of your techniques that you've
15 learned in your 23 years of law enforcement, over telling
16 him that he would save Minor's life, he was adamant that
17 he did not do this to this young lady, right?

18 A That's not uncommon for someone to deny it.

19 Q My question is, he was adamant for that entire hour
20 regardless of all these things you said to him, wasn't he?

21 A He was.

22 THE COURT: All right, ma'am. Thank you. You may step
23 down.

24 (Whereupon, the witness stepped down from the witness
25 stand.)

SHERYL HAUPFEAR-DIRECT EXAMINATION

175

1 THE COURT: Solicitor, let me see you real quick. Come
2 on up. Just some juror issues in handling things.

3 (Whereupon, a sidebar was held.)

4 THE COURT: Solicitor, I think you have a brief witness
5 that we can take tonight?

6 MR. BROWN: Yes, Your Honor.

7 THE COURT: Go ahead, please.

8 MR. BROWN: The State calls Sheryl Haupfear.

9 SHERYL HAUPFEAR, having first being
10 duly sworn, testified as follows:

11 (Whereupon, State's Exhibit No. 7 was marked for
12 identification.)

13 DIRECT EXAMINATION

14 BY MR. BROWN:

15 Q Ms. Haupfear, please state your name and spell it for
16 the record.

17 A Sheryl Haupfear. S-h-e-r-y-l, H-a-u-p-f-e-a-r.

18 Q Ms. Haupfear, where are you employed?

19 A Self Regional Healthcare.

20 Q How long have you been there?

21 A Thirty-seven years.

22 Q And what is your role at Self Regional Healthcare?

23 A Custodian of medical records.

24 Q How long have you been in that position?

25 A Thirty-seven years.

SHERYL HAUPFEAR-DIRECT EXAMINATION

176

1 Q And as being custodian of records with Self Regional
2 what all businesses or different offices are you all
3 custodial of record -- or custodian of records for, other
4 than just the hospital?

5 A Just the hospital.

6 Q Do you all have different offices outside of the
7 hospital, like an Express Care or others, Doctor's Care?

8 A Yes. Those are part of Self Regional.

9 Q So they're all under the same umbrella?

10 A Yes.

11 Q I'm going to show you what's been marked State's
12 Exhibit No. 7. If you could take a look at those and tell
13 me what that is.

14 A An Express Care record on [REDACTED] Minor .

15 Q Ms. Haupfear, what date is on this record?

16 A 12/15/09.

17 Q And is that the date that [REDACTED] Minor would have
18 entered one of Self Regional's healthcare facilities?

19 A Yes.

20 Q And in particular which one would that have been in
21 this case?

22 A Express Care

23 Q Ms. Haupfear, as being the custodian of records with
24 Self Regional were these records kept in the ordinary and
25 daily -- or the ordinary care --

SHERYL HAUPFEAR-DIRECT EXAMINATION

177

1 A Yes.

2 Q -- of yourself?

3 A Yes.

4 Q Have they been changed or added to or subtracted since
5 the time they were done on 12/15/2009?

6 A No.

7 Q And they were kept in the ordinary course of business?

8 A Yes.

9 MR. BROWN: Your Honor, at this time State would move
10 in State's Exhibit No. 7, I believe, as evidence.

11 THE COURT: Subject to the earlier exception and
12 objection, correct?

13 MS. NELSON: Thank you, Your Honor.

14 THE COURT: Subject to the earlier ruling, State's 7 is
15 in evidence.

16 (Whereupon, State's Exhibit No. 7 was admitted into
17 evidence.)

18 Q Ms. Haupfear, being the custodian of records for Self
19 Regional, again, [REDACTED] Minor is the patient on these
20 records?

21 A Yes.

22 Q On the date of 12/15/2009?

23 A Yes.

24 Q What time did she arrive at the Express Care?

25 A Looks like at 10:20.

SHERYL HAUPFEAR-DIRECT EXAMINATION

178

- 1 Q Is there a date of birth?
- 2 A [REDACTED].
- 3 Q How old was [REDACTED] Minor when she came in?
- 4 A Fifteen.
- 5 Q According to the report, what did [REDACTED] Minor come to
- 6 Express Care for?
- 7 A She came for a cough.
- 8 Q And while at the Express Care were any other tests done
- 9 on [REDACTED] Minor?
- 10 A Yes. A urine pregnancy test.
- 11 Q That urine pregnancy test, what was the result?
- 12 A Positive.
- 13 Q Positive for being pregnant?
- 14 A Yes.
- 15 Q And again, [REDACTED] Minor was how old?
- 16 A Fifteen.
- 17 Q And the date of birth on your records are?
- 18 A [REDACTED].
- 19 Q And the date she arrived at the Express Care?
- 20 A 12/15/09.
- 21 MR. BROWN: No further questions.
- 22 THE COURT: Any questions?
- 23 MS. NELSON: Just a couple, Your Honor.
- 24 CROSS-EXAMINATION
- 25 BY MS. NELSON:

SHERYL HAUPFEAR-CROSS EXAMINATION

179

1 Q Hi, Ms. Haupfear.

2 A Hey.

3 Q There's -- the name Howard Woods is not mentioned
4 anywhere in these records, is it?

5 A No, ma'am.

6 Q And the length of time -- or how far along Minor
7 was in her pregnancy is also not documented in these
8 records, is it?

9 A Correct.

10 Q It's strictly documenting a positive result on this
11 particular day?

12 A Yes.

13 MS. NELSON: Thank you, ma'am.

14 THE COURT: Ma'am, thank you. You can step down. And
15 just leave those with --

16 THE BAILIFF: I'll take it.

17 THE COURT: Thank you. Perfect.

18 (Whereupon, the witness stepped down from the witness
19 stand.)

20 THE COURT: Those are all the short ones that we would
21 be able to get to today?

22 MR. BROWN: Yes.

23 THE COURT: Okay. All right. Ladies and gentlemen,
24 we're going to go ahead and take a break for the evening.
25 I'm going to ask that you, if you would, please be back in

1 want to.. Okay?

2 So aside from that admonition, I hope you have a very
3 pleasant evening. It's supposed to get down -- I think the
4 temperature at 8:00 tomorrow morning will be 24 degrees, 25
5 degrees. So be sure to bundle up when you come in here, and
6 we'll see you at 9:00. We will have coffee and maybe some
7 crackers or something, but go ahead and eat some breakfast
8 before you come in. Okay? Have a great night. See you in
9 the morning. Take care.

10 The notebooks, just leave them in your chairs and we'll
11 collect those. And your name badges, wear those back
12 tomorrow. Okay?

13 (Whereupon, the jury was released for the day at 5:00
14 p.m.)

15 THE COURT: We'll be at ease until tomorrow morning at
16 9:00.

17

18 TRIAL DAY 2-03/15/17

19 THE COURT: If we may, we'll go back on the record in
20 the *State vs. Mr. Woods*. The record should reflect that Mr.
21 Woods is present with counsel. I did have my clerk hand you
22 all -- I apologize for not sending the email last night with
23 the instructions. I was working on my taxes and, candidly,
24 it just slipped my mind. So I apologize to everybody. You
25 all have hard copies now. We can discuss those later.

24 A I am the administrator for Preferred Women's Health
25 Center with locations in Raleigh and Charlotte, North

CALLA HALES-DIRECT EXAMINATION

183

1 Carolina, and Augusta and Atlanta, Georgia.

2 Q Now, what is your role there at your work?

3 A As administrator I do anything from operations to
4 records custodians, to appeals, court cases, anything.

5 Q How long have you been a records custodian with
6 Preferred Health?

7 A I've been full-time with them as an administrator since
8 2012.

9 Q And are the records -- so you're the custodian for
10 records in Atlanta, Augusta, Charlotte and Raleigh?

11 A Yes, sir.

12 Q Today did you bring with you medical records for
13 Minor ?

14 A Yes, sir.

15 Q And are those records kept in the ordinary course of
16 business?

17 A Yes. In the state of Georgia we have to keep patient
18 records for 10 years.

19 Q And this record was from when?

20 A The date of this medical chart is December 16th, 2009.

21 Q And is that an accurate copy of the records as was
22 drafted or memorialized the day she came in on 12/16/2009?

23 A Yes, sir.

24 Q How many pages are in that record?

25 A Ten pages.

CALLA HALES-DIRECT EXAMINATION

184

1 Q Ten total pages.

2 MR. BROWN: Your Honor, at this time the State would
3 move in medical records from Preferred Health Center from
4 Augusta, Georgia into evidence, at this time.

5 THE COURT: Any objection?

6 MS. NELSON: Subject to pretrial --

7 THE COURT: Subject to the earlier -- yeah, subject to
8 the earlier objection and the Court's previous ruling, it
9 will be in evidence. What are we up to, State's --

10 MADAM COURT REPORTER: 8.

11 THE COURT: State's 8. In evidence as State's 8.

12 (Whereupon, State's Exhibit No. 8 was admitted into
13 evidence.)

14 THE COURT: One thing did occur to me last night. If
15 we could just make sure that any personal identifying
16 information except for the date of birth, if that could be
17 eliminated. Like Social Security numbers from any of those
18 documents, as well as the ones that came in yesterday.

19 MR. BROWN: Yes, sir. I'll do that at break.

20 THE COURT: Sure.

21 Q Ms. Hales, I'm going to show you what's evidence
22 State's 8. Ms. Hales, what date did [Minor] come
23 to the Augusta Preferred Health Center?

24 A The date of this procedure chart is December 16th,
25 2009.

CALLA HALES-DIRECT EXAMINATION

185

1 Q When [Minor] came in did -- to the healthcare center
2 did they get her date of birth?

3 A Yes, sir.

4 Q And what was her date of birth?

5 A [REDACTED].

6 Q And her age at that time?

7 A Would have been 15.

8 Q Who did she -- or what did she come to Preferred Health
9 Center for?

10 A This patient record shows that a surgical abortion was
11 completed.

12 Q Before the abortion was done was there any type of
13 ultrasound or anything like that done?

14 A Yes, sir. There was a vaginal ultrasound completed.

15 Q And when that vaginal ultrasound was done was there an
16 estimate on how old --

17 MS. NELSON: Your Honor, I'm going to have to object to
18 the witness testifying about the results of medical
19 procedures. I think she's here as a records custodian to
20 admit these records. They've been admitted. The things
21 she's being asked about are in them. I don't think it's her
22 testimony that she's the medical professional that performed
23 any of this. So I think her role as a records custodian
24 witness has been satisfied by the admission of the records
25 without testimony about what it contains.

CALLA HALES-DIRECT EXAMINATION

186

1 THE COURT: I would tend to agree. I mean, the record
2 speaks for itself as to the age of the fetus is listed at
3 the approximate age that's listed in the record, and the
4 record is in evidence. I think that that's sufficient.

5 Q Ms. Hales, on the pages of the report does it contain
6 that an ultrasound was done?

7 A Yes, sir.

8 Q And does it show the approximate week --

9 MS. NELSON: Objection, Your Honor.

10 THE COURT: Overruled on this one. Go ahead.

11 Q Does it show approximate weeks?

12 A On the ultrasound itself it does not give a weeks or
13 date -- weeks or days. Just gestational measurement. It
14 gives the millimeter measurement of eight millimeters.
15 Typically with ultrasound machines they use the principle
16 called Hadlock's principle, which it would measure and
17 estimate the weeks and days itself if it was over five
18 weeks. At that point it does not look at that measurement
19 as present, which means it would be approximately five weeks
20 or below.

21 Q Now, this was -- when she came in and signed who was
22 with [REDACTED] Minor [REDACTED] ?

23 A Based on records, as [REDACTED] was a minor, it would
24 have been -- had to have been a legal guardian. In this
25 case it was her mother.

CALLA HALES-CROSS EXAMINATION

187

1 Q And as that procedure -- the records, would this have
2 been an in and out procedure? Can you tell based on the
3 records?

4 A Could you clarify?

5 Q She didn't have to stay overnight?

6 A No. It's an outpatient procedure. Yes, sir.

7 Q And again, this took place on what date?

8 A December 16th, 2009.

9 MR. BROWN: No further questions.

10 THE COURT: Any questions?

11 CROSS-EXAMINATION

12 BY MS. NELSON:

13 Q Ms. Hales, the name Howard Woods does not appear
14 anywhere in those records, does it?

15 A No, ma'am.

16 Q And you're -- you're aware that our office made a
17 request of your facility for financial records about this
18 case?

19 A I am aware. Yes, ma'am.

20 Q And we specifically were requesting information about
21 who paid for the procedure, right?

22 A Yes, ma'am.

23 Q And because this has been so long ago you did not have
24 records of that payment; is that right?

25 A That is correct.

CHERYL WORSLEY-DIRECT EXAMINATION

188

1 Q You had a change in your computer system, and we're
2 talking back in 2009, and you just can't say one way or the
3 other --

4 A I cannot --

5 Q -- who paid?

6 A I cannot confirm or deny that.

7 MS. NELSON: Thank you, ma'am.

8 THE WITNESS: Yes, ma'am.

9 THE COURT: Ms. Hales, thank you for coming. You are
10 free to go, and just leave that with us.

11 THE WITNESS: Okay.

12 THE COURT: Thank you very much.

13 (Whereupon, the witness stepped down from the witness
14 stand.)

15 THE COURT: Solicitor, call your next witness, please.

16 MS. SUMNER: The State calls Cheryl Worsley to the
17 stand.

18 CHERYL WORSLEY, having first been
19 duly sworn, testified as follows:

20 DIRECT EXAMINATION

21 BY MS. SUMNER:

22 Q Good morning, Ms. Worsley.

23 A Good morning.

24 Q Will you please spell your name for the record.

25 A C-h-e-r-y-l, W-o-r-s-l-e-y.

CHERYL WORSLEY-DIRECT EXAMINATION

189

- 1 Q All right, Ms. Worsley. How do you know [Minor]
2 seated here behind me?
- 3 A She's my daughter.
- 4 Q Is she your only daughter?
- 5 A Yes.
- 6 Q And when was her birthday?
- 7 A [REDACTED].
- 8 Q Is it possible that it's [REDACTED] of '94?
- 9 A Yes, I'm sorry.
- 10 Q So her correct birthday is [REDACTED] 1994?
- 11 A Yes. Her brother is the [REDACTED].
- 12 Q All right. Did [Minor] live with you growing up?
- 13 A Yes.
- 14 Q From what age -- from birth until what age did Ms.
15 [Minor] live with you?
- 16 A She moved out, she was 19.
- 17 Q So after high school?
- 18 A Yes.
- 19 Q Where were you and [Minor] living when she was
20 nine years old? So from July 16th of 2003 to July 16th of
21 2004?
- 22 A We were -- Greenwood. It was Baptist Avenue.
- 23 Q On Baptist Avenue?
- 24 A Uh-huh.
- 25 Q Who resided with you and [Minor] at that address?

CHERYL WORSLEY-DIRECT EXAMINATION

190

- 1 A Myself, her brother, and Mr. Woods.
- 2 Q What was your relationship with Mr. Woods?
- 3 A Boyfriend.
- 4 Q How many years were you and Howard Woods boyfriend and
- 5 girlfriend?
- 6 A Fifteen years.
- 7 Q And out of that 15 years how many years did you all
- 8 live together?
- 9 A The whole 15.
- 10 Q Can you describe to me what Howard's relationship was
- 11 with [Minor] ?
- 12 A The role of a step-father.
- 13 Q Did you trust him with [Minor] ?
- 14 A I did.
- 15 Q Did you go on any family activities together?
- 16 A Yes.
- 17 Q Can you describe for me some of those activities that
- 18 the four of you -- the household would do together?
- 19 A We would go out to eat, movies, visit his family.
- 20 Q Do you recall when [Minor] was nine years old that she
- 21 had an accident leaving for school one morning?
- 22 A Yes.
- 23 Q What happened in that accident?
- 24 A The house we resided on had some steps and she was
- 25 walking down those steps and she twisted her ankle.

CHERYL WORSLEY-DIRECT EXAMINATION

191

- 1 Q Did she go to school that day?
- 2 A She did.
- 3 Q She did go to school that day?
- 4 A Uh-huh. Uh-huh. It was the next -- the next morning
- 5 she -- I told her to stay home.
- 6 Q But at some point she did stay home from school --
- 7 A Uh-huh.
- 8 Q -- following an injury?
- 9 A Uh-huh.
- 10 THE COURT: And if you could, answer yes or no. It's
- 11 easier for her to take it down, please.
- 12 THE WITNESS: Okay.
- 13 THE COURT: Thank you.
- 14 Q Yes, I'm sorry. If you could speak up a little bit --
- 15 A Okay.
- 16 Q -- so the jury can hear you and the court reporter --
- 17 A Okay.
- 18 Q -- so she can get a clear record for us. Who did
- 19 Minor stay with when she stayed home after that injury?
- 20 A Mr. Woods.
- 21 Q Was Mr. Woods employed at the time?
- 22 A I can't recall.
- 23 Q But he was home?
- 24 A Yes.
- 25 Q Now, at some point did you all move out of that

CHERYL WORSLEY-DIRECT EXAMINATION

192

1 residence at [REDACTED] Baptist?

2 A Yes.

3 Q And did you move to an address on Barley Drive?

4 A Yes.

5 Q And where is that -- what county is Barley Drive
6 located in?

7 A Greenwood.

8 Q Do you recall when you all moved to Barley Drive?

9 A No.

10 Q Do you recall when you moved out of Barley Drive?

11 A Yes.

12 Q When was that?

13 A That was 2008.

14 Q Do you recall how old [REDACTED] Minor was at the time?

15 A Thirteen, 14.

16 Q And why did you move out of the Barley Drive address?

17 A At my old job we had what we called summer workers, and
18 it was a 17-year-old that I found out Mr. Woods was cheating
19 on me with. So I found out. I got an apartment and me and
20 my daughter left.

21 Q Where did you and your daughter move to at that time?

22 A It was apartments called Guy Butler.

23 Q Now, at some point did you learn that [REDACTED] Minor was
24 pregnant?

25 A Yes.

CHERYL WORSLEY-DIRECT EXAMINATION

193

1 Q How did you find out?

2 A She wasn't feeling well. I took her to the Express

3 Care. And, you know, they run pregnancy tests, and I found
4 out she was actually pregnant.

5 Q What happened after you found out that your daughter
6 was pregnant?

7 A I asked her, you know, was it a boy she was, you know,
8 involved with and she said no. So I asked her was it Mr.
9 Woods and she said yes. And that's when I found out
10 everything about the molestation charges.

11 Q What made you ask her if it was Mr. Woods?

12 A Mother instinct. He was the only other male that she
13 was around.

14 Q And how old was [Minor] your only daughter, when you
15 found out she was pregnant?

16 A Fourteen, 15.

17 Q Now, at this time that you found out that [Minor] is
18 expecting did she have a boyfriend?

19 A No.

20 Q Do you recall what [Minor]'s reaction was to the news
21 that she was pregnant?

22 A She cried.

23 Q Now, after you discovered this, that your daughter was
24 pregnant, what did you as a mother decide was best for your
25 daughter?

CHERYL WORSLEY-DIRECT EXAMINATION

194

1 A At the time so much was going through my mind. I just
2 kind of sat in the car after we were released. Mr. Woods
3 was at the apartment at Guy Butler. I drove her -- well, we
4 drove back and I told him what happened, and I told him she
5 said he did this to her. He denied it. At that point my
6 daughter's only 14, 15. She can't have this baby out of
7 this sick act the he did to her. So I -- I called an
8 abortion clinic in Augusta. I think they took her the next
9 day or the day after. He drove. He paid for the abortion,
10 and we went and had the procedure done. We came back and I
11 took him to his sister's house, and that's the last I saw of
12 him.

13 Q Let's back up a little bit, Ms. Worsley. At the time
14 of the abortion was Mr. Woods living with you all?

15 A He was in my residence because of -- I can't remember
16 what, but he needed a place to stay. Still not knowing the
17 details of what he was doing to my daughter, I allowed him
18 to stay for two to three weeks.

19 Q Let's talk about going to this abortion clinic. Who
20 all went with you to the clinic?

21 A Myself, my daughter, and Mr. Woods.

22 Q And who drove the vehicle down to Augusta?

23 A Mr. Woods.

24 Q Now, when you get to the abortion clinic who actually
25 went into the facility?

CHERYL WORSLEY-DIRECT EXAMINATION

195

1 A Me and my daughter.

2 Q Do you recall who paid for the procedure?

3 A Mr. Woods.

4 Q Is there a particular reason that you recall that he's
5 the one that paid for it?

6 A No.

7 Q Now, what happened after the procedure? Did you all
8 come back to Greenwood?

9 A Yes.

10 Q And did you end your relationship with Howard Woods at
11 that point?

12 A The relationship ended in 2008 when I moved out.

13 Q Did your communication with Howard Woods end --

14 A Yes.

15 Q -- after that abortion?

16 A Yes.

17 Q Now, [Minor] she had asthma as a child; is that
18 correct?

19 A Yes.

20 Q Where did she treat for her asthma?

21 A Self Regional.

22 Q Did she ever have any doctors appointments in Augusta?

23 A No.

24 Q So the only time that you, as her mother, know that she
25 went to Augusta for a medical procedure was for this

CHERYL WORSLEY-DIRECT EXAMINATION

196

- 1 abortion?
- 2 A Yes.
- 3 Q Back at the time of this abortion where were you
- 4 working?
- 5 A GLEAMNS Human Resources Commission.
- 6 Q Are you still working at GLEAMNS today?
- 7 A No.
- 8 Q What time period did you work at GLEAMNS?
- 9 A From 8:00 to 5:00.
- 10 Q But the dates. When did you start working there and
- 11 when did your employment them stop?
- 12 A June 2000 to July of 2015 I've been there.
- 13 Q So about 15 years?
- 14 A Uh-huh.
- 15 Q And if you could tell us again, what hours did you work
- 16 at GLEAMNS?
- 17 A 8:00 to 5:00.
- 18 Q So what time would you typically get home in the
- 19 afternoons?
- 20 A About 5:15.
- 21 Q And was this a Monday through Friday job, weekend job?
- 22 A Monday through Friday.
- 23 Q When you would get home from work who would be at home?
- 24 A My daughter, my son, and Mr. Woods.
- 25 Q Do you know about what time your daughter typically got

CHERYL WORSLEY-DIRECT EXAMINATION

197

- 1 home from school?
- 2 A 3:30 maybe.
- 3 Q And then how old is your son?
- 4 A My son now, he's 25.
- 5 Q So was there a time period when there would have just
- 6 been three of you living in the home and your son had
- 7 already graduated high school and moved on?
- 8 A Well, my son would stay with his father in Georgia. So
- 9 it would actually be myself, my daughter, and Mr. Woods.
- 10 Q When did your son go to live with his father?
- 11 A 2006 maybe. Around that time.
- 12 Q So at the time of this abortion your son would not have
- 13 been living in your household?
- 14 A No.
- 15 Q So just to be clear. When you would get home from work
- 16 from GLEANS about 5:15 usually Howard Woods and then your
- 17 daughter, [Minor] would be there?
- 18 A Yes.
- 19 Q And just to be clear. At the -- at the time of the
- 20 abortion where were you and [Minor] living?
- 21 A Margaret Court. The Guy Butler Apartments.
- 22 Q Okay, in Guy Butler Apartments?
- 23 A Uh-huh.
- 24 Q And Mr. Woods was staying in your residence at that
- 25 time in Guy Butler?

CHERYL WORSLEY-DIRECT EXAMINATION

198

1 A Yes.

2 Q And was there ever a time in those Guy Butler
3 Apartments when he could have been alone with Minor?

4 A Of course. I worked.

5 Q And you told us earlier that Howard Woods is someone
6 you trusted --

7 A Yes.

8 Q -- with your only daughter?

9 A Yes.

10 Q Would that include trusting him to keep her when you
11 were working?

12 A Yes.

13 Q What other times would he keep her for you?

14 A Work, if I would go to the store. That would be it.

15 Q How about spring break? Would he keep her over spring
16 break?

17 A Yes.

18 Q What about Christmas break?

19 A Yes.

20 Q Would he keep her when she was out of school then?

21 A Yes.

22 Q And what about summer break?

23 A Yes.

24 Q A couple months in the summer, would she stay with him?

25 A Yes.

CHERYL WORSLEY-DIRECT EXAMINATION

199

1 Q And, Ms. Worsley, just to be clear here, was Howard
2 employed at the time of the abortion?

3 A I'm not sure.

4 Q But you recall him being at your apartment?

5 A Yes.

6 Q Why didn't you report this to law enforcement in 2009
7 at that abortion when you learned all this?

8 A At the time, as a mother I felt I failed my daughter
9 because I allowed this man -- I trusted this man to be
10 around my daughter, and I simply wanted it to go away. And
11 I now see that was the wrong thing to do, but we're here now
12 for justice for my daughter.

13 Q And, Ms. Worsley, one last question for you.

14 A Uh-huh.

15 Q When your daughter came forward to law enforcement in
16 2015 did you go with her?

17 A No, I didn't. I brought her, but I didn't go in with
18 her.

19 Q But you did come with her --

20 A I did.

21 Q -- up to law enforcement?

22 A I did, uh-huh.

23 MS. SUMNER: Beg the Court's indulgence. All right,
24 Ms. Worsley. I have nothing else to ask you. Please answer
25 any questions that Ms. Nelson may have for you.

CHERYL WORSLEY-CROSS EXAMINATION

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1 THE COURT: Ms. Nelson.

2 MS. NELSON: Thank you, Your Honor.

3 CROSS-EXAMINATION

4 BY MS. NELSON:

5 Q Hi, Ms. Worsley.

6 A Hello.

7 Q I just want to confirm. You had said that [Minor] was
8 14 or 15 at the time of the abortion. If that happened in
9 December of 2009 she would have definitely been 15, right?

10 A Yes.

11 Q Okay. And you've testified that after you learned from
12 [Minor] that she accused Howard of impregnating her, then
13 you all ride with him the next day to Augusta; is that
14 right?

15 A Yes.

16 Q There was a time when Investigator Sharon Middleton
17 with the Sheriff's Department asked you to give her a
18 statement --

19 A Yes.

20 Q -- is that right? And you were recall giving that
21 statement on November 4, 2015?

22 A Yes.

23 Q You didn't really have much conversation with her, you
24 just wrote the statement because you were at work, right?

25 A Yes.

CHERYL WORSLEY-CROSS EXAMINATION

201

1 Q In that statement you write that the pregnancy occurred
2 in 2010; is that right?

3 A Yes.

4 Q And that was an error, of course?

5 A Yes.

6 Q You did not document anything in this statement about
7 breaking up with Howard because he had supposedly cheated on
8 you, did you?

9 A No.

10 Q You did not write anything in this report about when
11 you actually moved to Guy Butler --

12 A No.

13 Q -- is that right? Were there times when you were also
14 interested in other men during the time that you and -- this
15 15-year-period that you were with Howard?

16 A Yes.

17 Q There was a time back in 2004 when you -- when you had
18 interest in someone, right?

19 A Yes.

20 Q Were there times when you would leave the house at
21 Barley Drive late at night and go off?

22 A I don't recall.

23 Q Does that sound strange to you or does that sound like
24 something you might do?

25 A I would have no reason to leave late at night.

CHERYL WORSLEY-CROSS EXAMINATION

202

1 Q Okay. Your job was Monday through Friday at GLEAMNS:

2 A Yes.

3 Q So you were home on the weekends?

4 A Yes.

5 Q And your testimony is that you did not learn that
6 anything was supposedly happening until the time of the
7 abortion, right?

8 A Yes.

9 Q Your daughter did not come to you when she was
10 nine years old and tell you that this blindfolding incident
11 had happened on Baptist Street, did she?

12 A No.

13 Q Because, of course, if she had done that, you would
14 have -- you would have done something about it then,
15 wouldn't you?

16 A Yes.

17 Q And your testimony is that [Minor] twisted her ankle
18 but she still went to school that day?

19 A Yes.

20 Q And she stayed home the next day?

21 A Yes.

22 Q Okay. So if she testified that she stayed home the
23 same day she twisted her ankle, she's mistaken about that?

24 A Yes.

25 Q If she wrote in a statement that you would leave late

CHERYL WORSLEY-CROSS EXAMINATION

203

1 at night -- that all the times you would leave late at night
2 Howard would abuse her, she must be mistaken about you
3 leaving late at night?

4 A I don't know.

5 Q You don't know?

6 A No.

7 Q There is nothing in the statement you gave Investigator
8 Middleton about you ever suspecting Howard doing anything
9 wrong to your daughter, is there?

10 A No.

11 Q And that was for the entire 15 years?

12 A Exactly.

13 Q And you lived with him on Baptist Street, and you lived
14 with -- right?

15 A Yes.

16 Q And you lived with him on Barley Drive?

17 A Yes.

18 Q And you were home on the weekends?

19 A Yes.

20 Q Ms. Sumner asked you about your son, Freddie.

21 A Yes.

22 Q Is Freddie in Ware Shoals now?

23 A Yes.

24 Q Isn't it -- isn't the reason that Freddie went to live
25 with his dad -- and his dad's in Georgia, right?

CHERYL WORSLEY-CROSS EXAMINATION

204

1 A Yes.

2 Q Isn't the reason that he went to live with his dad,
3 didn't that stem from an incident where -- where he actually
4 cut himself and beat his head against the wall and the
5 police were called?

6 A Yes.

7 Q And that incident happened at Barley Drive, didn't it?

8 A Yes.

9 Q When you all four lived there together?

10 A Yes.

11 Q And that incident happened January 14, 2009?

12 A It could have been. I don't remember the exact date,
13 but it did happen.

14 Q And that happened when you all were all living at
15 Barley Drive?

16 A Yeah.

17 Q So Freddie was living at Barley Drive with you all when
18 this incident occurred?

19 A Yes.

20 Q And Freddie continued to live with you right up until
21 the time that you kind of sent him to live with his father?

22 A Yes.

23 Q And when you moved to Guy Butler Apartments Howard
24 continued to stay at [REDACTED] Barley Drive, right?

25 A Yes.

CHERYL WORSLEY-CROSS EXAMINATION

205

1 Q Barley Drive was a six room house? Three bedrooms,
2 kitchen, livingroom, bathroom?

3 A Yes.

4 Q Do you know how many square feet it was?

5 A No, I don't.

6 Q I know that's not a typical thing to know. So again,
7 based on that incident with Freddie, he could not have moved
8 out in 2006 because he was still living there with you all
9 when that happened, right?

10 A Correct.

11 Q So that -- you were -- that was just a mistake?

12 A Yes.

13 Q Because we're talking about a long time ago.

14 A Exactly.

15 MS. NELSON: Just one moment, please.

16 Q Your -- this incident that occurred with Freddie in
17 January of 2009, you had to have moved out shortly after
18 that, right?

19 A Yes.

20 Q So instead of moving out in 2008 you must have moved
21 out in early 2009?

22 A Yes.

23 MS. NELSON: Thank you, ma'am.

24 Q But once you moved out, your relationship with Howard
25 was over?

CHERYL WORSLEY-REDIRECT EXAMINATION

206

1 A Correct.

2 MS. NELSON: Thank you, ma'am.

3 THE COURT: Any redirect?

4 MS. SUMNER: Briefly, Your Honor.

5 REDIRECT EXAMINATION

6 BY MS. SUMNER:

7 Q Ms. Worsley, was Howard Woods staying at the Guy Butler
8 Apartments with you around the time that [Minor] became
9 pregnant and had the abortion?

10 A Yes.

11 Q And, Ms. Worsley, would you expect Howard Woods to
12 molest your daughter in front of you?

13 A No.

14 MS. SUMNER: Nothing further, Your Honor.

15 RECROSS-EXAMINATION

16 BY MS. NELSON:

17 Q Ms. Woods, was there anything in that statement that
18 you -- well, let me ask you this first. The statement you
19 gave Ms. Middleton, you wanted to tell her everything you
20 knew, didn't you?

21 A Yes.

22 Q You were concerned about what [Minor] had told you and
23 you wanted to give Ms. Middleton all the information you
24 could, right?

25 A Yes.

CHERYL WORSLEY-REDIRECT EXAMINATION

207

1 Q There's not one word in that two page statement about
2 Howard coming to stay with you at Butler Apartments, is
3 there?

4 A No.

5 Q Not one word?

6 A The relationship was over.

7 Q That's right.

8 THE COURT: All right. Thank you very much. You may
9 step down.

10 (Whereupon, the witness stepped down from the witness
11 stand.)

12 THE COURT: Any additional witnesses from the State?

13 MS. SUMNER: None, Your Honor.

14 THE COURT: All right. Ladies and gentlemen, I need to
15 take up a few issues of law with the attorneys. So if you
16 would, adjourn to the back for a few moments. I'm hoping
17 this won't take more than maybe 10 or 15 minutes. We'll
18 resume with the trial after that. Okay? Don't talk about
19 the case yet.

20 (Whereupon, the jury exited the courtroom at 10:00
21 a.m.)

22 THE COURT: The jury is out. Ms. Nelson, I'll
23 entertain any motions that you might have.

24 MS. NELSON: Thank you very much, Your Honor. We would
25 move for directed verdict of acquittal at this time on both

1 charges. Your Honor, the testimony has been -- the
2 testimony and prior statements, which [Minor] also
3 testified about and admitted to, are extremely inconsistent
4 as to the events that occurred during this timeframe.

5 As to the first degree that is alleged to have occurred
6 when she was nine years old on Baptist Street, there would
7 have to be a finding of sexual battery. While [Minor] did
8 testify that it was oral sex, it was clear from all three of
9 her statements that she gave when she reported this incident
10 to law enforcement that there was no mention of oral sex at
11 all during that alleged 2003 or '04 incident. She talks
12 about messing with her vagina. She talks about feeling
13 something funny in the vaginal area. She talks about
14 something wet. She then, in her seven-page-statement, talks
15 about Mr. Woods performing oral sex on her at the Barley
16 Drive residence. So it is -- it's not reasonable to think,
17 Your Honor, that if he did this to her so many times later
18 that she would not have known that's what he was doing when
19 she was nine years old. She tells Blake Moore that can tell
20 what he's messing with her vagina with, whether it's a
21 finger or a penis or an object. So there is no -- there's
22 no consistent testimony about oral sex occurring at that
23 time. There's also no testimony whatsoever of any
24 penetration, however slight, occurring at that time also.
25 It's merely messing with the area. Not knowing what is

1 being messed with. There's no mention -- she tells Blake
2 Moore when he asked her that she doesn't have any problems
3 afterwards. No complaints of pain, no complaints of
4 bleeding, no nothing. Your Honor, we would submit that at
5 best, under the testimony that's been given, if believed,
6 that you could conclude that a touching had occurred but not
7 a sexual battery. And for all those reasons would move for
8 a directed verdict as to that charge.

9 As far as the second degree charge, while Ms. -- while
10 [Minor] statements do allege sexual batteries during some
11 time period on Barley Drive, there was no clear testimony of
12 exactly when those incidents occurred. [Minor] testified
13 that they moved out of that house living with Mr. Woods two
14 years before the abortion took place. That would put us at
15 2007. Her mother, Ms. Worsley, just testified that they
16 moved out in 2008 or early 2009. There is no -- we're
17 looking at a time period of between when she turned 14 on
18 July 16th of 2008 until the time of the abortion which was
19 December 16th of 2009. That's the time period that we would
20 be looking at under this indictment. And there was
21 testimony that they were no longer living in the house.
22 That the relationship between her mother and Mr. Woods was
23 over. And this testimony about a two week period is
24 completely unsubstantiated either by [Minor] or anyone
25 else. [Minor] testified that once they moved out, that

1 was it. Her mother -- she and her mother didn't see Mr.
2 Woods anymore, except for the time he supposedly is driving
3 them to the abortion.

4 Your Honor, because it's not -- it has not been made
5 clear through testimony that any -- even if believed -- even
6 if [Minor] testimony is believed, that any battery
7 occurred in that time period. That limited time period
8 we're talking about in the indictment. And if believed that
9 her testimony is that they moved out of that house in 2007,
10 or her mother's testimony in 2008, that it could not have
11 occurred during the time period alleged in the indictment,
12 Your Honor.

13 And for those reasons, we move for a directed verdict
14 of acquittal as to that charge as well.

15 THE COURT: Solicitor.

16 MR. BROWN: Your Honor, in the light most favorable to
17 the State, testimony has been given by [Minor] in her
18 written statement, also it was brought out on cross-exam,
19 about the first incident that occurred at the Baptist Street
20 home where she said that when he blindfolded her that "felt
21 something funny in the vaginal area." "In" would be an
22 intrusion. That was fleshed out. She said in her written
23 statement, "It felt funny", and then it also, "Felt wet."
24 In her direct examination when Ms. Sumner was questioning
25 her, she said it felt the same as it did later on when he

1 was performing oral sex on her.

2 So, Your Honor, that would -- that would show that
3 there was some type of penetration. That there was a sexual
4 battery during the time that she was under the age of 11,
5 which is important for CSC with a minor first degree.

6 With the charge regarding criminal sexual conduct with
7 a minor second degree, the testimony, as we've just heard,
8 they lived together with Mr. Woods at the Barley Street
9 address, as it was fleshed out that her mother and -- Ms.
10 **Minor** and Ms. Worsley left in '09, but yet Mr. Woods did
11 come back into the Barley -- or to the Guy Butler Apartment
12 at the time that **Minor** became pregnant. That testimony
13 is there for the jury to hear. He had access to her to
14 cause her to become pregnant.

15 So there is evidence there in the light most favorable
16 to the State that we have satisfied the elements of CSC with
17 a minor second degree and first degree and I believe the
18 jury should make the determination on the facts.

19 THE COURT: In the light most favorable to the State
20 the Court would concluded that there is evidence from which
21 the finder of fact could determine that the Defendant is
22 guilty of both charges. Ms. Nelson's points are well taken,
23 but those are issues concerning conflicting evidence and it
24 would be inappropriate for the Court to rule categorically
25 in the way that Ms. Nelson has suggested. So the Defense

1 motion is denied.

2 Anything further, Ms. Nelson?

3 MS. NELSON: I just wanted to ask for clarification of
4 something. When I made the motion to dismiss at the
5 beginning of the -- during the pretrials, did you actually
6 make a ruling at that time that you were not dismissing but
7 you were taking potential other remedies into account, Your
8 Honor? I just want to make sure I've got the record clear.

9 THE COURT: That is correct. I'm not dismissing -- and
10 obviously you renew your motion to dismiss at this
11 particular point in time. For the reasons stated yesterday,
12 same ruling as before. I did give you, of course, a great
13 deal of latitude on cross concerning this statement the
14 Defendant gave. Normally that statement would not be
15 admissible in the State's case and chief because it
16 essentially was a self-serving declaration. Normally under
17 the rules the Defendant would have to testify before you
18 would be able to bring in the prior consistent statement.

19 MS. NELSON: Yes, Your Honor.

20 THE COURT: I'm assuming you're asking that question to
21 determine whether or not I'm inclined to allow you to have
22 last argument even if you were to present a defense or
23 present testimony. Am I correct?

24 MS. NELSON: I wanted to make sure that -- I mean,
25 obviously the dismissal wasn't granted because we've had the

1 THE COURT: The record will reflect that the jury is
2 back. Ladies and gentlemen, I apologize for keeping you
3 waiting. Obviously that was a longer 15 or 20 minutes than
4 I was expecting. Okay? There were a few issues I did need
5 to address that did not involve you. So again, I apologize
6 for the delay.

7 At this point, Ms. Nelson.

8 MS. NELSON: Your Honor, the Defense rests.

9 THE COURT: All right. Ladies and gentlemen, we've
10 reached that point in the trial where you've received all the
11 testimony, all the evidence that you're going to have in
12 order to judge this case and render your verdict. It's now
13 an opportunity, or now the attorneys will have an
14 opportunity to give you their closing argument, or their
15 closing summation. I'll remind you that what the attorneys
16 say in their closing argument, of course, is not evidence.
17 It's merely their contention as to what has been proven or
18 has not been proven. Okay? It's normal for the lawyers to
19 reference facts or testimony during the course of their
20 closing arguments, but if at any time they say something
21 about the facts and what they say concerning the facts
22 differs from what you recall the facts being or the
23 testimony being, you should go with your recollection of the
24 facts because obviously you are the finders of facts in this
25 case. Okay? The way that we'll proceed is the State will

1 go first and then the Defense will have an opportunity to
2 give final argument to you. At this point in time, Ms.
3 Sumner, you are recognized for your closing, ma'am.

4 MS. SUMNER: May it please the Court.

5 THE COURT: Yes, ma'am.

6 CLOSING ARGUMENT

7 BY MS. SUMNER: Ladies and gentlemen, from the time
8 that we are each a small child until the remainder of our
9 life we each create memory. Some are good memories that we
10 hold on to. Some are bad. Those bad memories, we try to
11 store away. Those are not things we want to be reminded of
12 every day of our lives.

13 Now, thinking about good memories, I think back to my
14 childhood. I think about holidays, specifically Christmas.
15 Those are always great. Birthdays. A lot of my memories
16 are based with my grandfather. He was a father figure to
17 me. When I think of him I can't help but smile and remember
18 him and who he was to me.

19 Ladies and gentlemen, you've heard in this case that
20 this young lady, who is right over here, Minor, she
21 doesn't have good memories from her father figure. Howard
22 Woods, over here, was her step-father. He was her father
23 figure. And as a result of a sexual act he performed on her
24 she has deep dark memories that she has kept bottled up down
25 so far she doesn't want to talk about them. And quite

1 frankly, ladies and gentlemen, nobody wants to hear about
2 it. It is disgusting. It is something that we would want
3 to hide forever if we could.

4 So let's talk about [Minor] ' memory. When she
5 turned 21 this brave courageous young lady, she came
6 forward. She said it's about time to shed light on what
7 happened to me. I can't keep this bottled up. I can't hide
8 them. You know, these dark memories, they resurfaced for
9 her no matter how hard she tried. From the moment she had
10 that abortion at 15 until in October of 2016 when she goes
11 to law enforcement she was reminded. She didn't want to be
12 reminded over and over again and what Mr. Howard Woods did
13 to her replay.

14 So let's talk about what we learned from [Minor]
15 when she was up here yesterday talking to you all. She told
16 you that at the age of nine years old she recalled living on
17 Barley Drive. She recalls injuring her ankle and she
18 remembers staying at home. And when she stayed at home that
19 Howard Woods took advantage. Took advantage of her, took
20 advantage of the situation. He was there watching her.
21 Father figure, parent, he was watching her that day. And
22 what did he do? He acted on his selfish desires, put her on
23 the couch, took down her pants, her underwear. Naked. A
24 naked nine year old laying on the couch. And what did
25 [Minor] tell you happened? He touched me with something

1 funny, wet in the vagina area. You also heard in her
2 statement it came out that -- she went further. She said it
3 must have been his mouth. And we also asked her -- you all
4 heard about the progression of this abuse. She said it felt
5 like the oral sex he performed on me when I got older.

6 Now, let's talk about a nine year old. I would hope a
7 nine year old wouldn't know about sexual acts. I would hope
8 a nine year old, if she's blindfolded, wouldn't have any
9 idea what's going on. But you heard from [Minor]
10 [redacted]. [Minor] told you what it felt like, what she could
11 compare it to and what she thinks it is what happened to her
12 that day when she was nine years old. A nine-year-old
13 little girl on Barley Drive.

14 Now, it didn't stop there. [Minor] goes on to tell
15 you about the abuse continued. Not only did it continue but
16 it progressed to intercourse. He began to have vaginal
17 intercourse with this young lady. He didn't stop there.
18 She told you that once he had anal sex with her. A child
19 suffered through that. She goes on to tell you that it
20 didn't stop at intercourse. He would perform oral sex on
21 her and then she would have to perform oral sex on him. The
22 man who was supposed to be her father figure and protect her
23 took advantage of her.

24 Now, let's talk about her ages. Ladies and gentlemen,
25 she told you that at nine years old is when this first

1 happened. They were living on Barley Drive. You heard from
2 her mom. Ms. Worsley tells you, yes, we were living on
3 Barley Drive then. Howard was in the house. I'd been with
4 him for a long time. Trusted him to leave her alone with
5 him. The opportunity is there.

6 Now, why did [Minor] tell you all this came to an end.
7 When she turned 15 she became pregnant. A pregnant 15 year
8 old. And what happened as a result of that? These memories
9 that she suppressed and had hidden, she finally talked. She
10 said yes, it was Howard. My step-father is doing this to
11 me. And as a result of that pregnancy she had an abortion.
12 Ladies and gentlemen, you will be able to look at the
13 abortion records that are in evidence. You'll see that on
14 December 16, 2009 she had an abortion. You'll see the day
15 before she had a urine test that tested positive for being
16 pregnant. Fifteen-year-old pregnant girl had been with no
17 one else but her step-father.

18 Now, who all -- who else did we hear from in this case.
19 You heard from law enforcement. We know that first she goes
20 to the police department. She talked with Kerry Cooper, a
21 patrolman. His job, just to get an initial report. Find
22 out generally what are these allegations and how do we go
23 from there and investigate them. Once he realized the
24 nature of the allegations, that Howard Woods had been
25 sexually assaulting his step-daughter from the ages of nine

1 to 15, he gave the case to Investigator Blake Moore who you
2 also heard from yesterday. Now, Blake Moore tells you that
3 he talked to her again. He finds out most of this happens
4 in the county of Greenwood outside of his jurisdiction, just
5 like he told you. But he did -- before he handed it over he
6 wanted to just make a little confirmation, do a little bit
7 of work before he handed it over. And what does he find
8 out? With the little bit of involvement he had he was able
9 to corroborate what [Minor] had said. He got those
10 records from when she found out she was pregnant on December
11 15, 2009. That confirmed yes. When this young lady was a
12 child, a 15-year-old child, she was pregnant.

13 After we hear from Blake Moore we hear from Ms.
14 Middleton who became the chief investigator in this case.
15 She works with the county. She's been working these cases
16 for years. She's been with the Sheriff's Department for 23
17 and a half years. What do we hear from Ms. Middleton? She
18 says that she made contact with [Minor]. [Minor] came in
19 to talk to her and [Minor] tells her the same thing that
20 you heard from [Minor]. And that was at nine years old it
21 started. That's when he first put me on the couch, took off
22 some clothes, took off my underwear and it felt like his
23 mouth in the vaginal area.

24 Now, Ms. Middleton, she's worked these cases before.
25 You heard that throughout her investigation that she talked

1 with Mr. Woods. She brought him in. Wanted to hear what he
2 had to say. You heard yesterday that he said, yeah, I was a
3 step-dad to her. I was a father figure. Lived in the same
4 house. We were family. We did family activities together.
5 But what else does he say? He denies it. Doesn't own up.
6 And what does Ms. Middleton tell you? She's not surprised.
7 It is not uncommon for someone to deny these deep dark
8 memories that no one wants to talk about. No one wants to
9 hear the truth about them because they are so ugly and
10 disgusting.

11 Now, ladies and gentlemen, at this time I'm going to
12 talk to you about the law in this case. If you'll give me
13 one second.

14 Ladies and gentlemen, Mr. Woods is facing two charges;
15 criminal sexual conduct in the first degree and criminal
16 sexual conduct in the second degree. Ladies and gentlemen,
17 criminal sexual conduct with a minor in the first degree,
18 first is going to require a sexual battery. Now, if you
19 look to the bottom of that screen the law gives a sexual
20 battery. It defined it for us. Sexual battery is sexual
21 intercourse, cunnilingus, which is oral sex on a female,
22 fellatio, oral sex on a male, anal intercourse, or any
23 intrusion however slight of any part of a person's body or
24 any object in the genital or anal opening of another
25 person's body.

1 So let's start off first, sexual battery. When
2 [Minor] was nine she tells you that it felt like his mouth
3 in the vaginal area. Sexual battery met. Moving on. Less
4 than 11. Ladies and gentlemen, we know she was less than 11
5 years old. She tells you she was nine. She was going to
6 East End Elementary. So we know that she was less than 11
7 years of age..

8 Now that we have the first degree, let's look at what
9 second degree -- my apologies -- requires. First off, actor
10 engages in sexual battery with a victim.. We already talked
11 about sexual battery. But let's talk about what [Minor]
12 [REDACTED], this young lady, had endured by the time that the
13 abuse ended. She tells you that there was oral sex
14 performed on her, oral sex performed on him, vaginal
15 intercourse and anal intercourse. She also tells you that
16 all of this came to an end when she was pregnant. She was
17 15 years old. Her birthday is [REDACTED]. So in
18 December 16, 2009 would have been 15 years later. This
19 young lady was 15 years old at the time, and she was between
20 the ages of 14 and 16.

21 Lastly, ladies and gentlemen, you see up on that screen
22 where it says "The actor is in a position of familial,
23 custodial, or official authority to coerce the victim to
24 submit, or is older than the victim." Howard Woods, he had
25 familial authority. He's the step-dad. A custodial parent

1 in the home. Someone that watched her. Someone she was
2 left alone with. Someone that her mother felt she could
3 trust.

4 Now, at the beginning of this case Mr. Brown told you
5 about the burden that the State must meet. Proof beyond a
6 reasonable doubt. Not beyond all, any, or every doubt. But
7 it is evidence that leaves you firmly convinced of the
8 Defendant's guilt.

9 Ladies and gentlemen, I'll present to you that in this
10 case the State has done that. You have heard from [Minor]
11 [redacted]. You have seen [Minor] throughout this trial,
12 how this has affected her life. How difficult it was
13 yesterday for her to sit up here and to talk about these
14 deep, deep, dark memories. Ladies and gentlemen, she even
15 told you that he would tell her in the middle of these acts
16 that he was getting her ready for later in life. Grooming
17 her.

18 Ladies and gentlemen, in the Defense's opening
19 statement they used the analogy of a steak. That is
20 perverse and disgusting. No one should be treated as a
21 piece of meat. It doesn't matter if you're nine when this
22 started for [Minor], it doesn't matter if you're 15
23 when this finally ended with an abortion, it doesn't matter
24 if you're 55. No one should be treated as a piece of meat.
25 No one should be taken advantage of by anyone else to

1 fulfill their selfish sexual desires.

2 Ladies and gentlemen, we have talked a lot today about
3 this brave, courageous young lady's deep and dark memories.
4 I ask each of you that today you establish a new memory for
5 her. A new memory that Mr. Howard Woods will be held
6 accountable for what he did to her throughout her childhood,
7 middle school, high school years and convict him. Find him
8 guilty of criminal sexual conduct in the first degree for
9 what he did to her as a nine-year-old, and in the second
10 degree for what he did to her as a 15-year-old and putting a
11 15-year-old through an abortion. Thank you.

12 THE COURT: Thank you, Ms. Sumner.

13 MS. SUMNER: Thank you, Your Honor.

14 THE COURT: Ms. Nelson, you're recognized for your
15 closing, ma'am.

16 MS. NELSON: Thank you, Your Honor.

17 THE COURT: Certainly.

18 CLOSING ARGUMENT

19 BY MS. NELSON: Thank you so much. What has this case
20 been about for the past two days? It's been about
21 inconsistencies and implausibility and it's been about
22 Howard's innocence. That's what we've been talking about
23 for two days. What are the reasons in this case, what are
24 the reasons that you should have to have doubt about what
25 actually happened? The reasons you have to find Howard not

1 guilty of either of these charges? First of all, there are
2 a lot of inconsistencies. [Minor], back in October of
3 2015, over 12 years after this stuff has supposed to have
4 started occurring, goes to law enforcement. Over the space
5 of about eight days she gives three statements. Starting on
6 October 6th she talks to Kerry Cooper. What does she tell
7 Kerry Cooper? She tells him there's sexual intercourse
8 only. No other touching. The first report, October 6th,
9 sexual intercourse only. Well, if that's the truth then we
10 know that the incident on Baptist Street when she was
11 nine years old couldn't have happened, because nothing she
12 describes in any of her other statements has anything to do
13 with sexual intercourse, ever, as far as Baptist Street
14 goes. What does she not say when she talks to Kerry Cooper?
15 She does not talk about oral sex. She doesn't talk about
16 being blindfolded. She doesn't talk about anal sex. If
17 there had been oral sex going on on Baptist Street when she
18 made that first report, she says that happened to her a lot
19 later, isn't that what she would have described? But she
20 told him there's sexual intercourse only. You know he
21 didn't penetrate her when she was nine years old because
22 what else is missing from all of her reports? No pain, no
23 discomfort. That grown man right there penetrates her with
24 something when she's nine years old, she's going to talk
25 about pain. She's going to talk about discomfort. When

1 Blake Moore specifically asks her did you have any trouble
2 in your vaginal area after this Baptist Street incident she
3 says no. There was no penetration, folks. No intrusion.
4 She says her mother -- she tells Kerry Cooper that her
5 mother didn't know anything was going on until she was
6 pregnant. That's inconsistent with what she told you on the
7 stand about telling her mother when she was nine years old.
8 It's inconsistent with what she wrote in her seven page
9 statement. The same thing that she told her mother that
10 this incident occurred when she was nine years old.

11 You all heard, you all saw Ms. Worsley in the stand.
12 She wasn't told anything when [Minor] was nine years old,
13 because what would she have done if she -- if [Minor] had
14 come -- her momma came home from work that day at 5:00 and
15 [Minor] said, momma, when I wasn't at school today Howard
16 put a blindfold on me and he messed with my vagina. That
17 momma is not going to leave her child in that house if
18 that's going on. But [Minor] told you, I told momma when
19 she came home and nothing -- nothing happened. Well, that's
20 right. She didn't tell her momma because that didn't
21 happen. She goes a couple days later and talks to Blake
22 Moore. You saw Detective Moore testify and you heard
23 [Minor]'s testimony about what she told Detective Moore
24 that day. What did she say to him. She talks about the
25 Baptist Street incident and the word she uses are "messaging

1 with my vagina." I don't know what it was with. I don't
2 know if it was his fingers or his penis or an object. She
3 doesn't talk about oral sex again. No mention of oral sex.
4 No mention of penetration. That's no sexual battery. Is it
5 wrong to touch a nine-year-old child in the area of her
6 vagina? Of course it is. Everybody knows it is. But a
7 mere touching without an intrusion, without penetration,
8 without oral sex, that is not sexual battery. It is a
9 different crime. One that Mr. Woods is not charged with.
10 Absolutely no mention to Detective Moore of anything wet on
11 her vagina. No mention of oral sex. Again, he asked her if
12 she had any problems afterwards. She says no. No bleeding,
13 no pain, no issues whatsoever. And for a nine-year-old
14 little girl that means no penetration. To find him guilty
15 of a criminal sexual conduct in the first degree that
16 supposedly occurred when [Minor] was nine years old on
17 Baptist Street you would have to find that some kind of
18 sexual battery took place, and you do not have evidence of
19 that.

20 She tells Blake Moore about Wheatfield subdivision,
21 which is the Barley Drive address. She tells him it
22 happened -- it -- she doesn't describe -- doesn't say what
23 happened, but it happened 20 or 30 times while we lived on
24 Barley Drive. And I asked Detective Moore to do that math
25 just because if she -- we don't know for sure how long they

1 lived there, right? Her momma doesn't know when they moved
2 in, when they moved from Baptist to Barley. We know at some
3 point her mom and [Minor] and Freddie all leave and go to
4 Guy Butler. So we don't know the exact period of time. But
5 if we say they lived there at least three years, if this
6 happens 20 to 30 times, that's at most 10 times a year. But
7 then less than a week later she says it's happening every
8 week, at least once a week, sometimes more. Ten times a
9 year is a whole lot less than 52 or more times a year. But
10 that was in her second statement. He asked her why she
11 waited so long to report it. And again, this is 12 years
12 after the supposed first incident on Baptist Street. Six
13 years after the abortion. And she says, well, my momma
14 didn't want anything to -- she didn't want it to cause me
15 stress while I was in high school. [Minor] graduated in
16 June of 2012 from high school, three years before making the
17 report. She writes her statement for Sharon Middleton on
18 October 14th and she -- she admits to you everything she
19 wrote in that statement that I asked her about. I don't
20 know what he was doing. I just felt something funny in the
21 vaginal area. I couldn't tell what he was doing. Again,
22 even if you believe that, you all, that is not a sexual
23 battery. Feeling something funny is not evidence of an
24 intrusion, it's not evidence of oral sex. Not when she
25 supposedly knows what oral sex is later while they're living

1 on Barley Drive. She says when my momma came home from work
2 I told her what happened about Baptist Street. We've
3 already talked about that. You know that that's not true.
4 She says it happens at least once a week or more. But she
5 just a few days before said it happened much less
6 frequently.

7 Ms. Sumner used the phrase creating memories. We
8 create memories throughout our life. Is that what's going
9 on? Is that what's going -- is that what happened in the
10 few days between the statement to Detective Moore and the
11 written statement for Investigator Middleton? Where we go
12 from a memory of 20 to 30 times in the whole time span at
13 Barley Drive to once a week or more. On the stand when Ms.
14 Sumner was questioning her [Minor] said there was no
15 sexual assault on her by Mr. Woods prior to age 12. No
16 sexual assault. That means no criminal sexual conduct with
17 a minor in the first degree as that applies to children
18 under 11. That was her testimony. And what the State is
19 asking you to do is pick little nuggets here and there.
20 Believe her on the stand when she says it was oral sex on
21 Baptist Street so that you can convict Howard Woods.
22 Believe these little pieces so you can convict him and just
23 forget about all the rest. Forget about the other pieces.
24 Forget the inconsistencies. Forget the implausibilities.
25 So what -- what in [Minor]'s statements and testimony

1 is implausible? What is -- what are the pieces of it where
2 you listen to it and you think how could that have happened
3 that way. And folks, there are pieces of it that are so
4 implausible that it just doesn't seem like they could
5 happen, then that's got to cast doubt on everything she's
6 telling you.

7 So what's implausible about you've heard yesterday and
8 today? For one thing, her testimony was that this incident
9 occurs on Baptist Street when she's nine and then nothing
10 else happens until she's around 12 years old on Barley
11 Drive. Three years. She's nine, he molested her
12 supposedly, and then this very patient predator who is doing
13 all these horrible things to her bides his time for three
14 years. He got away with it when she was nine years old.
15 Does this terrible thing to her, and then he just does
16 nothing for three years. She told you herself nothing else
17 happened until I was 12 years old and we were on Barley
18 Drive. That's not what a child molester does, y'all. Once
19 they get away with it that first time they don't stop. But
20 three years with nothing at all happening.

21 Where is her brother, Freddie? Did y'all think about
22 that at all? Freddie is in this house with them the whole
23 time. Ms. Worsley came in here and tried to tell you he
24 moved out in 2006 because they want you to think there was
25 no one else in the house who could have seen all this

1 supposed activity going on, but Freddie was there. And when
2 I reminded Ms. Worsley about this incident where the police
3 had to be called over to Barley Drive where they were all
4 still living she had to admit that, no, he didn't move out
5 in 2006. He was still there. [Minor] gets home from
6 school. Freddie gets home from school. He's living in the
7 home this whole time and he -- you know he didn't see or
8 hear a thing or they would have had him sitting here telling
9 you what he saw and telling you what he heard.

10 [Minor] testimony was that he would tell my brother
11 to go out and cut the grass. When he'd get home from school
12 he'd send him out to go cut the grass, and then right there
13 in the livingroom he would have sex with me on the couch
14 while Freddie is cutting the grass. In this house that you
15 all have seen the picture of. You'll have it back there
16 with you. In this little six room house, Howard is so
17 brazen and so blatant that he just sends Freddie right out
18 here on this front yard while he is supposedly raping

19 [Minor] right here in this room where two windows look out
20 on the front yard, where the front door opens right out on
21 the front yard. Does that make any sense? That's not
22 plausible.

23 She wrote in her statement, "Sometimes when my momma
24 would go out late at night he would sneak into my bedroom
25 and wake me up." Did Cheryl go out late at night, y'all?

1 She sat there on the stand and told you she didn't have any
2 reason to do that. She couldn't give you one example of any
3 time when they lived on Barley Drive that she was out
4 leaving the house late at night running around somewhere.
5 But supposedly my momma would go out late at night and
6 Howard would sneak into my bedroom and have sex with me
7 right there -- right there in my bedroom, next to my
8 brother's bedroom. Supposedly with Ms. Worsley -- who knows
9 when she's going to walk back in the front door. That's not
10 happening.

11 Another thing that should give you pause about whether
12 this ever occurred is what you heard about how sometimes
13 Minor would get her period at school and she would need a
14 change of clothes. And who does she call when she needs a
15 change of clothes? And this supposedly happened several
16 times. It wasn't just once. There were times I would have
17 my period and need a change of clothes, so I would call
18 Howard and he came and got me. Is that -- is that what you
19 do? You call the man who is repeatedly raping you and
20 abusing you in your home to come and get you a change of
21 clothes? She testified that he wouldn't do anything to her
22 while she was on her period, but then in her statement she
23 said, well, when that happened he would make me have oral
24 sex on him. A man who was doing that to her is not the man
25 she would call and say I need -- I need pants. The first

1 time that happened, you'd have a change of clothes in your
2 locker so you didn't have to go through that again. But she
3 called Howard because he was a father to her and she knew he
4 would help get her clothes changed so that she could go back
5 to school. If she was being abused over and over again
6 that's not who she's going to call when she has that
7 problem.

8 [Minor] and Ms. Worsley told you that Howard drives
9 them to Augusta for this abortion. That doesn't make any
10 sense to me either. Ms. Worsley said she found out the day
11 before that [Minor] was pregnant. She suggests to [Minor]
12 was it Howard and [Minor] said -- well, first she says is
13 it a boy you've been seeing, and then she says was it
14 Howard. And then this man who has impregnated your
15 daughter, you get in the car with him, supposedly, and ride
16 an hour to Augusta, Georgia. Do you do that, or do you just
17 take -- or do you just demand that he give you the money so
18 you can take your daughter? You don't get in that car with
19 the man whose gotten your daughter pregnant.

20 In his opening statement Mr. Brown told you this all
21 came out and that was when Ms. Worsley kicked Howard out of
22 the house. She finds out about this and she kicks him out.
23 And you've learned that that's not what happened. That's
24 not why their relationship ended. It ended before -- well
25 before [Minor]' pregnancy came to light. That's not

1 .disputed by anybody. You heard that from both [Minor] and
2 Ms. Worsley. So when they figured out they've got that part
3 wrong, oh, they're not living together anymore at the time
4 that [Minor] finds out she's pregnant -- they haven't been
5 living together for while. [Minor] tells you it was two
6 years. Ms. Worsley says it was 2008, then clarified it was
7 early 2009 after the incident with Freddie, that all of them
8 move out of Barley Drive and go to Guy Butler Apartments.
9 And then how convenient is it that in her testimony suddenly
10 Howard is just over at Guy Butler for a couple of weeks
11 right around the time that [Minor] got pregnant? That's
12 not in anybody's statement anywhere. Ms. Worsley wrote
13 everything down for Ms. Middleton that she thought she
14 needed to know. Wouldn't that be really important that
15 Howard, who had been broken up for almost a year at least,
16 and [Minor] tells you that once they moved out the
17 relationship was over. Ms. Sumner tried to ask her, well,
18 didn't they still date? No, ma'am. They weren't still
19 dating. We weren't living together. We weren't staying
20 together. They weren't dating. But then they need to --
21 they need to make it where Howard -- where it looks like
22 Howard has access to [Minor] to get her pregnant, so all of
23 a sudden he's at Guy Butler Apartments for two to three
24 weeks when nobody has ever mentioned that before. That's
25 not plausible. That's not what happened. He was living on

1. Barley Drive. They were broken up. She tells you they
2. broke up because he's cheating on her with somebody, but
3. she's going to let that man, out of the goodness of her
4. heart, come back and stay with her for two or three weeks in
5. her apartment at Guy Butler right around the time [Minor]
6. gets pregnant in approximately November of 2009. That's not
7. what happened.

8. What about the weekends [Minor] -- is that believable,
9. that [Minor] told you that things would happen to her in
10. Barley -- at Barley Drive on the weekends? She wrote in her
11. statement and she confirmed on the stand that that was what
12. she wrote. That Howard would get up before everybody else.
13. He would take her into the kitchen, with her brother and her
14. mother still sleeping in this little six room house. He'd
15. take her into the kitchen and rape her on top of the dryer
16. or on top of the sink right back here. Right back here in
17. this part of the house. Brazen. How much nerve would it
18. take to -- how much stupidity would it take to do something
19. like that? He takes her in the kitchen on the weekend and
20. has sex with her on the dryer or the sink while her momma
21. and her brother sleep feet away. And the explanation was
22. that, well, if they -- if he heard them get up he would just
23. quick put his penis away and I would quick pull my pajama
24. bottoms up. It's happening once a week or more supposedly
25. in these completely blatant ways right out in the middle of

1 the kitchen, the livingroom. The other two people in the
2 house never see or hear a thing for all these years. He has
3 got to be the luckiest man on the planet to have pulled that
4 off. But he's not, because he didn't, because it didn't
5 happen that way.

6 It would be really easy to decide this case based on
7 your -- based on your emotions and not your reason. Ms.
8 **Minor** seems like a very nice person. She -- I certainly
9 never ever intended to make you all think I was comparing
10 her to a piece of meat. That would be disgusting if that's
11 what I was trying to do. All I was trying to do with that
12 steak analogy was give you an example of how difficult it
13 is, of this impossible position that Howard is in all these
14 years later of proving a negative. Proving that something
15 didn't happen. Unless you have a video recorder on yourself
16 24 hours a day or wrote in a journal every single thing you
17 did, every single person you talked to, every single thing
18 you ate, somebody can come back 12 years later and say they
19 saw me eating a steak in 2003, and all I've got is to say
20 no, I didn't. I know I didn't because I don't eat steak. I
21 eat -- I only eat fish or chicken. That's all you can do is
22 say no, I didn't. And that's the position that Howard's in.
23 And he's told you through is one hour conversation with
24 Sharon Middleton no, I didn't. This didn't happen. He said
25 it over and over again. So I didn't mean any disrespect.

1 My point was when you're put in this position of somebody
2 accusing you 12 years after the fact it is impossible for
3 Howard to prove his innocence to you. And thank goodness
4 our system doesn't require him to do that, and you can't
5 require him to do that. The prove comes from them. Howard
6 can't prove his innocence because all he can do is tell you
7 no, I did not do this to her.

8 In that hour long conversation that he had with Sharon
9 Middleton, seasoned police officer, she used every method
10 she could think of to use to try to get him to say yes, this
11 happened. She tried to be his friend. She tried to play on
12 his emotions. She called him a liar over and over again.
13 She told him everybody makes mistakes. She said do you --
14 she went so far as to say do you want to be responsible for
15 her killing herself. And Howard told her over and over
16 again I didn't -- I hear what you're saying but I did not do
17 this to her. She tried every trick in the book to get him
18 to confess and she told you that her purpose in talking to
19 him was just to try to get a confession. It wasn't to try
20 to flush out facts. It wasn't to try to figure out these
21 inconsistencies. It wasn't to try to do any of that. She
22 already had her arrest warrants. But Howard went with her
23 willing, got in the car with her, gave up all his rights.
24 No, I don't want a lawyer. I'm happy to talk to you.
25 Folks, guilty people don't want to talk to the police. He

1 sat there for an hour and said no, I'm happy to talk to you.
2 I know that you can use anything I say against me. And he
3 sat there and listened to her over and over again call him a
4 liar and he maintained his innocence. And he is still
5 innocent as he sits in this courtroom today, because that's
6 what the law requires. And the reason it does is because it
7 shouldn't be easy to take away somebody's liberty. You
8 should have to have proof beyond a reasonable doubt. Proof
9 that leaves you firmly convinced. Not proof that leaves you
10 wondering what happened? Did something happen? When did it
11 happen? What exactly happened? Could this really have
12 happened?

13 In a perfect world, if Howard had known earlier about
14 these accusations and about the abortion, maybe there could
15 have been an opportunity to prove to you through DNA
16 evidence that he did not father that child. But when you
17 don't know for years that somebody is saying that stuff
18 about you, that couldn't happen. All of that was gone and
19 over. There's no way somebody could come into court with
20 DNA to show that that wasn't Howard's baby because that
21 opportunity is taken from him when he doesn't learn about
22 these accusations until 12 years after the fact. So you
23 can't expect the impossible from Howard. What you can
24 expect, and what you have to require is for the State to
25 meet it's obligation to offer you proof of a crime

1 sufficient to overcome his innocence. The law says you have
2 to presume, because this is all too important to take away
3 somebody's liberty based on suspicion or guessing or maybe.
4 At this point what you've been presented with are
5 inconsistencies, implausibilities. You've been presented
6 with evidence that can't possibly leave you firmly convinced
7 that Mr. Woods is guilty of these crimes as charged.

8 You've been presented with an investigation by Officer
9 Middleton that consisted of her talking to [Minor], taking
10 her word for her. Not paying attention to the
11 inconsistencies in her previous statement. Not even walking
12 into this house to see what it looked like on side -- inside
13 to see if it made sense that somebody could rape a child
14 every weekend in the kitchen while people slept right down
15 the hall. Well, I left my card and nobody called me back,
16 so I didn't get to go in. She didn't talk to Ms. Worsley,
17 [Minor]'s mother. She just stopped by her work and got a
18 two page statement and left. She didn't try to clear up any
19 inconsistencies. She didn't try to find out anything about
20 a timeline. She didn't even ask Ms. Worsley when they lived
21 and where. When did -- when did you move out. How long did
22 you stay with Howard. She didn't talk to Freddie. She
23 didn't talk to the older brother who lived there, right
24 there in the house. Require more of -- require more than
25 that before you can say somebody did something this horrible

1 to this child. Demand more than that.

2 Y'all, if you're not sure what to believe after
3 everything you've heard, then the only thing you can do is
4 find Howard not guilty. If you feel like maybe something
5 happened based on what you've heard, maybe, you have to find
6 Howard not guilty, because that's not proof beyond a
7 reasonable doubt. Something must have happened or she
8 wouldn't be saying all this. That's not good enough. You've
9 got to be firmly convinced that he is guilty of exactly what
10 he's charged with, a sexual battery on her at age nine.
11 Sexual battery between the ages of 14 and 16. That's what
12 he's charged with.

13 It's not enough, even if you believe that it probably
14 happened. That's something that's called probable cause.
15 Probably heard it on TV. That's enough to arrest somebody.
16 It's not enough to take away somebody's liberty. It's not
17 enough to convict him of a crime. Probably doesn't not cut
18 it. You have got to be firmly convinced beyond a reasonable
19 doubt that Howard did one or both of those crimes that he's
20 charged with. You don't have that proof, you all. What
21 you've got are inconsistencies, implausibilities, and what
22 that means is that under the law Howard Woods is innocent.
23 Thank you.

24 THE COURT: Thank you, Ms. Nelson.

25 MS. NELSON: Thank you, Your Honor.

CHARGE OF THE COURT

1
2 THE COURT: Ladies and gentlemen, it now becomes my
3 responsibility to instruct you on the law that applies in
4 this case. And I'll let you know that when I first started
5 practicing law 24 years ago the way the judges would
6 typically do this, and the way that many judges still do it
7 today, is the judge would simply sit up here and read to you
8 14 pages of the law taken from the code of laws, and
9 basically this is stuff that took me three years to learn.
10 I always found that a little bit unreasonable that you're
11 supposed to get this on the first time around and go back
12 there and apply the law accurately. So long story short,
13 ladies and gentlemen, I'm going to give you a copy of these
14 instructions that you can refer to if you need to during the
15 course of your deliberations. Okay? Of course, please
16 refer to the instructions as a whole and don't simply pay
17 attention to the part of it to the detriment of some other
18 portion of the instructions. If you have any questions
19 about the law, feel free to send me a note. I can answer
20 any legal question that you might have, anything about these
21 instructions or the law that applies. However, if you have
22 any factual questions I, in all likelihood, will not be able
23 to assist you with those, okay, because you'll have to judge
24 the case as I'm going to instruct you, on the testimony that
25 you've heard and the other evidence which has been

1 introduced into the record. When you're done with your
2 deliberations, please return these instructions to me.

3 Now, ladies and gentlemen, the indictments in this case
4 charge Mr. Woods with the offenses of criminal sexual
5 conduct with a minor in the first and in the second degree.
6 I remind you that the fact that Mr. Woods was indicted in
7 this case and charged in this case is not evidence, nor can
8 the indictments or the fact that he was charged be
9 considered by you as evidence of guilt. These indictments
10 do not create any presumption or inference of guilt.
11 They're merely the formal written instruments which contain
12 the charges made against Mr. Woods. They're the formal
13 documents by which this case is brought into court.

14 Now, ladies and gentlemen, again, these two indictments
15 allege criminal sexual conduct with a minor in the first
16 degree and in the second degree. Each indictment charges a
17 separate and distinct offense. Therefore, you must decide
18 each indictment separately on the evidence and the law
19 applicable to it uninfluenced by your decision as to any
20 other indictment. The Defendant may be convicted or
21 acquitted on any or all of the offenses charged, and you'll
22 be asked to write a separate verdict of guilty or not guilty
23 for each charge.

24 Now, ladies and gentlemen, the Defendant in this case
25 has pled not guilty to these charges, and that plea puts the

1 burden on the State to prove him guilty. I instruct you
2 that a person charged with committing a criminal offense in
3 this state is never required to prove himself innocent. I
4 instruct you that it's an important rule of law that the
5 Defendant in a criminal trial, no matter what the serious of
6 the charge may be, will always be presumed to be innocent of
7 the crimes for which the indictments were issued unless
8 guilt has been proven by evidence satisfying you of that
9 guilt beyond a reasonable doubt. Ladies and gentlemen, this
10 presumption of my innocence does not end when you begin your
11 deliberations but it accompanies the Defendant throughout
12 the trial until you reach a verdict of guilt based on
13 evidence satisfying you of his guilt beyond a reasonable
14 doubt. The presumption of innocence is often analogized to
15 being like a robe of righteousness. It's placed about the
16 shoulders of the Defendant and it remains with him unless it
17 has been stripped from him by evidence satisfying you of his
18 guilt beyond a reasonable doubt.

19 Now, ladies of gentlemen, the presumption of innocence
20 is not merely a legal theory. It's not just a legal phrase.
21 It's a substantial right to which every Defendant is
22 entitled unless you, the jury, are satisfied from the
23 evidence of his guilt beyond a reasonable doubt.

24 Well, what is a reasonable doubt in the law? A
25 reasonable doubt is the kind of doubt that would cause a

1 reasonable person to hesitate to act. Now, the State has
2 the burden of proving the Defendant guilty beyond a
3 reasonable doubt, and some of you may have served as jurors
4 in civil cases where you were told that it's only necessary
5 to prove that a fact is more likely true than not true, such
6 as by the greater weight or the preponderance of the
7 evidence. In criminal cases the State's proof must be more
8 powerful than that. It must be proof beyond a reasonable
9 doubt. Proof beyond a reasonable doubt is proof that leaves
10 you firmly convinced of the Defendant's guilt.

11 Now, there are very few things in this world that we
12 know with absolutely certainty, and in criminal cases the
13 law doesn't require proof that overcomes every possible
14 doubt. If, based upon your consideration of the evidence,
15 you're firmly convinced that the Defendant's guilty of the
16 crimes charged, you should find him guilty. If, on the
17 other hand, you think there's a real possibility that the
18 Defendant is not guilty, you must give him the benefit of
19 the doubt and find him not guilty.

20 Now, ladies and gentlemen, I remind you that during
21 this trial you and I have certain duties to perform. As the
22 trial judge it was my responsibility to preside over the
23 trial of this case, and I have the duty to rule on the
24 admissibility of evidence offered. You're to consider only
25 the competent evidence before you. You're to consider only

1 the testimony which has been presented from the witness
2 stand, as well as any exhibits which have been made a part
3 of the record in this case. I also have the duty to
4 instruct you on the law applicable, and as the presiding
5 judge, again, I'm the sole judge of the law. It's your duty
6 to accept and apply the law as I state it to you now. So if
7 you already have any idea as to what the law is or what it
8 should be and it does not agree with what I now tell you the
9 law is, you have to abandon this idea because you're sworn
10 to accept and apply the law as I state it to you now.
11 Again, ladies and gentlemen, in every case tried in this
12 court before a jury the jury becomes the sole and exclusive
13 judge of the facts. A trial judge cannot intimate, state,
14 comment on or make any statement to a trial jury about the
15 facts in a case. Since you are the sole judges of the
16 facts, you're not to infer from what I've said during the
17 progress of this trial in ruling on the admissibility of
18 evidence or otherwise, or anything that I say to you now
19 during the course of these instructions, that I have any
20 opinion about the facts. Ladies and gentlemen, the law does
21 not permit me to have any opinion about the facts in this
22 case. That's a matter solely for you to determine. As
23 jurors it's your duty to determine the effect, value, weight
24 and truth of the evidence presented during the trial.

25 Now, ladies and gentlemen, typically there are two

1 types of evidence presented during a trial, direct evidence
2 and circumstantial evidence. Direct evidence directly
3 proves the existence of a fact and does not require
4 deduction, such as testimony by an eyewitness.
5 Circumstantial evidence is a proof of a chain of facts and
6 circumstances indicating the existence of a fact. I
7 instruct you that crimes may be proven by circumstantial
8 evidence and the law makes no distinction between the weight
9 or value to be given to either direct or circumstantial
10 evidence. However, to the extent the State relies upon
11 circumstantial evidence, all the circumstances must be
12 consistent with each other, and when taken together point
13 conclusively to the guilt of the accused beyond a reasonable
14 doubt. If these circumstances merely portray the
15 Defendant's behavior as suspicious, then the prove has
16 failed. The State has the burden of proving the Defendant
17 guilty beyond a reasonable doubt and this burden rests with
18 the State regardless of whether the State relies on direct
19 evidence, circumstantial evidence or some combination of the
20 two.

21 Now, as I alluded to you yesterday, ladies and
22 gentlemen, necessarily you have to determine the credibility
23 of witnesses who have testified and credibility simply means
24 believability. It becomes your duty as jurors to analyze
25 and to evaluate the evidence and determine which evidence

1 convinces you of its truth. I instruct you that in
2 determining the believability of witnesses who have
3 testified you can believe one witness over several witnesses
4 or several witnesses over one witness. You may believe a
5 part of the testimony of a witness and reject the remaining
6 part of the testimony of that same witness. You may believe
7 the testimony of a witness in its entirety or reject the
8 testimony of that witness in its entirety. You may consider
9 whether any witnesses exhibited to you any interest, bias,
10 prejudice or other motive in this case and you can also
11 consider the appearance and manner of a witness while
12 they're on the witness stand.

13 Now, ladies and gentlemen, I instruct you and emphasize
14 that the fact that the Defendant in this case did not
15 testify is not a factor to be considered by you in any way
16 in your deliberation and in your consideration on the
17 question of the guilt or the innocence of the Defendant. It
18 must not be considered by you in any manner whatsoever. Any
19 citizen has the constitutional right to remain silent and
20 the assertion of this right must not be considered by you in
21 your deliberations. I repeat, under your oath you're to
22 draw no conclusion whatsoever from the fact the Defendant in
23 this case did not testify. The fact that he did not testify
24 should not even be discussed in the jury room. The burden
25 of proof, as I have stated to you, is on the State. The

1 Defendant is not required to prove his innocence. The
2 burden of proof remains on the State to prove guilt beyond a
3 reasonable doubt.

4 Now, ladies and gentlemen, the Defendant in this case
5 is charged with the offense of first degree criminal sexual
6 conduct with a minor. The State must prove, therefore,
7 beyond a reasonable doubt that the Defendant engaged in a
8 sexual battery with the victim. Under the law sexual
9 battery is defined as sexual intercourse, cunnilingus,
10 fellatio, anal intercourse, or any intrusion however slight
11 into any part of a person's body or of any object into the
12 genital or anal openings of another person's body except
13 when the intrusion is accomplished for medically recognized
14 treatment or diagnostic purposes. The State must prove also
15 beyond a reasonable doubt that the victim was less than
16 11-years of age at the time of the sexual battery. I
17 instruct you the consent, willingness, indifference or
18 ignorance on the part of the minor, if any, as to what was
19 taken place does not in any way affect the charge of
20 criminal sexual conduct with a minor because a person under
21 the age of 16 cannot legally consent to sexual intercourse.

22 Now, the Defendant is also charged with second degree
23 criminal sexual conduct with a minor. Therefore the State
24 must prove beyond a reasonable doubt that the Defendant
25 engaged in a sexual battery with the victim. Again, sexual

1 battery is defined as the same way as I had defined it for
2 you previously in criminal sexual conduct with a minor first
3 degree. The State must then also prove beyond a reasonable
4 doubt that the victim was less than 16 years of age but was
5 at least 14 years of age and that the Defendant was either
6 in a position of familiar, custodial or official authority
7 to coerce the victim to submit, or that the Defendant was
8 older than the victim. Again, consent, willingness,
9 indifference or ignorance on the part of the minor, if any,
10 as to what was taking place does not in any way affect the
11 charge of criminal sexual conduct with a minor in the second
12 degree because a person under the age of 16, again, is not
13 permitted to consent to sexual intercourse.

14 Now, ladies and gentlemen, essentially there are four
15 possible verdicts which you may find in this particular
16 case; guilty of criminal sexual conduct with a minor in the
17 first degree or not guilty of CSC in the first degree.
18 Exact same thing for the second degree CSC with a minor
19 charge. Madam Forelady, I've pretty much printed out this
20 verdict form that you can use to render your verdict and
21 this is about as self-explanatory as I can possibly make it.
22 Okay? There's a blank here indicating not guilty, guilty,
23 not guilty or guilty for each of the two different charges.
24 All right? When the jury -- when all 12 members of the jury
25 have reached a particular verdict as to each of these

1 charges you would simply initial next to whichever verdict
2 all 12 members agree to.

3 Now, as I said just a few seconds ago, ladies and
4 gentlemen, your verdict in this case has to be unanimous.
5 That means all 12 of you have to agree. Other states have
6 majority verdicts where a vote of seven to five is sufficient
7 to render a verdict. Other states are doing it wrong..
8 Okay? In South Carolina all 12 members of the jury must
9 agree on the ultimate verdict. Again, when you have agreed
10 upon your verdict, Madam Forelady, simply initial as
11 appropriate, sign in the space provided, knock on the door
12 and let Mr. Willingham know. I'll get everybody back
13 together in here and we'll receive your verdict. Okay?

14 Now again, if any member of the jury panel has any
15 issue or question about the law, simply bring that to the
16 Court's attention by way of writing a note. Madam Forelady,
17 give this note, again, to Mr. Willingham. He'll bring it to
18 me. I'll instruct you though that at no time should any
19 member of the jury panel indicate to me any sort of numerical
20 division as a result of your deliberations. For example,
21 I'm not interested if the current vote is 6/6 or if it's 11
22 to 1, or if it's 10 to 2 one way. I don't need to know
23 that information. Okay? So please don't -- don't provide
24 me with any information along those lines.

25 Now, ladies and gentlemen, I remind you that you've

1 been chosen as fair and impartial individuals in this case.
2 In other words, you have no enemies to punish, you have no
3 friends to reward. Your job is to render a verdict based
4 solely upon the evidence presented and the law as I have
5 instructed her.

6 I'm going to ask that you return to the jury room one
7 last time before you begin your deliberations, but don't
8 start your deliberations yet. Okay? Your cue to being your
9 deliberations will be receipt of the verdict form, the items
10 of evidence which have been introduced into the record and
11 these instructions. Okay? That will be your -- and I'll
12 ask the two alternates to step out. That will be your cue
13 to being your deliberations. I'll let you know that we're
14 getting somewhat close to the lunch hour. It usually takes
15 about maybe 30 or 40 minutes -- we typically order
16 sandwiches for the jury from Howard's on Main. If you want
17 lunch, or you feel like your deliberations may take you
18 into, you know, the 1:00 hour or whatever, let the -- let
19 the Bailiff know. I'll send the Clerk of Court in with some
20 lunch orders and we'll place those lunch orders for you at
21 the county expense, of course. That goes without saying.
22 If, however, you feel like you're going to render a verdict
23 fairly quickly I'd love to save the county that money.
24 That's your call though 100 percent. All right? It does
25 take about 30 or 40 minutes to get the food here.

1 Again, adjourn to the back. Don't begin your
2 deliberations yet. You know when to start talking, and
3 we'll have this case to you shortly. All right?

4 (Whereupon, the jury exited the courtroom at 12:05
5 p.m.)

6 THE COURT: The jury is out. No exceptions or
7 additions from the State?

8 MR. BROWN: None from the State.

9 THE COURT: None from the Defense?

10 MS. NELSON: No, sir.

11 THE COURT: All right. You're welcome to inspect the
12 verdict form. Double check the -- make sure that the -- any
13 Social Security number -- leave the date of birth. I think
14 that's already in the record. But if you could, just go
15 ahead and cross through her Social or anything else that
16 might be a little bit sensitive.

17 THE BAILIFFS: You need the alternates, Judge?

18 THE COURT: Yes, bring the alternates out.

19 (Whereupon, jury began deliberations at 12:06 p.m.)

20 (Whereupon, a recess was held from 12:06 p.m. to 1:15
21 p.m.)

22 (Whereupon, a jury note was received at 1:15 p.m. and
23 marked at Court's Exhibit No. 1.)

24 (Whereupon, a jury note was received at 12:45 p.m. and
25 marked as Court's Exhibit No. 2.)

1 THE COURT: We'll go back on the record. I've received
2 another inquiry from the jury. They ask for me to define
3 intrusion in sexual battery. Would anyone care to suggest a
4 definition? I kind of felt like it was self-explanatory,
5 but ---

6 MR. BROWN: That's my belief. I know it just says
7 however slight. Complete emersion would be -- I mean, I
8 don't know how to define that.

9 THE COURT: To intrude means to enter in the context of
10 sexual battery however slight. Would that be a synonym that
11 the Court could employ which everyone would be comfortable
12 with?

13 MS. NELSON: To enter?

14 THE COURT: To enter.

15 MS. NELSON: I am comfortable with to enter.

16 THE COURT: To intrude however slight, to enter however
17 slight. They're synonymous in this context.

18 MS. NELSON: I'm looking up the dictionary definition
19 which is not terribly helpful because it just says the act
20 of intruding.

21 THE COURT: I have checked Black's Law Dictionary and
22 it's not helpful either because it doesn't give a specific
23 definition within the context of a CSC type of a definition.
24 So I think we just use our regular -- Mr. Brown, you had a
25 suggestion?

1 MR. BROWN: I'm just reading the sexual battery again.
2 It says any intrusion however slight. It does not give --

3 MS. NELSON: Right.

4 MR. BROWN: -- or of any part of a person's body. It
5 does not give how far it has to be to be intrusion. I mean,
6 I --

7 THE COURT: But you would agree that intrusion would
8 mean an entry as opposed to a fondling like you would have
9 under the old lewd act where there is no actual -- over the
10 clothes touching, in other words, under the old lewd act as
11 opposed to --

12 MR. BROWN: I would definitely say, yeah, it'd have to
13 be some -- some type of entry.

14 THE COURT: Entry or penetration.

15 MR. BROWN: However slight.

16 THE COURT: However slight, correct.

17 MR. BROWN: Yes. Because otherwise it would be lewd
18 act or CSC. Just a touching.

19 THE COURT: Right.

20 MS. NELSON: -- in the charge that you've given.

21 THE COURT: They're not asking for a definition of
22 however slight. I think that's -- well, I thought intrusion
23 was self-explanatory. But however slight certainly is. So
24 --

25 MS. NELSON: I would think entry or penetration, or

1 both.

2 THE COURT: Let me --

3 MR. BROWN: One synonym for intrude -- invade. But, I
4 mean, again --

5 MS. NELSON: That's kind of a medieval thing. The
6 Latin is thrust in.

7 THE COURT: I would imagine you would be comfortable
8 with that definition as well.

9 MS. NELSON: I would.

10 THE COURT: I'm going to instruct them that it means --
11 it's synonymous with entry or penetration and leave it at
12 that.

13 MS. NELSON: Yes, sir.

14 THE COURT: May I simply do that and tell the Forelady
15 -- and give her the definition instead of bringing all 12 --

16 MR. BROWN: What was the full question again?

17 THE COURT: Define intrusion in sexual battery. Let's
18 have the Forelady.

19 (Whereupon, a brief recess was held)

20 THE COURT: I got your inquiry about defining the word
21 intrusion. You should just read that as being synonymous
22 with entry or penetration. Okay?

23 THE FORELADY: Okay.

24 THE COURT: Does that answer your question?

25 THE FORELADY: Yes. So if it was just touching that is

1 not --

2 THE COURT: It has to be intrusion, however slight
3 entry. Mere touching, correct, is not sufficient.

4 THE FORELADY: Mere touching is not sufficient?

5 THE COURT: Correct. There has to be -- reference
6 back, and if you're struggling with that send me another
7 note and let me know exactly what you're struggling with.
8 But your definition there of intrusion is in the copy of the
9 instructions that I sent back there.

10 THE FORELADY: Yeah.

11 THE COURT: So you want to reread that again, and if
12 you're still struggling with it --

13 THE FORELADY: We've got another question too.

14 THE COURT: Send me another -- well, send me another
15 note then if you're having any difficulties.

16 THE FORELADY: Okay.

17 THE COURT: Okay. Thank you, ma'am. All right. We'll
18 remain at ease.

19 (Whereupon, the jury resumed deliberations.)

20 THE COURT: We'll go back on the record in *State vs.*
21 *Woods*. The jury has requested to hear that portion of the
22 testimony of [Minor] wherein she describes the events that
23 took place with her at the time she was nine. And I've met
24 briefly with the attorneys in chambers. Ms. Nelson has
25 requested that the Court play the entire portion of the

1 transcript. My court reporter -- or the entire portion of
2 her testimony. My court reporter informs me that that is
3 approximately an hour in length. What I'm inclined to do,
4 subject to Ms. Nelson's objection, is to simply start the
5 testimony at the beginning, and once the jury signals me --
6 I'm going ask them just to tell me when they want me to stop
7 and we'll stop at that point. I will mention to them that,
8 you know, if they want to hear the entire thing, that's
9 perfectly fine. If they want to come back and hear
10 additional portions of the testimony or hear it again,
11 that's fine as well. But otherwise I'm going to leave it at
12 that out of concern for them. They know what they're
13 looking for. I don't know whether what they're looking for
14 is on direct or whether it's on cross. But we'll start at
15 the beginning and stop when they tell me to, subject to the
16 Defense's objection.

17 (Whereupon, the jury entered the courtroom at 2:30
18 p.m.)

19 THE COURT: The record will reflect that the jury is
20 back and seated. Ladies and gentlemen of the jury, I did
21 receive your message where you requested to hear the
22 testimony. You were somewhat specific in what you were
23 talking about when you asked to hear the testimony of Ms.
24 **Minor** again concerning the act that she described. What I'm
25 going to do is I'm going to have my court reporter simply

1 play back the audio recording of her testimony and we're
2 going to play it back from the very beginning. I don't know
3 what portion of the testimony you all are looking for. So
4 whenever you have heard -- you all have a better idea what
5 you're looking for than I ever could, and I'm not looking to
6 inquire about that. So when you heard what you need to hear
7 simply raise your hand, wave at me, give me some indication
8 that you're good and we can stop at that point. Okay? And,
9 of course, you're more than welcome to hear the testimony in
10 its entirety. I know a number of you all have been taking
11 notes. But if you want to hear it from start to finish we
12 are at your disposal. I think the recording lasts, I
13 believe, around 50 minutes to an hour. Somewhere in that
14 neighborhood. But we are at your disposal.

15 With that, Madam Court Reporter, if you'll go ahead and
16 play back [Minor] ' testimony from the beginning, please.)

17 (Whereupon, testimony of [Minor] was played
18 back for the jury.)

19 THE COURT: You all good?

20 THE FORELADY: That's good.

21 THE COURT: Anyone want to hear anymore? If so, raise
22 your hand.

23 (Whereupon, no jury members raise their hand.)

24 THE COURT: All right. Very good. You all adjourn to
25 the back then.

1 (Whereupon, the jury exited the courtroom at 3:19 p.m.
2 to resume deliberations.)

3 THE COURT: And just for the record, Ms. Nelson, you do
4 object to me not requiring them to hear the entirety of the
5 direct and cross, correct?

6 MS. NELSON: I do, Your Honor, because there was
7 certainly a lot more testimony about that particular
8 incident and a lot of cross that brought out conflicting
9 statements that were made about the incident, Your Honor.

10 THE COURT: I understand. I appreciate your position.
11 I gave them the option and they didn't feel like they needed
12 it, so that's where we are.

13 MS. NELSON: Yes, sir.

14 (Whereupon, a recess was held. Jury note marked
15 Court's Exhibit No. 3.)

16 THE COURT: We're back on the record in *State vs.*
17 *Woods*. The jury has sent us another note asking that we
18 replay the testimony that was played a short while ago. And
19 I forgot, for the record, to delineate exactly what portion
20 of that testimony was played, but it was basically Ms.

21 Minor testimony from the beginning of direct and they waved
22 me off and said that they had heard enough at the point in
23 the tape where I asked for a sidebar. The very first
24 sidebar that I request during the course of Minor
25 testimony. So that's the portion that they had heard. They

1 didn't ask for any additional testimony after that sidebar
2 was called by the Court.

3 So I'm going to bring them back out here. Let them hear
4 it again. Tell them the exact same thing I told them
5 earlier, that they can hear as much or as little as they
6 want to, and if they want to keep listening, they're free to
7 do so.

8 Let's have the jury.

9 (Whereupon, the jury entered the courtroom at 3:07
10 p.m.)

11 THE COURT: The jury is back. I received your note.
12 The court reporter, ladies and gentlemen, will start playing
13 the testimony again. The same thing I said earlier I'll say
14 again. Listen to as much or as little of this as you need
15 to, and if there's any portion anywhere on direct or cross
16 that you want to skip to after you wave me off, just send me
17 another note. We'll cue up that portion for your listening
18 pleasure. Okay?

19 With that, Madam Court Reporter, if you want to go
20 ahead and start at the beginning, please..

21 (Whereupon, the testimony of [Minor] was
22 replayed for the jury.)

23 THE COURT: We're going to skip over that part and then
24 we'll keep playing it. It's about to be loud.

25 (Whereupon, the testimony of [Minor] was

1 replayed for the jury)

2 THE COURT: All right. Everybody's good? You've heard
3 what you needed to hear, you feel like?

4 (Whereupon, the jury responds in the affirmative.)

5 THE COURT: All right. Continue your deliberations,
6 please. Thank you.

7 (Whereupon, the jury exited the courtroom to resume
8 deliberations.)

9 THE COURT: Same objection as before, Ms. Nelson, on
10 the entire tape?

11 MS. NELSON: Yes, Your Honor. I just -- I just think
12 fairness would dictate that they listen to the entire
13 testimony.

14 THE COURT: I understand your position. And just for
15 the record, my court reporter tells me that they listened
16 through the two hour, 21 minute and 41 second mark. And I
17 think that's what she said, but she's going to make her own
18 notation as far as how far they got in the recording of Ms.
19 **Minor** ' testimony.

20 All right. We'll remain at ease until we receive a
21 verdict. Okay?

22 (Whereupon, a recess was held until 4:10 p.m.)

23 THE COURT: We're going to go back on the record, if we
24 may, in the case of 17-208 and 209, the *State vs. Mr. Woods*.
25 The record should reflect Mr. Woods is present with counsel.

1 I am informed that the jury has reached a verdict. Anything
2 before the jury is received back in the courtroom from the
3 State?

4 MR. BROWN: Not from the State.

5 THE COURT: From the Defense?

6 MS. NELSON: No, sir, Your Honor.

7 THE COURT: All right. Fair warning to everyone. To
8 everyone who is here and associated with this case. I
9 understand how cases of this nature are extremely emotional.
10 They are very difficult to hear, not only as a jurist, but
11 more particularly for a jury. I want to remind everyone
12 that this jury was required to come in here and listen to
13 these events and did not volunteer to be party to this
14 action. So whatever their verdict is it has to be
15 respected. And I would ask -- correction. I would insist
16 that if at any point in time someone feels that they are
17 unable to contain their emotion, whether it's sadness, joy,
18 whatever the case may be, because obviously I don't know
19 what the verdict is, if you find yourself unable to contain
20 yourself and maintain your composure, please just quietly
21 stand and feel free to leave the courtroom until you are
22 able to regain your composure. Okay? I don't want this
23 jury's verdict to be disrespected in any way, shape or form
24 by any kind of emotional outburst and I don't want to have
25 to deal with anyone who suffers that kind of an outburst.

1 All right? So fair warning.

2 Let's have the jury, please.

3 (Whereupon, the jury entered the courtroom at 4:26
4 p.m.)

5 THE COURT: The record will reflect that the jury is
6 back and seated. Ladies and gentlemen, I apologize for
7 keeping you waiting. I was involved with a hearing
8 concerning the war memorial down on the square and I wanted
9 -- I was close to finishing that, so I wanted to go ahead
10 and finish that hearing instead of receiving the verdict and
11 having them go out and then come back in, hence the delay.
12 I apologize. But Madam Forelady, I'm told you have reached
13 a verdict; is that correct?

14 MADAM FORELADY: Yes, sir.

15 THE COURT: All right, if you would, had the verdict
16 form, please, to Mr. Willingham.

17 THE COURT: Madam Clerk, if you'll publish, please.

18 MADAM CLERK: Yes, sir.

19 VERDICT OF THE JURY

20 MADAM CLERK: State of South Carolina, County of
21 Greenwood, Court of General Sessions, Indictment No.
22 2017-GS-24-208 and 2017-GS-24-209, *State of South Carolina*
23 *vs Howard James Woods, Jr.*, we the jury in the
24 above-captioned case on the charge of first degree criminal
25 sexual conduct with a minor unanimously find Howard James

1 Woods not guilty. We further find on the charge of second
2 degree criminal sexual conduct with a minor unanimously find
3 Howard James Woods, Jr. guilty. Signed Foreperson Angela
4 Minick.

5 THE COURT: Ladies and gentlemen if this is your
6 verdict, please indicate by raising your right hand.

7 (Whereupon, all jurors raise right hand.)

8 THE COURT: Let the record reflect all 12 members of
9 the jury did raise their hand. Anything before discharge of
10 the jury from the State?

11 MR. BROWN: None from the State.

12 THE COURT: Anything from the Defense?

13 MS. NELSON: No, sir, Your Honor.

14 THE COURT: All right. Ladies and gentlemen of the
15 jury, I want to thank you for your service in this case. At
16 this point in time the Court will proceed with sentencing of
17 Mr. Woods. If you want to stay here for sentencing, that's
18 perfectly fine. You're welcome to do so. However, for
19 various security reasons I'm going to ask that you basically
20 have a seat back there, or somewhere else in the courtroom
21 in the gallery. If you want to stick around for sentencing
22 it should take about 15 or 20 minutes for that to take
23 place. If you don't want to stick around for sentencing,
24 that's perfectly fine. You're free to go home. But I will
25 need you to call back -- are we bringing them back in

1 can sit out there after you exit out the back. And your
2 checks for jury service, if you're not called back tomorrow,
3 will be in the mail. Okay? With that, I hope you have a
4 lovely week. Thank you.

5 (Whereupon the jury was released at 4:31 p.m.)

6 THE COURT: Oh, Madam Forelady, I'm sorry. I need you
7 to sign the actual indictments. Okay?

8 (Whereupon, a brief recess was held.)

9 THE COURT: Solicitor, you have the indictments being
10 prepared at this point -- or the sentencing sheets? I'm
11 sorry.

12 MS. SUMNER: They are working on those.

13 THE COURT: While they're doing that, Ms. Nelson, I
14 assume that you move for a new trial, is that correct, and
15 you renew all previous motions, right?

16 MS. NELSON: I do, Your Honor.

17 THE COURT: All right. Motion for a new trial is
18 denied. Previous rulings on previous motions still stands.

19 MS. NELSON: Thank you, Your Honor.

20 THE COURT: And do you have the indictments down there?
21 Let me get those back from you.

22 (Whereupon, a brief recess was held.)

23 THE COURT: We will go back on the record at this
24 point. And we were attempting to make a determination,
25 especially in light of the changes of the law. We were

1 trying to get confirmation that this is classified as a most
2 serious and violent offense. I think all the parties are
3 satisfied that it is classified as a most serious and a
4 violent offense. And correct me if I'm wrong, but it's up
5 to 20 years is the penalty involved? Zero to 20, correct?

6 MS. NELSON: That's right, Your Honor.

7 MR. BROWN: That's right.

8 THE COURT: And we are confident that that is the
9 penalty in existence at the time that this incident -- these
10 acts complained of took place, correct?

11 MR. BROWN: That's correct.

12 THE COURT: All right. Mr. Brown, I'm more than happy
13 to hear anything that the victim may want to relate to me or
14 that someone may want to say on her behalf.

15 I'm happy to hear from you. Do you want to speak on
16 Minor behalf or ---

17 MS. STROUP: I'm going to do that, Your Honor.

18 THE COURT: Yes, ma'am.

19 MS. STROUP: She had a letter addressed to you. "Dear
20 Judge Addy, I've really never understood why this happened
21 to me. How could someone who was supposed to love and care
22 about me since I was approximately a year old, who was
23 father figure in my life, do these horrible things to me and
24 take away the innocence of my childhood. I didn't tell
25 until I'd become pregnant because I was scared it was my

1 fault. I was scared no one would believe me. Once I became
2 pregnant, I didn't have a choice but to tell. In some ways
3 it was relief because the abuse ended. I started having
4 anxiety attacks when I was 20. I shared my story of
5 childhood abuse with a co-worker at Goodwill. She gave me
6 information about Beyond Abuse, encouraged me to get
7 counseling, which I did. At this point I knew I had to go
8 forward and report the abuse and come to terms with what had
9 happened to me. Also, to prevent it from happening to
10 someone else. This was one of the most terrifying things
11 I've ever chosen to do. I was scared of the unknown and
12 what would happen, but I needed to bring closure for myself.
13 Even though I will never forget what happened I will not let
14 it define my life. Going through this journey has been
15 hard, knowing that in the end he might not be held
16 accountable. I didn't expect him to take responsibility.
17 But whatever happens, I know now how strong I can be. If I
18 can get through this, I can get through anything in life.
19 Sincerely, [REDACTED] Minor."

20 I'm going to pass that up.

21 THE COURT: Thank you.

22 MS. SUMNER: Your Honor, we also have Mr. Woods'
23 criminal history.

24 THE COURT: Please go ahead and give me -- when does it
25 begin and if you could hit the high points, please.

1 MS. SUMNER: Yes, Your Honor. It begins in '87 with a
2 trespassing. He has two criminal domestic violence. And
3 the most recent conviction would be for a criminal domestic
4 violence in 2005.

5 THE COURT: Are those under the 30 day offenses, or is
6 it CDV second, or is there any notation.

7 MS. SUMNER: The '05 would be second.

8 THE COURT: '05 was the second? Okay.

9 MS. SUMNER: Yes, Your Honor.

10 THE COURT: All right. Anything further from the State
11 on this? Anyone want to say anything else?

12 MS. SUMNER: Nothing further, Your Honor.

13 MR. BROWN: Your Honor, I just, please, you've heard
14 the facts and they speak for themselves on what traumatic
15 effect this had on Minor.

16 THE COURT: I do understand. Ms. Nelson, I'm happy to
17 hear from you and certainly anything that your client any
18 member of his family may want to say on his behalf.

19 MS. NELSON: Thank you, Your Honor. Come on up with
20 me.

21 Your Honor, Howard is 51 years old now. He has always
22 worked. He had a variety of jobs during the time -- during
23 this whole time period from the packing plant, to Rich Loom,
24 Eaton, Camaro. He has a lot of -- a lot of work at a
25 variety of plants in town. Your Honor, as you've heard, he

1 has a minimal criminal history. No felony convictions
2 whatsoever. There was a period of time between -- obviously
3 it was between 2009 and 2015 where Howard has absolutely no
4 criminal history whatsoever. Was in no trouble during the
5 time period when this case had not yet been reported.

6 Your Honor, given his minimal history, we would ask
7 that you be as lenient as possible under the circumstances.
8 Given his age we would ask that you be -- we would ask that
9 you take that into consideration, since obviously this
10 charge is an 85 percent time charge. He does not have
11 obviously any -- any previous history of anything like this.
12 Any involvement with -- with a minor. He exercised his
13 Constitutional right to a trial because he maintained his
14 innocence, Judge, and I would ask that he not be penalized
15 in any way for exercising that right as opposed to admitting
16 to something that he has maintained he did not do.

17 Given that, we certainly respect the jury's verdict.
18 Respect that they listened. That they obviously cared
19 enough to spend time talking back there about what the right
20 thing was to do, and I respect that and Howard respects that
21 in spite of his maintaining his innocence, Your Honor. We
22 do appreciate the work that they did and the fair trial that
23 Your Honor gave to Howard. The justice system we have is an
24 admirable one in this country and I know that everyone
25 involved respected Howard's rights, and that you did, Your

1 Honor, that the jury did, and we just ask again, given his
2 minimal history, given the difficulty that you have
3 defending yourself when something -- since we don't have
4 statutes of limitations in this state, the difficulty that
5 someone has in defending themselves with so much time has
6 past between an incident and an allegation. His age and
7 lack of criminal history, Your Honor. We ask that you be as
8 merciful as possible under the circumstances.

9 THE COURT: Thank you very much, Ms. Nelson.

10 MS. NELSON: And he -- I'm sorry. He has 483 days. He
11 has never been released from the time he was arrested, Your
12 Honor.

13 THE COURT: Mr. Woods, is there anything that you would
14 care to say, sir?

15 THE DEFENDANT: No.

16 MS. NELSON: And this is his -- his sister is seated
17 back here, Tammie. His niece, Robin. His brother. They
18 were not here earlier in the week because I had Ms. Woods on
19 the witness list and she couldn't be in the courtroom. But
20 they're obviously here in support of Howard.

21 THE COURT: And correct me if I'm mistaken, but I
22 believe under the provisions of 23-3-430 this is a required
23 sex offender registry offense? Anybody take issue with
24 that?

25 MS. NELSON: It is, Your Honor.

1 THE COURT: Well, [Minor], I'm going to tell you just
2 flat out, ma'am, you are one of the bravest young ladies
3 I've ever had the pleasure of meeting, and I am sorry that
4 it's under these circumstances and I am sorry that you had
5 to go through this, ma'am. And if you continue to be brave,
6 you know, worst thing that happens in your life doesn't have
7 to define you for the rest of your life, and I'm sure that
8 you're going to ultimately be okay. And I do hope you --
9 that perhaps this brings you some kind of closure from what
10 you've experienced. So take care of yourself, ma'am.

11 SENTENCING OF THE COURT

12 THE COURT: Mr. Davis (sic), I've taken into account a
13 number of things that the Court has imposed in this case,
14 sir. The Court has taken into account, of course, your
15 relatively minor prior criminal history, and certainly the
16 fact that you've been a worker for the better part of your
17 life. Understand, Mr. Woods, the nature of this penalty is
18 harsh and it's harsh for a reason. You were a father figure
19 to [Minor]. You were her last line of defense. Okay?
20 And kids should be able to look up to those people who are
21 in a parental role to protect them and not take advantage of
22 them. And I don't know what prompted you to commit these
23 crimes, but understand Mr. Davis (sic) -- sorry, Mr. Woods,
24 that the law is designed to protect those who can't protect
25 themselves, and at the top of that list are the elderly and

1 children. All right? And aside from murdering someone, I
2 don't know that you could commit a more horrible crime.

3 I've taken everything into account, and in light of
4 your lack of a prior criminal history, Mr. Woods, I have not
5 given you the maximum the Court could impose in this case,
6 but I have sentenced you to a sentence of 15 years in the
7 Department of Corrections. You'll have to serve 85 percent
8 of that 15 years and you will receive credit for the 493
9 days that you have served in jail pre-trial detention
10 waiting for this trial. By law you have to register as a
11 sex offender when you are released from the Department of
12 Corrections. So you have 15 years to serve, Mr. Woods.
13 Good luck to you, sir.

14 MR. BROWN: Thank you, Your Honor.

15 MS. NELSON: Thank you, Your Honor.

16 THE COURT: The Court shall stand adjourned on this
17 case and we will reconvene tomorrow morning at 10:00.

18 (Whereupon, the proceeding was adjourned at 5:00 p.m.)
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25

THE STATE OF SOUTH CAROLINA

COUNTY OF GREENWOOD

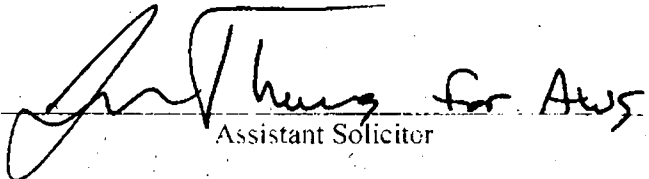
INDICTMENT FOR

CRIMINAL SEXUAL CONDUCT
WITH MINOR - FIRST DEGREE
§ 16-03-0655

At a Court of General Sessions, convened on the 17th day of January, 2017, the Grand Jurors of Greenwood County present upon their oath:

That Howard James Woods Jr., between January 1, 2003 and December 31, 2004, in Greenwood County, being older than the victim, willfully and unlawfully commit criminal sexual conduct with a minor in the first degree, to wit: that the said defendant did engage in sexual battery upon a person under the age of eleven (11) years, to wit: one [REDACTED], date of birth: [REDACTED], in violation of Section 16-3-655(A) (1) 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 cases made and provided.


Assistant Solicitor

221

WITNESSES

Sharon Middleton
Greenwood County Sheriff

WARRANT NUMBER

2015A2410201163

True Bill

April Falkner

Foreman of the Grand Jury

Date: *1-17-17*

VERDICT

Not guilty

Angela Minick

Foreman

3-15-17

THE STATE OF SOUTH CAROLINA

COUNTY OF GREENWOOD

COURT OF GENERAL SESSIONS

January Term, 2017

Indictment # 17GS24-0208

THE STATE

vs.

Howard James Woods Jr.

INDICTMENT FOR

CRIMINAL SEXUAL CONDUCT
WITH MINOR - FIRST DEGREE
§ 16-03-0655

CDR: 0385

THE STATE OF SOUTH CAROLINA

COUNTY OF GREENWOOD

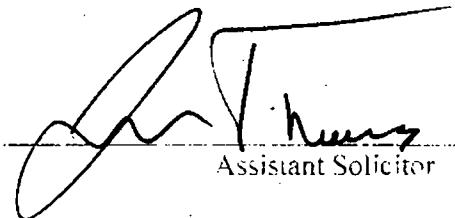
INDICTMENT FOR

CRIMINAL SEXUAL CONDUCT
WITH MINOR - SECOND DEGREE
§ 16-03-0655

At a Court of General Sessions, convened on the 17th day of January, 2017, the Grand Jurors of Greenwood County present upon their oath:

That Howard James Woods Jr., between January 1, 2005 and December 31, 2009, in Greenwood County, being older than the victim, did willfully and unlawfully commit criminal sexual conduct with a minor in the second degree, to wit: that the said defendant did engage in sexual battery upon a person who was at least 14, but less than 16 years of age, to wit: one [REDACTED], date of birth: [REDACTED], in violation of Section 16-3-655(B) 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 cases made and provided.


Assistant Solicitor

WITNESSES

Sharon Middleton
Greenwood County Sheriff

WARRANT NUMBER

2015A2410201164

True Bill

April Gallison

Foreman of the Grand Jury

Date: *1-17-17*

VERDICT

Guilt.

Angela Minick

Foreman

3-15-17

THE STATE OF SOUTH CAROLINA

COUNTY OF GREENWOOD

COURT OF GENERAL SESSIONS

January Term, 2017

Indictment # 17GS24-0209

THE STATE

vs.
Howard James Woods Jr.

INDICTMENT FOR

CRIMINAL SEXUAL CONDUCT
WITH MINOR - SECOND DEGREE
§ 16-03-0655

CDR: 0397

2015A2410201163

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Greenwood

THE STATE

15-33897

against

Howard James Woods, Jr

Address:

Greenwood, SC 29648-

Phone: SSN: [REDACTED]

Sex: M Race: B Height: 6 3 Weight: 250

DL State: SC DL #: [REDACTED]

DOB: [REDACTED] Agency ORI #: SC0240000

Prosecuting Agency: Greenwood County Sheriff

Prosecuting Officer: Sharon Middleton - 0116

Offense: Sex / Criminal sexual conduct with minor or Attempt - victim under 11 yrs of age - First degree

Offense Code: 0385

Code/Ordinance Sec: 16-03-0655(A)(1)

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

The accused is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to

defendant Howard J. Woods

on 11-18-15

Sharon Middleton
Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
528 Monument Street
Room 114
Greenwood, SC 296462623

25yrs-life

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Greenwood

Personally appeared before me the affiant Sharon Middleton who

being duly sworn deposes and says that defendant Howard James Woods, Jr

did within this county and state on or about 12/31/2004 violate the criminal laws of the

State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Greenwood)

in the following particulars:

DESCRIPTION OF OFFENSE: Sex / Criminal sexual conduct with minor or Attempt - victim under 11 yrs of age - First degree

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

In that Howard Woods, did in the county of Greenwood from January 2003 thru December 2004 engaged in sexual battery with a victim having a birthdate of [REDACTED]. The victim was 9 years old when the first incident occurred. Howard told the victim to come into the living room and he blind folded her. After Howard blind folded the victim, he laid her on the sofa and pulled her pants and panties down and she felt something funny and wet on her vagina. She said it must have been his mouth. Howard began touching the victim's breast and butt on a continuous base after this first incident occurred. The incident occurred at [REDACTED].
Investigating Officer: S. Middleton GCSO

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Greenwood

Affiant's Address 528 Edgefield Street

Greenwood, SC 29646-

Affiant's Telephone (864)942-8600

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 12/31/2004 defendant Howard James Woods, Jr

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of Greenwood) as set forth below:

DESCRIPTION OF OFFENSE: Sex / Criminal sexual conduct with minor or Attempt - victim under 11 yrs of age - First degree

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable

Sworn to and subscribed before me

on 11/17/2015

Belinda Y. Johnson
Signature of Issuing Judge

Belinda Yvonne Johnson

Judge Code: 7251

Judge's Address Greenwood County Courthouse

Greenwood, SC 29646-2634

Judge's Telephone (864)942-8655

Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

AFFIDAVIT

ORIGINAL

ORIGINAL

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ORIGINAL

ORIGINAL

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17207

2015A2410201164

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Greenwood

THE STATE

15-33897

against

Howard James Woods, Jr

Address:

Greenwood, SC 29648-

Phone: _____ SSN: _____
Sex: M Race: B Height: 6 3 Weight: 250DL State: SC DL #: 000410000DOB: 10/10/1986 Agency ORI #: SC0240000Prosecuting Agency: Greenwood County SheriffProsecuting Officer: Sharon Middleton - 0116Offense: Sex / Criminal sexual conduct with minor, or
Attempt - victim under 16 years of age - SecondOffense Code: 0397Code/Ordinance Sec: 16-03-0655(B)(2)This warrant is CERTIFIED FOR SERVICE in the☐ County/ ☐ Municipality of

The accused

is to be arrested and brought before me to be
dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to

defendant Howard J. Woods
on 11-18-15Sharon Middleton
Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
528 Monument Street
Room 114
Greenwood, SC 296462623

20grs

ORIGINAL

ORIGINAL

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ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Greenwood

AFFIDAVIT

ORIGINAL

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 518Personally appeared before me the affiant Sharon Middleton whobeing duly sworn deposes and says that defendant Howard James Woods, Jrdid within this county and state on or about 12/31/2009

violate the criminal laws of the

State of South Carolina (or ordinance of ☒ County/ ☐ Municipality ofGreenwood)

in the following particulars:

DESCRIPTION OF OFFENSE: Sex / Criminal sexual conduct with minor, or Attempt - victim under 16 years of age - Second degreeI further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:In that Howard Woods, did in the county of Greenwood from January 2005 thru December 2009 engaged in sexual battery with
victim having a birthdate of 10/10/1986 Howard had vaginal and anal intercourse with the victim. Howard also engaged in oral sex
with the victim. Howard would make the victim perform oral sex on him. These sexual encounters would occur once or twice
every week. The incidents occurred at Greenwood Investigating Officer: S. Middleton GCSO

Signature of Affiant

Sharon Middleton

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Greenwood

Affiant's Address: 528 Edgefield StreetGreenwood, SC 29646-Affiant's Telephone (864)942-8600

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 12/31/2009defendant Howard James Woods, Jr

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of Greenwood) as set forth below:DESCRIPTION OF OFFENSE: Sex / Criminal sexual conduct with minor, or Attempt - victim under 16 years of age - Second degreeHaving found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or
her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as
soon thereafter as is practicable
Sworn to and subscribed before meon 11/17/2015Belinda Y. Johnson
Signature of Issuing Judge

(L.S.)

Belinda Yvonne Johnson

Judge Code: 7251Judge's Address Greenwood County CourthouseGreenwood, SC 29646-2634Judge's Telephone (864)942-8655Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

STATE OF SOUTH CAROLINA

COUNTY OF Greenwood
STATE VS.
Howard James Woods Jr.
AKA: _____
Race: AFRICAN AME Sex: M Age: 51
DOB: SS#:
Address:
City, State, Zip: Greenwood, SC
DL#: SID#:
*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 17GS24-0209
A/W#: 2015A2410201164
Date of Offense: 1/1/2005 - 12/31/2009
S.C. Code § : 16-03-0655
CDR Code #: 0397

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS
TO: Sex / Criminal sexual conduct with minor, or Attempt - victim under 16 years of age - Second degree

in violation of § 16-03-0655(B)(2) of the S.C. Code of Laws, bearing CDR Code # 0397
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ §17-25-45
w/minor 1st or Lewd Act)

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)
The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST: 101888
Sumner, Anna W. SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 15 (fifteen) days/months/years or ☐ under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment
of \$; plus costs and assessments as applicable*: the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.
☐ CONCURRENT or ☐ CONSECUTIVE to sentence on:
☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections. Credit 483 days
☒ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic
Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered
Total: \$ plus 20% fee: \$
Payment Terms:
☐ Set by SCDPPPS

PTUP
 days/hours Public Service Employment
Clerk GLD ☐
Attend Voc. Rehab. or Job Corp.
May serve W/E beginning
Substance Abuse Counseling ☐
Random Drug/Alcohol testing ☐
Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ beginning
\$ paid to Public Defender Fund
Other: sex offender registry of law.

Recipient:

*Fine:		\$
§ 14-1-206 (Assessments 107.5 %)		\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 61.6 (Public Def/Probation)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)		\$
TOTAL		\$

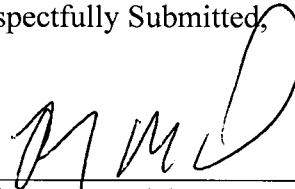
Clerk of Court/ Deputy Clerk
Court Reporter:

☐ Appointed PD or appointed other counsel,
Proviso 61.6 requires \$500 be paid to Clerk
during probation and shall be collected before
any other fees.
Presiding Judge
Judge Code: 2159
Sentence Date: 3-15-17

CERTIFICATE OF COUNSEL FOR APPELLANT

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

Respectfully Submitted,



Robert M. Dudek
Chief Appellate Defender

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

ATTORNEY FOR APPELLANT

This 5th day of September, 2018.

RECEIVED

SEP 05 2018

SC Court of Appeals