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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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

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SC Court of Appeals

Appellate Case No. 2016-001264

The State,..... Respondent

v.

Larry Durant,..... Appellant.

RECORD ON APPEAL VOLUME II OF II

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Q Could you please identify him for us?
A Gentleman sitting in the middle over there at the Defendant table.
Q Okay. What article of clothing is he wearing?
A He's wearing a gray suit and sunglasses.
Q Tell us about what you -- what your responsibility was that day and where you met Mr. Durant?
A We received a search warrant to take a photograph of Mr. Larry Durant. And so we were to meet him at the hospital, Tuomey. Being that it was local, we met him at the hospital and served the search warrant, took a photograph.
Q And the photographs that you were specifically authorized to take, what body part were you specifically authorized to take a photograph of?
A Yes, sir, it was of his penis.
Q And did you, in fact, take those photographs?
A Yes, sir, I did.
Q Approximately, how long did the process last?
A Couple of minutes.
Q Okay.
A It didn't take very long.
(WHEREUPON, State's Exhibit No. 12 was marked for identification.)
MR. FERNANDEZ: Permission to approach the witness?

THE COURT: Sure.

BY MR. FERNANDEZ:

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

A Yes, sir.

Q Did you take this photograph?

A I did.

Q All right. And what does the photograph show?

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

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

THE COURT: Over objection, it's admitted.

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

MR. FERNANDEZ: Beg the Court's indulgence.

(Pause.)

MR. FERNANDEZ: No further questions.

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

CROSS-EXAMINATION

BY MR. KENT:

Q How are you doing, sir?

A Good. How are you?

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

MR. FERNANDEZ: Not at this time, sorry.

THE COURT: Okay.

BY MR. KENT:

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

A Yes, sir.

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

A I believe so, yes, sir.

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

A No, sir.

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

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

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

A I don't believe so.

Q You didn't see me there, did you?
A No, sir.
Q Okay. So there was no lawyer. He was there, had a search warrant, pants pulled down and you took a picture of his penis?
A Correct.
MR. KENT: Thank you. No further questions.
THE COURT: Redirect?
MR. FERNANDEZ: Nothing, Your Honor.
THE COURT: You may step down.
MR. FERNANDEZ: Permission to excuse this witness from his subpoena?
THE COURT: You're free to go.
Any other witnesses?
MS. ABEE: Your Honor, the State has no further witnesses at this time.
THE COURT: All right.
Well, folks, you have now heard all the State's evidence. At this point in the trial, the State rests and so we will move to the next phase of the trial. But we'll do it after lunch since it's 12:30 right now. Let's have you back in the jury room at 2:00 o'clock.
Again, while you've heard the State's case, that doesn't necessarily mean the trial is over with, so let us again remember the instructions I've been giving you not

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

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

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

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

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

Over the lunch hour, you will need to make that

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

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

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

THE COURT: Go ahead.

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

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

MR. KENT: Kellin.

THE COURT: -- Kellin's testimony.

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

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

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

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

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

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

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

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

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

that.

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

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

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

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

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

THE COURT: Okay. Anything else?

MS. ABEE: No.

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

(WHEREUPON, a lunch break was taken.)

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

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

Did you get the document substituted in that you wanted?

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

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

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

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

THE COURT: You will?

MR. KENT: Yes, sir.

THE COURT: Okay.

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

THE COURT: What is that?

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

deeds that we talked about that have been forged.

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

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

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

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

THE COURT: Mr. Kent.

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

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

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

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

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

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

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

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

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

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

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

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

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

THE COURT: Go ahead.

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

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

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

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

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

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

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

MS. ABEE: And --

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

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

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

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

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

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

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

(Out of the presence of jury.)

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

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

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

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

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

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

THE COURT: You go ahead.

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

DIRECT EXAMINATION

BY MR. KENT:

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

A Fine.

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

A Correct.

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

A Several months back, yes, sir.

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

A No, sir.
Q When did you actually prepare a report on those cases?
A This morning.
Q This morning. When would be the first time you gave me a report on those cases?
A Approximately an hour and 10 minutes ago.
Q Okay. About an hour and 10 minutes ago?
A Yes, sir.
Q Immediately after getting the report, did I have the prosecution come in and look at the same report and give them an opportunity to speak to you?
A Would you repeat that again, please?
Q I'm sorry. Immediately after getting the report, within a substantial period of time, did I call the prosecution and have them come in and look at your report and give them an opportunity to speak to you?
A That's my impression, yes.
Q But I would not have had a report before the two of us talked on this last break before 2:00 o'clock?
A That's correct.
Q And you have not prepared any other report for me on anything whatsoever?
A No, sir.
Q And none was requested of you until --

A None was requested until early evening, last evening.
Q Last evening, you received a phone call from Cameron Blazer?
A From the staff. I don't recall, it could have been.
Q From the staff or who told you late last evening that we needed a copy of your report and we needed you to come testify today?
A That is correct.
MR. KENT: Thank you so much.
MS. ABEE: If I may, Your Honor?
THE COURT: Go ahead.

CROSS-EXAMINATION

BY MS. ABEE:
Q Mr. Dawson, you stated that you received these documents several months ago, is that fair?
A Correct.
Q Did you look at them?
A Yes, I did.
Q Did you do any analysis on them back then?
A Yes, I did.
Q Did you communicate at all with Mr. Kent, Ms. Blazer about those results?
A Yes, I did.
Q So they were aware of the results that you then put in this report this morning?

A. Perhaps, not necessarily this exact verbiage, no.
Q But they were aware that you had looked at the documents, right?
A Yes, I believe that's correct.
Q And you stated that you had already performed your examination, right?
A Yes, for the most part.
Q Is it typical for you to not create a report when you're doing the examination?
A It's a client's requested report. I may not. It's up to them.
Q So do you keep notes when you're doing the examination?
A I do, yes.
Q And is that what your report is based off of?
A Pretty much so, yes.
Q And you wait until you're asked by the attorney to create the report, right?
A That's correct.
Q You don't create it before then?
A No, ma'am.
Q Do they specifically ask you not to create it before then?
A No.
Q Why don't you create when you're doing the

examinations?
A That's a separate act, if you would, in the protocol and I wait until my client asks me for a report.
Q Okay. So let me get this straight. You do the examination. You take the results. You communicate some of that with the defense attorney, but then you don't put it into a report until they ask you to do so; is that right?
A That's correct.
MS. ABEE: Your Honor, may I have one second?
(Pause.)
MS. ABEE: I have no further questions for Mr. Dawson, Your Honor.
THE COURT: Anything else?
MR. KENT: Nothing further, Your Honor.
THE COURT: Okay. All right. You can step down. You can go back out.
THE WITNESS: Thank you, Your Honor.
THE COURT: All right. Well, he didn't create a report until last night. They didn't have to give it to you ahead of time.
MS. ABEE: Your Honor, we would still contend this is a blatant attempt to circumvent Rule 5. He stated that he performed the analysis, that he knew the results. He communicated those results to Mr. Kent, and then he sits

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

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

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

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

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

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

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

MS. ABEE: Can I have one second --

THE COURT: Sure.

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

(Pause.)

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

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

THE COURT: I understand.

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

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

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

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

THE COURT: Okay.

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

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

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

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

Bring the jury --

Do you want to say something?

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

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

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

MR. KENT: Your Honor, may we approach?

(WHEREUPON, a bench conference was held.)

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

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

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

(Pause.)

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

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

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

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

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

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

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

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

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

THE COURT: Who is it?

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

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

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

MS. BLAZER: Thank you, Your Honor.

MS. ABEE: Thank you, Your Honor.

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

THURSDAY, MAY 26, 2016

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

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

THE COURT: Everybody ready?

MR. KENT: Your Honor --

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

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

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

MR. KENT: No, sir.

THE COURT: For appellate purposes if you want it.

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

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

THE COURT: Okay.

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

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

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

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

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

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

THE BAILIFF: State your name, please.

THE WITNESS: Mickey Dawson, Marvin Dawson.

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

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

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

DIRECT EXAMINATION

BY MR. KENT:

Q Mr. Dawson, how are you doing, sir?
A Fine. Thank you.
Q I'm going to give you the same admonitions that I've given everybody else. Madam court reporter is taking down every word that you are saying. She can't take down head nods and shakes and things of that nature, so make sure any question that I ask that you answer affirmatively without a head nod or a shake or anything of that nature, okay?
A Yes, sir.
Q Additionally, make sure we speak loud and clear enough so everybody in the jury can hear everything you're testifying to?
A Certainly.
Q First, I want to get into a little background. And state your name one more time so the jury knows who you are.
A Marvin Dawson, Jr.
Q You also go by the name of Mickey; is that correct?
A That's correct, sir.
Q Mickey, where do you live?
A Spartanburg, South Carolina.
Q We're going to do a little background. How long have you lived in Spartanburg, South Carolina?
A Approximately 16 years.

Q What do you do for a living?
A I'm known as forensic document examiner, sometimes called a handwriting expert.
Q Could you explain to the jury what that is?
A A document examiner examines handwriting, typewriting, machine copies, mechanical impressions, anything normally where a pen or instrument mechanically would make a mark, impression on some kind of paper, walls, whatever. We examine for authenticity or no authenticity, is it genuine or nongenuine. And the other examinations we may do, ink, paper, et cetera. It's a rather far reaching definition of our job description.
Q How long have you been doing that for?
A Approximately 40 years, yes.
Q Would you tell the jury what type of training and background and experience led to your profession?
A I have an undergraduate degree from the University of South Carolina. I'm a graduate of the FBI National Academy. I am Board certified by the American Board of Forensic Document Examiners. I interned, two-year internship with the Georgia Bureau of Investigation. Came back to the South Carolina Law Enforcement Division, known as SLED, and started SLED's document laboratory back in the early 70's and staffed the laboratory and worked 1988, '89. And then went to DSS to do their document work and

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

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

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

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

A I have, yes.

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

A Yes, I have.

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

A Approximately, a little over 350 times in federal,

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

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

A In each of those times, yes.

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

A I have, yes, that is correct.

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

MS. ABEE: No objection, Your Honor.

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

You may resume.

BY MR. KENT:

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

review, document review, what goes into that?

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

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

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

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

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

A It's a science, yes.

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

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

Q Yes, sir.

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

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

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

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

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

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

A That's correct.

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

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

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

A Yes, sir.

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

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

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

A I had specimens of three writers submitted to me.

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

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

A Yes, sir.

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

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

Q And let me make that much more simple.

A Yeah, please do.

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

A Yes.

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

A Yes, I was.

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

A That's correct.

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

BY MR. KENT:

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

A I did, yes.

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

A Yes.

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

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

Q They were not genuine signatures?

A That is correct, sir.

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

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

MS. ABEE: No objection, Your Honor.

THE COURT: It's admitted.

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

MR. KENT: Permission to publish, Your Honor?

THE COURT: Go ahead.

BY MR. KENT:

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

A Oh, I do not.

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

A Yes, sir.

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

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

Samara Samuels.

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

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

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

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

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

A Yes.

Q What is that?

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

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

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

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

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

documents.

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

A Yes, sir.

Q What are the results of the examination?

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

Q All right. Keep going with your results?

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

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

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

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

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

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

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

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

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

A It would, yes.

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

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

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

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

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

A I don't believe I said that.

Q Or the sophistication --

A Maybe you're talking about skill level.

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

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

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

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

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

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

A That was my opinion, yes.

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

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

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

A Yes, I did.
Q And State's Exhibit No. 10, there's a notary block. Then State's Exhibit No. 11, there's a notary block. Did you make a determination based upon that?
A It appears there is common authorship of the same person filled out the administrative part for the block, even though the Samuels's signatures were different.
Q Finally, you prepared some charts. When you did your investigation, there's certain things we look for that aid in your investigation. Like, you have to put little red dots and things of that nature where you can show the jury how you look and see things; is that correct?
A That's correct.
Q And you prepared some charts that would aid you in showing the jury how you actually deal with these things?
A We marked several of the indicators on there, whether it's genuine or nongenuine, just for purposes of this demonstrations. We don't mark all of them. If we did, you'd have a whole red chart.
MR. KENT: I'd ask permission to have the witness step down from the stand, Your Honor?
THE COURT: Sure.
MS. ABEE: Your Honor, I would just ask for permission to reposition so I can see.
THE COURT: That's fine.

BY MR. KENT:

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

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

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

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

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

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

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

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

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

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

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

This is where we speak of skill level. Basically,

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

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

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

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

A That is correct.

Q Why was that?

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

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

Q Naturally executed by a writer?

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

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

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

BY MR. KENT:

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

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

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

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

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

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

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

A That's correct.

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

A It would appear so, yes.

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

No. 11 were Larry Durant's signatures?

A No, you have different letter forms in there.

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

THE COURT: Cross?

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

THE COURT: Yes.

CROSS-EXAMINATION

BY MS. ABEE:

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

A Nineteen -- certified -- Board certified?

Q Yes, sir.

A 1988, I believe.

Q And when did you start performing forensic document examinations?

A Around 1972, '73.

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

A That's correct.

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

A I started the document laboratory at that time. I had already started the forensic photography laboratory. This is the second one I started, yes.
Q And then I think you said you went to DSS?
A That's correct.
Q And why did you leave SLED?
A I went to DSS. I do private practice, and I also did work for the State. It's the best thing for me.
Q So you went from working for the state to working for the state and doing private practice; is that right?
A That's correct.
Q Then after, I believe you said, 27 and a half years in law enforcement, you became solely into private practice, right?
A That is correct, yes.
Q And you've been doing private practice for how many years now?
A Actually, I was -- that's a good question. I'm not sure. I would have to say from about 1993, '92, '93.
Q So more than 20 years?
A Yes, ma'am.
Q Okay.
A That's correct.
Q And you talked a little bit about what it is that you examine when you're looking at the signatures. And you

mentioned that you didn't have exemplars in this case, right?
A I'm sorry?
Q You didn't have handwriting exemplars in this case, right?
A I did have handwriting exemplars, yes, ma'am. I had specimen writings.
Q You didn't have somebody sit there and write out full pages in their own handwriting, right?
A Requested writing, no, I did not. I had only one set of requested writing, and that was Mr. Durant.
Q Okay. So you had known handwriting samples requested from Larry Durant, right?
A I had requested Mr. Durant, that's correct.
Q Yes, sir. You did not have them from Ms. Lizzie Johnson?
A Actually, the answer to your question is no, but probably 98 percent of the time, we don't have it.
Q Okay. So that's a no, you didn't have any handwriting exemplars from Ms. Lizzie Johnson, right?
A No, I did not.
Q You also didn't have them from Ms. Samara Samuels, rights?
A No. We prefer collective writing from the field over someone sit down and write. Many times, there are some

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

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

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

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

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

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

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

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

A That is correct.

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

Samuels, correct?
A That's correct.
Q And each person individually has a range of deviation in their handwriting, right?
A Some have more than others. Some people write absolutely by the textbook, write the same way all the time, others bounce around. It all depends. So not everyone has the same amount of deviation.
Q And if you have more samples of somebody's handwriting, you're able to tell if they have this degree of variation an deviance in their handwriting, correct?
A If you're looking for deviation, yes, but when you're comparing I dot slashes continuously, you're comparing disconnects continuously, comparing habits and they pop up in three, four, or five, then you have a reasonable expectation that it will pop up in others. But that is correct, the more you have, the more deviation you can show.
Q Did you request the handwriting exemplars from Larry Durant?
A I probably did. I don't recall quite frankly. I work cases all the time. Since I have those requested, I probably did. I cannot say absolutely.
Q So if you would have requested them, someone would have signed their name knowing that those were going to

you, correct?
A You'll have to talk to the counsel who took those. I assume the attorney took them. I don't know.
Q But you would request them from, say, the attorney, is that your normal practice?
A They were provided to me by my client, who was an attorney in this case.
Q And I want to talk about something else with the documents that you reviewed. You didn't review originals, correct?
A I did not, no.
Q You reviewed machine copies, right?
A That is correct.
Q And machine copies do add some limitations as to what you can and cannot tell about the handwriting, correct?
A As to characteristics, yes, but machine copies, also, give you forms of the letters and how the letters connect. So machine copies are pretty good. The originals, of course, are the best evidence.
Q And, for example, machine copies can't tell you where the pressure is when somebody's writing, correct?
A Depends on how good the copy is. Sometimes, machine copies can show you the line variations, can show you the variations and pen pressures. Other times, it does not.
Q And so you would prefer originals when trying to

determine whether or not someone is tracing, for example?
A Yes, I would.
Q Because that pen pressure marks can show you whether somebody is actually tracing a signature, can it not?
A Not necessarily, some people write heavy anyway. Some people just absolutely bear down, leave a track in the paper. Other times, you will have the original and you will find little track marks in there. When you have a document or a signature, even a machine copy that shows variation and line pressure even to a machine copy, chances are you do not have a tracing or simulation or forgery.
Q Your results in this case, you said it was most probably, correct?
A That's correct, yes, ma'am.
Q And even you just stated on direct that your opinion could change based on having the originals and having handwriting exemplars, correct?
A That's a possibility. Remote as it may be, that's a possibility, yes.
Q And Mr. Dawson, are you being paid for your time in this case?
A I am being paid for my time, that's correct.
Q And you're being paid by the Defense for your time here testifying?

A I'm being paid by someone, yes, ma'am.
Q The State didn't subpoena you or call you to the stand, correct?
A That's correct.
Q And the State didn't ask you to prepare this report, correct?
A The Defense is paying me. I don't know who through the Defense is paying me.
Q So you were called here by the Defense, right?
A That's correct.
Q Mr. Dawson, you said you have no idea what this trial is about, right?
A I do not, no.
Q So you have no idea that this is a criminal sexual conduct case?
A No, I do not.

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

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

THE COURT: Redirect?

REDIRECT EXAMINATION

BY MR. KENT:

Q You don't work for free, do you?
A I get paid for my time, sir.

Q So you didn't drive here from Spartanburg just because I'm so charming, I'm assuming?
A I was asked to come and testify and paid for my time, sir.
Q Looking at Defense Exhibit No. 1 -- and the jury will have Defense Exhibit No. 1. And I know we went over it a little bit, but you were given a lot more signatures than just were in those deeds; is that correct?
A I had additional signatures, that is correct, several additional signatures. I didn't load the charts up with them, no.
Q So we gave you different signatures from things that we knew were signed by a particular person?
A That's correct.
Q So we gave you different dates or different times of signatures?
A What's listed in the report is what we received, sir.
Q So we just give you as much, you do your report based upon your bevy of experience as long as you've been doing this, testifying in over 355 -- 350 general sessions trials qualified as an expert. Do you stand by the opinion that you've given to the jury today?
A I'll stand on my report, yes, sir.
Q You stand by your report?
A Yeah.

MR. KENT: Thank you so much.

THE COURT: Recross?

MS. ABEE: No, Your Honor.

THE COURT: You may step down. Thank you.

MR. Kent: Thank you.

I ask this witness be excused, Your Honor.

THE COURT: You are free go.

Next witness? Take a break?

MR. KENT: Yes, sir.

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

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

THE COURT: All right. Back in 10 minutes.

(WHEREUPON, a short break was taken.)

THE COURT: All right. Ready?

MR. KENT: Yes, sir.

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

Bring the jury in.

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

THE BAILIFF: All the jurors are back in the

courtroom, Your Honor.

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

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

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

THE WITNESS: A.R. .

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

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

THE WITNESS: A.R. , A.R. .

DIRECT EXAMINATION

BY MR. KENT:

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

A I'm doing good. How are you?

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

A (Witness nods.)

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

A Yes.

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

familiar with social media, correct?
A Yes.
Q You understand what social media is?
A Yes.
Q I'm not smart when it come to social media. You understand what Facebook is?
A Yes.
Q You understand what Instagram is?
A Yes.
Q And understand what Twitter is?
A Yes.
Q And you formerly had a Facebook account?
A Yes.
Q And an Instagram account?
A Yes.
Q And a Twitter account?
A Yes.
Q You no longer have the Twitter account?
A No, I don't.
Q Do you still have the Instagram account?
A Yes.
Q Do you still have the Facebook account?
A No.
Q The Facebook account, that was just an account just under your name, correct?

A Yes.
Q The Instagram account, what is your hand -- you can put different names on your Instagram accounts and Twitter accounts, correct?
A Yes.
Q What was the name of under your Instagram account?
A Bad kid, underscore, Riley.
Q Back up, please. We're getting a little reverberation just a little bit when you talk. But still loud and clear enough so everybody can hear?
A Okay.
Q And your Twitter account was at I'm just A.R. or something like that, correct?
A I'm not sure.
Q Okay. Do you remember having a Twitter account?
A Yes, I do.
Q You don't remember what your Twitter account was?
A No, I don't.
Q And you would agree with me you had a Twitter account and it had a little picture of you right next to the Twitter account, correct?
A That's correct.
Q If I told you that you Twitter account name was at I'm just underscore capital A.R. , that was your Twitter account?

A No, that was not.
Q Okay.
A I don't have no recognition of that.
Q I want to show you, just approach you and show you the Twitter account with your picture and your name. Do you remember that Twitter account?
A No. I'm not aware of this.
Q You don't remember that Twitter account with your picture or your name next to it?
A That is my picture, but I didn't create this.
Q So that is a picture -- that is your picture?
A From what I can see, it looks like me, but I'm not 100 percent sure it is me.
Q And it was a picture associated with a Twitter account. You're saying you did not create the Twitter account?
A No, I didn't because I would never capitalize my last name in any of my social media, so this is not mine.
MR. KENT: Thank you so much. That's all the questions I have.
THE COURT: Okay.
MS. ABEE: Your Honor, I have no cross-examination.
THE COURT: All right. You can step down.
MR. KENT: Your Honor, at this time we will recall Detective Kelly to the stand.

THE COURT: All right.

THE BAILIFF: State your name, please.

THE WITNESS: Detective Natalie Kelly.

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

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

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

DIRECT EXAMINATION

BY MR. KENT:

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

A I have.

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

A That's correct.

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

A Okay.

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

A That's correct.
Q One of the questions that was asked was did any of these girls go through any therapy at all?
A Not that I'm aware of.
Q No therapy for any of them?
A No.
Q There were also further allegations inside of the file that most of the girls made the allegations that during the sexual experience or whatever happened that Larry Durant did not use a condom?
A That's correct.

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

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

THE COURT: You may step down.

Next witness?

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

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

THE WITNESS: Myer Donnell Whack.

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

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

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

DIRECT EXAMINATION

BY MR. KENT:

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

A Doing fine.

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

A Myer Donnell Whack.

Q Mr. Whack, where are you from?

A I'm from Manning.

Q How long have you lived in Manning?

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

Q Where did you go to high school?

A Manning High.

Q When did you graduate?

A In 1994.

Q Okay. What do you do currently?

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

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

BY MR. KENT:

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

A I'm a CNC technician in Blythewood.
Q I'm going to need you to lean forward a little bit more because now I can't hear you.
A I'm a CNC technician inside Blythewood, south Carolina.
MR. KENT: I'm still hearing the reverberation. Can we take a little break?
THE COURT: Let's see what we can do.
MR. KENT: Technology, sometimes it's great and sometimes it's not.
BY MR. KENT:
Q We're going to try one more time. Tell me again for the third time where do you work or what do you do?
A I work inside Blythewood, South Carolina. I'm a CNC technician.
Q We're good to go. We're going to keep going on that note. How long have you been doing that?
A For like 10 years now.
Q CNC technician. I don't understand what that is.
A I program machines.
Q Okay. Are you married?
A Yes, I am.
Q How long have you been married?
A Right now, it will be seven years in this month right here.

Q Do you have any children?
A Yes, I do.
Q Tell me about your children.
A I have four kids. I have a son that is 21. I have a daughter that's 16, another daughter that is 10 and another daughter that is five.
Q And the two of us, we've known each other for quite some time?
A Right, correct.
Q I've known you for almost a decade, if not longer?
A Right.
Q I'm going to ask you some personal questions as you understand.
A Right.
Q I'm not trying to embarrass you, but if you're on the stand, there's some things that we have to ask you.
A That's fine.
Q I understand that at some point in time, you've had some fraudulent checks charges in your life?
A That's right.
Q You've had several fraudulent check charges?
A That's correct.
Q And you've also had a charge for failure to stop for a blue light?
A Correct.

Q Those are all charges that you've had in your life in your past?
A Right.
Q Some as recently as last year?
A Correct.
Q Sorry to get that out, but sometimes we have to talk about things when you take the stand. I want to talk to you about where do you go to church?
A Word International Ministries.
Q How long have you been at that church?
A For like 20 years.
Q Tell me about the church.
A Oh, it's a wonderful church. I've been there since I was 19 years. I grew up in the church.
Q Where is the church located?
A At 1010 North Guinyard.
Q Do you have position at the church? Is there something you do?
A Yes, I do.
Q What do you do at the church?
A I'm an elder, also, I'm an armor bearer. I'm a sound technician, video. I wear a lot of hats.
Q We're going to talk about those hats and make sure everybody understands.
A Uh-huh.

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

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

Q You're also an armor bearer?

A Of course.

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

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

Q Do you lie for him?

A No, oh, no.

Q Would you do anything for him? It sounds like you just work for this guy?
A No, I don't. I would not lie.
Q Do you work for him or do you get paid by him?
A No, I not.
Q So why do you do all this stuff?
A Because I believe the man of God that he is. I believe who he is.
Q So you do stuff for him?
A Right.
Q Tell me again about the arm -- so you've known -- how long have you known Larry Durant?
A Approximately, like, 20 years.
Q And as your role as an armor bearer, tell us a normal thing that happens after service, what happens?
A After service, we do to the back. We make sure we wipe him down. Make sure he's fine. He don need anything. The majority of the service sometimes he don't want to see somebody. And if he does want to see somebody, you know, he probably just say hey, I want to see someone. But the majority of time, people come to the door and say I want to see him. And if he really want to see that person, he will say yeah or nay. A lot of times he will be tired and worn out.
Q So when he goes to see somebody, what do y'all do?

You just leave them there and leave for hours?
A No, we're right at the door.
Q What do you mean by right at the door?
A Right at the door. It's like the door is right there. It's like you can't go no farther right there. It's like a brick building. You can hear everything that's inside of the building. It's not like sound proof.
Q So you would stand right outside the door when anybody would go into the room to meet with Pastor Durant?
A Correct.
Q Is that the role of the armor bearer?
A Right.
Q Is it a block -- we haven't heard this door described. Is it a block door? Is there a window on the door? Can you see through the door? What type of door?
A It's a door. It has a window on the door. It's a wood door. I mean, it's not sound proof.
Q So you can hear things that go on on the other side of the door?
A Correct.
Q Have you ever heard anything inappropriate that you thought something was going on in there?
A No.
Q What's longest that you've ever had anybody sit inside of the room with Pastor Durant?

A Maybe about five or 10 minutes, no longer than that.
Q So no one is ever there for a long period of time?
A No, no.
Q What would happen if somebody was in there for a long period of time?
A I would find out what's going on because, you know, we have other people waiting, other people want to see him. You know, what's going on.
Q And we've heard stuff about these doors locking. You would be right there behind the door. Have you heard the door locked?
A No, no, no.
Q Would you be suspicious if you heard the door lock?
A Yes, yes.
Q In your mind, have you heard the door lock?
A Never did.
Q Has there ever been a time where you've walked inside of the room or knocked on the door and gone to talk to Pastor Durant while he's in there meeting with somebody?
A Yes, many times.
Q So there's nothing to stop you from walking in and out?
A Nothing to stop me, no.
Q In the 20 years you've known him, has he ever stopped you and said don't come in here, I'm in the middle of

something or anything like that?
A No.
Q I'm going to talk to you specifically about some folks?
A Okay.
Q Do you know the name Lizzie Johnson?
A Yes, I do.
Q Do you know the name K.R. ?
A Yes, I do.
Q Do you know the name A.R. ?
A Yes, I do.
Q Do you know the name T.H. ?
A Yes, I do.
Q Do you know the name D.B. ?
A Yes, I do.
Q Now, starting with the last four I mentioned, were those members of the church?
A Yes.
Q Would you see all of them hanging around together?
A Yes.
Q Were they always often together?
A Yes.
Q Did you ever see them go inside of the room and talk to the pastor?
A Yes.

Q So that's nothing -- they would go in there and talk to the pastor?
A Yes.
Q At any point in time, did you hear anything while they were inside of the room that you thought was inappropriate?
A Never did.
Q Did you ever see K.R. and A.R. at church at the same time?
A Yes.
Q Anything raise your suspicions while they were at church or anything of that nature?
A No.
Q So your testimony as his armor bearer, you're with him pretty much all the time?
A Pretty much.
Q You or somebody else. Who are some of the other armor bearers at that church?
A We got Elder Vaughn, Missionary Hodge, sometimes it would be Regina Maynard. You know, that's pretty much it.
Q So for a large portion of the time, you're with the pastor?
A Right.
Q And you're with him -- when he's at the church, are you with him pretty much all of the time?

A Yeah.
Q How does he get home?
A Pastor.
Q And you say pastor, his wife?
A His wife.
Q That lovely lady who has been sitting behind him the whole time?
A Yes.
Q So she's usually the one who will take him?
A Yeah.
Q So he doesn't get done with church and just drive himself home?
A No.
Q So somebody is waiting around for him after church?
A Right.
Q And it's generally his wife?
A His wife.
Q I have noticed when we're going in and out of the courtroom, he puts his hand on your shoulder and you guide him and walk him places?
A Right.
Q Why do you do that?
A So I can let him know what's coming up, what's close by so he won't go up and fall and hurt himself.
Q Why would he bump and fall?

A He has two prostheses and he can't see.
Q So this is something you've been doing for a long time?
A For a long time.
Q Or somebody does it?
A Right.
Q Do you ever see him walking and going by himself anywhere?
A No.
Q He always has somebody guiding or leading or taking him somewhere?
A Right.

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

THE COURT: Cross?

CROSS-EXAMINATION

BY MR. FERNANDEZ:

Q Mr. Whack, good morning.
A Good morning.
Q I want to explore a little bit what about it means to be an armor bearer.
A Okay.
Q Just for my own personal edification. I know you talked a little bit about it. I'm going to expand on what you just said if that's okay.

A Uh-huh.
Q I think you did comment that you do -- in addition to your official functions as being an armor bearer, I guess, that's church; is that correct?
A Uh-huh.
Q Would be official -- your official responsibilities would include things that you do at church?
A Right.
Q In addition to those responsibilities, you actually do other things that people would probably consider private duties, personal assistant type jobs. Would that be correct?
A I wouldn't call it private. It's just part of the job because I know his abilities. I know what he can and cannot do by being physically blind and not having legs.
Q Okay. So you consider doing his laundry and all the -- mowing his lawn, those are all things that are part of the church?
A No, I don't laundry.
Q Oh, sorry. I thought you said laundry. I apologize. I thought you said wash clothes, you didn't say that?
A No.
Q So you never do laundry?
A No.
Q Okay.

A Why should I? He has a wife.
Q Okay. So you mow the lawn?
A I mow the lawn, I wash the cars. I get his clothes out.
Q So you said things like washing laundry, that should be what his wife does?
A His wife does.
Q And what other things should his wife should do that you don't do?
MR. KENT: Objection, calls for speculation.
THE COURT: Sustained.
BY MR. FERNANDEZ:
Q You've known the Defendant, Mr. Durant, for how long, 20 years?
A About 20 years.
Q And how old were you when you would have met him?
A I was 19.
Q And did you meet him in school, the same neighborhood, like where would you guys --
A No, I met him by Lizzie Johnson.
Q Okay.
A I met him by Lizzie Johnson because Lizzie Johnson was married into my family by my uncle. I've known her for a while since I was young.
Q Ms. Johnson?

A Ms. Johnson.
Q Okay.
A I've known her since I was young. I met him by him coming to my house. And he said something that startled me. And when it startled me, it came to pass. And from that point on, I was following him since then because I believed who he was by being the man of God he was.
Q Now, would you consider yourself a fairly religious person?
A Very.
Q And I think you said it before, you just kind of touched on it before when you were talking to me, you believe that Pastor Durant is inspired by God; is that correct?
A Yes, he is.
Q So when Pastor Durant says something, you believe it as true?
A Amen, uh-huh.
Q And we agree that God, perhaps, works in mysterious ways?
A Yeah.
Q Okay. And so if Pastor Durant asked you to do something that, perhaps, you find odd or, perhaps, out of order, would you follow it?
A No, I would not.

Q Okay. So you do have a limit as to what you would do?
A Right. If it's not in the will of God, if it's not right I'm not going to do it. Because I'm not going to hinder myself nor my kids.
Q So you believe that Pastor Durant can be wrong sometimes, is that what you're saying?
A We all human.
Q Okay. I'm going to go over a little bit of your record because I know counsel did touch on it. Just correct me if I'm wrong, I just want to talk to you a little bit about it. 2006, you have six counts of fraudulent check; is that right?
A Correct.
Q So you forged checks and submitted them as true?
A Yeah.
Q In 2008, you have another fraudulent check charge?
A Uh-huh.
Q In 2011, you have a failure to stop for blue lights charge?
A Uh-huh.
Q And that means that you actually went -- when police tried to pull you over --
MR. KENT: Objection, Your Honor, you can't get into the details. I think he's answered the question.

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

THE COURT: Go ahead, go ahead.

BY MR. FERNANDEZ:

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

A Yes.

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

A Uh-huh.

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

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

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

A No.

Q So you do?

A Uh-huh.

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

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

THE COURT: Go ahead.

BY MR. FERNANDEZ:

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

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

A That's his office.

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

A It was the Apostle's office.

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

A 1010 North Guinyard.

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

A Yes.

Q Is that another picture of his desk?

A Yes.

Q Tell me what this is a picture of?

A His door.

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

A Brick.

Q Would it be cinder block?

A Yeah.

Q And what material is the door made of?

A Wood.

Q That's wood?
A Uh-huh.
Q And is there a window in the door?
A Uh-huh.
Q Is the window covered up?
A Yes.
Q And is there two signs on the front of the door?
A Yes.
Q And what do the signs say?
A Not not enter.
Q Okay. And the other sign on the doorknob?
A Please knock.
Q Is that true and accurate about how the office generally looks?
A Yeah.
Q And I think you just testified earlier people did frequently obtain private prayer sessions with Mr. Durant after a prayer service?
A I don't call -- we don't call it prayer session.
Q What would you call it?
A It's a meeting.
Q The during these meetings -- and any number of people would go to these meetings, is that what you said before?
A Yeah, I mean, you have people who want to see him after service. Some services, he did not want to be

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

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

A Correct.

Q During these meetings, was the door closed?

A Yes.

Q And I think you already testified, but K.R. , A.R. , T.H. and Anissa D.B. , they all attended private meetings when you were standing outside?

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

Q But they were in closed-door meetings?

A Right.

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

A Correct.

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

A Right.

Q Let me ask you a little about the Defendant, Mr. Durant, himself. Has he -- you said -- do you drive him around?

A Yes.
Q Okay. Has he ever driven a car?
A No.
Q He's never driven?
A Never driver.
Q Do you know if he's ever obtained a driver's license?
A Yes, he has one.
Q He has a driver's license?
A Uh-huh.
Q Okay. Thank you. How does -- you said he reads the word of the Bible. How does he read?
A He doesn't read.
Q Does he use braille or is there a special --
A No, he has phones and iPad. He has people like his wife and myself or other members that reads to him. A lot of things on his iPad has stuff to read to him.
Q So you've never seen him read anything?
A No.
Q Has he ever used a cell phone before?
A No. He know how to talk. He knows how to answer a cell phone, like blue tooth.
Q Does he ever use his fingers --
A No.
Q -- to do things on a cell phone?
A No.

Q You say you've been around him all the time?
A Correct.
Q I mean, you eat lunch him?
A Yes, I have.
Q You wake up -- in fact, during court, you actually usually will lead him around, correct?
A Correct.
Q And estimate how many hours a day you spend with Mr. Durant?
A Well, I mean, I work, too. I have a job.
Q You work normal hours at a job?
A Yeah, I have a job and a family, too, as well.
Q Okay. So not including your hours at work, at least, so is's a nine-to-five-type job?
A Yeah, I work 12 hours a day.
Q You work 12 hours?
A I work 12 hours a day.
Q Not including those times, how often do you spend with Mr. Durant?
A If called during the course of the day -- if I'm at work and I call him and I said, Apostle or Pastor, do you need anything, if needed, I'll go and help out whatever needed, but if he don't need anything, I usually stay home. But if he needed to go anywhere that places of prayer, church, or anything, I'm there.

Q Okay. And he has asked you to go retrieve people for private meetings before? He has asked you to go say hey, this person needs to come --
A They usually come to the door.
Q Have you ever retrieved someone for him?
A No.
Q Never?
A No.
Q And you said before that your role as armor bearer is to serve and protect Mr. Durant?
A Correct.
Q And it's -- is that an important role that you take very seriously?
A Yeah, because that's my leader. That's the one who's hearing from God for me. Of course, I'm going to make sure he's in a safe environment that -- you know, that he's safe and that the pastor is safe, his wife is safe. You know, he can hear from God, of course.
Q So it's your job to keep him safe and protect him?
A Not my job, whoever is the armor bearer.
Q In your role as an armor bearer --
A Right.
Q -- it's your job?
A And every member.
Q I'm sorry, I didn't hear you?

A And every member.
Q Okay.
A Uh-huh.
MR. FERNANDEZ: Beg the Court's indulgence one moment.
(Pause.)
MR. FERNANDEZ: No further questions, Your Honor.
Thank you, Mr. Whack.
THE WITNESS: You're welcome.
THE COURT: Redirect?
MR. KENT: Nothing further, Your Honor.
THE COURT: All right. You can step down.
Next witness.
MR. KENT: Your Honor, we would call Elvin Vaughn to the stand.
THE BAILIFF: Place your left hand on the Bible, raise your right hand, please.
THE WITNESS: Elvin Vaughn.

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

THE BAILIFF: State your name and spell your last for the record.
THE WITNESS: Elvin Vaughn, V-A-U-G-H-N.

DIRECT EXAMINATION

BY MR. KENT:

Q Mr. Vaughn, how are you doing, sir?
A Pretty good, sir.
Q I'm going to need you to speak loudly and clearly enough so the person on the back end of the jury can hear every word you're saying, okay?
A Absolutely.
Q And Madam Court Reporter is taking down every word that you're saying, so she can't take your head shakes or nods or anything of that nature, so make sure we speak in words, yes and no in answering the questions. Okay?
A Yes.
Q At any point in time, you do not understand the question that I ask or if I speak entirely too fast, simply tell me to stop, slow down, okay?
A Yes.
Q Let's tell the jury a little about yourself. Tell them who you are, where you're from. Just tell them who you are.
A Again, my name is Elvin Vaughn. I'm a minister at Word International Ministries. I'm a truck driver by trade. I'm an armor bearer for Apostle Durant.
Q Let's talk about your background. Are you married?
A Yes, sir, I am.
Q Who are you married to?
A Arlisa Vaughn.

Q How long have you been married?
A Eight years.
Q Do you have any children?
A Absolutely.
Q How many children you have?
A I have five total.
Q Tell us the names and ages of your children.
A [provides names of children]
Q I was about to say don't forget one of your kid's names.
A Yeah.
Q Your wife's not in the courtroom, we'll be okay. How long have you been driving trucks?
A Eighteen years.
Q And you still do that, correct?
A Absolutely.
Q I'm going to get right into it and talk to you a little bit about why you're here today. You mentioned that you're an armor bearer?
A Yes, sir.
Q Explain to the jury what an armor bearer is?
A Basically, armor bearer serves the purpose as prayer to the pastor, whatever needs he or she may need. You kind of serve as -- you serve. You're a server to whatever they need. And what I mean server, I mean to the

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

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

A Absolutely not.

Q Would you cheat, lie or steal for him?

A Absolutely not.

Q Would you do anything that would affect your religion?

A Absolutely not.

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

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

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

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

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

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

A Absolutely.

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

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

Q And what about his legs?

A He has none.

Q So that makes it even more difficult?

A Absolutely.

Q And you said he can see some?

A Right.

Q And he can see directly in front of him?

A Right.

Q He has difficulty seeing?

A Absolutely.

Q And he's legally blind?

A Absolutely.

Q And he has no legs from the knees down?

A Absolutely.

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

individual by name of K.R. ?
A Yes, sir.
Q Do you know an individual by the name of A.R.
A.R. ?
A Yes, sir.
Q Do you know an individual by the name of T.H.
T.H. ?
A Yes, sir.
Q Do you know a woman by the name of D.B. ?
A Yes, sir.
Q Were they all members of your church?
A Yes, sir.
Q Was this a group that would always hang around together?
A Yes, sir.
Q So this is something that was known that they would hang around together?
A Absolutely.
Q At any point in time, did you ever see them have meetings or talks with Pastor Durant?
A By themselves, no.
Q Explain to the jury what you mean by that.
A Well, when it comes to meetings, like I said, as you said meetings, they -- everyone would want to see the pastor from time to time concerning whatever they're got

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

Q So they weren't long meetings?

A No.

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

A Absolutely.

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

A Right by the door.

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

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

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

A Absolutely.

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

A Yes, sir.

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

A Yes, sir.

Q Sometimes, did you just walk in?

A Yes, sir.
Q So there weren't -- did you walk in because there was trouble or just sometimes just walked in?
A Just walked in.
Q And that's something all armor bearers were allowed to do?
A Absolutely.
Q Anybody could walk into the room or walk out whenever they wanted at any point?
A Right.
Q Is it your testimony with these paper thin walls at the church you never heard anything at the church?
A Absolutely not.
Q How would Pastor Durant get home?
A His wife would bring him or -- bring and take him.
Q So she was always at church with him?
A Absolutely.
Q This wasn't a fellow who was just hanging out at church by himself with nobody there just hanging out?
A Not at all.
Q So he was there, he was either with one of you armor bearers. And then when it was time to go home, whenever it was, his wife would take him home?
A Absolutely.
MR. KENT: Thank you so much. Answer any questions

from the State.

THE COURT: Cross?

MS. ABEE: Yes, sir, Your Honor.

CROSS-EXAMINATION

BY MS. ABEE:

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

A Yes.

Q Have you ever seen him drive?

A No.

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

A Yes.

Q So he does have a driver's license?

A Yes.

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

A That's correct.

Q But he has prosthetics, doesn't he?

A That's right.

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

A Yes, that's right.

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

A Sometimes I am.

Q But sometimes you're not, is that fair?
A That could be fair.
Q So he could move around his office, right?
A To a certain degree.
Q And do you know whether or not the Defendant has any kids?
A Yes.
Q Okay. So he has children?
A Absolutely.
Q Now, you stated that you never saw D.B. or T.H. or K.R. or A.R. have meetings by themselves with the Pastor, right?
A Right.
Q But there are other armor bearers, aren't there?
A Absolutely.
Q It's not just you?
A Absolutely.
Q And you stated that his wife was also at church, right?
A Absolutely.
Q And the Defendant's wife was pretty involved in the church, wasn't she?
A She's the pastor.
Q So there are things that she had to do at the church, as well, right?

A Absolutely.
Q She wasn't back in the meetings with the Defendant, right?
A At times, she would have been.
Q And at times, she's not there, is that fair to say?
A That's fair to say.
MS. ABEE: Your Honor, may I approach?
THE COURT: You may.
BY MS. ABEE:
Q Mr. Vaughn, I'm showing you what's been entered into evidence as State's Exhibit 1, State's Exhibit 2 and State's Exhibit 3. Do you recognize these?
A Yes, I do.
Q Okay. And State's 1 and 2, what are these pictures of?
A The office.
Q Okay. And this is the office at 1010 Guinyard, right?
A Absolutely.
Q Okay. And this is the door of that office?
A I'm not sure about that.
Q Okay. Well, then we won't talk about State's Exhibit 3, but let's talk about 1 or 2. This is the office that you would be standing outside of during those meetings, right?

A Right.
Q And you said that you could hear anything, right?
A Right.
Q Because those walls are paper thin, aren't they?
A Absolutely.
Q Mr. Vaughn, these walls are cinder block, aren't they?
A They are.
Q Okay. And when you were describing to us earlier what an armor bearer was, you said that whatever he needs, you serve him; is that right?
A That's right.

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

THE COURT: Redirect?

MR. KENT: Nothing further from this witness.

THE COURT: You may step down.

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

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

THE WITNESS: Keshona Edwards.

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

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

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

DIRECT EXAMINATION

BY MS. BLAZER:

Q Good morning, Keshona. How are you?

A I'm good.

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

A Hi. My name is Keshona Edwards.

Q Keshona, where do you live?

A In Sumter, South Carolina.

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

A In Sumter, South Carolina.

Q How old are you?

A Nineteen.

Q How long have you lived in Sumter?

A All my life.

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

A Yes.

Q Mom, dad?

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

Q The jail?
A Yes.
Q Do you have a job?
A Yes.
Q Where do you work?
A Apple's Eye.
Q All right. How long you been working there?
A Three weeks.
Q Did you go to school in Sumter?
A Yes, Sumter High.
Q Did you graduate?
A Yes.
Q When was that?
A Last year.
Q Do you go to church?
A Yes, I do.
Q Where do you go to church?
A Word International Ministries.
Q Who's your pastor?
A Larry Durant.
Q Do you know T.H. ?
A Yes.
Q How do you know T.H. ?
A That's my cousin.
Q Do you know A.R. ?

A Yes.
Q How do you know A.R. ?
A We went to church together.
Q Do you know K.R. ?
A Yes.
Q How do you know K.R. ?
A We went to church together.
Q Do you know D.B. ?
A Yes.
Q How do you D.B. ?
A That's my cousin.
Q So T.H. 's your cousin, D.B. 's your cousin and A.R. and K.R. were parishioners with you?
A Yes.
Q How long have you known them?
A Forever.
Q Say that again.
A For a long time.
Q For a long time. Keshona, are you familiar with the allegations in this case?
A Yes.
Q And did you learn about these allegations before or after Pastor Durant was charged?
A Right before.
Q How did you learn about them right before?

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

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

A Yes.

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

A Well, I heard the Bishop's name.

MS. ABEE: Objection, Your Honor, hearsay.

BY MS. BLAZER:

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

A Playful.

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

A Yes.

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

A Yes.

Q Who was that?

A Alfon Cummings.

Q Who is Mr. Cummings?

A A.R. 's brother.
Q A.R. 's brother. Did he call you? Did he come see you? How did he make you aware of these allegations?
A He called me.
Q Okay. Did anyone at any time, at that time or since that time, ask you to make allegations against the pastor?
A No.
Q Did you make any allegations against the pastor?
A No.
Q Why?
A Because he didn't touch me.
MS. ABEE: Objection, Your Honor, inadmissible propensity evidence.
MS. BLAZER: I don't know that it's propensity.
MS. ABEE: Can we approach, Your Honor?
(WHEREUPON, a bench conference was held in the presence of the jury, but outside the hearing of the jury.)
BY MS. BLAZER:
Q So Keshona, have you ever made any allegations against Pastor Durant?
A No.
Q Has Pastor Durant ever touched you inappropriately?
A No.

Q Has he ever spoken to you inappropriately?
A No.
Q You mentioned that T.H. and D.B. are your cousins?
A Yes.
Q After these allegations surfaced, did it affect your family in any way?
A Yes.
Q How so? Tell me.
A A lot of them wasn't talking to me.
Q They won't talk to you?
A No.
Q Why is that?
A Because they feel like -- I think they say I'm taking sides, but I'm not.
Q They -- you think that they think that you're taking sides?
A Yes.
Q But you're not taking sides?
A No.
Q Keshona, do you know what Twitter is?
A Yes.
Q Can you explain it for the jury? Maybe some of them have Twitter, maybe some of them don't. What's Twitter?
A It's a social network. You just post statuses back

to back.
Q Post statuses?
A Yes.
Q Is that something -- is it pictures, is it words, what is it?
A Words. It can be pictures, too.
Q So if you wanted to share your thoughts to Twitter, what would you do?
A Post a status.
Q Okay. So you type it on a computer, on your phone?
A Yes.
Q And how would somebody else see that status?
A If they were following me or they can go on it.
Q Do you have a Twitter account?
A Yes, I do.
Q Did you have a Twitter account in 2013?
A Yes, I do -- yes, I did, I'm sorry.
Q At that time, were you following people on Twitter?
A Yes.
Q Who might you follow on Twitter? Do you follow famous people or friends?
A Both.
Q Both, okay. So who is somebody famous you would have followed?
A (There was no response.)

Q Musicians, movie stars, that kind of thing?
A Yes.
Q So you can see what they say?
A Yes.
Q But you can also see what your nonfamous friends say?
A Yes.
Q Were you following anybody in 2013 who is involved in this case?
A Yes.
Q Who?
A A.R. , T.H. , D.B. .
Q Do you recall A.R. having a Twitter account in 2013?
A Yes.
Q Do you remember what her Twitter account name was?
A I'm just A.R. .
THE COURT: Say it again.
THE WITNESS: I'm just A.R. .
BY MS. BLAZER:
Q I'm just A.R. . So that's the name of her account. How do you know that was the name of her account?
A It was her at name.
Q So were you following that at name?
A Yes.

Q And was she following you?
A Yes.
Q As far as you know?
A Yes.
Q So can you have conversations on Twitter or is it just one sided, I'm saying something, she's saying something? How does that work?
A You can have conversations.
Q Did you ever have a conversation with A.R. on Twitter?
A Yes.
Q In the summer of 2013, do you recall A.R. making -- posting tweets that had anything to do with this case?
A Yes.
Q Was she tweeting in a serious manner or a joking manner?
A Joking.
Q Did you do anything when you saw these tweets?
A Yes, my mother told me to screen shot it.
Q Say that again?
A My mother told me to screen shot it.
Q She told you to screen shot it. And did you?
A Yes.
Q So you -- how do you screen shot tweets, what do you

do?
A It was on my phone, Iphone, so I just hold the top button and middle button and took a picture.
Q You took a picture of the screen of A.R. 's tweets?
A Yes.
Q What did you do with that picture?
A I sent it to my mother and my mother sent it to my pastor.
(WHEREUPON, Defendant's Exhibit No. 2 was marked for identification only.)
BY MS. BLAZER:
Q Keshona, I'm going to show you what I'm going to call Defendant's Exhibit 2 for identification purposes only. Take a look at that. Do you recognize that?
A Yes.
Q Could you describe for me what that is?
A It's the Twitter account with A.R. 's Twitter.
Q Is it her account? Is is a picture of her account? How do you know that's her account?
A It's her account. I screen shotted it.
Q That is the screen shot that you took?
A Yes.
Q Is that the original or is that a copy?
A That's a copy of it.

Q But you feel certain that that is the screen shot that you took?

A Yes.

MS. BLAZER: Your Honor, at this time, I'd move Defense Exhibit 2 into evidence.

MS. ABEE: There is an objection from the State, Your Honor, two-fold. One would be a lack of foundation. This is the same exhibit that was shown to A.R. who stated that she could not authenticate these pictures. And secondly, Your Honor, even if this is A.R. 's statement, it's still hearsay coming in through this witness.

MS. BLAZER: Your Honor, it's --

THE COURT: Hold on, let me send the jury out while we discuss this.

I told you sometimes we may need to take up a matter of law. I need you to step out while I hear what the lawyers are going to argue outside of your presence. Again, don't begin deliberations or discussions about the case.

(WHEREUPON, the jury left the courtroom at 11:22 a.m.)

THE COURT: Let me see this.

MS. BLAZER: Sure.

(Pause.)

THE COURT: All right. So do you want to address her objections?

MS. BLAZER: So her objection is that first -- I believe I have them in order -- there's no foundation and the second is that it's hearsay. So as to the first the -- this witness can testify that this is a copy of a photograph that she took. And she's already laid the foundation for why she took the photograph and she has told the jury this is a replication of the photograph she took. I think that's the foundation for the photograph.

With regard to the hearsay contained therein, we're not offering it for the truth of the matter asserted. This young woman took a picture of this. She was prompted to do it because of what was contained therein. Ms. A.R. has already testified that that's not her Twitter handle and she can stand by that. But this young woman has testified to the jury that he believed it was her. She had a relationship with her and she thought this was she. To the extent that this was Ms. A.R. 's, this is an inconsistent statement with the way that she's testified and I think that overcomes the hearsay objection.

MS. ABEE: Your Honor, Ms. Blazer addressed the authentication of the photo, the screen shot itself. However, she did not address the authentication of the content inside of the photo. That was attempted to be

addressed through A.R. , who stated would seem to be a picture of her, but was not her Twitter handle. Anyone with an e-mail address can create a Twitter handle to be anyone. I could be David Fernandez. I could be anyone. So it isn't authenticated as being A.R. A.R. 's statements.

If they are A.R. 's statement, Your Honor, then they are inadmissible. The fact that this witness thought that they were A.R. 's statements or her belief that they were A.R. 's statements are not relevant to this case if they cannot authenticate and lay the foundation that they are, in fact, A.R. 's statements, Your Honor. And if they're not being entered for the truth of the matter asserted, but rather to show whether or not this witness took a picture of them, Your Honor, then that's irrelevant, as well. We would contend that they are being entered for the truth of the matter asserted. And if we cannot authenticate who the declarant is of those statements, Your Honor, then the statements themselves should be redacted and the picture --

THE COURT: Well, I read it. I can't quite figure out what it is that's being said in there. So you'll have to -- I guess, you know, they use those little acronyms. I don't understand why it's being offered. I know you want to say it's for impeachment purposes.

MS. BLAZER: Yes, sir.

THE COURT: But you've still got to -- I'm not sure that impeachment necessarily overcomes hearsay. Tell me what it is that is purportedly being said.

MS. BLAZER: May I approach?

THE COURT: I don't understand the acronyms.

MS. BLAZER: Well, if I may --

THE COURT: And why would you offering it if it's not for the truth of the matter asserted?

MS. BLAZER: Your Honor, it -- whether Ms. A.R. -- it appears to be saying in these tweets, I know why he was cheating. Then it says SMH, which is I think shaking my head.

THE COURT: I have no idea. You have to have somebody tell me.

MS. BLAZER: Let me leave that alone. I swear my mom is so crazy. He wanted all the blank, LMAO, laugh my blank off, laugh my blank off. My mom is stupid, yo, talking about pastor had all the blank. I think whether the pastor was cheating and the pastor had all the blank is not the truth of the matter asserted. It is the sense of seriousness with which Ms. A.R. was addressing what she's purporting to be a sexual assault via a public means where this young lady was interacting with her regularly on Twitter.

And so the jury -- we're not asking the jury to believe or disbelieve the truth of what Ms. A.R. has asserted, but the fact that she was tweeting and this -- I believe that this witness can testify that she had a relationship with Ms. A.R. that was personal that led her to believe that this was Ms. A.R. 's account. And when she read this on Ms. A.R. 's account, it was vulgar and offensive to her, so she took a picture of it.

THE COURT: All right.

MS. ABEE: Your Honor, whether or not Ms. Edwards believed it was Ms. A.R. 's account, A.R. got up on the stand and under oath said it's not her account.

THE COURT: Well, then it's up to the jury to believe whether or not it is.

MS. ABEE: Yes, Your Honor, but these --

THE COURT: Authentication is what she purports it to be, and that is a snapshot of a Twitter account, which she says was of A.R. . A.R. has denied it's hers. I mean, there's more than one way to authenticate something.

MS. ABEE: Yes, sir, we would still contend the statements themselves aren't relevant and still hearsay. They're hearsay of A.R. and they're irrelevant. They aren't even, according to Ms. Blazer, purporting to be talking about her sexual assault, but something else, Your Honor. The only date stamp on that says seven hours

ago. It doesn't even have a year. So there isn't even a context and a date frame for the screen shot either, Your Honor.

MS. BLAZER: Your Honor, I believe she gave the timeframe when she testified. She said that this was in the summer of 2013. And I'm sorry, I lost track of the other points being made by Ms. Abee, but I don't -- she can certainly lay the foundation of when she took this picture. Because she was already asked about it, she's knowledgeable about it.

THE COURT: Well, it seems to me that she is able to authenticate what she is --

MS. BLAZER: Uh-huh.

THE COURT: -- taking a snapshot of, which is what she says is Ms. -- that is a representation of a snapshot of a Twitter account, which she says is A.R. 's. The jury can believe whether or not it is.

As for the hearsay, it's not -- it doesn't sound to me like you're offering to prove whether or not the minister was, in fact, having sex with anybody, but you're offering to it prove the state of mind of A.R. .

MS. BLAZER: Yes, sir.

THE COURT: In which case, it's not by definition hearsay. It's not being used to prove -- it's not being offered to prove the truth of the matter asserted therein

by A.R. , but to show the state of mind of A.R. in writing it, so I will let it in.

I would -- well, you're going to have to ask her what those acronyms.

MS. BLAZER: Yes, sir.

THE COURT: Why don't we go ahead and -- do you have piece of paper?

MS. BLAZER: Why don't I let the court reporter mark it so she doesn't have a stroke.

THE COURT REPORTER: So this one is in?

MS. BLAZER: As far as I know.

THE COURT: All right. All right. Read me out what that says.

THE WITNESS: It says my mom is crazy, but I know why he is cheating. Shake my head. Didn't leave that alone. I have swear my mom is crazy, haha. He wanted all the blank.

THE COURT: You're going to have to say it even if you don't want to.

THE WITNESS: He wanted all the pussy, laughing my ass off, laughing my ass off. My mom is stupid. They all talking about the pastor had all the pussy.

THE COURT: Hold on a second. Let me see it.

All right. When you say laughing my ass off, you mean LMAO, right?

THE WITNESS: Yes.
THE COURT: What does LMAOO? Is that different?
THE WITNESS: It's the same.
THE COURT: And there was a SMHH?
THE WITNESS: Shaking my head.
THE COURT: So the two H's is just the extra H?
THE WITNESS: Yes, sir.
THE COURT: All right.
Okay. Bring the jury back in.
(WHEREUPON, the jury entered the courtroom at 11:33 a.m.)
THE BAILIFF: All the jurors are back in the courtroom, Your Honor.
THE COURT: All right. You may resume.

CONTINUED DIRECT EXAMINATION

BY MS. BLAZER:

Q So, Keshona, right before the break, we were talking about a picture you had taken of some tweets that you thought were from A.R. ; is that right?

A Yes.

MS. BLAZER: At that time, Your Honor, I moved to admit Defense two into evidence.

THE COURT: Admitted over State's objection.

MS. BLAZER: Thank you, Your Honor.

(WHEREUPON, Defendant's Exhibit No. 2 was

admitted into evidence.)

MS. BLAZER: At this time, I would like to publish to the jury Defense Exhibit 2 and ask Ms. Edwards to go through it with us because there are some acronyms and such in it.

THE COURT: All right.

By publishing, she means read, so you can read it out. And I know there are words in there you don't want to say out loud, but you need to.

THE WITNESS: Okay. My mom is crazy, but I know why he's cheating, shake my head. Let me leave that alone, though. I swear my mom is so crazy. Hahaha. He wanted all the pussy. Laugh my ass off. Laugh my ass off. My mom is stupid, yo, talking about the pastor had all the pussy.

BY MS. BLAZER:

Q Can you read that last one for me one more time just a little bit slower?

A Laugh my ass off. My mom is stupid, yo, talking about the pastor had all the pussy.

MS. BLAZER: Thank you, Keshona. I have no further questions. You have to answer any questions that the State may have of you.

THE COURT: Cross-examination.

MS. ABEE: Thank you.

CROSS-EXAMINATION

BY MS. ABEE:

Q Ms. Edwards, you said that you had Twitter, right?

A Yes.

Q So you know how a Twitter account is made, don't you?

A Yes.

Q You put in an e-mail address, right?

A Yes.

Q You create a password, right?

A Yes.

Q And then you create a Twitter handle, don't you?

A Yes.

Q Now, you can create any Twitter handle that you want as long as it hasn't already been taken by someone else, right?

A Yes.

Q And you can say that that Twitter handle belongs to anybody else, right?

A Yes.

Q And you can put a picture up of anybody else?

A Yes.

Q So, for instance, I could say that I was you and create a Twitter account with your name, right?

A Yes.

Q Now, that Twitter handle, do you have it in front of

you, that piece of paper?
A Yes.
Q The Twitter handle is I'm just A.R. ,
right?
A Yes.
Q It doesn't say A.R. on it, does it?
A No.
Q And in all of those tweets, nowhere does it say
A.R. , right?
A Yes.
Q So her name is nowhere in that Twitter?
A No.
Q Okay. And then you said that you saw this, right?
A Yes.
Q And that you thought it was A.R. 's, right?
A Yes.
Q And you thought that she was talking about Pastor
Durant, right?
A Yes.
Q It doesn't say Pastor Durant's name anywhere there,
does it?
A No.
Q However, your mom told you to screen shot it, didn't
she?
A Yes.

Q And your mom is who?
A Simona Major.
Q And your mom, Simona Major, she's involved in the church, isn't she?
A What do you mean?
Q She attended Pastor Durant's church?
A Yes.
Q And you've been attending Pastor Durant's church since you were how old?
A Five.
Q So you were attending since you were about five and I'm assuming your mom was attending with you?
A Yes.
Q For just that long, right?
A Yes.
Q Did she attend longer?
A Yes.
Q So your mom saw this and she told you to screen shot it, didn't she?
A Yes.
Q And then you said she turned it over to Pastor Durant?
A Yes.
MS. ABEE: Your Honor, may I have one second?
THE COURT: Uh-huh.

(Pause.)

MS. ABEE: No further questions, Your Honor.

THE COURT: Redirect?

MS. BLAZER: No, sir, Your Honor. May this witness be excused?

THE COURT: You may step down.

THE COURT REPORTER: We need the exhibit, please.

THE BAILIFF: Leave it right there.

MR. KENT: Your Honor, I would call Arlisa Vaughn to the stand.

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

THE WITNESS: Arlisa Vaughn.

ARLISA VAUGHN, after being duly sworn, testified as follows:

THE BAILIFF: State your name, spelling your last for the record.

THE WITNESS: Arlisa Vaughn.

DIRECT EXAMINATION

BY MR. KENT:

Q Ms. Vaughn, I know you haven't been in the courtroom, but I'm going to need you to speak loud and clear so everybody in the jury can hear every word that you're saying.

A Okay.

Q And Madam Court Reporter in front of you -- I know people get tired of hearing me saying this, but Madam Court Reporter in front of you is taking down every word you're saying.
A Okay.
Q She can't take down head shakes and nods and things of that nature.
A Okay.
Q And you won't be on the stand very long, I promise. I just have a few questions for you.
A Sure.
Q Tell the jury about yourself. Who are you?
A I'm Arlisa Vaughn, of course, member of Word International Ministries. I've been there for over 10 years.
Q Okay. What do you do there?
A Trustee.
Q Tell me what a trustee does.
A Trustee is responsible for maintaining bank accounts or help -- you know, helping in the finance office and dealing with, you know, different bills and writing checks and things like that.
Q So you're responsible for -- you're, basically, the church's accountant is the easiest way to describe it?
A Yes.

Q Tell me how the church accounts for what happens, how are checks written, who writes checks.
A I pretty much write checks. Whatever they need to be done, bills to be paid, it goes through me. And anything that the pastor needs to be done, I pretty much sign the check.
Q And we keep saying the pastor. There's two pastors in this church?
A Well, Apostle or Pastor Durant.
Q And Pastor Durant, Apostle Durant is sitting there in the black suit?
A Yes, that's correct.
Q And behind him, who's been here the entire time, that's his wife?
A That's correct.
Q That's the pastor you're also talking about?
A Yes.
Q So when you said anything the pastor wants, I want you to say their names. I want you to say Melody or Larry. I want to know who you're talking about.
A Okay.
Q When you talk about who needs you to write checks or anything of that nature, who are you talking about?
A Melody.
Q Have you written checks for Melody before?

A Yes.
Q At some point in time, I asked you to look into the church's accounts recently to find some checks; is that correct?
A Correct.
Q Do you remember what I asked you and could you tell the jury what you did?
A Yes. I went to search for a check that was written out to Johnnie Mae Brayboy, a check for $500, which was a loan to her.
Q Which was a loan?
A Correct.
Q Who is Johnnie Mae Brayboy?
A She is the mother of D.B.
Q And there's been some allegations about the pastor giving her $500?
A Correct.
Q Someone did give Johnnie Mae Brayboy $500, correct?
A That's correct.
(WHEREUPON, Defendant's Exhibit No. 3 was marked for identification only.)
BY MR. KENT:
Q I'm showing you what's been marked as State's [sic] Exhibit 3. Can you tell me what that is?
A This is the check that was written out to Johnnie Mae

Brayboy, a loan for Mae in the memo.

Q How are you familiar with what that is?

A I wrote it.

Q You wrote it?

A Yes.

Q And you went and got a copy of it?

A That's correct.

Q Upon my request?

A Yes.

Q Here very recently?

A Yes.

Q Tell me what you did, how you got a copy, what did you do?

A I went to the bank and requested a copy of the check.

MR. KENT: Your Honor, at this point in time, I'd move Defense Exhibit No. 3 into evidence.

MS. ABEE: Without objection, Your Honor.

THE COURT: Admitted.

(WHEREUPON, Defendant's Exhibit No. 3 was admitted into evidence.)

BY MR. KENT:

Q So when you go to the bank and get a check, is there a reason you are allowed to get a check and nobody else? How come you're allowed to get the check?

A Because my name is on the account as the trustee.

Q And tell me what would happen usually with these checks. I mean, did you just write out checks however you wanted to? How were you told to write out checks?
A No, I didn't write them out as I wanted to. If there was something that needed to be paid, such as a bill or anything like that, it was requested that it was written.
Q Would somebody else write the body sometimes and you would simply sign the check?
A No.
Q You would always write the checks out?
A Yes.
Q Now, this check we're talking about particular, tell me how that happened if you remember?
A Pastor just came to me and told me what she needed to be written out and I just pretty much did that.
Q Okay. Did they tell you what the check was for?
A As they say in the memo, it was a loan for Johnnie Mae Brayboy.
Q And as we're looking at this, it has your signature on the bottom?
A Correct.
Q And on the signature line, it was just loan for Mae?
A Yes.
Q Is that what y'all call Ms. Brayboy?
A Nickname, yes.

Q It's from January 25th, 2013?
A That's correct.
Q And this is written on the church's account?
A That's correct.
Q Signed by yourself?
A That's correct.
Q And the person who requested this check would have been who?
A As far as?
Q Like who told you to write the check?
A Pastor would have requested I write it.
Q Remember what I told you about --
A Melody, I'm sorry.
Q So Melody had you write a check for Johnnie Brayboy?
A Correct.
Q It wasn't Pastor Durant?
A Correct.
Q And this was a loan?
A Correct.
Q For $500?
A That's correct.
Q Now, I go to churches pretty often. Y'all can get cash, right?
A Yes.
Q If Pastor Durant wanted cash to do something with --

A Right.
Q -- he could have gotten cash from you?
A That's correct.
Q He could have said give me $500, I need to give to it somebody?
A Right.
Q And if he would have done that, no problem?
A Right.
Q But this was specific, orderly, somebody has to borrow $500?
A That's correct.
Q And it was written in a loan?
A Correct.
Q Nobody was trying to hide it or anything of that nature?
A Right.

MR. KENT: Thank you so much for your time.

THE COURT: Cross?

CROSS-EXAMINATION

BY MR. FERNANDEZ:

Q Very briefly, ma'am. Thank you. I'll have you on your way.

So to be clear, Ms. Vaughn, when you refer to the pastor in this case, you meant Melody Durant; is that correct?

A Yes.
Q And Melody Durant is who for my education?
A She is pastor of our ministry, Word International Ministries.
Q Is she related to Larry Durant?
A Yes.
Q In what form?
A That's his wife.
Q Now, as trustee, I know you said that's your title. It's, essentially, an accountant of the church, correct?
A Yes.
Q And let me ask you this, in your experience, how long have you been the accountant?
A Maybe within the last five years or so.
Q And would it be -- this is your experience with handling official church matters. Would it be appropriate or inappropriate if someone were to use church funds for private use?
A Could you repeat that, please?
Q Would it be inappropriate if someone used church funds for private use, like personal use?
A I still don't --
Q Okay. You said you paid bills, correct?
A Yes.
Q And that would be bills that the church as an entity

accrued?
A Right.
Q Has anyone ever asked you to write them a personal check?
A No.
Q To themselves in the churches?
A No.
Q Okay. So when I say if anyone used the money from the church for personal use, that would be inappropriate, that would be wrong?
A That's if it was.
Q I'm just saying if it was done, it would be wrong, correct?
A No. I couldn't say that.
Q That would not be wrong?
A No.
Q So who is allowed to use church funds for their own personal use in your church?
A No one is using church funds for personal use. I'm still trying to get what you're saying. Personal use as far as if you're loaning someone some money or are you talking about the Pastor Larry Durant or --
Q I'm just talking in general right now. I'm going to get more specific a second. I'm just trying to establish what the procedures are in the church and your role as the

accountant. Okay. So if someone were to ask you to write a check -- I'm not naming names, no one, just anyone in particular say hey, I'd like you to write me a check for X amount of dollars and just give it to me. Would that be okay or would that be not okay?

A No, because I don't know what it's for.

Q So has anyone ever come to you and said I'd like you to write me a personal check?

A No.

Q Okay. And if someone came to you and asked you to write them a personal check and wouldn't tell you what it's for, would you write it?

A No. I'd ask a question before writing it, yes.

Q So you would always want to know what it's for?

A Correct.

MR. FERNANDEZ: Beg the Court's indulgence.

(Pause.)

BY MR. FERNANDEZ:

Q On the church -- I'm sorry. On the document there that you just said -- you wrote that check, correct?

A Correct.

Q And in the line, it says loan; is that correct?

A That's correct.

Q Do you know what the loan was for?

A It was a loan for Mae.

Q But you don't know for what purpose, correct?
A I didn't ask if it was for business or personal.
Q Did you assume it was business or is that -- is that something you would just assume if Melody Durant or Pastor Larry Durant came to you and asked you for a generic loan for somebody?
A It wasn't an assumption. What she said it was is what it was.
Q So the only specificity you need then is it's a loan? You don't need to know exactly why the money is being sent out?
A Not necessarily. If she said it was for what it was, it's for what it was.
Q When they ask you to do something, you do it?
A Not like you say, no.
Q Well, if they ask you to give a loan out, you would do it, you wouldn't ask what the loan was for; is that correct?
A Not like you're saying.
Q I'm asking you a question. Is it true --
A If she asked me to write a check for something for her, yes, I would do it.
Q Okay.
A Because I trust her, yes.
MR. FERNANDEZ: Thank you.

MR. KENT: No further questions, Your Honor.

THE COURT: You step down.

MR. KENT: Your Honor, at this time, we would call Dr. Jason Leonard.

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

THE WITNESS: My name is Jason Michael Leonard.

JASON LEONARD, M.D., after being duly sworn, testified as follows:

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

THE WITNESS: It's Jason Michael Leonard, L-E-O-N-A-R-D.

DIRECT EXAMINATION

BY MR. KENT:

Q Dr. Leonard, how are you doing, sir?

A Well, thank you. How are you?

Q I know you're soft-spoken. We'll get you in and out of here as quickly as we can.

A Thank you.

Q Madam Court Reporter right there is taking down every word that you're saying. She can't take down head nods, shakes or things of that nature. So make sure when you give your answers, they're affirmative yeses and nos.

A Okay.

Q We need to speak loudly enough so the last person on the back of the jury can hear you.
A Can you hear me okay?
Q Yes, sir. Let's talk a little bit about your background.
A Okay. My name Jason Leonard. I grew up in Cincinnati, Ohio. I went to University of Willamette Medical School where I graduated at the top of my medical school class. I did residency in family medicine at McLeod Family Medicine in Florence, South Carolina, where I finished in 2007. Since 2007, I have been a physician here at Colonial Family Practice in Sumter and I've worked at the main office on Broad Street the entire time. My background is family medicine. I am Board certified in family medicine. I have served as the president of the Sumter Clarendon Lee County Medical Society. Is that sufficient.
Q I think I officially found the only person who speaks faster than I do. I think Madam Court Reporter actually agrees with me.
A I'll slow down.
Q Thank you so much. Dr. Leonard, again, I'm not -- you're here as a doctor. Do you treat Larry Durant?
A Yes.
Q How long have you treated Larry Durant?

A Since 2009.
Q I'm not here as an expert. I'm here, basically, to talk about the fact that you have treated Larry Durant for quite some time?
A That's correct.
Q How long have you treated him again?
A Since 2009.
Q I just want to go over briefly some of the things that you have treated him for?
A Okay.
Q First of all, tell me about him as a patient. There's been some suggestions about his eyes. Does he have 20/20 vision?
A No.
Q As his doctor, what's his eyesight -- is he blind, is he legally blind?
A Yes, he is legally blind. I don't know off the top of my head his exact eyesight, but he is diagnosed with legal blindness. That the diagnosis he had prior to me seeing him.
Q Before he came to you, he had been diagnosed as legally blind?
A Yes.
Q Number two, is he a double amputee?
A Yes.

Q Tell me about that. I know you don't treat him for that, but he came to you also as a double amputee?
A That's correct. That's something that certainly well predated my care for him, but that has been an issue. That's one of the things I treated him for, any issues related to his amputee status.
Q What do you mean the issues related to his amputee status?
A He had chronic knee pain. He's had several times where he's got knee effusions, which is inflammation in the knee joint, and I've had to drain his knee several times. He takes chronic medications for it.
Q And this is something he's talked to you about, his chronic knee pain?
A Yes.
Q And he has met with you with his wife?
A Yes.
Q And they have talked to you about the knee pain and the knee problems?
A That's correct.
Q Have they talked to you about problems with sexual intercourse because of knee pains and knee problems?
A They have briefly, yes.
Q So that is something they have discussed with you?
A Yes.

Q And discussed with you problems with different positions and the safest way of having intercourse because of his knee problems?
A Yes.
Q Including standing up?
A Yes.
Q You have also treated him for erectile dysfunction?
A That's correct.
Q Could you -- I'm not going to get into it, but you have treated him for erectile dysfunction for quite some time?
A That's correct, pretty much the entire time I've been taking care of him.
Q So since 2007, 2008, he's had erectile dysfunction?
A That's right.
Q In treatment for erectile dysfunction, one of the things you do is give him prescriptions to help him maintain or keep an erection?
A That's correct.
Q His wife has been in there when he's had these problems?
A Yes.
Q And she knows about it?
A Right.
Q So this isn't something he's come to you, I need

these things. He's had erectile dysfunction?
A Yes.
Q That erectile dysfunction, could it be related to any other disorders or anything he has? I just don't know. Or is that anything you've looked at through your treatment?
A Do you mean what is the cause of erectile dysfunction? Is that what you're asking?
Q No, that's not what I'm asking. But he has been treated for erectile dysfunction?
A That's correct.
Q This is something that's indicated in his charts?
A That's correct.
Q This is something you have treated him for for quite some time?
A That's correct.
Q And then, finally, Doctor, have you ever treated Mr. Durant for a chronic disease which is transmitted sexually?
A Yes.
Q Is this a disease that is still active in his body?
A Yes.
Q Would this be a disease that was active in his body from the entire time that you have known him and treated him?

A Yes, I diagnosed him with it in 2009.

MR. KENT: Thank you so much. Thank you for your time.

THE COURT: Cross?

MS. ABEE: Yes, Your Honor.

CROSS-EXAMINATION

BY MS. ABEE:

Q Dr. Leonard, do you have knowledge of sexually transmitted diseases educationally?

A Yes, ma'am.

Q And are you aware of how they're transferred?

A Yes, ma'am.

Q And is this something you're very familiar with?

A Yes, ma'am.

Q I want to first talk a little bit about the erectile dysfunction that Mr. Kent talked to you about. Now, you said that you were treating Mr. Durant for erectile dysfunction, right?

A Yes.

Q And treating means helping cure someone, right?

A Well, some diseases aren't curable. If you had diabetes, I cannot cure of that unless you have dramatic weight loss, so managing would be the more appropriate medical term.

Q So managing his erectile dysfunction, right?

A Yes.
Q And I believe there was some mention of medicine that would allow Mr. Durant to be able to maintain an erection, correct?
A That's correct. That is kind of the standard. There's medications to use. If there's causes such as low testosterone or other conditions, we can work on treating those with medications.
Q And you prescribe that type of medication to the Defendant?
A Yes, ma'am.
Q And now I want to talk about the sexually transmitted disease that you stated that Mr. Durant had. Sexually transmitted diseases are usually transmitted through some type of fluid, right?
A Correct.
Q So semen, right?
A Semen, blood, yes.
Q Saliva?
A Saliva.
Q And usually they're transmitted through some sort of open wound in the body; is that right?
A Potentially, but not always.
Q But if there's some sort of cut, then that allows that fluid to get into the body, right?

A Yes, but it gives you a higher instance of transmission, but it's not mandatory for a transmission. And again, we're speaking very broad terms here. I mean, there's so many sexually transmitted diseases, each of them have different modes of transmission.

Q I'm going to try to slow down so you slow down. Sexually transmitted diseases aren't always transferred, are they?

A No, ma'am.

Q Say, for instance, if someone didn't ejaculate, you stated that sexually transmitted diseases transferred through semen, if someone ejaculated in their hand, then that wouldn't be inside the body, correct?

A Correct.

Q So that would be a low probability that a sexually transmitted diseases would, in fact, transfer, wouldn't it?

A That's correct.

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

THE COURT: Redirect?

MR. KENT: Nothing further. I'd ask that Dr. Leonard be excused.

THE COURT: You may step down. You're free go.

THE WITNESS: Thank you.

THE COURT: Next witness.

MR. KENT: May I have five minutes, sir?

THE COURT: Yes.

Folks, let me send you out. We're going to take just a few minutes break, check on lunch. I told them to order you lunch. What we're going to do is have a short lunch hour so you can eat your lunch here. And we can get on track to get it to you shortly thereafter. So we'll check on when it will be here and then we'll have you back in just a few minutes for figuring out exactly what we're going to be doing around this next hour or so.

Okay. So, again, don't begin deliberations or discussions. We will have you back in just a few minutes.

(WHEREUPON, the jury left the courtroom at 11:58 a.m.)

THE COURT: Okay. You made the decision about him testifying?

MR. KENT: That's why I was asking just five minutes.

THE COURT: Okay. We'll take five. Be right back.

MR. KENT: Thank you.

(WHEREUPON, a short break was taken.)

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

Mr. Kent, what's the Defense's plan of course at this time?

MR. KENT: Your Honor, the Defendant will not be

testifying. And that will be the extent of the Defense's case.

THE COURT: Okay. Well, Mr. Durant, I want to talk to you again one last time. Your lawyer has told me now that you are not planning on testifying. I've told you now throughout the trial that that is your decision and your decision alone. If you want to testify, you certainly can. And, again, you would be subject to not only answering questions from your lawyers, but also from the State, as well. But if you do not want to testify, I will instruct the jury that that is your Constitutional right and they are not to hold that against you at all while they are deliberating. Do you understand that?

THE DEFENDANT: Yes, sir, I do.

THE COURT: Do you have any questions you want to ask me about that or your lawyers?

THE DEFENDANT: No, sir, I don't.

THE COURT: All right. You made a decision you do not want to testify?

THE DEFENDANT: That's correct, sir.

THE COURT: All right. Well, then you may be seated.

So now, the Defense will rest. Are you guys going to have any rebuttal.

MS. ABEE: Your Honor, as to the last witness's testimony, we were thinking about it but we don't have our

ducks in a row to call a rebuttal case based on that last witness at this moment.

THE COURT: Well, I'm going to bring the jury in.

Do you want me to tell the jury that you're resting or would you prefer to rest in front of the jury?

MR. KENT: I prefer to rest.

THE COURT: Okay.

MR. KENT: You know, I like to talk. I like to hear my voice.

THE COURT: What's that?

MR. KENT: I like to hear my voice.

THE COURT: Well, you know, it has a certain melody to it.

Well, I'm going to send them to lunch -- or they're going to have lunch brought here. I'm going to tell them 1:00 o'clock, we'll be ready to go.

MS. ABEE: Yes, sir.

THE COURT: We'll do the jury charge real quick before we let you guys go.

(WHEREUPON, the jury entered the courtroom at 12:08 p.m.)

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

THE COURT: All right. Thank you.

Any further witnesses from the Defense?

MR. KENT: Your Honor, at this point in time, that would be the case for Larry Durant. That would be the extent of our case.

THE COURT: All right. The Defense has rested. Will there be any rebuttal from the State?

MS. ABEE: No, Your Honor.

THE COURT: Okay. Well, folks, you have now heard all of the evidence that you are going to hear in the trial. I'm going to send you back to the jury room. I had the clerk order you lunch. It should be here any moment. I'm doing that now so that we can kind of move things along a little bit quicker. So what I'll do is when you go back there, as soon as lunch comes, go ahead eat it. And then we're going to -- hopefully, it will get here soon and then we'll start back up at 1:00 o'clock with the closing arguments. And then I'll charge you on the law, and then we'll get it to you for your deliberations.

Now, you have heard all of the evidence that you're going to hear in this trial, but it is still improper for you to begin your deliberations because you haven't heard closing arguments, nor have I told you what the law is in this area. So you cannot begin your deliberations. But while you're back there, please, do not jump the gun and discuss witness demeanor, any of the evidence, anything at

all about the case. Talk about whatever you want to, except this case. Okay.

Go ahead and go on back. If you -- if the meal comes and you want to go stretch your legs or something, that's fine, you can do that. Just try to be back in the jury room by 1:00 o'clock. I'd like to get started back as soon as we can, assuming that lunch isn't late. I'll give you a little bit of time if it doesn't get here. They said it's on its way and, hopefully, will be here in a minute. Thank you so much. We'll see you back at 1:00 o'clock.

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

THE COURT: All right. Do you have any motions that you want to make at this time?

MR. KENT: I'd renew all my motions made throughout the course of the trial, Your Honor. I renew all our pretrial motions. I renew our directed verdict motion and ask for a subsequent directed verdict motion now that it's made at the conclusion of the case.

THE COURT: All right. For the same reasons that I denied them earlier, I'll deny them again.

MR. KENT: Yes, sir, Your Honor.

THE COURT: All right. Well, have y'all had a chance to look at the jury charges? Is there anything from the

State on them?

MR. FERNANDEZ: I didn't notice anything that jumped out at me, Your Honor, and I don't think we have any additional requests.

THE COURT: How about the Defense?

MR. KENT: No.

THE COURT: Anything? She knows the law.

MS. BLAZER: I'm the law lady, I guess. No, Your Honor, we're perfectly happy with the charge.

THE COURT: Well, there's a first time for everything.

All right. Well, then, do y'all want to open and close or just close?

MS. ABEE: I'd prefer to just close, Your Honor. It's up to the Defense.

MR. KENT: (Indicating in the negative.)

THE COURT: How long do you think you'll need?

MR. KENT: Four hours.

THE COURT: That's why I asked, there will be a limit.

MR. KENT: No, Your Honor, 20 minutes.

THE COURT: Okay.

MS. ABEE: I can be done in under 30.

THE COURT: I won't -- if you get to that point where we're looking at 30 minutes and it doesn't look like

you're winding up, I'll start making noises that will hopefully not disturb you. I've seen you before in action, 20 minutes is awfully ambitious, but it doesn't mean it won't happen.

MR. KENT: It will be an entertaining 20 minutes.

THE COURT: There you go. That's without commercial breaks.

MR. KENT: Yes, sir.

THE COURT: All right. See you about 1:00 o'clock.

MS. ABEE: Thank you, Your Honor.

(WHEREUPON, a lunch break was taken.)

THE COURT: Do you have a problem with the copy of the charges going back?

MR. KENT: No objection.

MS. ABEE: No.

THE COURT: All right. Ready?

MR. KENT: Yes, Your Honor. Thank you so much.

MS. ABEE: Yes, Your Honor.

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

(WHEREUPON, the jury entered the courtroom at 1:03 p.m.)

THE COURT: All right. Welcome back, folks. I hope you enjoyed your lunch. I was a little bit disappointed about not seeing any coleslaw in there. So you can go

back and tell your wife you had a salad. Oh, well.

We're now into the final phase of the trial before you begin your deliberations, and that's the closing argument by the lawyers. I'll remind you that what the lawyers are now saying is not to be considered by you as evidence. It's argument about the evidence. I will be charging you on the law. And they know what I will be charging you, so they will be giving you a preview of that in their closing and discussing with you the facts in an attempt to persuade you to render a verdict on their client's behalf.

Our rules of procedure are that the State has the right to close, and so you will hear from the Defense first with their closing argument, and then you will hear from the State.

After they are finished with the closing argument, I will then go over the law or charge you on the law, and you will then retire to consider your verdict.

So Mr. Kent, if you are ready, you may begin.

MR. KENT: Thank you, Your Honor. May it please the Court.

CLOSING ARGUMENT BY MR. KENT

MR. KENT: One of my absolutely favorite movies is a great southern movie called Cat on a Hot Tin Roof. Some of you may have seen it, some of you haven't. It's black

and white. I watch it. People laugh at me, I like old movies. There's a great Southern character in the movie about a guy named Burl Ives. He since has passed, but he was great. He had a great southern voice, something I don't have. I have a high, pitchy, screechy voice, but he had this great southern voice.

One of the things that is happening throughout the course of the movie is Big Daddy is dying. And his whole family knows that he's dying. They're sitting in a room, like in a fancy parlor and talking about Big Daddy dying and what they're going to do with Big Daddy's money when he dies. When Big Daddy dies, this is what we're going to do with his money. When Big Daddy dies, this is what I'm going to do with his money. When Big Daddy dies, this is what I'm going to do with his money. So they're all talking about it.

And all of a sudden, Big Daddy walks in the room. You know that feeling when you walk in a room and people are talking about you? You know that real awkward feeling and everybody gets real quiet and you know they're talking about you? Well, that what happens. He walks in the room and everybody is talking about him and they get quiet. And he says this great line from television I have never forgot. In his deep southern voice, he looks around and he says, The air is filled with the stench of mendacity.

I said, man, that's some cool stuff. So I looked it up.

Ladies and gentlemen, mendacity is a lie. Mendacity is untruth. Mendacity is a stench when you know that there's just something wrong that just doesn't fit. Ladies and gentlemen, that's what was is the stench that has permeated this courtroom for the entire time that we've been trying this case. We have sat here now for four days. We have gone through evidence. We have gone through witness after witness. And you have heard me talk over and over again.

One of the things that has been very consistent as you've walk in and out of the courtroom is you've probably seen myself and Ms. Blazer stand up every time you walk in the courtroom. Somebody's like, why do they always stand up? I represent what y'all do so much that there's only two people in this courtroom that I stand up when they walk in, His Honor and y'all. I respect you because you have taken your time, you have taken your energy and you have taken your wisdom and you've sat there on a case that is just difficult. So that's why we stand up as you come in.

My job, as I told you in opening statements, is to let you know what happened. That's it. We find our job difficult because this is myself, it's Ms. Blazer, Mr. Weeks and Larry Durant against the State of South

Carolina with all of their power, all of their money, all of their resources. It's us.

I told you at the beginning of this case that it's sort of like making a cake. And we better make sure at the end of this trial once they make the cake that all of the recipe, all of the ingredients are inside of this cake. So as I said, as we listen to it, let's make sure the State of South Carolina with all of their power, all of their money, all of their resources has given us all the ingredients that is necessary for them to prove their case. I told you that. I'm telling you that. I challenged you to listen for everything. What did they offer you? Think about it.

The first thing, let's make this clear. This is one case. This is case of the State of South Carolina versus K.R. . They have forgotten that. Because what they have done, the first thing is they said, uh, we got to make this cake. We've got to make this cake. We have one recipe, but there's something wrong with that recipe. Let's throw a bunch of other people in there. No charge. But let's throw a bunch of people in there so they may not realize the cake doesn't taste right. So what do they do, they throw a bunch of other girls in. And I call them girls, but they are adults. Let's be clear, these are adult women that they've thrown in there. All of their

power, all of their money, all of their resources. And they put them on the stand one by one to have them testify. And they testified one by one and I listened to them.

And let's start first with K.R. 's testimony. She testified. She testified to what happened and we listened. The most important thing that K.R. testified to, think back with your mind, think back with your notes, is I asked her, I said, Tell me about his prosthetics. You remember that? I said tell me about his legs. Do you remember what I did? They go up to about right here, right? And everybody remembers when I looked at her and I said, They go up to about right here, right? And what was her response? Yeah. They go up to right there. And that's where they stop? Yeah. And I stopped. We're going to get back to that in a minutes because that's something that I want you to remember more important than anything else that has been said throughout the course of the trial.

We talked to K.R. about the dates. Do you remember how specific she was on her dates? This happened on this date at this time. This happened on this date at this time. This happened on this date at this time. Very, very specific. I thought it was a little strange, but I didn't say anything.

And we offer all of these other women up, whose stories, I will be honest with you, are remarkably similar. Remarkably similar. I also found it very peculiar that the only women who came forward, who have made these allegations all just happen to be friends, just happen to live together and just happen to have one common person. Do you remember who the common person was? Lizzie Johnson. I found that a little bit peculiar. But I kept listening because I wanted to see the State of South Carolina with all of their power, all of their money, all of their resources give me something that I could believe in because this is the State of South Carolina. This is the charging arm. These are people who make the decisions over people's lives. And what have they offered you?

Let's do back to K.R. . What did I tell you in opening statements? God, I'd love to see some DNA office. Because according to her and what did she say, this happened in this office. This is where it happened. This is where the ejaculate happened and that's where you should find it.

One of the funnier things that happened is when the State of South Carolina actually asked a DNA expert, DNA degrades over time, doesn't it? It disappears? I think we've all heard about cold cases and people getting

convicted hundreds of years later. But the State of South Carolina wants you to believe that DNA can just disappear, but they need it to disappear. Because if you believe in DNA, oh, my gosh, we have a problem with our case, don't we?

Then we did a forensic medical interview. What did they tell you in the forensic medical interview? They have the doctor on the stand, specifically, and they asked the doctor. What did she say? There's no sign of sex. Oh, God, we got to get past that. That doesn't fit our cake theory. Well, Doctor, just because there's no sign of sex doesn't mean that somebody had sex, does it? Just because she still has a hymen doesn't mean she had sex, does it? How much do we have to tolerate? No DNA evidence. No sign of sexual trauma.

I asked one of the witnesses today. Do you remember? Did any of them go to therapy at all? Not one person went to any therapy. There's a reason why people don't go to therapy? Because they don't need it or it didn't happen. All the power, all the money, all the resources in the State of South Carolina. What evidence have they offered you? They put their own expert on the stand, David Kellin, who testified -- and you remember, I asked him the questions about the statement. I asked him about the dates. And he says no, do you remember the last time you

had an Egg McMuffin? Kids don't talk like that. Children don't talk like that. I asked him that, their witness, their expert. So then they tried to fix that a little bit. Oh, that's not really accurate. You know, Egg McMuffins aren't as serious. People remember these things. But he never budged, their expert. People don't remember specific dates. People don't talk in specific dates. No one said this happened six times and I can tell you the exact date and the exact time. It's unrealistic. Their witness, not mine. And this is what they offer us, the great State of South Carolina.

So then, we put the officers on the stand. And you remember the testimony of these officers. I'm going to tell you candidly, Natalie Kelly, I've known her for a long time. I respect everything she says. She's an amazing officer I don't think she would lie or anything, but there's problems when your investigators do this type of investigation for a case that serious. But let's back up. Did they really do an investigation or did they make an assumption? The great State of South Carolina has been what I told you, my ex-girlfriend or my fiancee. That's what they've done. They decided somebody told them something, we've got to believe it. So what do we do? If somebody gives us evidence that's important. If somebody tell us something we need to know. What are we going to

do? We ignore it. That's what they said on the stand. We will ignore important information. We will ignore important evidence. Why are we going to ignore it? Oh, I just didn't think it was pertinent, Mr. Kent.

Somebody else looked you in the face and told you that he wasn't the father of the child. This woman was 13 years old when she talked to them, which basically means there is just about nobody in the United States could have sex with her and not be a crime. So they said they ignored that crime, didn't even look into that crime. They don't put in a report vital information because they don't want to turn it over. The reason they don't want to turn over this vital information is because it will help you make a decision. It might be a decision that they want. And that's when things begin to get serious.

The last witness that I offered you in this trial, myself -- well, let's go through two witnesses. Someone in the back of the room, and I know the State of South Carolina is going to come up here and they're going to talk about Larry Durant's penis. Someone in the jury room is going to ask the question, oh, my God, everything he said is correct, but how in the world would those girls know able his penis? Why would they know about that? They must be telling the truth because they all know about the penis. Because that's their case. Let's make that

perfectly clear, that's their case, the penis. Where they took this poor man, they took his pants down and forced a picture of him.

Let's remember the case earlier. You remember Lizzie Johnson? You all remember Lizzie? Remember Lizzie testified? Remember what Lizzie told you about the house, the deed, the things she has stolen? Remember all the stuff that she told you? Remember, she's still fighting over this house right now? She looked you in your faces and what did she tell you? I didn't sign that second deed. Remember, all the girls giggled. I think we all heard them, they were laughing back there. I found that a little peculiar, but they all started giggling at that point in time. And that's we called an expert to come in, an expert to say look, I don't care what anybody says, whoever signed this one definitely signed this one.

You remember, I asked Lizzie on the stand, look, if you were to have signed both of these deeds, you'd agree that's a big issue, isn't it? Oh, yeah. That would mean that you, basically, stole $20,000 from the City of Sumter. Oh, yeah, I would agree with that. And you have a stolen a $112,000 home? Oh, I would agree with that. And you have taken a charge out on a man who didn't do anything wrong if both of those are your signatures. You don't think that's motive. All the power, all the money,

all the resources of the State of South Carolina. And I asked Lizzie at the beginning, was it difficult, was it deceitful? Lizzie, did you used to date Mr. Durant?

Yes.

Were you sexually involved with Mr. Durant?

Yes. Use your own common sense at this point in time.

The State may get up here and say oh, that's just not believable. That's just not rational. If somebody is going to steal a $112,000 home, defraud the government of $20,000, has already been accused of stealing money from Manning South Carolina, actually, been looked at by the FBI for stealing money from a building that the church owns, gone to law enforcement and lied about forgery, which we now know, you don't think they could take it a little step further?

You heard the testimony of Keshona Edwards to bolster it. Remember what Keshona talked about in that car? Look, I was in the car. They were giggling and talking about Pastor Durant. That's why we put her on the stand. I found that really peculiar. We asked her about the tweets. She talked about the tweets, which I thought was real interesting, A.R. talking about the tweets. LMAOO, my mom's stupid, yo. Talking about the pastor had all the pussy. He wanted all the pussy. Laughing my ass

off. A person who is alleging that she had been molested, that she had raped, that she didn't want to do this is tweeting and joking about all of this. She's talking to her friend, T.H. , in the car joking about all of this. Why are they laughing and joking about this? Common sense, all the power, all the money, all of the resources of the State of South Carolina.

Now, let's go finally, you've heard the armor bearers. You've heard them get on the stand. You heard them say, look, this happened in the church. We are there. We're always outside the door. This couldn't have happened. So now we have witnesses for us who said we were sitting there. We didn't hear anything. We have witnesses for the State of South Carolina who said we didn't find anything. And we have experts who says we definitely didn't find anything. We've got no DNA. We've got a fully intact hymen. We've got a normal sexual exam. All of this stuff shows normal. All of this shows is no evidence. So the question we ask the great State of South Carolina is when does no evidence actually become evidence, because that's when they want you to believe. When does no evidence become evidence?

Then, finally, the last witness I called. I embarrassed my friend. I embarrassed a man of God in this room, somebody I care about, who has been a good friend of

mine for three years, and I embarrassed him. I did it. I put his doctor on the stand to talk about his ailments. Why? Because I thought it was necessary to prove his case. He does have erectile dysfunction. That, in and of itself, shouldn't convince anything, but he has trouble making love to his wife. He talked to his doctor with his wife present about not being able to make love to his wife, not being able to have sex standing up as these girls have alleged that he did, that he goes in there and he has sex standing up.

Then I asked the doctor about his sexually transmitted disease. It gives me no pride in bringing that up about this man in open court, but I needed you to hear the whole story. And I know Ms. Abee asked all those creative questions about well, there's a chance this couldn't be transferred. There's a chance this couldn't be transferred. Four women got on the stand and all testified that none of them had a sexually transmitted disease. I asked each and every one of them. I, myself, had to call the investigator and ask about the condoms. They all said no, he never wore condoms.

Then the State of South Carolina with all of the power, all of their money, all of their resources clearly did not go to high school biology. Because the comment was you can have unprotected sex with a woman and

ejaculate in your hand and you're not going to spread any STDs. The reason there was no spread of STDs, the reason there was absolutely no DNA, the reason this child still has a fully intact hymen, the reason nobody heard a single thing, the reason they were in the car joking about all of these matters, the reason they all happened to live in the same home, the reason nobody else came forward other than friends is very clear. It didn't happen. When is no evidence? You must keep asking yourself that question.

And then, finally, my blind, no-legged friend, ask yourself a question, is it possible? He's there. Look at him. Ask yourself, this blind man with no legs, the great mastermind, the amazing Larry Durant, who is able to convince all of these people to lie for him or he's a man whose faith is truly being challenged at this point in time. All the money, all the power, all of the influence of the State of South Carolina has come against Mr. Durant. We've had officers hiding evidence. We've had young ladies creating stories that are just not realistic. And the one thing we have not had presented to us is evidence.

The last thing I was going to tell you was the picture of the penis. I'm going to embarrass my friend one more time. This is the picture. We stripped a man down and took a picture of his penis. And yes, I want you

to go back and look at it. And the one thing I want you to notice about the picture of this penis, where do those prosthetics go to? If someone actually saw this penis, do you really think they're going to say the prosthetics stopped at the knees or are they all the way up to his thigh and his penis? She never saw it.

The Judge is finally going to instruct you at the conclusion of this trial on reasonable doubt. He's going to tell you that reasonable doubt is the type of doubt that would cause a reasonable person to hesitate to act. I've been practicing law now for almost 16 years. I went to law school up in Michigan. I'm Carolina, I'm a Gamecock. Don't like Clemson fans. Sorry if you are. I came down from law school from Michigan and I will be candid, I had been practicing law and I did not understand reasonable doubt. I'll be the first one to admit it. You see me in court, I barely understand what the Judge says. Overruled or sustained, I had to stare at him a little bit to make sure I understood. But I didn't understand the theory of reasonable doubt until one day I was sitting in my parent's house. And I've told this story many times. I was sitting in my mom and dad's house. As I was sitting at my mom and dad's house, it was one of those typical spring days down in Charleston, South Carolina. My mom was in the kitchen cooking collard greens, fried chicken,

anything you could thing about that's southern. Music was playing, Percy Sledge was playing on the radio, I'll never forget it, when a man loves a woman. The window were all open because pollen was just going throughout the air. You know the days I'm talking about. The cars are covered in complete yellow. So we're sitting there and my little brother is in the room. Mom's cooking, dad's listening to music and I'm just sitting there with him. My brother -- and I can't to this day remember what happened, but he ended up mouthing off to my mom, like he always did. So my dad just lost it. He looks at me. He's like, you take your butt upstairs to the room and don't you dare whatever you do slam the door, show any attitude whatsoever. My brother had an awful habit of slamming doors showing everybody who was the boss when he went places. So my little brother storms upstairs. Collard greens are cooking, fried chicken, Percy Sledge, pollen coming throughout the place. So my brother storms upstairs and like clockwork, you can imagine it, you heard it, the door slams. My dad got this rage on his face, just this anger like nothing I've ever seen in my life. So he goes storming up the stairs. All of a sudden, he goes storming up the stairs, my mom comes storming up the stairs right behind him. My mom is yelling, Herman, Herman, don't kill him. I'm like, Herman, Herman, kill him because I want to

see my brother get his butt kicked. So we're all running up the stairs at the same time together. Herman is just furious. He's just angry. Percy Sledge playing, pollen in the air, fried chicken, collards greens. You can see.

So we go into the room that we have over the garage. And as we go into the room that we have over the garage, my dad slams the door open. He throws it open. He's angry. I know he's about to kill this kid and I'm just so excited because I want to see him die. So we go in there. As we go in there, there's my little brother just sitting there in the middle of the floor just looking. Window is open, breeze is coming in, pollen is everywhere. And he's just looking. He's just looking at my dad. My dad goes right up to him because he's about to smack the tar out of him. He raises his hand and he gets ready to hit him. And my brother says, Dad, I didn't do it. I'm mad. Bull, just get him. So he's got his hands and he's about to do something. He said, Dad, I didn't do it. It was the wind. Ain't nobody believed it was the wind. But his hands up, Percy Sledge is playing, fried chicken, collard greens, you can taste, everything's yellow. And as my dad gets ready to take that one move, all of a sudden, a gust of wind comes, I promise you, and the breeze just comes through the window, my dad just pauses. He hesitates. In the back of his mind, he's like I'm not sure. And that

hesitation is a point that I actually understood what reasonable doubt meant. That's the point when I realized that hesitation is what it is.

At some point, you're going to be back in that jury room and you're going to start talking about the case and you're going to deliberate and you're going to finish. You're going to go home and your family is going to ask you a question, what happened with that trial. You're going to tell a story about that crazy fellow who sat in front of you on his knees and his hands looking like Dewayne Wayne from those 80's television shows. And they're going to talk to you about this. And they're going to tell you what happened. And they're going to say what did you do. At that point, if you have doubts, it's too late. If you have doubts at all about this case, today is the day that we have doubts. When you're talking to your family, it's too late for Mr. Durant. Twenty years from now is way too late for Mr. Durant. Today is the day if we're going to have doubts.

I'll leave you with one last story. I've lived with this case now for three years. It is story of a little old man and a wise young boy. The little old man is just very wise and the young boy has decided, you know what, I'm going to fool this old man. This is how I'm going to fool this old man. I'm going to go up to the old man.

I'm going to get a bird and I'm going to put it in my hand. I'm going to have the bird in my hand and I'm going go to the old man, Old man, is this bird alive or is this bird dead? The old man is going to say, according to the little boy, if he says the bird is alive, the boy is going to crush the bird and show him and laugh. And say haha, the bird's dead. Now, if the old man looks at it and says it's dead, the boy said my plan is just to open my hand and let the bird fly. So he's excited. He's got this master plan.

So he goes up to the old man and he says, Old man, what do you think I have in my hands? The wise old man looks at the boy and he says you have a bird in your hand. The boy gets a grin on his face and he says, Old man, is that bird alive or is that bird dead? The man stops and he pauses, he says it's your hands. It's your hands now.

THE COURT: All right. State ready?

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

CLOSING ARGUMENT BY MS. ABEE

MS. ABEE: For years of her life, K.R. spent her Sundays in the Defendant's church. But not just her Sundays, her Tuesdays, her Wednesdays, her Fridays, like clock work. She grew up in the Defendant's church. And it was at church that she listened to him read the word of

the Bible and pray for the congregation. But instead of being her shepherd, he was nothing but a wolf in sheep's clothing. Because back in his office he waited. He waited as four young girls were brought in and he sexually assaulted not one, not two, not three, but four young girls in his office under the pretense of prayer. And because he did that, you have to find him guilty.

Now, Judge Young is about to instruct you on the law and ask you to return a verdict of guilty or not guilty. We're asking that you find the Defendant guilty for the crime of criminal sexual conduct with a minor in the second degree. And in order to do that, we had to prove two main things to you throughout this trial. One, that there was a sexual battery. And a sexual battery is any sort of penetration no matter how slight or how little or how long it lasted, any penetration. Secondly, we had to prove to you that that penetration happened between the Defendant and K.R. hen she was somewhere around the ages of 11 and 14. That was our burden of proof to you throughout the course of this trial.

Now, you and I and a lot of people sitting here in this courtroom, we heard all the testimony that came from the stand this week. And yes, a lot of this case rest on the testimony of K.R. and A.R. and T.H. and D.B. . There are no eyewitnesses. But we don't get to

pick who the victims are, and we don't get to pick the location, and we don't get to pick the eyewitnesses. Larry Durant picked that for us when he sexually abused these girls. But even so, their testimony doesn't stand alone. So let's take a look at what we heard throughout this week.

You heard that these four girls, they grew up in this church. These weren't just holiday church goers that went a couple times a year, just on the holidays. They spent their Sundays there and their Tuesdays and their Fridays. They grew up in that church, so did their family members. Their family members were daycare workers, ministers, armor bearers, bookkeepers. Their family was deep in that church, deep in the words of Larry Durant.

But then some things started to change. K.R. told you that instead of just leaving after church, she started to get called back to Pastor Durant's office. Not just called back, brought back. His armor bearers would go to wherever she was, in the parking lot, out in the church and they would get her and ask her to come back because the Defendant wanted to talk to her. And it was back in this office where she got some special attention.

You see, the girls told you about alter calls. Altar calls is when Pastor Durant would open up to the entire church and ask who needed prayer. And people who needed

prayer would come up to the front and he would lay hands on them. He would pray for them right there in front of everybody. But not K.R. , K.R. got special private prayer time because the Defendant needed to pray for diseases. He needed to pray that she wouldn't like girls anymore. And so she was brought back into his office behind this door. This door where it says do not enter. This door with the placard that says meeting in session, please do not disturb or knock. This door where the window is covered in paper. No one can see in. No one can see out. This door would be shut, and it would be locked because the Defendant would tell K.R. to lock it. When she was in there -- and what the Defense wants you to believe are these paper thin walls, but you can see with your own two eyes these are cinder block walls. They're not paper thin.

In this room with the cinder block walls, the praying was a little different, too. Because this praying didn't have words. So as the Defendant put his fingers inside of K.R. 's 13-year-old body, he didn't say anything. He didn't pray anything. As he bent her over his desk, he didn't say anything. He didn't pray anything. He was supposed to be praying for her, but instead, he was preying on her, preying on her innocence. Then when he was confronted with this, he cried. He denied, but then

he apologized. Think about that.

But it wasn't just K.R. . It was D.B. . It was T.H. . It was A.R. . All of these girls, he went from praying for them to preying on them. Preying on their belief in him, preying on their belief in his words because these girls grew up in this church. And yes, perhaps, it was naive. Perhaps, they should have known better, but they were deep in the Word and deep in their belief in Larry Durant.

Now, I know that it might be hard to sit here and think about how a pastor could do that to lifelong members of his congregation. It might be easier to just want to sit here and think that these girls are lying, but in this place, in this courtroom, we are not concerned with what is easy. We are concerned with the facts. We are concerned with the truth, no matter how hard a pill that is to swallow. And the truth in this case points to the guilt of Larry Durant.

Now, you heard from David Kellin this week. David Kellin was qualified as an expert in the area of child abuse dynamics and child maltreatment. Now, he has never met these girls, never met A.R. , T.H. , K.R. , D.B. , has never met any of them, couldn't pick them out of a lineup. He hasn't read a police report in this case, hasn't read a written statement. But what he told us is

that the characteristics of this case are so similar to the characteristics of sexual abuse cases. He knows nothing about the case. He told us about delayed disclosure and how delayed disclosure is extremely common in sexual assault cases. And that's when somebody doesn't tell that they were sexually assaulted right when they were sexually assaulted. Some time passes, just like in this case.

K.R. told you that it started in December of 2012 and she didn't report it until the end of May of 2013, delayed disclosure. David Kellin told you that delayed disclosure even increases when somebody is in a position of authority. Someone is in a trustworthy position. This causes the victims of sexual assault to delay in their disclosure or not disclose at all.

And he also told us about the difference between accidental disclosure and purposeful disclosure. Purposeful disclosure is when someone comes out and says I was sexually assaulted. They report it to the police. They come out and say it. But accidental disclosure is disclosure that comes out as part of a conversation. It didn't intend to come out, but it comes out because what people are talking about. And that's what we're talking about here.

K.R. and A.R. didn't just go up the their aunt

and their mom and say hey, mom, this happened to me. They were talking about it in a bathroom behind a closed door. And they were overheard talking about it. That's how this disclosure came out. They didn't seek out an adult. They didn't seek out the police to try to tell them this happened. They were overheard talking about it. That's because this was an accidental disclosure. They didn't want people to know that this happened to them.

And grooming. We heard about grooming, how grooming is when somebody takes in their victim's family members, tries to become friends with them. Tries to gain their trust, gain their honesty. They want the family members of their victims to trust them in everything they're doing because then, they wouldn't believe that they were perpetrators. And then they test the waters. Once they're in there and they have developed a relationship with the family, they start little by little. First, it starts the touching, no one tells. No one reports to the police. Then it escalates. Fondling of the breasts, digital penetration, full on intercourse. After each one, after each level is tested and no one reports and no one tells, they move on to the next level.

And that is exactly what happened here. These girls told you that it started with prayer. Prayer for the breasts, then moved to the vagina, and then moved to full

on intercourse. Because Larry Durant groomed his victims. He groomed that family to trust him, to trust their kids with him. And they groomed those victims to not tell anyone when they were sexually assault.

And yeah, David Kellin told you, each child is different. Each case of sexual assault is different. He told you that not everyone is ready for therapy and ready for counseling. That in order for counseling and therapy to be productive, you have to be ready to go through it. So yeah, these girls didn't have counseling and didn't have therapy, but that does not mean that this didn't happen to them.

And each girl is different. You heard from these four girls that told you that it happened and you hear from Keshona Edwards who said it didn't happen to her. What's the last thing David Kellin said to us when I was questioning him? That false denials, which is when you say it didn't happen when it did are more common than false reporting. That's what the expert told you.

Now, Mr. Kent just got up here and presented to you their closing argument. He said a whole lot of things and he tried to poke a whole lot of holes in this case, so I want to address them. But it's important to understand they have no burden of proof in this case. They don't have to prove a single thing to you. That burden rests

here with us. Mr. Kent could have sat here at this table, kick up his heels and not said single word throughout the course of this trial. Because that's our burden. But when they do, whey they do decide to say things. When they do decide to put on a case, you get to ask yourself if it makes any sense.

So does it make common sense that Lizzie Johnson is the mastermind of this great lie in order to have a house and she put her daughter and her granddaughter and two other girls she cares about through this? Through days of sitting up here and listening to testimony of embarrassing things. Does it make sense that she put them up to this, for what, a house? It makes no sense. Why would these girls be lying? They get nothing out of this. They have absolutely no motivation to lie.

Does it make sense that this is the type of attention that these girls want? Does it make sense that K.R. K.R. wants to be known as the girl who was sexually assaulted by her pastor? No 14-year-old, 17-year-old, 21-year-old, 40, 50, 60, 70, no one wants to be known as the girl that was sexually assaulted by her pastor. So is that the type of attention she wants? Is that what she's getting out of this lie is attention?

Well, then, maybe she's lying, I don't know, to get out of trouble. Maybe she's in trouble. She says she was

lying about it back then. She said she was lying about good things, right? She was lying about her grades so she could play basketball. She said she was lying about having a cell phone so she could continue to talk on it without it getting taken away. But what does she get out of this lie? She gets nothing but the embarrassment of telling what happened to her in a room full of strangers. If this was a lie, why wouldn't she be telling everybody, screaming it from the roof tops? Why wouldn't she tell every single person in that congregation? Why wouldn't she tell every single police officer? Why would she have waited to tell? She didn't tell because she was embarrassed. She didn't tell because she was scared. She didn't tell because she wanted the Defendant to be right. She wanted him to be right when he told that he could stop her from liking girls because she knew it upset her grandmother. She believed in him and wanted him to be right. He took advantage of all of that.

And we saw her grandmother, Ms. Lizzie. Ms. Lizzie took the stand. And she said some things. She added a little bit of lightness and some stuff really heavy. She said some things that made some people out here laugh, a couple of you laughed and chuckled a little bit at it. But the Defense wants you to think that these girls were laughing because they think this is funny. It didn't look

fun to me when K.R. sat up on that stand and had to describe how Defendant bent her over a desk. It didn't look fun to me when A.R. got up here and had to explain how the Defendant put his fingers in her vagina to cure her from any diseases. It didn't look fun for me when T.H. got up here and talked about how the Defendant would rub her breasts to cure her from any sort of diseases. And it did not look fun to me when D.B. D.B. had to sit up here and tell you, a bunch of strangers, that at the age of 14, she got pregnant and that her Defendant told her that he could bump the seed out of her so she wouldn't be pregnant anymore. And when, surprise, that didn't work paid for her abortion. You saw the $500 check yourself to Johnnie Mae Brayboy, her mother. That didn't look fun me.

They want you to believe that Lizzie Johnson is what, angry at the Defendant for the house. That K.R. is just confused and will do anything that Lizzie Johnson said. You bet they are. Lizze Johnson is angry. She is angry that she took her daughter and granddaughters to that church religiously and that he abused not only her trust, but their trust and faith and belief in this church. So yeah, she is angry. And K.R. , she knows what happened to her, but she is confused. She's confused as to why someone that was supposed to protect her and pray for her

preyed on her. So yeah, the Defense is right, Ms. Lizzie is angry and K.R. is confused, but not for the reasons they want you to believe.

They want you to believe this is some sort of botched investigation. That these are a bunch of crooked police officers that had nothing but tunnel vision, that they focused on one idea to the exclusion of all others and paid no attention to anything else. That is not this case. They talked to everyone. They collected everything they could, even if it wasn't going to help their case, and they turned it all over to the Defense. That polka-dotted dress. You heard that polka-dotted dress was collected years after Kianna had worn it. And she thought she had even washed it between that time, she didn't know. Everyone knowing that it could potentially turn up no evidence, the State still collected it and turned it over.

But instead of focusing on what the State did do, the Defense wants to draw your attention to these little red herrings and these rabbit holes that don't matter. The date on the memorandum. The date on the memorandum doesn't matter. It doesn't matter at all. They want to draw your attention to the fact that a forensic interview wasn't done in this case. But your investigators weren't serving and acting as forensic interviewers. They were acting as investigators. Forensic interviews are done,

you heard, when a child is not clear in their disclosure, that's it's hard to figure out what happened. It's clear to figure out what happened in this the entire time. Forensic interviews are done when children are suggestible. And David Kellin told you himself that the level of suggestibility changes over age. A four-year-old is lot more suggestible than a 14-year-old. An eight-year-old is more suggestible than an 18-year-old. So these girls didn't needed forensic interviews. But this is the type of stuff that the Defense wants you to think about.

They want you to think they had tunnel vision, but when all the signs point in one direction to the Defendant, you have to follow those signs. And they talked about how there is no physical evidence in this case. There is no corroboration. First, it's important to remember that testimony is evidence. That is evidence. Just because you can't hold it in your hand doesn't mean that it is not evidence. So there is plenty of evidence that there is sexual assault in this case.

You heard Dr. Saunders that it's normal to be normal. This isn't just us tweaking some theory for it to fit our case. You heard that in 90 to 93 percent of sexual assault examinations and sexual assault cases, there are no signs of physical evidence or sexual trauma. Because

Dr. Saunders explained to you that it starts to heal, that area of the body starts to heal fast, especially when once you've puberty. She said within hours, within hours any signs of trauma will start to heal.

K.R. had her physical exam 10 days after this was even reported. A.R. was five days after that. T.H. wasn't until the next year, the next calendar year. So yeah, there was no physical signs of this assault, but it's because the science supports that it wouldn't exist.

Then they talked about the chair with no DNA on it. The chair that the girls didn't even tell you that they had sex on, but the cops collected it anyway. There was never an allegation that they had sex on the chair. But what there was an allegation of was how Pastor Durant would clean up afterwards. A.R. told you that he used hand sanitizer to clean up. So they collected that hand sanitizer bottle. They waved a light on it and they did a test. And it tested positive for acid phosphatase, which is found in high concentrations in semen. Exactly just like A.R. told you. She said that he would pull out, ejaculate in his hand and then she'd have to clean him up. And he's clean up with that hand sanitizer. And high levels of acid phosphatase were found on that bottle.

And, yeah, a DNA profile couldn't be developed off of. There wasn't enough to develop a DNA profile. And SLED only tested for female DNA. But once we're done and Judge Young is done instructing you on the law, what you will not hear him say is that there has to be DNA. What you will not hear him say is there has to be physical evidence. And what you will not hear him say is there has to be eyewitnesses. What you will hear him say is that you are the sole determiners of the credibility of what comes out of that stand. What each of these witnesses said. You decide what to believe or whether or not to believe based on what you heard and what you saw here in this courtroom.

Now, I want to talk a little about D.B. . D.B. took the stand and she told you what happened to her. And then the Defense, Ms. Blazer, got up here and she read off the handwritten statement of D.B. . She read where D.B. handwrote that none of this happened to her. That she was strong armed by Valerie Williams, the investigator. The Defense didn't bring this up in their closing. Because even though they read the letter and they introduced it, what did D.B. tell you? She said that her mother got a phone call and said that if D.B. copied down this statement in her handwriting that she wouldn't have to testify. And she told you she didn't

want to testify. So she copied it down. And she doesn't know who it was, but she knew it wasn't Investigator Kelly. She knew it wasn't Investigator Valerie Williams.

But who benefited from that letter? Who, at least, tried to benefit from that letter, that letter trying to make D.B. recant what happened to her was the Defendant. She wrote it so she wouldn't have to testify, but somebody somewhere had her copy it so they could try to ensure that she wouldn't testify. And why, because everything she says is so compelling. And it is so on line to what happened to K.R. and the rest of those girls.

The the great mastermind behind all of this, this deed. The deeds that were forged or not forged. Let's talk about these deeds just a little bit. I didn't want to because I honestly don't think they have anything to do with this case. This isn't a case on forgery, this is a case on sexual assault. But the Defense brought in an expert who looked at copies of these, not with handwriting exemplars, not the originals, but machine photocopies of these. And he said that he could tell that it was the same signature of Ms. Lizzie on both of them. But even on his own report that you'll get to see, at the very end, it says that he wants handwriting exemplars and that he could only say it was most probable because he was looking at

machine copies. Even the Defense's paid expert said that his opinion could change if he looked at the originals. And they want to submit this to you as being 100 percent the truth that Lizzie Johnson signed both of these.

But without looking at the loops in the handwriting and the dots of the I's, you only got to look at basic things and ask yourself common sense. Larry Durant deeded or didn't deed the house to Lizzie Johnson on September the 16th of 2009, and then she allegedly deeded it back to him on the November 1st of 2009.

Why would she do that if she was forging both of them? She would forge the deed to herself and then what, forge his name again and forge the deed back to him? What does she get out of that? She doesn't get anything out of that. Why would she not just forge the deed to herself and let it go? Why would she forge this one? Why would she sign Larry Durant's name on this one? The person who benefits from this one is Larry Durant. And on the back page of this, the person who notarized it is Melody Durant, his wife that's been sitting behind him this entire time.

And even if this is forged, September 16th of 2009, it was filed November the 4th of 2009, and this one was signed November 1st, 2009. So let's say even if Ms. Lizzie forged this deed to herself and then had some

sort of, I don't know, buyer's remorse and wanted to fix it, this deed wasn't even clocked yet at the time that this one was forged. So the house at the time that this one was dated still belonged to Larry Durant. So why would you forge both? The only important date on this is May 31st of 2013. That's when this was filed. That's when this was clocked. That's when Larry Durant had the house in his name with the register of deeds. That's when he could file notice of eviction on Ms. Lizzie. And this is six days, six days after she chose her granddaughters over Larry Durant. That's when this was filed.

Now, let's talk a little bit about the Defense's witnesses. You saw their armor bearers, people in the church. The armor bearers told you that it is their job to protect Larry Durant. It is their job to serve him and that is exactly what they did up on that stand. They tried to protect him. They tried to serve him in every way that they thought they knew that they could. What did they actually give us? We know that they gave us some lies, right? We know that these paper thin walls are actually made out of cinder block. We know that that's the truth. We know that Larry Durant, even though he's legally blind, they told us that he has a driver's license. And one of the first things you do when you get a driver's license is what, an eye test. Check your

vision. They told us Larry Durant had a driver's license.

The Defense talked about this Twitter and these tweets. These tweets, if you remember, Mr. Kent showed A.R. and she said this isn't me. She said this isn't my Twitter. She goes it kind of looks like a picture of me. And you'll be able to see it. It's a black face with a white shirt. She said, I guess that kind of looks like me, but that's not my Twitter handle. I can't remember what it is, but would never capitalize my name like that. They put up Keshona Edwards who said, yeah, this is A.R. 's account. It doesn't say the name A.R. anywhere, but I thought it was A.R. A.R. . Because she's joking about this. But do you remember her testimony? She said that she saw it. And who made her take a screen shot out of it? Her mama. She said her mama made her take a screen shot and then gave it to Pastor Durant. Her mom that was deep in that church, who worked at that church, worked with Larry Durant, attended that church for longer than Keshona even did and Keshona grew up there. That's how that existed. That's how that got into evidence. And A.R. told you herself this is not her. This is not her words.

And then we have the fact that Mr. Durant has an STD and that he has erectile dysfunction, that he can't have sex. We know he has kids, so we know at one point in time

he could have sex, right? Then you heard the doctor say that STDs aren't always transmitted. They're transmitted through some sort of fluid, blood, saliva, semen. And I asked him, the doctor who I'm sure has taken biology classes, I asked him, so if somebody pulled out and ejaculated in their hand, is it likely that an STD would be transferred. He said you can't be positive, but no, it would be a lot less likely than an STD would be transferred. It has to be transferred through the fluid. And thank God, it's not always transferred. Because these girls don't have STDs. But it's because the Defendant -- the only testimony that we've heard of where he ejaculated was in his hand, not inside of those girls.

If this was some big plot and ploy by Lizzie Johnson to get this house back, then there's an issue with that. Because T.H. told her mom in February. This came out in May. So T.H. just must some sort of crystal ball to know that Ms. Lizzie in May was going to want to make these allegations against Mr. Durant, so she said, you know what, I'm going to go ahead and disclose to someone. Y'all, it makes no sense. If she's disclosing in May to her mom and her mom's making a phone call saying that this isn't going to happen anymore and it doesn't happen anymore and then the other allegations come out in May, it just doesn't support that theory. It doesn't

support the theory that all these girls got together, put themselves through this, for what, a house, a house that Ms. Lizzie's telling you she's still living in. She hasn't been ejected from. It is still her house.

You know, the Defense has talked about cooking, cooking dishes. I think they said Ms. Blazer was a fantastic cook, which I believe. But they said when you make a recipe and you leave out some ingredients, it doesn't necessarily taste the same. So when you leave out the salt and the pepper, the chicken isn't as flavorful, but y'all, it's still chicken. It made not be as pretty or it may not taste as good or look as good, but it still is what it is. This case is still a case of sexual assault no matter how pretty it is or how flavorful it is. Just because that chicken doesn't have salt and pepper doesn't mean it's not still chicken. And there just because there wasn't DNA all over the room or semen all over the carpet doesn't mean that this isn't a case of sexual assault. That is a case of sexual assault because K.R. says so and because she gains nothing out of this. This isn't just a he said, she said. It's a he said, she said, she said, she said and she said. All these girls said it because it happened to every single one of them.

But there are two pieces that can't be explained.

You have the underwear. The girls who said that he wears white Fruit of Loom underwear, white little boy's type underwear. You're going to get to look back at these pictures when you're deliberating. The hamper at his house and his dryer. White underwear. Girls got that one right. And then his penis, which Mr. Kent already showed you. They described it as flesh colored and pink. There's a skin pigmentation on it. The girls got that one right, too. It's not because Ms. Lizzie told them, it's because they cause it with their own eyes. The only testimony you heard was that they never said they'd seen a picture of it. They had never seen -- or never heard anyone talk about it. What Mr. Kent says isn't evidence. So he can float as many theories as he wants out there, but that's not evidence. The evidence that you heard is that they had never seen a photo of it. That no one had ever described it or told them about it. Yet, they can describe it perfectly. And they can describe it perfectly because they saw it with their own two eyes when they're having sex with him. They saw it with their own two eyes and their description is spot on.

We had to prove our case to you beyond a reasonable doubt. And a reasonable doubt is not some imaginary doubt or some fanciful doubt. It's not a doubt that just allows Larry Durant to escape penalty of law. It is based on

reason. It is based on common sense. If you can stand here with your feet firmly planted on the ground and say yeah, that guy sexually assaulted K.R. , then you can find him guilty.

Mr. Kent told you a story about when causing a hesitation to act. And that's what a reasonable doubt is, something that causes you to hesitate to act. But nothing caused Larry Durant to hesitate to act when he sexually assaulted those girls. And nothing should cause you to hesitate to act when you go to find him guilty. He was supposed to be there shepherd, but he was nothing but a wolf in sheep's clothing. These girls gained nothing out of making any of this up. Find Larry Durant guilty.

CHARGE OF THE COURT

THE COURT: All right, folks, we are now at the point where we are going to have me explain to you or charge you on what the law is that applies to this kind of case. Do you remember at the beginning of the trial, I told you, you have a job in this trial. And one of my jobs was to preside over the trial and to make sure that each side got a fair trial for our rules of procedure and admissibility, rule on admissibility, things like that. Your job is to consider only the evidence that was before you and presented in this courtroom. You can only consider witnesses or evidence that was presented from the witness

stand or exhibits, such as photographs or documents, that were admitted as part of the trial.

I also now have the additional duty of charging you on the law that is applicable to this case. And it is your duty under the oath that you took at the beginning of the trial to accept the law and apply only the law as I charge -- now, charge it to you. So if you have some idea of what you think the law is or what it ought to be and it does not agree with what I now charge you on what the law is, you must forgot those ideas that you have because you are sworn to accept the law and apply the law exactly as I state to it you.

As jurors, you are the sole judges of the facts. As I told you, I cannot comment on the facts or make any statement about my feelings about the facts in this case. You, the jury, are the sole judges of the facts. And you are not to infer from anything that I said during the progress of the trial in ruling on admissibility or evidence or anything that I may say now or that I did throughout the trial or during the course of this instruction that I have an opinion about this case. The law does not allow me to have an opinion about the case. This is solely a matter for you to determine. And as jurors, it is your duty to determine the effect, the value, the weight and the truth of the evidence that was

presented throughout the trial.

I will remind you, the fact that the Defendant was arrested, charged and indicted in this case is not evidence in this case, and it cannot be considered by you as evidence of guilt in this case, nor does it create any presumption or inference of guilt. The document which is known as the indictment that I told you about at the beginning of the trial is simply the formal written notice which contains the charge that was made against the Defendant, and it is the formal document by which this case is brought into this court. The indictment in this case, which was indictment 2014-GS-43-947, which is right here in my hand, alleges that the Defendant committed the act of criminal sexual conduct with a minor in the second degree. I will go over the elements of that in a few moments. Right now, I just want to remind you, he was indicted, but that is only the charging instrument, and he pled not guilty to that indictment. And that plea puts the burden on the State of proving the guilt of the Defendant beyond a reasonable doubt.

A person who is charged with a criminal offense in South Carolina is never required to prove himself innocent. This is an important rule of law in this country, that a defendant who is in a criminal trial will always be presumed to be innocent of the crime for which

he is indicted unless and until his guilt has been proven by evidence satisfying you of that guilt beyond a reasonable doubt.

This presumption is just not some legal theory. This isn't just a legal phrase that you hear about in law school. This is a substantial Constitutional right to which every defendant is entitled. And this presumption of innocence accompanies the Defendant from the time he is charged throughout the trial and unless and until you reach a verdict of guilt beyond -- based on evidence satisfying you of that guilt beyond a reasonable doubt.

I've told you the burden of proof is beyond a reasonable doubt. Some of you may have served as a juror in a civil case. And I explained to you at the beginning of the trial, the burden of proof in a civil case is less than it is in a criminal case. In a civil case, the burden of proof is a preponderance of the evidence or is whatever the party is trying to prove more likely true than not true.

In a criminal case, the State's evidence must be more powerful than that. It must be beyond a reasonable doubt. Proof beyond a reasonable doubt is proof that leaves you firmly convinced of the Defendant's guilt. Reasonable doubt has also been define as the kind of doubt that would cause a reasonable person to hesitate to act.

There are very few things in this world that we know with absolute certainty. And in criminal cases, the law does not require proof that overcomes every possible doubt. If based on your consideration of the evidence, you are firmly convinced that the Defendant is guilty of the crime charged, then you must find the Defendant guilty. If on the other hand, you think there is a real possibility that the Defendant is not guilty, then you must give the Defendant the benefit of the doubt and find him not guilty.

I also want to instruct you again and emphasize, the fact that the Defendant did not testify is not a factor to be considered by you in any way in your deliberations and in your consideration on the question of guilt or innocence of the Defendant. It must not be considered by you in any manner whatsoever. A defendant has a Constitutional right to remain silent. And the assertion of this right must not be considered by you in your deliberations. I repeat that under your oath that you took at the beginning of the trial, you are to draw no conclusion whatsoever from the fact that the Defendant in this case did not testify. The fact that the Defendant did not testify should not even be discussed in the jury room. The burden of proof, as I have stated to you, is on the State. The Defendant is not required to prove his

innocence. The burden of proof remains on the State to prove guilt beyond a reasonable doubt.

Now, during a trial, we, generally speaking, have two types of evidence, direct evidence and circumstantial evidence. Direct evidence directly proves the existence of a fact and does not require deduction. Circumstantial evidence is proof of a chain of facts and circumstances which indicate the existence of a fact. Crimes may proven by circumstantial evidence. And the law makes no distinction between the weight or value to be given to either direct or circumstantial evidence.

However, to the extent that the State relies on circumstantial evidence, all of the circumstances must be consistent with each other and when taken together point conclusively to the guilt of the accused beyond a reasonable doubt. If the circumstances merely portray the Defendant's behavior as suspicion, this the proof has failed. The State has the burden of proving the Defendant guilty beyond a reasonable doubt. This burden rests with the State regardless of whether the State relies on direct evidence, circumstantial evidence or some combination of the two.

Also, as jurors, you must determine the credibility of witnesses who testified in this case. Credibility simply means believability. It's your duty as jurors to

analyze and evaluate the evidence and determine which evidence convinces you of its truth.

In determining the believability of witnesses who testified in this case, you can believe one witness over several witnesses or several witnesses over one witness. You can believe the testimony of a witness in its entirety or you can reject the testimony of witness in its entirety. You can believe a part of the testimony of a witness and reject the remaining part of the testimony of that same witness. If you reject part, you can still accept the remainder of a witness's testimony.

You may consider whether any witness has exhibited to you any interest, bias, prejudice or other motive in a case. You can consider the appearance and demeanor of the witness while the witness is on the witness stand. You are not bound to decide the case based on the number of witnesses that a side produces.

Now, as to the indictment for the charge of criminal sexual conduct with a minor second degree, the State must prove beyond a reasonable doubt that the Defendant engaged in a sexual battery with the victim. Now, victim is defined as the person alleging to have been subjected to criminal sexual conduct. Actor means a person accused of criminal sexual conduct. And sexual battery is sexual intercourse, cunnilingus, fellatio, anal intercourse or

any intrusion however slight of any part of a person's body or any object into the genital or anal openings of another person's body except when the intrusion is accomplished for medically-recognized treatment or diagnostic purposes.

The State must then prove beyond a reasonable doubt that the victim was, at least, 11 years old, but not more than 14 years old at the time of the sexual battery. Consent, willingness, indifference or ignorance on the part of the minor, if any, as to what was taking place does not in any way affect the charge of criminal sexual conduct with a minor because an unmarried woman under the age of 14 cannot legally consent to sexual intercourse.

Now, in determining your verdict of guilty or not guilty, you cannot consider any possible penalty for a particular crime. The punishment for the crime is a matter for me to determine. It should never be considered by you in any way whatsoever in arriving at a verdict of guilty or not guilty. Your verdict must be unanimous. In other words, all 12 of you must agree.

There are two possible verdicts in this case. It's guilty or not guilty. There is no significance whatsoever in the order in which I stated these possible verdicts. I just simply have to state one of them first.

Now, Mr. Foreman, when the jury agrees on a verdict,

you take and write on the back under here where it says verdict what the verdict is. You will write either guilty or not guilty, and then you'll sign it and date it and let the bailiff know that you have reached verdict.

I'm going to send you back now into the jury room. However, don't begin your deliberations just yet. I have to give the lawyers the opportunity to say if I misspoke in some way. Then we'll have the evidence brought back to you by bailiff, along with a copy of the jury charges and the indictment. Once that bailiff comes back with that, he will tell you the judge says it's okay for you to begin your deliberations. But just let us go through this formality. It doesn't take five minutes. Go back. Don't begin deliberations until I send this back and the bailiff tells you that you can begin your deliberations.

(WHEREUPON, the jury left the courtroom at 2:14 p.m.)

THE COURT: Anything from the State?

MS. ABEE: No, Your Honor.

THE COURT: From the Defense?

MR. KENT: Nothing, Your Honor.

THE COURT: Okay. Let's just double check and make sure we've got everything.

And if you would, let me have the two alternates so I can discharge them.

(WHEREUPON, State's Exhibit No. 7 has been redacted.)

(WHEREUPON, the alternates came into the courtroom at 2:15 p.m.)

THE COURT: Okay. Now, ladies, once the case is submitted to the jury, you are done. You don't have to come back, call or anything like that. You're free to go for the week. They'll send you a check, I guess, in the mail. Thank you for your service. If anybody calls you about the case or contacts you to talk to you about it, you're free do that. Sometimes the lawyers will call afterwards. They're not doing anything wrong. If you want to talk to them, you can. If you don't want to, you don't have to. Thank you for your jury service this week. Hope you enjoyed it.

(WHEREUPON, the alternates left the courtroom.)

THE COURT: All right. Alternates are discharged. Got all the evidence.

MS. ABEE: Yes, Your Honor.

MR. KENT: Yes, Your Honor. We reviewed that.

THE COURT: Go ahead and tell them they can begin deliberations.

Y'all can be at ease. Don't wander off too far.

(WHEREUPON, the jury began deliberations at 2:16 p.m.)

(WHEREUPON, jury sent out note at 5:11 p.m.)

THE COURT: Well, something different comes up just about every trial, it seems like. Got a note from the jury. The bottom line is they are split, locked up. They told me what their split is, but I'm not going to tell you what it is, but for one thing.

It says, Your Honor, after two hours and 45 minutes, presumably, and it says the vote is after four attempts, and it tells me what the break is between guilty and not guilty, but the usual thing is they have one juror who will not vote.

MS. ABEE: What?

THE COURT: I've never had that. And I don't know how to deal with that other than bring them in, give them an Allen charge, ask them to try and tell them that not voting is just not an option. They need to vote guilty or vote not guilty, but not voting doesn't do anything. I'm completely open for suggestions on it. It's such a baffling thing, I'm almost certain that it would be unique.

MR. KENT: It would be one of my typical trials then. I'm not asking the break down, but would it still be a hung jury without the one person who wouldn't vote?

THE COURT: Correct.

MR. KENT: You understand why I asked that question?

THE COURT: Uh-huh.

I'm just going to give them a version of an Allen charge and try to explain to them that we need them to continue to work at it and reconsider and consider. And, you know, the standard language about no juror is going to hear anything different and they're as good of a jury as the next one, and please continue to try.

MR. FERNANDEZ: Your Honor, I don't know if this is crazy, but there were two alternates. I know we spoke to one of them, but there might be --

THE COURT: Well, I've discharged them. The law says you're supposed to discharge them.

MR. KENT: Since they're discharged --

THE COURT: If they're gone, that's not an option.

MR. KENT: Your Honor, just for the record, I understand the Court at this point in time, I understand the case law would be interested in giving an Allen charge. On behalf of Mr. Durant, we would object to the Allen charge. We think there's case law that suggest that it may unfairly target the minority jury. I don't know the break down, but just for the record, we object to the Allen charge.

THE COURT: Okay.

MR. KENT: I just wanted to place that on the record.

THE COURT: Anything you want to add by way of suggestions?

MS. ABEE: No, Your Honor.

THE COURT: All right. Bring jury in.

(WHEREUPON, there was an off-the-record discussion.)

(WHEREUPON, the jury entered the courtroom at 5:15 p.m.)

THE BAILIFF: All the jurors are back, sir.

THE COURT: All right. Folks, I got the note that you sent back through the Foreman. It's a little unusual in having -- it's not unusual to have a jury that has difficulty coming to a verdict. I've yet to have one that says somebody won't vote. But let me just give you some words of guidance before I send you back.

Jury duty is a difficult thing. It really is. What we ask people to do is not easy. Some cases are easier than others, but all of them are really hard, if you ask me. First of all, to get two people to agree that the sun rises in the east in the morning is kind of difficult. To get 12 people to come in and listen to a week's worth of testimony and reach a unanimous agreement, well, it's hard. And people see things different ways and, you know, have different interpretations of what it is they believe is the right verdict. I completely understand that.

When we have a situation like this, I like to ask the jury to do two things. First is keep -- I guess the way I

would like to phrase this is consider your position and consider the other side's position. Whether you're in the majority or in the minority at this particular time, I don't want to know. In fact, I would ask that you not tell me what the vote break down is.

But those of you that are in the majority of the vote for one way, consider whether or not the minority's position has merit to it. Just think about it as well, if I were in their shoes, would I see it that way? Those of you that are in the minority position, then I would ask that you do the same thing. Put yourself in the other person's shoes. And sometimes that helps people to see that the other side has merit to it. And again, I'm not trying to say change your mind. You may go into and come out of that little mental exercise with the exact same position. But it's often helpful when you have a difficult decision to make to see if you can see it from the other guy's viewpoint. Maybe that will help you out. That's really about the best guidance that I can give you.

Because if you folks can't make a unanimous decision, then what we'll have to do is come back, get another jury, and we'll have to present, essentially, the same evidence that you heard this week and another 12 people will have to make a decision. I don't have any reason to suspect that there's any 12 better people in Sumter County than

you 12 folks. You guys see how the process went. It was completely a sort of random process which you got picked for jury duty. You know, it was a process we went through to eliminate that nobody knew anybody or knew anything about the case, had any preconceived outcome or had any prejudices. Everybody that's on this jury right now, essentially, said I can be a fair and impartial juror in this case and that I will make a decision based on what I hear in this courtroom and what you, the judge, tell me the law is. That's all what we can ask any 12 jurors to do. That's how you got on this jury. If we have to retry it before another jury, I don't have any reason at all to believe that there are any 12 better folks than you 12 folks to make this same decision. But that's what we'll do if you folks can't come up with a decision. So what I would ask is that you go back and see if you can work on it some more.

If you tell us you can't make a decision, then we'll respect that, but give it another shot in light of what I've told you and see if there's some way that you can come up with a unanimous verdict.

Now, I don't know who the one person is, and I'm not asking who the one person is that won't vote, but that's really not helpful to the situation at all. All that will do is ensure that we have a mistrial if you continue to

refuse to even vote even if the 11 other folks do reach unanimous decision. So that's not a helpful process and really under the process we have, we need all 12 people to vote. I don't care how you vote, but it really does -- it really is necessary for you to vote in order for us to have a verdict. Whether it's guilty or not guilty, it's got to be unanimous one way or the other. So we do need you to participate whoever this person is at this point is saying I'm not voting.

So in light of that, let me send you back. However long it is you want to take this evening, we'll be here as long as you want to be here. You know, I'll leave it at that.

And Mr. Foreman, go ahead and send your jury back and see what you can come up with.

(WHEREUPON, the jury left the courtroom at 5:21 p.m.)

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

THE COURT: Okay. Well, carry on.

(WHEREUPON, Court was in recess awaiting a verdict.)

THE COURT: All right. We have everybody now. Let the record reflect the Defendant is in the courtroom.

I understand we have a verdict?

THE BAILIFF: Yes, sir.

THE COURT: Bring the jury in.

(WHEREUPON, the jury entered the courtroom at 5:55 p.m.)

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

THE COURT: All right. Mr. Foreman, I understand the jury has reached a verdict; is that correct?

THE FOREMAN: Yes, sir, Your Honor.

THE COURT: Is it unanimous?

THE FOREMAN: Yes, sir, Your Honor.

THE COURT: All right. Would you hand it to the bailiff, please.

All right. Publish the verdict.

If the Defendant will arise.

(The Defendant rose.)

VERDICT

THE BAILIFF: The State of South Carolina, County of Sumter in the Court of General Sessions, docket number 2014-GS-43-947. As to the indictment of criminal sexual conduct with a minor in the second degree, we, the jury, find defendant guilty. Signed by Roy --

(Defendant's wife fainted.)

THE BAILIFF: -- Graham, 5/26/16.

Ladies and gentlemen of the jury -- may I have your

attention, please. Ladies and gentlemen of the jury, is this your verdict, so say you all by raising your right hand.

UNIDENTIFIED WOMAN: Oh, my God.

THE BAILIFF: All right. Thank you.

THE COURT: Do you wish to have the jury polled?

MR. KENT: Yes, Your Honor.

THE COURT: All right. Poll the jury, please.

THE BAILIFF: Ladies and gentlemen, when I call your name and number, please stand and raise your right hand.

THE BAILIFF: No. 181, Robert Wingard, was this your verdict?

JUROR: Yes.

THE BAILIFF: Is it still your verdict?

JUROR: Yes.

THE BAILIFF: No. 18, George Britton, was this your verdict?

JUROR: Yes.

THE BAILIFF: Is it still your verdict?

JUROR: Yes.

THE BAILIFF: No. 54, John Gibson, was this your verdict?

JUROR: Yes.

THE BAILIFF: Is it still your verdict?

JUROR: Yes.

THE BAILIFF: No. 143, Deshawn Simmons, was this your verdict?

JUROR: Yes.

THE BAILIFF: Is it still your verdict?

JUROR: Yes.

THE BAILIFF: No. 46, Lennalee Elie, was this your verdict?

JUROR: Yes.

THE BAILIFF: Is it still your verdict?

JUROR: Yes.

THE BAILIFF: No. 116, Rebecca Myers, was this your verdict?

JUROR: Yes.

THE BAILIFF: Is it still your verdict?

JUROR: Yes.

THE BAILIFF: No. 62, Maria Haughton, was this your verdict?

JUROR: Yes.

THE BAILIFF: Is it still your verdict?

JUROR: Yes.

THE BAILIFF: No. 23, Stephanie Cason, was this your verdict?

JUROR: Yes.

THE BAILIFF: Is it still your verdict?

JUROR: Yes.

THE BAILIFF: No. 69, Antonio Hodges, was this your verdict?

JUROR: Yes.

THE BAILIFF: Is it still your verdict?

JUROR: Yes.

THE BAILIFF: No. 71, Rashawna Howard, was this your verdict?

JUROR: Yes.

THE BAILIFF: Is it still your verdict?

JUROR: Yes.

THE BAILIFF: No. 55, Roy Graham, was this your verdict?

JUROR: Yes.

THE BAILIFF: Is it still your verdict?

JUROR: Yes.

THE BAILIFF: No. 91, Malik Livingston, was this your verdict?

JUROR: Yes.

THE BAILIFF: Is it still your verdict?

JUROR: Yes.

THE BAILIFF: The jury has been polled, Your Honor, and the guilty plea stands.

THE COURT: All right. Folks, let me thank you for your jury service this week. This is -- jury service is one of the most important things that we can do in our

form of government. It is a very difficult thing to do at times, and this was a difficult trial. Y'all heard some difficult testimony. And, you know, none of them are easy, some are harder than others. This was a hard one. I can tell by the amount of time that you folks spent deliberating that you struggled with it, but all 12 of you heard the evidence, and all 12 of you agreed on the verdict. That's really all that we can ask you to do as citizens. We thank you for your service.

I like to tell people that, you know, when you get that jury notes, a lot of times people go oh, you know, I really don't want to serve on a jury. I'd like to do it, but I can't do it this week. A number of things go through your mind. But once people get here and they get a chance to serve on a jury, it's been my impression that most people really do enjoy serving on a jury. They do understand better how our system works after they've had an opportunity to do it. I hope that you'll feel that way.

You know, people view jury service as a duty, as a responsibility of citizenship, but, you know, this is something that -- what you have done this week as jurors is very rare and difficult to get as a right around this world. There's only about a dozen countries in the entire world that allow a right to a trial by a jury of fellow

citizens when the government charges somebody with a crime. In most places, where they have anything like a trial, it's a judge or a panel of judges that make the decision. But our Founding Fathers thought it was so important that they memorialized the right to have a jury trial in a case like this three times in the United States Constitution. So it's an important thing that you did this week. It's also, I believe, a privilege to serve on a jury. And I hope that's what you'll walk away with. It's not that it was a burden, but that it was a privilege to serve on jury because you participated in your government.

You know, we have those three branches of government, legislative, executive and judicial. This is the judicial branch. And I told you, you were judges just like I'm a judge. We just have different roles. So what you folks did this week is agreed to come in here and listen to this evidence and make it based on what you heard in this courtroom is special, and I thank you for your service.

You are free to go now. You don't have to serve any more this week. You don't have to call a telephone number or anything like this. But you are now free to go and we thank you for your service.

I have been telling you all week long don't talk to anybody about the case. You're free now to talk to

anybody you want to about the case, including if the lawyers call you up. Sometimes they like to call and ask, you know, about the process. It helps them prepare better for their next case. You're welcome to do that. You don't have to. And if somebody calls you up and says I want to talk to you about it, just tell them. If they insist, then you just call the Court and we'll make sure that's taken care of. But you're not doing anything wrong by talking to anybody now. If you want to read the newspaper, post things on the internet, whatever you want to do, you're free to do it and you're not in any trouble. I've been given you those warnings all week long, but you're finished with jury service, so you're free to resume your normal life. Thank you for your service. You are free go.

(WHEREUPON, the jury left the courtroom at 6:04 p.m.)

THE COURT: All right. We will move --

Well, do you have any post-trial motions that you want to make at this time or do you want 10 days to make them?

MS. BLAZER: I think we'd like to have the 10 days, Your Honor.

THE COURT: All right. Well, we're going to move to sentencing. Is there anything the State wants to tell me

before we hear from the Defense?

MS. ABEE: Your Honor, we do have a sentencing sheet if you want us to get that filled out and send to the Defense, as well.

THE COURT: Okay.

MS. ABEE: Your Honor, I do believe some of the victims would like to address you if that would be appropriate and at the appropriate time.

THE COURT: All right. That would be now.

Yes, ma'am, just for the record so she'll know who is talking, just state your name.

MS. A.R. : A.R. .

THE COURT: Okay. What would you like to tell me?

MS. A.R. : I just want to tell you that, first, thank you for being here this week and, you know, just seeing just a part of our troubled life that we had to go through this week revisiting this situation. And I just want the people behind me to know that me and Durant did not share the same love for each other. Never in a million years have I would have thought this would happened. If you would have asked me three years ago this would have happened, I never would have told you it would have.

I truly trusted him. I loved him. I never -- still don't even have nothing fully against him. And he -- but

he destroyed my family. He didn't care about me. He told them I was lying. I got family that I grew up with that I love that just turned their backs on me, told me I was lying. And it's all because of him. He told them I was lying, told them I'm the one -- my grandma is the one that's making this all up. So I just want my family to know that I would like to have them back, and I was never lying, and I still love them. I'll willing to forgive them even though they didn't believe me.

THE COURT: Thank you.

Yes, please just state your name.

MS. K.R. : K.R. .

THE COURT: All right. What would you like to tell me?

MS. K.R. : Well, hello, Your Honor. Like my cousin said, thank you for taking your time out to hear what we had to go through, sadly. And to let Larry know, who's behind me, that I never had any vendetta against you. I've loved you all my life. I mean, you were like a father figure to me. I grew up in your church. You never did anything wrong to me until three years ago. Just thinking about it, it's crazy how it affected me in so many different ways. I'm just so glad that it's all over now and justice has been served.

THE COURT: Thank you. Anything else from the State?

MS. ABEE: No, Your Honor. Just may I approach with the sentencing sheet?

THE COURT: Yes. Did he have any prior record?

MS. ABEE: Your Honor, he has a grand larceny, I believe, from 1978, something way in the past.

THE COURT: All right. What's the State's position on sentencing?

MS. ABEE: Your Honor, we would, of course, ask for the maximum in this case. You've heard throughout this week and this trial week all the various different plots and ploys that the Defendant used in order to coerce multiple young girls, but specifically in this case, K.R. . She was only 13 when this started, Your Honor. And Your Honor heard factually how egregious these allegations were. For someone to build up the trust that she had in him and then take advantage of that, Your Honor, under this disguise of being some sort of prayer. And this did happen multiple times, Your Honor. It started in December of 2012 and ended in May of 2013. So for the prolonged abuse that the victim endured in this case, we would ask for the maximum sentence.

THE COURT: All right. Mr. Kent.

MR. KENT: Thank you, Your Honor. May it please the Court. First, I would request -- and I understand the Court's position of going directly into sentencing. Just

by way of request and for the record, I would request a presentence report to have the opportunity for the Court to get more information on Pastor Durant before you lay down your sentence.

THE COURT: No, I'm ready to go into sentencing now.

MR. KENT: I understand.

THE COURT: Just tell me what you want me to know.

MR. KENT: Yes, sir, Your Honor. You have heard the bevy of the charges. You have the information. Your Honor, you know me quite well. I'm not an individual who beguiles or does not agree with the jury system. I understand the jury has made their decision and I respect their decision.

Your Honor, I've known Pastor Durant now for in excess of three years. He has steadfastly maintained his innocence. Even as the verdict has come by, he has maintained his innocence.

Respectfully to the Court, normally, if there is a conviction, I generally do not allow my clients to say anything based upon the fact of their appellate rights. And please don't take any disrespect in that whatsoever. He has some family who would like to address you. His wife would like to address you, tell you a little bit about his character. You have not heard from her during the course of the trial. And then I have a few more

things to say and I'd be ready for sentencing, if that would be okay, Your Honor.

THE COURT: Who would like to say something?

MR. KENT: I think his wife would.

THE COURT: Yes, ma'am, your name?

THE WIFE: My name is Melody Durant.

THE COURT: Okay. What would you like to tell me?

THE WIFE: I've been married to this man for 17 years. I know my husband, and I know without a shadow of a doubt that he did not do this. He is innocent. And if anyone knows me, I am not going to lie for anybody, not even my husband. I know him. I also know the -- I know my husband, and I know he didn't do this. He is not able. I appreciate you for listening. Thank you.

MR. KENT: Your Honor, I understand completely sentencing becomes the most difficult thing that a judge can do. I understand your position on these cases and I understand what a judge has to do after there has been a conviction in the case.

This isn't the type of case where I can sit here with a straight face and tell you there was not a lion's share of evidence -- and I told the pastor this, that there was a lion's share of evidence in which the jury could have considered his guilt. But there was also a lion's share of evidence that the jury could have considered his

innocence. They made the decision based upon the evidence they heard and based upon the young lady's testimony that he was guilty of the charges.

Your Honor, you, yourself, have heard the evidence and heard there is some strong evidence which could show the innocence of this man. Your Honor, I was not exaggerating when I told the jury that in the three years that I became to represent him, he has became my friend. He has always been respectful. He has always been spiritual to me. He has always been as good of a man as he could possibly be.

His family beyond a shadow of a doubt has done nothing but show respect. They have helped me on this case more than you can possibly imagine. They have very candidly looked. They haven't hidden anything. They haven't tried to disguise anything. If I've asked for anything, they would give it to me.

I've represented a lot of people, Your Honor, as you know, over the last 16 years. I have yet to represent anybody who has maintained their innocence so steadfastly and anybody who has gone out of the way to try to help to try to prove their innocence. And not by trying to intimidate or try to harass people, but just give me names and simply say, please, talk to them.

So for the last three years, what I have done is

actually developed a side of the process of meeting and talking to people who like Larry Durant. The level of positively, the people's lives he has touched, the charities that he has given to, the things that the church has done has been amazing.

Your Honor, you would expect when you represent somebody who is faced with such charges, the first thing they would do is say something completely negative about the victims, completely negative about the people, something completely nasty about them. There was nothing he would ever say to me. He took some umbrage, shall we say, with our legal defense because he wanted nothing negative to say about any of the girls who made these allegations. When I asked him very candidly why did the girls make these allegations against him, his defense is very simple, I just don't know. I would ask him anything that he could give me that would help me on cross-examination of the young ladies. There was nothing he would offer, which is why the cross-examination of the young ladies was so tepid as it was.

We discussed everything that you should know about Mr. Durant when it was time to make a decision on whether or not he should testify. As I mentioned, Your Honor, I've been doing this for 16 years. I've had countless amount of trials. And I have a very steadfast rule, if I

put on a case, generally, I put my client on. Myself and Mr. Durant worked tirelessly on his testimony. He was ready to testify. There was no usable record that would have come in against him. When, finally, it came to the point it was time to testify, he realized that his parents or his stepparents were inside of the courtroom, Melody's parents, and he did not want to subject them to anything that would be embarrassing or anything that would hurt them or anything that would disrespect the church, which is the only reason why he chose not to testify. And I can tell you as an officer of the court, we were prepared, we were ready and we were willing to put him on the stand to testify.

I cannot sit here with a straight face and tell you I know what happened to these young ladies. And I cannot tell you with a straight face I know it. And I still cannot tell you with a straight face that I know what happened. I know what the evidence showed. I know what the lack of DNA showed, and I know all of these things. The one thing that I can tell you as somebody who has known you for quite some time is that's a good fellow behind me. I 100 percent respect the jury's verdict. I 100 percent respect the work that law enforcement did to put this case together because I know it was very difficult. I have candidly told the Attorney General's

Office that I respect the amount of hard word that they did to put this case together because I know it was a very difficult case. And I told them that not just now.

All I would ask, Your Honor, is in your wisdom, as you sentence Mr. Durant, which I know you will do, to realize, understanding the nature of the charges and understanding what you have to do, that somebody who has known you, who is a good person that I respect wholeheartedly. I understand the maximum sentence in this charge carries up to 20 years, which realistically would be a life sentence for this individual in the Department of Corrections. Candidly, at his age, with his physical conditions, with his health conditions, pretty much any sentence will be a life sentence for him in the Department of Corrections.

A lifetime of doing good deeds. A lifetime of looking out for people. A lifetime of prayer. You've seen to the left side of the courtroom.

If everybody who is here to show support for Pastor Durant will stand up, please (indicating).

Your Honor, these were individuals who he has supported, who I have talked to, who has said nothing but positive things about him. These are children, these are mothers, these are wives, these are husbands who have sat here everyday throughout the course of the trial and

prayed. All that I would request is that in your mercy, you sentence him accordingly, understanding what you have to do under the charge, but also based upon the lifetime of hard work.

Again, I ask that you not take any personal feelings to the fact that I have asked Pastor Durant not to address the Court. That was my personal decision, not his. It's just based on the fact he will be sentenced and he has appellate rights.

THE COURT: He does not want to speak?

MR. KENT: He would like to speak, but I have requested that he does not because of his appellate rights.

THE COURT: Okay. Anything else?

MR. KENT: No, sir, that would be it.

THE COURT: All right. Well, Mr. Durant, the jury has spoken. This was a very difficult case. The charges that were made against you were very difficult charges to hear. This was --

MR. KENT: Your Honor, I do not mean to interrupt you. He made it very clear that he would like to address the Court.

THE COURT: What?

MR. KENT: He would like to address the Court. Against my advice, he would like to address the Court.

THE COURT: Okay. Go ahead, Mr. Durant.

MR. KENT: Can he address from here, Your Honor?

THE COURT: Whichever he prefers.

You can stand. I can hear you from there. What would you like to say?

THE DEFENDANT: Your Honor, I appreciate your fairness in handling this case. And I'm just sitting here in utter shock of what took place. And I feel that I'm in a dream, a nightmare that is happening. Sir, I worked all my life to try to build this community and try to build people. And I gave for my family, and they suffered. They didn't like it because I gave to other people. And the way they said I groomed these children up to molest them, it's just not true. I raised children up in my home. I have daughters myself. I've been around kids all my life. And this is the first time these allegations has ever been made against me.

Your Honor, I am almost lost, lost for words because I know the sentence -- my wife is -- I'm concerned about my wife and my children. I know it's devastating to them, even the people on the other side. I just don't know why But, Your Honor, I plead mercy on this -- for the Court, and I have breathing machines and pressures and all kind of conditions.

There is no physical way I could have done this to

these girls multiple times in this place. And rarely, me and my wife had sex, rarely, unless it was planned out. And I didn't get a chance for some other people to come and let them know that the thing concerning my penis was widely known, widely known. It's not just something that just popped up at the last moment. It was widely known in the church, sir. And I'm just sorry that we didn't get an opportunity -- or didn't take the opportunity to let the people talk because I didn't want to embarrass them to let them say these kind of things.

Your Honor, I am -- like I said, I feel like I'm on a desert island for doing -- for something that I did not do. And I know if I get a long time, I'm going to die in prison. I'm going to die behind bars. And for all the time I spent trying to build a family and the community, it's going down the drain by one decision of a group of people that don't even know me. I respect what they said, but a group of people that don't even know me made a decision that will determine not only my life, but my entire family and my congregation's life.

I ask you, Judge, if there's any way you could have mercy upon me, mercy on this situation that I would not -- would not have to die in prison because I need medical attention, I certainly will appreciate it.

I thank you so much for taking the time for hearing

me. Thank you, sir.

THE COURT: You're welcome.

MR. KENT: Your Honor, would you mind if he sat back down?

THE COURT: That's fine.

MR. KENT: Thank you, Your Honor. That will end my presentation. I apologize.

SENTENCE OF THE COURT

THE COURT: Okay. Well, the charges in this case were really unlike any I have heard before. The evidence that the State presented was compelling. The Defense made a strong case. And the jury chose to believe the young ladies. I can't disagree with the verdict at all based on what I heard. These charges were monstrous in nature.

The problem that I have with the particular facts in a case like this is you have somebody who was put a position of trust. All ministers are put on a pedestal to some degree or another, and, you know, I've -- I grew up the son of a minister. I've seen all sides of that that can happen both for good and bad. You know, you see how people treat ministers with putting them on a pedestal, believing that ministers are incapable of doing bad. But as you grow up in a family with a minister and hear a lot of things that go on and see a lot of things, you know, you realize that ministers are people. They're humans.

And as such, they fall.

I don't fault anybody for falling from grace, but when you take the position that you have been given by your community and people that believe in you and abuse it to the extent that these young ladies have alleged and that the jury believed, well, then you deserve the maximum in my opinion. The sentence of the Court is 20 years in the Department of Corrections. You'll get credit for any time that you served pretrial. Good luck to you.

MR. KENT: Thank you, Your Honor. You said we would have our 10 days to file post-trial motions?

THE COURT: Correct.

MS. ABEE: Thank you, Your Honor.

THE COURT: If you file something, send it to me in Charleston.

MR. KENT: I'm sorry? I didn't hear you.

THE COURT: I said whatever you file, send a copy to me in Charleston. It doesn't always get forwarded has been my experience.

MR. KENT: Thank you, Your Honor.

MS. ABEE: Thank you, Your Honor.

THE COURT: Okay. Good luck to you.

**********END OF PROCEEDINGS**********

CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)

COUNTY OF AIKEN)

I, PENNY M. JOHNSON, Official Court Reporter for the Second Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete Transcript of Record of the proceedings had and the evidence introduced in the trial of the captioned case, relative to appeal, in General Sessions Court for Sumter County, South Carolina, on the 23-26 days of May, 2016.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.



October 8, 2016

Penny M. Johnson

Penny M. Johnson Court Reporter

My Commission Expires: 06/16/2018

STATE OF SOUTH CAROLINA COURT OF GENERAL SESSIONS

COUNTY OF SUMTER 2014-GS-43-00947

STATE OF SOUTH CAROLINA)
) TRANSCRIPT OF RECORD
-vs-)
) June 8, 2016
LARRY DuRANT,)
) Sumter, South Carolina
Defendant.)

B E F O R E:

The Honorable Roger M. Young, Judge.

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

Kinli Abee, Assistant Attorney General
Attorney for the State

Shaun Kent, Esquire
Attorney for the Defendant

Reported By:

Amanda Kelly Haffenden, RPR, CRR
Circuit Court Reporter for the
Ninth Judicial Circuit

(June 8, 2016.)

MR. KENT: As you're aware, we've given a copy to your law clerk, we filed a defense Rule 59 and a request for emergency hearing.

On May 26, 2016, we concluded the trial of the State of South Carolina versus Larry DuRant. He was found guilty and convicted. He was given 20 years by Your Honor. At the conclusion, you allowed us to have ten days for any necessary post-trial motions.

Your Honor, at the conclusion, literally as I was driving home that evening, I received a phone call from Ronnie McCray. Mr. McCray asked me pretty pointedly why I did not utilize him as a witness. He had been interviewed by us. He asked very pointedly why he was not utilized as a witness. We had a conversation about that.

Thereafter, he made a subsequent conversation about the fact that his ex-wife, Yolanda McCray, who was the outcry witness utilized by the State of South Carolina, was also related to K.R. as well as A.R., two of the victims who testified in the trial. He informed that he was shocked that Ms. McCray was allowed to testify without mentioning of her prior criminal record.

My exact response was I didn't think Ms.

McCray had a prior criminal record, and he said, Well, I'm her ex. I know for a fact she has a criminal record.

I went back to the office. I contacted Ms. Blazer. I told her -- and I actually put Mr. McCray on the telephone with Ms. Blazer so he could hear that part, so she could get that part of the conversation. At that point in time, I wasn't back to my office yet I do not believe. I think the very next morning I ran a public SLED catch. Based upon the name and the information that was given to me by Mr. Riley, I ran a SLED catch, which I've included in a copy of my memo.

The SLED cache indicated -- we ran a SLED cache under the name Yolanda McCray, as well as the date of birth, DOB . We put in the social security number that was included inside of her witness statement. When we did that, there were several aliases that came up: Wanda Shoantela Riley; Yolanda Shoantela Riley; Volanda S. Riley; Volanda Riley; Yolanda Shoantela Riley; Yolanda S. Riley; Yolanda Riley, and Wanda Riley and Vlonta, V-l-o-n-t-a, Riley.

When we ran the SLED catch again, the public records check, several criminal charges came up immediately, including things --

THE COURT: What were they?

MR. KENT: And I'm going to go through

everything that was included inside the record. In 1991, she had a simple assault charge under the Vlonta Riley. In 1993, she had a shoplifting conviction under the name Yolanda Riley out of Myrtle Beach. In 1995, she had a fraudulent check charge under the name Yolanda S. Riley out of Clarendon County. 1995, there was a forgery arrest under the name Yolanda Riley out of the Manning police department.

In 1997, she has a conviction for driving under suspension under the name Vlanda, V-l-a-n-d-a, S. Riley. That was a conviction, yes, sir. In 1999, under the name, Ulanda, U-l-a-n-d-a, Shoantela, S-h-o-a-n-t-e-l-a, Riley, there was another fraudulent check charge conviction out of Sumter, South Carolina. In 2001, under the same name that I just mentioned, Ulanda Shoantela Riley, the highway department, she had a speeding as well as a driving under suspension conviction. In 2004, under the name Ulanda, U-l-a-n-d-a, Riley, she has a conviction for obtaining signature under false pretenses which she was convicted. In 2004, under Wanda Riley, from Manning, South Carolina, there was a forgery arrest.

THE COURT: What year was that?

MR. KENT: That was in 2004, Your Honor.

THE COURT: What was the conviction again?

MR KENT: It doesn't show the conviction. It just shows there was an arrest. It doesn't show a disposition as of this point.

Yes, sir. The obtaining goods under false pretenses was a separate conviction, a six-year conviction, and then there was -- in 2005, out of Marion, South Carolina, under Wanda Riley, there was a financial transaction card fraud that was dismissed and nolle prossed, and that would be the extent of the record.

THE COURT: Nothing since 2005?

MR. KENT: No, sir, Your Honor.

THE COURT: All right.

MR. KENT: So then we immediately pulled that.

As the Court is aware, one of the central cruxes of the defense offered on behalf of Mr. DuRant was obtaining signature under false pretenses. One of our central defenses was a forgery allegation against Lizzy Johnson, that there was a forgery allegation being utilized, that there was a false signature that was utilized, and these false signatures, what was happening was our theory --

THE COURT: Yolanda McCray, was she the grandmother?

MR. KENT: No, Your Honor. Lizzy Johnson was

the grandmother. Yolanda McCray is the actual mother.

THE COURT: Of the victim?

MR. KENT: Of the victim's sister -- victim's cousin.

THE COURT: Okay.

MR. KENT: The central important issue is also the outcry witness. As you're aware, during the State's closing argument, the Attorney General's closing argument, which was, candidly, a very effective closing argument, during their closing argument, one of the things that they argued very effectively was the fact that one of the reasons you should not believe the theory offered by the defense and should believe the theory -- or even if you don't believe a lot of the things that were said, one of the things you can believe is the outcry witness just happened to overhear this conversation, so you must believe what the outcry witness stated because she happened to overhear it which gives their theory credibility, that no one could have made up this entire theory.

The problem with that, of course, as Your Honor yourself mentioned during sentencing, this was a credibility case, and in light of the credibility case, the jury could make a decision of either listening to the defense witnesses or listening to State witnesses. With

Yolanda McCray as the outcry witness, being able to testify un-cross-examined about her criminal record, including our central theory of defense, obtaining signature under false pretenses, and the fact that they are related to Lizzy Johnson, who we're saying specifically was embroiled in this forgery, that is our theory, that this is the type of information that we should have been allowed to cross-examine on.

Your Honor, I am not sitting up here specifically saying that I believe the Attorney General's office hid anything from us whatsoever. I'm not saying that. I'm not saying that on the record that I believe they hid anything whatsoever from us. What I am saying is this is information that we were entitled to in proffer, entitled to. As you're aware, Your Honor, I have included inside of my packet my Rule 5, which was sent not to Ms. Abee, but was sent to the attorney who had the case before her, Kelly Hall, Assistant Attorney General, and that was sent on January 14, 2014.

Included inside of that packet was a specific request, on line 13, which I specifically request the criminal records of the juvenile and adult of such witnesses. Your Honor, this, of course, is bolstered by the fact -- and this is one of the reasons we do not believe the Attorney General's office hid anything from

us. As you're aware, during the course of the trial, what would happen is the Attorney General's office handed us criminal rap sheets and records as individuals were getting ready to testify.

At one of the points what they did is when Ms. Johnson got ready to testify, Lizzy Johnson, as you remember, the grandmother in this situation, before she testified, they properly handed us a rap sheet, and they said, This is something on her rap sheet. We're not sure if we're going to be able to get into it, and we had a hearing in front of Your Honor about her prior criminal record, and we did that on several other witnesses.

I do not believe that this is a situation where they were trying to hide things; and, number two, I don't think they knew what our legal defense was so they wouldn't understand how important the obtaining signature under false pretenses was until I would make the theory, and I didn't make the theory unless after this woman had already testified.

But the point is, they were giving us criminal records as these individuals were testifying. None were given on behalf of Yolanda McCray, and I believe they'll tell you honestly they didn't know she had a criminal record either. I don't think that makes it excusable. This woman was allowed to testify in front

of a jury without mention of her criminal record in a case which is all about credibility.

That would be the basis of my motion. I made a 59 motion. Your Honor, on top of that, looking at the course of the trial, there were a lot of issues, shall we say, with some of the things, some of the pretrial motions that I made that you've already heard and utilized. There was a lot of pretrial motions made about certain evidence that was not given in a timely manner, the taking a picture of Mr. DuRant's penis, the problems that we had with the testimony of Allie Williams, which went to the credibility also; the issues about the abortion issue.

All of these things go with credibility, and so it is our belief, Your Honor, that it is proper at this point in time to grant our 59 motion for a new trial on behalf of Mr. DuRant because this is a credibility case. This isn't one of those typical cases where -- I know at some point the Court of Appeals made the comment that it's harmless error, that the other evidence against would be overwhelming.

As you're also aware, Your Honor, this wasn't a situation where the jurors stayed out for about five or ten minutes. The jurors stayed out a length of time in excess of four hours. They actually came back initially

with a hung jury. At that point in time, we gave an Alan charge, which we objected to, objected to the Alan charge, and after the Allen charge, they came back with a verdict.

Your Honor, to say this is not paramount or not an issue in the case I think would just be incorrect, and that would be our position on the motion, Your Honor.

THE COURT: Okay.

MR. KENT: Thank you, sir.

THE COURT: Who's arguing for the State?

MS. ABEE: I am, Your Honor.

May it please the Court: Your Honor, first off, as an officer of the Court, I do have to correct something that I have incorrectly stated in my motion that I've literally discovered sitting here, flipping through it for the 50th or 60th time.

I state that factually as requested that the rap sheet be run under Yolanda McCray via the e-mail, which I attached as attachment A, that's M-c-r-a-e. In reviewing the e-mail again, I requested it under Yolanda McCray, same last name, but M-c-C-r-a-e, Your Honor. There was typo in my request. Same date of birth. That was an error on my part, Your Honor; however, the analysis is still the same.

In order to state we violated Brady, Your

Honor, under Gibson v. State, there were several things that have to be shown: First, that the evidence was favorable to the accused; two, that it was in the possession of or known to the prosecution; three, it was suppressed by the prosecution; and, four, it was material to guilt or punishment, Your Honor.

Mr. Kent was correct in stating that we had no idea that Yolanda McCray had a prior criminal history or a prior record in this case. We turned over other witnesses, similar convictions, Your Honor. We certainly would have done so with Ms. McCray had we known that she did, in fact, have a record.

Secondly, Your Honor, we would contend that it wasn't suppressed by the prosecution, also that it wasn't material to the guilt or to the punishment, Your Honor. Regardless of what Ms. McCray testified to, being the outcry witnesses, there were several other witnesses throughout the trial that did testify to the exact same thing, so it wasn't just Ms. McCray.

She testified mainly in three different parts throughout the trial. First she testified to the church and its runnings and what armor bears were and typical Sunday behaviors that were testified to by several different people throughout the trial, so that alone -- that testimony wasn't material to the guilt or the

punishment, Your Honor.

Secondly, the disclosure itself, Mr. Kent raises that. During closing arguments, we did state that this was an accidental disclosure, that the children didn't go to a parent or go to law enforcement to purposefully disclose. They were overheard, and take out Ms. McCray's testimony, and the children, victims, would still have testified to that, Your Honor.

So there still would have been the testimony that they were talking in a bathroom, someone overheard them, questioned them, and that is what led to their disclosure, Your Honor, so that point was still made throughout the trial. And, finally, Ms. McCray testified to the fact that the defendant was called on the phone after the disclosure was made, which two of the victims as well as the grandmother also testified to, Your Honor.

So we contend there isn't a Brady violation, Your Honor; however, if the Court does determine that there was a Brady violation and that we somehow withheld information that we had, we then turn to State v. Taylor, Your Honor, which then goes into the different criteria that has to be met in order to grant a new trial based on newly discovered evidence, which the rap sheet and prior record of Yolanda McCray would, in fact, be newly discovered evidence at this point in time.

There are five different things that have to be proven: One, that the evidence would probably change the result if a new trial is had, that -- two, it has been discovered since trial; three, cannot have been discovered before trial; four, is material to the issue of guilt or innocence; and, five, is not merely cumulative or impeaching.

Your Honor, that is exactly what this is on that prong number five. It is merely impeaching of Yolanda McCray, who, as Your Honor might remember, was one of the quicker witnesses that testified. In fact, the defense counsel and I had a conversation prior to her testifying, where he said, Is she going to be long? Are you keeping her short? And he said, Yeah, she'll be short, Your Honor.

So there's a failure to meet the five prongs of State v. Taylor to obtain a new trial based on after discovered evidence, Your Honor. It is merely impeaching of that witness, and, again, it's unlikely to change the result if a new trial is had; therefore, we ask that you deny the defense attorney's motion at this time.

THE COURT: Reply?

MR. KENT: If I may, Your Honor, and I was just seeing if they were saying Mr. DuRant was in the courtroom. I apologize.

Your Honor, what becomes interesting -- and I was going to make a point, so I'm now even a little bit more confused, and I appreciate the candor to the Court, but in relying on the legal analysis put forth inside of the Attorney General's motion, the Attorney General in their motion states that, Despite a good effort to ascertain witness record, the prosecution was not in possession of Yolanda McCray's criminal record due to her use of a fake name.

I guess I need, for clarification purposes, are they saying that the brief is incorrect, that she didn't provide a fake name or did provide a fake name? Why that becomes interesting is it's going to change my argument I make to the Court right now. If they're saying that she provided a fake name, of course, that's a different analysis, that this individual provided fake information to the Attorney General's office.

THE COURT: I wasn't clear on that. Are you saying the name is incorrect in the brief or the name was incorrect in what you asked it to be requested?

MS. ABEE: I'll be happy to clarify, Your Honor. Her name is Yolanda McCrae, M-c-r-a-e. I requested M-c-C-r-a-e. So the record, the rap sheet that Mr. Kent talks about, specifically the 2004 conviction, I believe, is under Yolanda Riley, R-i-l-e-y, which is not

the name that we would have requested. Even had it been spelled properly, it still would have been a separate name.

THE COURT: Doesn't it show up on her social security number too?

MS. ABEE: We weren't in possession of her social security number, Your Honor. We ran her name, the fact she's a black female, and her date of birth is what we ran the rap sheet under.

THE COURT: So did you not run it under the social security number, or you ran it and nothing showed up?

MS. ABEE: I did not run it under the social security number, Your Honor.

THE COURT: Just under the incorrect name?

MS. ABEE: The name, the date of birth, and black female, yes, sir.

MR. KENT: Thank you, Your Honor, for the clarification, and, again, I just want to make sure we're clear for the record. So we're not saying Yolanda McCray gave a fake name to the Attorney General's office. I just want to be --

MS. ABEE: That is correct. She gave the name Yolanda McCray. We did not have Yolanda Riley run as a rap sheet, so I guess the better phrase would be

under a different name.

THE COURT: Do we know that the person that had these prior convictions is, in fact, Yolanda Riley?

MR. KENT: Yes, we do, Your Honor. And now, just to change course a little bit, to go with the analysis that the Attorney General's office just gave, that almost becomes a little bit bigger of a problem. It kind of spits into the face of the brief that they just put forth to say that we wouldn't have had this and it's a good faith error.

I was a solicitor for quite some time. As a prosecutor for quite some time, one of the things we do is, when a defense attorney puts on their own witnesses -- one of the things we do is, Well, I need your person's name, birth date, and social security number so I can run the proper background check or proper rap sheet.

Number two: When you meet with individuals, one of the things that you often ask them is do you have a criminal record that we need to worry about that you could be impeached upon? I find it a little bit strange. I'm not sure what their policy is, but I find it a little bit strange that we don't run a social security number with an individual because of the problems that they just said. You can misspell a name.

Looking at what they've said, you can't say it wasn't in our possession because you did it incorrectly. It should have been in your possession, as you see from ours. When we ran the name that was on the State's witness list is where we ran the name from. We ran the name and spelling from the State's witness list, and the social security number was garnered from the witness statement, so these are things they had in their possession.

So they were able to run a proper rap sheet, they just did it incorrectly, so they can't say this wasn't information that wasn't in our possession we shouldn't have turned over. This was clearly information that wasn't in our possession.

Your Honor, the fear of allowing a good faith -- and I said very clearly, as to this issue and I think I put it in writing, I trust Ms. Abee knows that this was a good faith mistake, but the fear in allowing good faith mistakes still hamper people's rights, because if we were to simply allow it and say, Well, we just spelled the person's name wrong. We didn't run a social security number. We didn't do any better checks and balance to make sure we had the right information, that's a problem.

When a person gets on the stand, as the Court

rules very clearly, their credibility comes on the stand with them. If we are allowing the State of South Carolina to say, Oops. Sorry. We didn't run a proper rap sheet. We don't have one. Let's just assume they don't have a record, you can see the danger that could happen.

They spelled the name wrong, so you can't sit here -- and I'm arguing against their brief because one of the things they argued in their brief is this is information that just wasn't in their possession.

Additionally, Your Honor, taking what they have stated as far as Brady violations, number one: The evidence was favorable to the accused. Well, clearly, it is favorable to the accused because it goes 100 percent to our legal defense. This isn't something where we're saying, Well, we should have been able to get into an assault and battery or a shoplifting. This is obtaining signatures under false pretenses, what exactly our legal defense is.

Number two: It was in the possession or known to the prosecution. It's our position, based upon what they just said, it would have been in their possession and known to the prosecution because they have the right to run an NCIC search, which I don't have, and they have the actual individual who had a criminal record

and she was in a position that they could have talked to her.

Number three: It was suppressed by the prosecution, and I want to be careful how I say this. I am not saying that they intentionally hid something from us, but the word suppressed has multiple meanings. By suppressed, it means it wasn't given to us so that we could properly cross-examine them on it. I don't think they tried to hide it, but it was suppressed because of their mistake.

Number four: It was material to guilt or punishment. This is a credibility case, Your Honor. If there was any other scintilla of evidence whatsoever other than people's word -- and this was a word case. This was our word versus this other individual's word, which is why I had such a problem and I made all the pretrial motions. This is 100 percent material.

The outcry witness was able to get on the stand unfettered, without any cross-examination, without any knowing of her very lengthy criminal record. To say that I -- Your Honor, you sat in here for four days in the trial when people had criminal records, both of us, not only myself, but Mr. Fernandez did a very good job of when witnesses testified and going very effectively through their criminal record, and I did the same when we

had Lizzy Johnson on the stand.

We were going into the criminal records of individuals who testified. To simply allow someone to get on the stand without mention of their criminal record in a credibility case and then effectively argue in a closing argument that you must believe this information. Why must you believe this information? And they didn't say this, but you can see the argument: Some people have criminal records, but you got to believe this lady. She just overheard the information.

And I'm going to pause while my client comes into the courtroom.

Just so the record is clear, at this point in time, Larry DuRant has been escorted into the courtroom. On behalf of my client, I had no problem, and I said on the record that I had no problem with us beginning the hearing without him present. If you'll give me about 30 seconds, I'll explain what's happened up to this point in time.

THE COURT: Sure.

(Brief pause.)

MR. KENT: And, Your Honor, that would be our reply as to that issue. I do believe that this is material. To say in a credibility case that that's information that's not important is preposterous. It

would be -- again, as I said earlier, it would be one thing if we were to sit here and say the jury came back in ten minutes. The evidence was overwhelming. There was DNA evidence. There was eyewitnesses. There was a lot of other information that the jury could have relied on.

In this situation, all the jurors had to rely on at all was the testimony of witnesses; hence, credibility becomes a central issue, and you, Your Honor, yourself even mentioned during sentencing this was a credibility case. You could have seen it going either way. They chose to utilize the testimony of the individuals for the State and relied upon that credibility.

Thank you so much, Your Honor.

THE COURT: Anything else from the State?

MS. ABEE: Very briefly, Your Honor. Even assuming, as Mr. Kent says, that this is merely the word and credibility case, we're talking about the credibility and the word of the victims who testified as to their sexual assaults, Your Honor.

This is an outcry witness. What she testified to was that she overheard them disclosing or talking about their sexual assaults, so this impeachment material has no material effect on the case itself, Your

Honor, because if this was one of the victims and she had a record that wasn't disclosed, I could certainly see how that would change -- or at least could potentially have a change in the outcome of the case as far as being impeachment material, Your Honor, but this was an outcry witness.

This was one of several witnesses that the State called, Your Honor, and any of her convictions that were not in the State's possession are just merely impeachment material, and they are not material to the case, Your Honor, nor do we contend that they would change the outcome of the case because of her limited scope in testimony and what she testified to, so we would still stick by our argument that a new trial should be denied on that basis.

THE COURT: All right. Well, I don't think it sounds like there's any evidence, or even suggestion, that the State's conduct was intentional in this case, so the only real question is was it an inadvertent oversight, and, if so, did it rise to the level of being material, such to the point that it would affect a real question of guilt or punishment?

You know, nobody is going to get a perfect trial. It's nice to think we do them, but you do the best you can, and mistakes get made. It does look like

in this case the State sent a name with a typographical error in it. It came back as showing there were no priors when, in fact, the witness had priors.

Now, all of the priors that got listed were over ten years, and while they are of a witness and not a party, there is a real question as to whether or not they would have been admissible at trial. I can't say that they would or they wouldn't at this point, but they were all over ten years of age.

The Court has more discretion on a non-defendant witness to allow older ones in, and I think I may have even allowed one in on an older conviction of another witness. Nevertheless, the real question is, you know, was there a lot of other evidence of guilt and would the impeachment value of this have made a difference on a close-call sort of case?

The State did not have this in their possession. It wasn't known to them. They didn't suppress it. The evidence clearly would have been favorable to the accused, to have that sort of impeachment available for a witness, but, really, it boils down to would this have affected the outcome of the trial? And it's very difficult to look at that sort of thing and figure out what's in the jury's mind, but you did have, you know, one young lady who made the

accusation; three other young ladies, who, you know, supported what she said by way of 404(b) evidence.

It was really a question of whether or not you believed them as opposed to whether or not you believed the mother who said she overheard two of the girls talking about it, because that just set in the chain of events that led to his ultimate arrest.

But the real question is, you know, these girls made that accusation, and you either believe them or you didn't believe them. Same thing, you either believed the defendant or you didn't believe the defendant. The issue of Yolanda McCray's testimony was -- you know, I guess the correct legal phrase in this is sort of immaterial, but it certainly didn't rise to the level of, I think, putting at issue a serious question of impeachment as to the young ladies, the four girls, especially the victim in this case. It would have been an impeachment issue about whether or not this lady actually overheard them, and so I find that there was not a violation of Brady requirements to disclose this record, and so the motion for a new trial is denied.

MR. KENT: Thank you so much, Your Honor. Could I put one more thing on the record as to that issue?

THE COURT: Sure.

MR. KENT: And I understand the Court has consistently used the phrase that was impeachment, and I understand the Court's ruling on that argument, just to make sure I'm covered for the record.

The Court has consistently, as well as the Attorney General's office, said that we wanted to use this as impeachment material. It's not only impeachment material, this is actually our legal defense, is what I want to make sure I'm clear about. This was our legal defense as to the obtaining signature under false pretenses, so I want to make sure that specific part of her record, which was a 2004 conviction in which she was given five years probation, and understanding it wouldn't have been outside of the ten-year window, it would have been within the ten-year window and would have been admissible --

THE COURT: And I'm saying even if it had been admissible -- and I may very well have let it in because I think I let in another witness who had an older than ten-year conviction.

MR. KENT: Yes, sir.

THE COURT: I'm just saying this was apparently inadvertent, and I don't think that this was something that the case would have turned on. I understand your theory that it would have and the jury

should have known it. I get that.

MR. KENT: And I just want to make sure -- not to argue with Court at all, but just to make sure that if another Court is reading this down the road that they understand our position. It's not impeachment material. It's necessary for us to flesh out our legal defense and make sure it's clear that there were two witnesses who were central in this case: Lizzy Johnson and Yolanda McCray, who happen to both be related and both have problems with obtaining signatures, which specifically went to our theory of the forgery, to point to the theory of stealing the residence, and stealing the residence would have created this cavalcade of necessity for these charges to come out.

That's what we want to make sure -- we're not saying that it's just impeachment material, that it's necessary for Mr. DuRant to have the right present his full legal defense, and he wasn't allowed to present his full legal defense. At this point, I understand the Court's position about the Attorney General's office didn't have them in their possession, I believe they did, because just to say that, Oh, we didn't run the rap sheet correctly, I think the standard is did or could have, reasonably, and they reasonably could have.

I mean, if we are allowed to have prosecutors

just misspell things, say, Oops, I misspelled that. I didn't have it, and the Courts have looked at that over and over when they say, Well, I didn't go to the officer and get this properly, or, I didn't get this information properly from the officer the way that I should.

That would be my position. I don't want to argue with the Court. I just want to make sure I'm clear on the record.

THE COURT: All right. Anything else while we're here?

MR. KENT: While we're here, Your Honor, you had given me, graciously, an amount of time to renew all my post-trial motions, and I just want to say very clearly I just renew any motions made during the course of trial, all the motions during that were made during pretrial. You've heard our motion for a new trial, and I just --

THE COURT: I think you've made them abundantly correctly at the right time, but I understand the need -- sometimes, you know, you get these things and you go, How many times do you have to make the same motion throughout a trial?

And, you know, you go, well, the rules say this, and then there is case law that says this and then sometimes it sounds like you get a panel that says, well,

we're just going to hear it because we want it.

MR. KENT: And I know for a fact I did not renew any post-trial motions, my directed verdict motion or any of the motions I made, so at this point in time, in light of the fact that the Court is giving me ample time, I've renewed all motions made during the course of trial as well as my directed verdict motion as well as my pretrial motions and so forth.

THE COURT: And they're all, again, denied for the reasons stated previously.

MR. KENT: And I would, at this point in time -- and I understand Court gave their sentence, and I understand the rationale for the Court's sentence. At this point in time, since I'm allowed to, I'd make a motion for the Court to reconsider the sentence that they gave for 20 years.

That popped in my head rationally as Mr. DuRant was walked into the courtroom, rolled into the courtroom, in a wheelchair. His prosthetic legs were taken away from him. As you know, the actuary tables, the amount of time that he's going to live in prison -- I had thought about requesting an appellate bond. It's my understanding from Ms. Blazer that an appellate bond would not be appropriate in this situation in light of the time he was given.

I would ask the Court to reconsider the sentence of 20 years. In light of this case, again, I can't hold more than what -- it was a credibility case, and I understand the Court said that also.

I'd ask you to reconsider the 20-year sentence based upon his age, based upon his health. A 20-year sentence in this situation is a life sentence, so I would just ask the Court to reconsider the sentence they set at 20 years.

THE COURT: Well, as I said, if you believed what the girls had to say, then his acts were reprehensible, those of a predator, and society needs protection from people that did what he was convicted of doing, and, in my opinion, the maximum sentence was entirely justified based on the evidence that came out at trial, so the motion is denied.

MR. KENT: Thank you, Your Honor.

THE COURT: Anything else?

MS. ABEE: Nothing from the State, Your Honor.

MR. KENT: That covered everything on behalf of Mr. DuRant, Your Honor.

THE COURT: All right. Thank you.

- - -

(Whereupon, the proceedings were concluded.)

- - -

I, the undersigned, Amanda Kelly Haffenden, RPR, CRR, Circuit Court Reporter for the Ninth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of record of all the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Circuit Court for Sumter County, South Carolina, on the 8th of June 2016.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

June 15, 2017

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Circuit Court Reporter

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MARVIN H. DAWSON, JR.
FORENSIC DOCUMENT EXAMINER

DIPLOMATE AMERICAN BOARD
OF FORENSIC DOCUMENT EXAMINERS

AMERICAN ACADEMY
OF
FORENSIC SCIENCES

AMERICAN SOCIETY
OF
QUESTIONED DOCUMENTS EXAMINERS

SOUTHEASTERN ASSOCIATION
OF FORENSIC DOCUMENT EXAMINERS

May 25, 2016

Shaun C. Kent, Esquire
Kent Law Firm
19 South Mill Street
Manning, South Carolina 29102

Re: Larry DuRant
DDL File No.: 166398

Report of Examination

The following documents were received in this laboratory for examination March 23, 2016:

Questioned

Q/1 Quit Claim Deed Book 1131, Page 002624, dated 09-16-09, machine copy

Q/2 Quite Claim Deed Book 1188, Page 00603, dated 11-01-09, machine copy

Q/1 was submitted bearing the questioned signature of "Larry DuRant". Q/2 was submitted bearing the questioned signatures of "Larry DuRant", "Lizzie Johnson" and "Somera Samuels".

Known of Larry DuRant (K/1)

K1.1 Signature Page, Book 1188, Page 0606, dated 05-31-13, machine copy

K1.2 One page white unlined paper bearing three (3) requested signatures of Larry DuRant, undated, machine copy

K1.1 and K1.2 were submitted bearing the undisputed signatures of Larry DuRant.

122 HOLLYRIDGE ROAD (29301) • POST OFFICE BOX 5066 • SPARTANBURG, SC 29304 • (864) 439-1610 • FAX (864) 439-2312 • E-MAIL: DawsonMH@aol.com

Known of Lizzie A. Johnson (K/2)

K2.1 Affidavit of Forgery, dated 06-13-13, machine copy

K2.2 Witness/Victim Statement, dated 06-13-13, machine copy

K2.3 See Q/1

K2.1-K2.3 were submitted bearing the undisputed signatures of Lizzie A. Johnson.

Known of Somera Samuels (K/3)

K3.1 Witness/ Victim Statement, page 1, dated 08-30-13, machine copy

K3.2 Witness/Victim Statement, page 2, dated 08-30-13, machine copy

K3.3 Affidavit of Forgery, dated 06-13-13, machine copy

K3.4 Witness/Victim Statement, dated 06-13-13, machine copy

K3.5 See Q/1

K3.1-K3.5 were submitted bearing the undisputed signatures of Somera Samuels.

Purpose of the Examination

The previously described documents were submitted for the purpose of determining, if possible, the authorship or authenticity of the questioned "Larry DuRant" signature appearing on Documents Q/1 and Q/2, the authorship of authenticity of the "Lizzie A. Johnson" signature appearing of Q/2, and the authorship or authenticity of the "Somera Samuels" signature appearing on Q/2.

Examination and Findings

The aforelisted documents were examined in this laboratory April 14, April 15, May 19 and May 24, 2016. A detailed examination of questioned and specimen writings was undertaken and included a microscopic examination of the questioned "Larry Durant" signature appearing on Documents Q/1 and Q/2 and undisputed signatures attributed to Larry DuRant (K/1), the questioned "Lizzie A. Johnson signature appearing on Q/2 and undisputed signatures attributed to Lizzie A. Johnson, and the questioned "Somera Samuels" signature appearing on Q/2 and undisputed signatures attributed to Somera Samuels.

Results of the Examination

The examination, comparison and evaluation of the submitted documents were performed using reliable principles and methods of forensic document examination and in accordance with the standard practices and procedures of the field.

Examination and comparison of the questioned signatures appearing on Documents Q/1 and Q/2 in conjunction with specimen signatures attributed to Larry DuRant (K/1), Lizzie A. Johnson (K/2) and Somera Samuels (K/3) leads to the following conclusion:

> Based on documents submitted it has been determined it is most probable the "Larry DuRant" signatures appearing on Documents Q/1 and Q/2 are not genuine.
>
> Based on limited standards it is most probable the "Lizzie A. Johnson" signature appearing on Document Q/2 is a genuine signature.
>
> Based on limited standards it is most probable the "Somera Samuels" signature on Document Q/2 is not a genuine signature.

Remarks

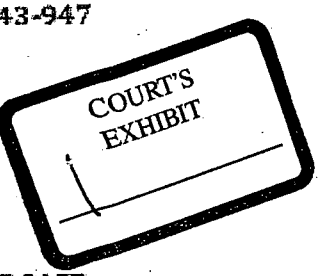
1. The above is qualified upon the examination of original inked questioned signatures.
2. It is requested that additional specimen signatures be submitted for examination.
3. All documents are returned with this report.
4. A copy of this report will be in DDL File No.: 166398 and placed in storage for 6 years after which it may be destroyed.

Respectfully submitted,

Marvin H. Dawson, Jr.
Forensic Document Examiner
Dawson Document Laboratory, LLC

MHD/abb

STATE OF SOUTH CAROLINA	)	**IN THE COURT OF GENERAL SESSIONS FOR THE THIRD JUDICIAL CIRCUIT**
COUNTY OF SUMTER	)	**DOCKET NUMBER: 2014-GS-43-947**
STATE OF SOUTH CAROLINA,	)	
vs.	)	
LARRY DURANT,	)	
Defendant.	)	**DEFENDANT'S BRIEF OF CASE**



Larry DuRant is a legally blind, double amputee Pastor from Sumter, South Carolina. Durant has been the pastor of Word International Ministries for the preceding 19 years. On May 21, 2013 Larry DuRant was formally accused by K.R. (age 13 at the time) for engaging in sexual intercourse with him on several occasions. K.R. suggested intercourse was not forced, however, was coerced by DuRant convincing her to have sex with him based on her religious beliefs. K.R. suggested that intercourse happened in separate locations including both church locations.

After Ms. K.R. came forth with her allegations, several other female members of the church also made allegations against the Pastor. These women include: T.H. (age 16 at the time of the alleged acts); A.R. (age 18 at the time of the alleged acts); L.M. (age 19 at the time of the alleged acts); D.B. (age 14 at the time of the alleged acts); and D.R. (age 13 or 14 at the time of the alleged acts). The State of South Carolina informs they intend on calling State v. Larry DuRant in which K.R. is the purported victim (Indictment #2014-GS-43-947) and will make an attempt to "Lyle" in the following cases: A.R. A.R. (Indictment #2014-GS-43-949); T.H. (Indictgment #2014-GS-43-950); L.M. L.M. (Indictment #2014-GS-43-948); and D.B. (not criminally charged). Defendant, Larry DuRant, maintains these allegations are false. Moreover, he maintains he did not have sexual intercourse nor did he inappropriately touch any of the victims, minor or adult.

K.R. met and gave several statements to law enforcement. In one of her statements she gave a description of the defendant's penis. A Motion was heard in front of the Honorable Howard King to determine whether the State would be allowed to force Larry DuRant to take down his pants to take a picture of his penis. A copy of that Order is attached. Judge King made no final ruling, however, gave instructions on what needed to be done. Specifically, he stated that ***"The Court is making no finding of probable cause or the lack thereof, nor any ruling on the right of the State to have the photographs made pursuant to Schmerber or Bacchus, not any privacy issues raised by Durant. Neither is the court ruling on the relevancy issue raised by Durant that the photographs go only to corroborate or impeach the State's witnesses. These matters would depend on any supporting affidavits. This ruling is limited solely to the failure of the moving party to follow the procedure as set forth in Woods. The Motion is denied without prejudice to renew if properly supported."***

Without going back in front of Judge King, the State of South Carolina circumvented the process and applied for a magistrate to issue a warrant (copy attached) to take a picture of Larry DuRant's penis. Knowing DuRant had an attorney, the State of South Carolina went to his residence,

picked him up, took him to the Tuomey Hospital, forced him to disrobe and took multiple pictures of DuRant's penis. Defense attorney's representatives, after being contacted by their client's wife, were denied the opportunity to see the warrant as well as meet with their client.

Respectfully Submitted,

SHAUN C. KENT
Attorney for Defendant
19 South Mill Street
Manning, SC 29102
(803) 433-5368

Manning, South Carolina
May 23, 2016

Your Honor

After Two hours and Forty Five the Vote after four attempts is Guilty 8 Not Guilty 3 and One will Not Vote

5/26/16

5:05

COURT'S EXHIBIT 2 KA

STATE OF SOUTH CAROLINA)
COUNTY OF SUMTER)
STATE OF SOUTH CAROLINA)
Plaintiff,)
V.)
LARRY DURANT,)
Defendant.)

IN GENERAL SESSIONS COURT FOR THE THIRD JUDICIAL CIRCUIT

NOTICE OF MOTION FOR PRODUCTION, INSPECTION AND COPYING OF DOCUMENTS PURSUANT TO RULE 5, SCRCrimP.

Warrant No: 10200774
10200773
10200772
10200771
10200770
10200769
10200768
10200767

PLEASE TAKE NOTICE that the defendant above named, Larry Durant by and through his attorney, Shaun C. Kent, hereby requests and moves that the Solicitor for the Ninth Judicial Circuit produce and make available to the Defendant any and all documents, evidence or other information which is subject to disclosure pursuant to Rule 5 of The South Carolina Rules of Criminal Procedure. The Defendant further requests the Solicitor to make available any evidence favorable to the Defendant which is subject to disclosure pursuant to the case of Brady v. Maryland, 373 U.S. 83 (1963), and subsequent cases interpreting the doctrine set forth therein. This request shall be interpreted to include any and all information or evidence which is discoverable pursuant to Rule 5, SCRCrimP, and pursuant to Brady v. Maryland, any of which is in the hands of agents for the prosecution, including police agencies:

1. Any relevant written or recorded statements made by the Defendant.
2. The substance of any oral statements made by he Defendant.
3. The prior criminal record, both juvenile and adult, of the Defendant.
4. All papers, documents, photographs or tangible objects which are in the possession or control of the State and are material and relevant to this case, including:
   A. Any handwritten notes taken by any investigating agent.

B. Any tape recordings of telephone, cellular, or radio conversations engaged in by members of either the Solicitor's Office or any police agency which may pertain to this case.

C. Any latent finger or palm prints, partial finger of palm prints, or smudged finger or palm/ prints that were recovered by any agent of any police or law enforcement agency which may apply to this case.

D. Any objects from which such prints were obtained and any objects that were allegedly handled at any time by the Defendant.

5. Any audio or video recordings made by the State along with any related documentation that are relevant to this case.

6. All statements made by any proposed witnesses in this case.

7. The names and current addresses of any expert witnesses that the State has used to assist in the investigation of its case or any witnesses that the State proposes to use as witnesses at the trial.

8. The results of any photographic identification procedures employed in this case together with the photographs used.

9. The results of any scientific, psychological and/or psychiatric tests or experiments conducted in this case.

10. The names and present addresses of persons having knowledge of the existence of any evidence relevant to the acts charged in this case, including all persons who will be called as witnesses for the State upon trial of this case and those with knowledge of this case who will not be called as witnesses by the State.

11. All information relevant to the credibility of any State witnesses to include confidential informants.

12. All information concerning the conduct, character and reputation of such witnesses.

13. The criminal records, both juvenile and adult, of such witnesses.

14. The substance of any agreement or proposed agreement made between the State or its agents and any witnesses in this case dealing with any promises of reward, of favored treatment, of

payment for amount of evidence seized, or any leniency in return for information or for favorable testimony.

15. The substance of any such agreements entered into in the past between the State, its agents and any potential witnesses in this case with reference to other criminal cases or investigations.

FURTHER, the Defendant will specifically move that said Order requiring production, inspection, copying and/or photographing specifically require compliance by the State within thirty (30) days as provided in section (a)(3) of Rule 5, SCRCrimP. This production is specifically sought so that the information discoverable will be available for proper preparation of the defense of this case.

Respectfully submitted,

SHAUN C. KENT
Attorney for Defendant
19 SOUTH MILL STREET
MANNING, SC 29102

MANNING, South Carolina
January 14, 2014

STATE OF SOUTH CAROLINA)
) IN GENERAL SESSIONS COURT FOR
COUNTY OF SUMTER) THE THIRD JUDICIAL CIRCUIT
)
STATE OF SOUTH CAROLINA,) Warrant No.: 10200774
) 10200773
Plaintiff,) 10200772
) 10200771
V.) 10200770
) 10200769
LARRY DURANT,) 10200768
) 10200767
Defendant.)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the Defendant's Rule 5 Request for Production of Documents were served upon the following by placing the originals in a U. S. Postal mailbox, with first class postage attached, attached:

Office of the Attorney General
PO Box 11549
Columbia, SC 29211-1549
Attn: Kelly Hall, Assistant Attorney General

KENT LAW FIRM, LLC

Shaun C. Kent
19 South Mill Street
Post Office Box 117
Manning, SC 29102
(803) 433-5368

Manning, South Carolina
January 14, 2014

RECORDED
2013 JUL 19 PM 2:00
JAMES C. CAMPBELL
CLERK OF COURT
SUMTER COUNTY, S.C.

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSION
)
COUNTY OF SUMTER) Warrants: 2013a4310200767/768
) 769/770/772/773
State of South Carolina)
)
Plaintiff,) **MOTION FOR BRADY AND OTHER**
) **FAVORABLE MATERIAL AND**
Vs.) **INCORPORATED MEMORANDUM**
) **OF LAW**
Larry Durant,)
)
Defendant.)

COMES NOW the Defendant, by through his undersigned counsel, and files this Motion for Brady and the others favorable material and incorporated Memorandum of law requiring the production of material to the Defendants within thirty (30) days of the receipt of this request or at least ten (10) days prior to trail. As grounds therefore, the undersigned would show as follows:

1. Under the United States Supreme Court decision in Brady v. Maryland , 373 U.S. 83, 83 S. Ct. 1194 (1963), the Prosecution has an obligation to produce all Brandy material for the Defendant well in advance of the scheduled trial date.

2. Defendants claims under Brady, and its progeny, as well as the language and spirit of Giglio v. United States, 405 U.S. 150, 92 S. Ct 763 (1972); United States v. Tashman, 478 F . 2d 129 (5th Cir., 1973); and Napus v. Illinois, 360 U. S. 264, 79 S. Ct. 1173 (1959); that he/ she is entitled to any and all records, memoranda and documents, as well as statement of the Prosecution and all appropriate state, federal, and local law enforcement agencies as to:

(a) All statements by the defendant, whether oral or written, if written, whether signed or unsigned.

(b) All handwritten notes made by police or other investigating officers of their interview or conversation with the defendant or any other witness.

(c) Any oral, written, or recorded statement made by any person to the Prosecution, Grand Jury or law enforcement agency in connection with this case.

(d) A copy of all tape recordings, audio or video, made by a defendant, witness or any other person in connection with this case. If their tape recordings have been transcribed, then a copy of the transcribed conversation is also requested.

(e) Any and all photographs taken of the defendant or any potion of his body.

(f) Any and all photographs taken at the scene of the alleged crime and/or the alleged victim or prosecuting witness.

(g) Any photographs that have been exhibited to any person for the purpose of establishing the identity of the perpetrator if the crime charged and the name and current address of the person or persons to whom the photographs were shown.

3. Any and all promises, rewards and inducements made to all witness herein, whether or not they have testified before any state or Federal Grand Jury, or other investigative agency, and regardless of whether they will testify at the trail herein.

4. Any and all plea bargains, promises, reward, reductions, dismissals, agreements not to bring criminal charges or any other inducements made to any witness herein, whether or not they have testified before any State or Federal Grand Jury, or other investigative agency, and regardless of whether or not they will testify at trail.

5. Any offer or grants of immunity in this case to any witness from loss of property, fine forfeiture, prosecution, or punishment it this or any other case.

6. Whether any witness called before the Grand Jury or who had or will give testimony to any investigative agency or at trail has ever been psychiatrically hospitalized or undergone psychiatric examination, treatment, mental status examination or care, and, if so, a list of named and addressed of the psychiatrists, hospitals and copies of any and all relevant records and report.

7. All notes or memoranda by psychiatrists or other medical or mental health examiners of their conversations with the defendants.

8. Any "inconsistent" statements of a particular witness or between witness, whether written or oral, that are known to the Prosecution or any other law enforcement agency.

9. Any and all "rap" sheets or histories of arrests or convictions of any indicated co-conspirator, State witness, defendants, or any co-defendant in relation to this case. Giglio v. U.S., supra

10. In addition, Defendants requests copies of any and all memoranda, reports and correspondence to and from the various law enforcement agencies regarding the investigation herein.

11. Defendants contends that he is entitled to any statements or admissions by a witness for or on behalf or the State with respect to the witness' memory or loss thereof.

12. Defendants contends that this Court should specifically direct the Government in the spirit of fairness and equity to seek and produce for defendant the documents, letters, records, and other items sought, irrespective of the States's determination of whether a witness' statement or a particular letter or exhibit can "help" the defendant. The defendant and his attorney, no the Prosecution, ought to be the judge of his/her defense and the documents relevant thereto and necessary in support of same.

13. To the extent the Defendant is specifically required to demsonstrate the materiality of the requested information, the defendant submits that this requirement is satisfied in this motion. United States v. Angurs, 427 U.S. 97 (1976).

14. Any and all physical or tangible items in the possession, custody, or control of or which could reasonably be brought within the possession, custody or control of the Prosecution, State, Federal or local law enforcement agency.

15. To disclose to counsel for the defense any and all evidence in the actual or constructive possession of the State which is of a favorable character for the defendant in this case and material to the issue of guilt or innocence or to punishment in this case, pursuant to the due process clause of the Fourteenth Amendment to the United States Constitution, including, but not limited to, the following materials:

(a) Any oral, written, or recorded statements made by any person to the police, to the Prosecution, or to the Grand Jury which tends to establish the Defendant's innocence, to mitigate punishment, or to impeach, discredit or contradict the testimony of any witness who the

Government will call at the trial or the cause. Brady v. Maryland, 373 U.S. 83, S. Ct. 1194 (1963).

(b) Any police investigation report made to the police which tends to establish the defendant's innocence, to mitigate punishment, or to impeach , discredit or contradict the testimony of any witness whom the State will call at the trial of the cause. Giles v. Maryland, 386 U.S. 66, 87 S. Ct. 793 (1967).

(c) The names and addresses of all witnesses interviewed by the prosecution or any other law enforcement agency who might establish the defendant's innocence, mitigate punishment, or impeach, discredit or contradict the testimony of any witness of the state whether or not he witness may testify at the trial of the cause.

(d) Any information or material which tends to establish the defendant's innocence, to mitigate pundishment, or to impeach, discredit, or contradict the testimony of any witness whom the Government will call at the trial of the cause, Naupe v. Illinois, supra; Giglio v. U.S., supra.

(e) Any scientific or medical report which tends to establish the defendant's innocence, to mitigate punishment or to impeach, discredit or contradict the testimony of any witness whom the State will call a the trial of the cause. Ashley v. Texas, 319 F.2s 80(5th Cir.) cert. Denied, 375 U.S. 931, 84 S. Ct. 331 (1963). This request shall include any reports by or to the State Law Enforcement Division (SLED) criminalistics laboratory, Federal Bureau of Investigation (FBI) laboratories, County Sheriff's Department Laboratory or any other law enforcement laboratory concerning any examination made by said laboratories and/or personnel thereof, of any physical, photographic, oral or written evidence concerning the investigation of this case.

(f) All reports from the State Law Enforcement Division (SLED), Sheriff's Department, or any other law enforcement agency, including the Federal Bureau of Investigation concerning fingerprints checked in connection with this case.

(16) Recognizing that Brady v. Maryland, supra and other authories cited require that information favorable to the defendant be made available, and further recognizing that a genuine disagreement may arise as to whether or not a particular item of evidence is favorable, it will be requested that the Court provide for an in camera inspection of the items sought to be discovered should you feel such items are not favorable to the defendant. Ny permitting the Court to examine the items requested, the legitimate interests of the State will be protected in that no disclosure in excess of Brady, et.al. will occur. Further, it will be requested of the Court that said Order will be a continuing one, and if, prior to or during trial, the prosecution discovers additional evidence or material requested, the prosecution, is hereby requested promptly to notify counsel for the defendant of the existence of the additional evidence or material.

It is further requested that the prosecution promptly respond to the within request by notifying counsel for the defendant of the existence and availability of the information requested herein within (30) days of receipt of this motion and at least ten (10) days prior to trial.

WHEREFORE, the undersigned prays for such Order requiring production of the above listed materials and for that which is just and proper.

BY: _____

J. DAVID WEEKS
WILLIE H. BRUNSON
WEEKS LAW OFFICE, LLC
35 SOUTH SUMTER STREET
POST OFFICE BOX 370
SUMTER, SOUTH CAROLINA
(803) 775-5856
ATTORNEY FOR DEFENDANT

Sumter, South Carolina
July 18, 2013

STATE OF SOUTH CAROLINA	)	**IN THE COURT OF GENERAL SESSIONS**
COUNTY OF SUMTER	)	**FOR THE THIRD JUDICIAL CIRCUIT**
	)	**DOCKET NUMBER: 2014-GS-43-947**
STATE OF SOUTH CAROLINA,	)	
vs.	)	
LARRY DURANT,	)	
Defendant.	)	**Defendant's Rule 59 Motion and Request for Emergency Hearing**

RECORDED
2016 MAY 27 PM 12:07
JAMES C. CAMPBELL
CLERK OF COURT
SUMTER COUNTY, S.C.

On May 26, 2016 Defendant Larry Durant was convicted of one count of Criminal Sexual Conduct with a Minor 2nd Degree. He was sentenced to 20 years. The Court allowed Mr. Durant ten (10) days to bring all post-trial motions. Now on his behalf his counsel requests a new trial as well as an expedited hearing based upon the following information:

On his way home at approximately 7:35 p.m., defense counsel received a call from Roland McRae, the ex-husband of Ulanda McRae (aka Vlanda McRae; aka Volanta Riley). Mr. McRae was curious as to the results of the trial. He expressed regret that he was neither contacted nor utilized as a witness. During the course of the conversation he was further concerned that Ms. McRae's prior criminal record was not utilized against her as she took the stand. Perplexed, defense counsel inquired further about her criminal record. Mr. McRae detailed criminal charges that he personally knew that his ex-wife had acquired during the course of their marriage. On May 27, 2016 defense counsel utilized the online search tool "SLED Catch" to verify Mr. McRae's assertions, a copy of which is enclosed.

During the course of the trial, Ulanda McRae was utilized as the State's "outcry" witness. She testified without any mention of her criminal record. More importantly, no criminal record of Ms. McRae was ever turned over to the defense (***On January 14, 2014 defense counsel served discovery requests on the Attorney General's office. In Section 13 of its discovery requests the defendant specifically requested the criminal records of all State potential witnesses. Copy***

enclosed). During the course of the trial, the State of South Carolina provided criminal records on several of their own witnesses ***(for example, the State called Lizzie Johnson to the stand. Immediately before she took the stand, the State gave her criminal record to opposing counsel. What's more, the State also told the court of Ms. Johnson's prior criminal record and inquired whether or not it would be usable. This singular event heightened the defense's already lofty expectations that all reasonable and discoverable evidence had been or would be turned over)*** as well as some of the defense's. The defense had no knowledge of any criminal records of any witness who appeared on behalf of the State of South Carolina. As the court is aware, the defense must rely on the State providing information on their own witnesses. It is the belief of the defense that this is a Brady/Rule 5 violation.

The crux of this entire case was based upon the credibility of the witnesses who testified. As the court is aware, there was no corroborating physical evidence to support the allegations levied by the State's witnesses. Additionally, the State of South Carolina argued vehemently in its closing argument that you must trust the information given by its victims because it was overheard by Ulanda McRae (this witness testified under the name Ulanda McRae. The criminal charge which was levied against her was under the name Ulanda Riley. This individual's name on the State's Witness List was Ulanda McRae). What's more, one of the convictions that the defense was not told of was for **"obtaining signatures under false pretenses"**. As the court is aware, this was the central theory of Mr. Durant's legal defense. If the credibility of the state's "outcry" witness could have effectively been challenged, a different result may have occurred.

Understanding the various spellings of this witness's name, it would be difficult if not impossible for the defense to properly run a records check. Therefore, it is the request of the defense for an emergency hearing to inquire why this information was not properly turned over. The defense would further request the presence of the individual who runs the records checks on behalf of the State of South Carolina.

Respectfully Submitted,

SHAUN C. KENT
CAMERON BLAZER
Attorney for Defendant
19 South Mill Street
Manning, SC 29102
(803) 433-5368

Manning, South Carolina
May 27, 2016

STATE OF SOUTH CAROLINA	)	Criminal Sexual Conduct with a Minor 2nd Degree
	)	
COUNTY OF SUMTER	)	

INDICTMENT

At a Court of General Sessions, convened on October 23, 2014 the Grand Jurors of Sumter County present upon their oath:

Criminal Sexual Conduct with a Minor 2nd Degree

On or about sometime between December 26, 2012 through May 10, 2013, the Defendant, Larry Durant, did in Sumter County unlawfully engage in sexual battery upon the body of K.R. date of birth DOB, the victim being less than sixteen years of age, in violation of § 16-03-655(B), THE CODE OF LAWS OF SOUTH CAROLINA, (1976), as amended.

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

Alan Wilson

ALAN WILSON (KWH)
SOUTH CAROLINA ATTORNEY GENERAL

WITNESSES

Sumter Police Department, Det. N Kelly

Investigator Valerie Williams

ARREST WARRANT NUMBER

2013A4310200769; 770; 771

ACTION OF GRAND JURY

True Bill

M D Anderson

Foreperson of Grand Jury
Date: 10-23-14

VERDICT

Foreperson of Petit Jury
Date:

Docket Number 2014-GS-43- 948

The State of South Carolina
County of Sumter

COURT OF GENERAL SESSIONS

October, 2014

THE STATE

vs.

Larry Durant
DEFENDANT

Indictment for

Criminal Sexual Conduct in the 3rd Degree

SC Code §16-03-654
CDR Code: 162

ALAN WILSON, ATTORNEY GENERAL

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

R. 790

I, _____ hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. Pls. And G.S.

STATE OF SOUTH CAROLINA)
)
COUNTY OF SUMTER)

Criminal Sexual Conduct in the 3rd Degree

INDICTMENT

At a Court of General Sessions, convened on October 23, 2014 the Grand Jurors of Sumter County present upon their oath:

Criminal Sexual Conduct in the 3rd Degree

On or about sometime between September 2011 through May 1, 2013, the defendant, Larry Durant, did in Sumter County unlawfully engage in sexual battery upon the body of L.M. with the use of force and/or coercion, in violation of § 16-03-654, THE CODE OF LAWS OF SOUTH CAROLINA, (1976), as amended.

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

Alan Wilson

ALAN WILSON (KWH)
SOUTH CAROLINA ATTORNEY GENERAL

WITNESSES

Sumter Police Department, Det. N Kelly

Investigator Valerie Williams

ARREST WARRANT NUMBER

2013A4310200772; 773; 774

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury

Date: 10-23-14

VERDICT

Foreperson of Petit Jury

Date:

Docket Number 2014-GS-43- 949

The State of South Carolina
County of Sumter

COURT OF GENERAL SESSIONS

October, 2014

THE STATE

vs.

Larry Durant
DEFENDANT

Indictment for

Criminal Sexual Conduct in the 3rd Degree

SC Code §16-03-654
CDR Code: 162

ALAN WILSON, ATTORNEY GENERAL

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I, _____ hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. Pls. And G.S.

R. 792

STATE OF SOUTH CAROLINA)
)
COUNTY OF SUMTER)

Criminal Sexual Conduct in the 3rd Degree

INDICTMENT

At a Court of General Sessions, convened on October 23, 2014 the Grand Jurors of Sumter County present upon their oath:

Criminal Sexual Conduct in the 3rd Degree

On or about sometime between May 2012 through May 12, 2013, the Defendant, Larry Durant, did in Sumter County unlawfully engage in sexual battery upon the body of A.R. with the use of force or coercion, in violation of § 16-03-654, THE CODE OF LAWS OF SOUTH CAROLINA, (1976), as amended.

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

Alan Wilson

ALAN WILSON (KWH)
SOUTH CAROLINA ATTORNEY GENERAL

WITNESSES

Sumter Police Department, Det N Kelly

Investigator Valerie Williams

ARREST WARRANT NUMBER

2014A4310200219; 220

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury
Date: 10-23-14

VERDICT

Foreperson of Petit Jury
Date:

Docket Number 2014-GS-43- 950

The State of South Carolina
County of Sumter

COURT OF GENERAL SESSIONS

October, 2014

THE STATE

vs.

Larry Durant
DEFENDANT

Indictment for

Criminal Sexual Conduct in the 3rd Degree

SC Code §16-03-654
CDR Code: 162

ALAN WILSON, ATTORNEY GENERAL

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

R. 794

I, _____ hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. Pls. And G.S.

950

STATE OF SOUTH CAROLINA	)	Criminal Sexual Conduct in the 3rd Degree
	)	
COUNTY OF SUMTER	)	

INDICTMENT

At a Court of General Sessions, convened on October 23, 2014 the Grand Jurors of Sumter County present upon their oath:

Criminal Sexual Conduct in the 3rd Degree

On or about sometime between November 2012 through April 2013, the defendant, Larry Durant, did in Sumter County unlawfully engage in sexual battery upon the body of T.H. with the use of force or coercion, in violation of § 16-03-654, THE CODE OF LAWS OF SOUTH CAROLINA, (1976), as amended.

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

Alan Wilson

ALAN WILSON (KWH)
SOUTH CAROLINA ATTORNEY GENERAL

STATE OF SOUTH CAROLINA)
)
COUNTY OF Sumter)

STATE)
VS.)
Larry Durant)
AKA:)
Race: B Sex: M Age: 61)
DOB: DOB SS#: Social Security No.)
Address:)
City, State, Zip:)
DL# * SID#)
*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2014 -GS- 43 - 0947

A/W#: 2013A4310200767
Date of Offense: 12/26/12-5/10/13
S.C. Code §: 16-3-655(B)
CDR Code #: 0396

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS
TO: Criminal Sexual Conduct with a Minor in the Second Degree (0-20 years)
In violation of § 16-3-655(B) of the S.C. Code of Laws, bearing CDR Code # 0396
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS (CSC w/minor 1st or Lewd Act) ☐ §17-25-45

The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (def.'s initials)
The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST: Karen Bare Abee 100017 — 608565
Asst. Atty. General SC Bar # Defendant Attorney for Defendant SC Bar #

WHEREFORE, the Defendant is committed to the ☒ **State Department of Corrections** ☐ **County Detention Center,** for a determinate term of 20 ~~days/months/years or~~ ☐ under the **Youthful Offender Act** not to exceed _____ years and/or to pay a fine of $ _____ ; provided that upon the service of _____ days/months/years and or payment of $ _____ ; plus costs and assessments as applicable*; the balance is suspended with **probation** for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____
☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.
☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ **RESTITUTION:** ☐ **Deferred** ☐ **Def. Waives Hearing** ☐ **Ordered**

Total: $ _____ plus 20% fee: _____ $ _____

Payment Terms: _____

☐ Set by SCDPPPS

Recipient: _____

*Fine:		$
§14-1-206 (Assessments 107.5%)		$
§14-1-211 (A)(1)(Conv. Surcharge)	$100	$ 100.00
§14-1-211 (A)(2)(DUI Surcharge)	$100	$
§56-5-2995 (DUI Assessment)	$12	$
§56-1-286 (DUI Breath Test)	$25	$
Proviso 47.9 (Public Def/Prob)	$500	$
§14-1-212 (Law Enforce. Funding)	$25	$ 25.00
§14-1-213 (Drug Court Surcharge)	$150	$
§50-21-114 (BUI Breath Test Fee)	$50	$
§56-5-2942(J) (Vehicle Assessment)	$40/ea	$
Proviso 90.5 (SCCJA Surcharge)	$5	$ 5.00
3% to County (if paid in installments)		$
TOTAL		$ 390
		$ 133.90

Clerk of Court/Deputy Clerk James C. Campbell
Court Reporter: Karen Imbroglia

PTUP _____

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. Or Job Corp. _____

May serve W/E beginning _____
Substance Abuse Counseling ☐

Random Drug/Alcohol Testing ☐
Fine may be pd. in equal consecutive weekly/monthly pmts. of $ _____ Beginning _____
$ _____ Paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel, §47.12 requires $500 be paid to Clerk during probation.

Presiding Judge _____
Judge Code: 2134
Sentence Date 5/26/16

SCCA/217 (03/2011)

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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

RECEIVED
JUN 11 2018
SC Court of Appeals

Appellate Case No. 2016-001264

The State,..... Respondent

v.

Larry Durant,..... Appellant.

Rule 210, SCACR Certification

The Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

Respectfully Submitted,

By _____

E. Charles Grose, Jr.
S.C. Bar Number 66063
The Grose Law Firm, LLC
404 Main Street
Greenwood, SC 29646
(864) 538-4466
(864) 538-4405 (fax)
Email: charles@groselawfirm.com

Attorney for the Appellant

May 14, 2018
Greenwood, South Carolina