

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Greenville County

Honorable John C. Hayes, Circuit Court Judge

MILLANYO A. WOODY,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO 2017-000158

APPENDIX

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STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

IN THE COURT OF GENERAL SESSIONS

STATE OF SOUTH CAROLINA,)
)
 PLAINTIFF,)
)
 -VS-)
)
 MILLANYO A. WOODY,)
)
 DEFENDANT.)
 _____)

2012-GS-23-07385 and 07386A

OCTOBER 14, 2013

TRANSCRIPT OF RECORD

BEFORE:

THE HONORABLE G. EDWARD WELMAKER, JUDGE

APPEARANCES:

JUDY MUNSON, ESQUIRE
ATTORNEY FOR THE STATE

DOROTHY MANIGAULT, ESQUIRE
ATTORNEY FOR THE DEFENDANT

DANETTE P. HANKS
CIRCUIT COURT REPORTER

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State of South Carolina -vs- Millanyo A. Woody (2012-GS-23-07385 and 07386A)
 Jury Voir Dire

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JURY VOIR DIRE

Juror #	Name	Race	Sex	Strikes			Accept
				Court	Plaintiff	Def.	
179	Wagner, Myrtle I	W	F				x
40	Drake, Carol G	W	F			x	
163	Stucker, Bobby G	W	M				x
152	Shaw, Scott H	W	M				x
11	Banks, John F IV	W	M			x	
194	Zapata, Adriana M	H	F				x
49	Gilreath, Jo B	W	F				x
33	Cox, Alicia L	W	F		x		
196	Bourgeois, John R	W	M			x	
17	Bouvier, Terry D	W	M		x		
1	Adkins, Bonnie M	W	F			x	
41	Evans, Nicole	B	F		x		
23	Byrd, Douglas O	W	M			x	
134	Paris, Shane Lagrande	W	M				x
198	Ladson, Dontavirus R	B	M			x	
130	Ooten, Jane M	W	F			x	
170	Temple, James R	W	M				x
200	Pilgrim, Christopher R	W	M				x
176	Vaughan, Gregory P	W	M				x
47	Gilbert, Sandra N	W	F			x	
178	Waddell, Steven L	W	M		x		
45	Freeman, Miranda P	W	F				x
26	Cass, Aaron E	W	M				x
154	Shipman, Sally S	W	F				x
169	Taylor, Lynn M	W	F		x		
128	Olson, Catherine A	W	F				x

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OCTOBER 14, 2013

(WHEREUPON, court convened with all parties present and the following proceedings were had.)

THE COURT: All right. Scheduling-wise, do we have any pretrial motions that need to be taken care of before we get our jury selected?

MS. MUNSON: Nothing from the state, Your

THE COURT: Anything from the defense?

MS. MANIGAULT: Your Honor, the only pretrial
would have is if the state uses the video, then
have an objection to the video on the grounds
uld state to the court. And the only other
motion I would have is the state has on their
st a minor child, age twelve maybe, that I
e any information in discovery from, and I would
testimony proffered if they plan to use that
ne other thing is ---

THE COURT: Which witness is that?

MS. MANIGAULT: That's, on the state's list,
free.

THE COURT: Okay.

MS. MANIGAULT: And the other issue I would
would make a motion for the witnesses to be
ed.

1 THE COURT: All right. How about the witness
2 that they didn't know about? Mr. [REDACTED]?

3 MS. MUNSON: Mr. JaTwan P. He's thirteen,
4 Your Honor. He's the -- I don't think it's completely
5 accurate that the defense didn't know about him. They
6 know who he is. He did not give any written statements.
7 His sole purpose, if I even call him, would just be time
8 issues and putting the victim in the presence of the
9 defendant. He didn't actually witness any of the acts
10 that took place.

11 And we're not using the video. I don't think I'm
12 allowed to use it. Is that it?

13 THE COURT: Sequestration.

14 MS. MUNSON: Sequestration, we understand, Your
15 Honor. It's our position, though, that Minor is
16 the victim and Tawanda Woody is her mother, and that her
17 mother would qualify as a victim within the meaning of
18 the statute. So we would ask that those two be allowed
19 to remain.

20 THE COURT: Yes, ma'am.

21 MS. MANIGAULT: Please the court, Your Honor.
22 It's my understanding from the discovery that the mother
23 was not the custodial person at the time that this
24 incident -- these incidents were supposed to have
25 occurred.

1 MS. MUNSON: But she did have custody in the
2 beginning, but she's still the child's mother. The court
3 has not taken away her parental rights or anything like
4 that. She's still the child's mother.

5 THE COURT: Is she going to testify early in
6 the trial?

7 MS. MUNSON: Yes, sir, Your Honor. She'll be
8 my second witness.

9 THE COURT: All right. I'll allow the mother
10 -- how old is the victim now?

11 MS. MUNSON: She's fifteen now.

12 THE COURT: I'll allow her to stay under the
13 victim's statute. Everybody else will be sequestered.

14 MS. MUNSON: Yes, sir, Your Honor.

15 THE COURT: We're not going to change that --
16 the only thing that Mr. [REDACTED] is going to testify to at
17 all would be the time and place he was there and caught
18 somebody together but didn't see any particular ---

19 MS. MUNSON: Correct.

20 THE COURT: --- acts.

21 MS. MUNSON: He's not going to make any -- say
22 that the defendant made any statements or nothing of --
23 nothing like that.

24 MS. MANIGAULT: Your Honor, there's one other
25 thing.

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Jury Voir Dire

8

1 THE COURT: Yes, ma'am.

2 MS. MANIGAULT: The state has said that they're
3 not going to use the video from 2010. Previously when we
4 were scheduled for trial, they were going to try to use
5 testimony from something that was recorded in 2006. So
6 if they plan to use that, then of course, I'm objecting
7 to that. Because that video had no audio or anything
8 else.

9 MS. MUNSON: That's correct. We can't use that
10 video. There were -- there's one incident, Your Honor,
11 that began in 2006. It was investigated by the city
12 police. No charges were made. Then there was another
13 allegation where charges were made. And we're not going
14 forward on indictment 2012-GS-23-7367. And I've already
15 done the dismissals on that. That would be the criminal
16 sexual conduct with a minor in the first degree.

17 The lewd act indictment, Your Honor, covers the
18 entire time frame from when the child was eight up until
19 she was eleven or twelve. So it's the state's position
20 that we should be allowed to discuss those things,
21 because that's part of the case.

22 THE COURT: All right. Now, there were two
23 first degree criminal sexual conducts with a minor?

24 MS. MUNSON: No, sir, Your Honor. There was
25 one.

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1 THE COURT: All right. What number was that?

2 So you're going forward with two cases or three cases?

3 MS. MUNSON: We're going forward with two

4 cases, criminal sexual conduct with a minor second degree

5 and lewd act.

6 THE COURT: Okay. Let me give you that back,

7 Ms. Troup. All right. Let me just make sure before I

8 announce the cases. 7306A and 7305?

9 MS. MUNSON: Correct. 7385.

10 THE COURT: 73 -- okay. The stamp is not very

11 readable. 7385 and 7386A?

12 MS. MUNSON: Correct.

13 THE COURT: Ms. Manigault, you're aware of both

14 of those indictments; ---

15 MS. MANIGAULT: Yes, sir.

16 THE COURT: --- is that right? All right. How

17 long do you anticipate this trial taking?

18 MS. MUNSON: Your Honor, I really feel like

19 I'll finish almost all of my case today. Dr. Nancy

20 Henderson is not available until nine o'clock in the

21 morning, so she will be my last witness.

22 THE COURT: All right. Do you think one

23 alternate will be enough in this case?

24 MS. MUNSON: I do, Your Honor.

25 MS. MANIGAULT: Yes, sir.

1 THE COURT: All right. Strikes are five and
2 ten?

3 MS. MANIGAULT: Yes, sir.

4 MS. MUNSON: Yes, sir.

5 THE COURT: Be two and one on the -- or one and
6 two on the alternate then?

7 MS. MUNSON: Your Honor, did you rule about
8 JaTwan P. ?

9 THE COURT: Well, if you want to talk to him,
10 I'll allow -- you didn't know about him at all?

11 MS. MANIGAULT: Your Honor, his name is listed
12 in the discovery as a sibling with other siblings to the
13 alleged complaining witness. But as far as anything that
14 he observed or said to anybody, it is not in the reports.

15 THE COURT: Is he going to be testifying early
16 if he testifies?

17 MS. MUNSON: If he testifies, Your Honor.

18 THE COURT: Well, maybe we can just take a
19 little break and y'all can go and talk to him just
20 briefly. I gather he's only going to have five minutes
21 worth of testimony?

22 MS. MUNSON: It would be on and off.

23 THE COURT: Okay. We'll get you -- before that
24 witness is called, make sure that Ms. Manigault has a
25 chance -- we'll take a break and y'all can talk with him.

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1 MS. MANIGAULT: Okay. Your Honor, the lewd act
2 indictment that she referred to with the 2005 and 2010 or
3 '08?

4 MS. MUNSON: '10.

5 MS. MANIGAULT: '10. Now if the state plans to
6 specifically question the complaining witness regarding
7 the incident that was reported in 2006, not charged, and
8 the doctor didn't find any -- make any findings as to
9 what the child had said, then I'm asking the court to
10 give me leave to further ask questions about that report
11 if they're going to try to get it in that way.

12 MS. MUNSON: What I'm intending to do, Your
13 Honor, through Detective Bradford, was just -- certainly
14 he wouldn't be saying anything that the child said to
15 him. The purpose of putting Detective Bradford with the
16 Greenville City Police on the stand would be, I took a
17 report on this date. It was a report of sexual abuse. I
18 talked to the child. It happened in Greenville City.
19 And that's it. No charges were file. He will say also
20 that he referred the child to the Julie Valentine Center.
21 And then Dr. Henderson goes from there. She did do a
22 medical exam and did find no physical evidence of sexual
23 abuse.

24 THE COURT: You don't want that in?

25 MS. MANIGAULT: Your Honor, if Officer Bradford

1 is going to testify that he took a report and it was
2 against my client, Mr. Woody, as long as he says no
3 charges were made, explains it. I don't want it in, but
4 if the court is going to allow that, then he needs to
5 explain it. Limited ---

6 THE COURT: And in '06 there was no charges and
7 no findings?

8 MS. MUNSON: That's correct.

9 MS. MANIGAULT: Correct.

10 THE COURT: And you want to put that in?

11 MS. MUNSON: Yes.

12 THE COURT: And you ---

13 MS. MANIGAULT: I just want to make sure ---

14 THE COURT: Through cross -- I mean, certainly
15 you're going to be able to ---

16 MS. MANIGAULT: Yes, sir.

17 THE COURT: --- find that there was nothing
18 there?

19 MS. MANIGAULT: All right. Thank you.

20 THE COURT: All right. Let's have our jury
21 come up.

22 (WHEREUPON, the jury panel entered the open court at
23 approximately 11:42 a.m.)

24 THE COURT: Thank you very much, ladies and
25 gentlemen, for your patience with us. We're now ready to

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Jury Voir Dire

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1 select a jury for the trial of the first case that we
2 have in this courtroom. You've been qualified to serve
3 as a jury this week, but I need to ask you some
4 additional questions to determine your eligibility to
5 serve on this particular case that we're about to start.

6 This case comes -- it's in the Court of General
7 Sessions, and it comes to us by way of indictments that
8 were issued against Millanyo Antonio Woody. Each of
9 these indictments charge him with committing separate
10 offenses here in Greenville County.

11 One says that between about the 4th of December,
12 2005 and the 22nd of April, 2010, that Mr. Woody was over
13 the age of fourteen years of age and wilfully and lewdly
14 or attempted to commit a lewd and lascivious act upon the
15 body or body parts of a child, initials Minor who was
16 under the age of sixteen, and with the intent to arouse
17 or appeal to or gratify the lusts, passions or sexual
18 desires of either himself or of the child.

19 Also, there's an indictment charging Mr. Woody with
20 criminal sexual conduct with a minor in the second
21 degree. Again, the indictment indicating that between
22 December the 4th of 2008 and April the 22nd of 2010, he
23 committed a sexual battery upon the individual Minor who
24 was fourteen years of age or less, but who was at least
25 eleven years of age, constituting the offense of criminal

1 sexual conduct with a minor in the second degree.

2 Now, Mr. Woody, he's entered a plea of not guilty to
3 each of these charges. By entering that plea, the State
4 of South Carolina now has the full burden of proof to
5 convince the jury beyond any reasonable doubt that he
6 did, in fact, commit these offenses that are alleged by
7 the indictments.

8 In this case, I'm going to be the judge of the law,
9 decide what applicable law there is. We need to find
10 twelve fair and impartial jurors to be judges of the
11 facts in this case.

12 One of the questions I need to ask you, ladies and
13 gentlemen, first of all, is there any member of the jury
14 panel have any prior knowledge about this particular
15 alleged incident or incidences that occurred between 2005
16 and 2010, either hearing about it in news media or
17 hearing about it in the neighborhood, the coffee shop.
18 If you have any prior knowledge from whatever source,
19 would you please stand, if you have prior knowledge about
20 this alleged incident?

21 (No response.)

22 THE COURT: Thank you. There is no response.
23 Is there any member of the jury panel related by blood or
24 marriage to Mr. Millanyo Antonio Woody? If so, would you
25 please stand?

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1 (No response.)

2 THE COURT: Is there any member of the jury
3 panel have a close business or a social, a personal
4 relationship with Mr. Woody? If so would you please
5 stand?

6 (No response.)

7 THE COURT: Thank you. There is no response.
8 Several witnesses may be called upon to testify in this
9 case. Not all of them may testify. But I need to read a
10 list of those potential witnesses and I need to ask you
11 some questions about them. Among the potential witnesses
12 would be Shirley Woody, India Cox Woody, Dr. Nancy
13 Henderson, Robert Bradford, Michael Robertson, Cheryl
14 Cromartie, Jamaica Griggs, Quinton Largent, JaTwan
15 P. , Tawanda Woody, Minor Is there any
16 member of the jury panel related by blood or marriage to
17 any of these potential witnesses? If so, would you
18 please stand?

19 (No response.)

20 THE COURT: Is there a member of the jury panel
21 who has a close business or a social, a personal
22 relationship with any of these potential witnesses? If
23 so, would you please stand?

24 Yes, sir, which witness do you know or ---

25 THE JUROR: Jamaica Griggs. I go to church

1 with her.

2 THE COURT: Jamaica Griggs. You go to church
3 with this individual?

4 THE JUROR: Yes, sir.

5 THE COURT: Do you see her on a regular basis
6 then?

7 THE JUROR: Yes, sir.

8 THE COURT: Would the fact that you have
9 interaction with her -- have you ever talked with her in
10 anyway about this case?

11 THE JUROR: No, sir, had no idea about it.

12 THE COURT: The fact that if she were called to
13 testify and gave testimony from this witness stand, would
14 that affect your ability to be a fair juror? In other
15 words, the state of South Carolina and Mr. Woody, they
16 want fair jurors to sit and listen to the testimony of
17 Ms. Griggs, the testimony of other witnesses, any
18 exhibits, listen to the law that I give and make a
19 decision on the value of the evidence that's presented.
20 Do you believe the fact that you know her would create a
21 conflict in your own mind that you could not be fair to
22 both sides if she were called upon to testify?

23 THE JUROR: No, sir.

24 THE COURT: You could be fair to the state, you
25 could be fair to Mr. Woody?

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Jury Voir Dire

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1 THE JUROR: Yes, sir.

2 THE COURT: Thank you very much. Your name,
3 please, sir?

4 THE JUROR: Dontavirus Ladson.

5 THE COURT: All right. Thank you very much.
6 You may be seated.

7 Is there any member of the jury panel aware of any
8 advice or prejudice that would interfere with your
9 ability to be a fair juror if you were called upon to
10 serve in this case? If so, would you please stand?

11 (No response.)

12 THE COURT: Is there any member of the jury
13 panel expressed or formed an opinion in anyway about the
14 facts in this case? If so, would you please stand?

15 (No response.)

16 THE COURT: Is there a member of the jury panel
17 or a member of your immediate family involved in law
18 enforcement in anyway? If so, would you please stand?
19 If you or a member of your immediate family are involved
20 in law enforcement?

21 Yes, ma'am, your name, please?

22 THE JUROR: Sandra Gilbert.

23 THE COURT: And what relative do you have?

24 THE JUROR: My son is a police officer for the
25 city of Pickens.

1 THE COURT: City of Pickens. All right. If
2 you would remain standing just a moment.

3 Your name, please, ma'am?

4 THE JUROR: My name is Carol Drake. My son-in-
5 law is with the highway department in Georgia.

6 THE COURT: In Georgia?

7 THE JUROR: Yes.

8 THE COURT: Those of you who have relatives in
9 law enforcement, I'm assuming some law enforcement may be
10 testifying in this case. Would that fact that you have a
11 relative in law enforcement affect your ability to be a
12 fair juror? Could you listen to that testimony and all
13 the testimony and make a decision based on all the
14 evidence? Or do you believe you would have any prejudice
15 toward a law enforcement officer giving testimony? Could
16 you be a fair juror, ma'am?

17 THE JUROR: Yes, sir, I believe so.

18 THE COURT: Do you have any hesitancy at all?

19 THE JUROR: No.

20 THE COURT: You could be fair to the state and
21 to Mr. Woody?

22 THE JUROR: Yes, sir.

23 THE COURT: Could you be a fair juror, ma'am?

24 THE JUROR: Yes, sir, I would.

25 THE COURT: To both sides?

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1 THE JUROR: Both sides.

2 THE COURT: Thank you. You may be seated.

3 Is there any member of the jury panel a contributing
4 member of any organization whose primary concern is that
5 of the promotion of law enforcement or victims' rights,
6 such as MADD or SADD; there's organizations called PARR
7 and CAVE. If you are a contributing member of any of
8 those organizations, would you please stand?

9 (No response.)

10 THE COURT: Thank you. There is no response.

11 Is there any member of the jury panel or a member of
12 your immediate family ever been accused of committing a
13 sexual assault against any individual or if you've ever
14 been the victim of a sexual assault by another
15 individual? If you or a member of your immediate family
16 has ever been accused of that or been a victim of that,
17 would you please stand?

18 All right. If I could, I'd like to just talk with
19 you up here with the court reporter. If you'll just
20 come, and I'll talk with you, ma'am, in just a few
21 moments.

22 You're Ms. Rae?

23 THE JUROR: Yes.

24 THE COURT: Is it a family member or you
25 yourself?

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1 THE JUROR: Family member.

2 THE COURT: Was accused or had an assault
3 against a family member?

4 THE JUROR: It was an assault

5 THE COURT: Was it an assault against one of
6 your family members?

7 THE JUROR: Yes.

8 THE COURT: Would that interfere with your
9 ability to be a fair juror?

10 THE JUROR: I think it would.

11 THE COURT: I'm going to excuse you from this
12 case. You can have a seat. You don't need to -- I'm
13 going to ask some other questions. You don't need to
14 respond to any of my questions. Okay? Thank you very
15 much.

16 All right. Ma'am, if you would come forward,
17 please. Have you had an assault against you or a family
18 member?

19 THE JUROR: Date rape.

20 THE COURT: Would that affect your ability to
21 be a fair juror, do you think?

22 THE JUROR: It might.

23 THE COURT: Okay. I'll excuse you from this
24 trial. Thank you, ma'am. That was Ms. Willoughby.

25 (WHEREUPON, the judge returned to the bench.)

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Jury Voir Dire

21

1 THE COURT: At this time I want to ask the
2 attorneys, if you would, to please stand and introduce
3 yourselves to the jury panel. Solicitor.

4 MS. MUNSON: Please the court, Your Honor.

5 I'm Judy Munson. I'm a prosecutor for the
6 Thirteenth Judicial Circuit. Seated with me is Melissa
7 Bishop, one of our investigators.

8 THE COURT: Ms. Manigault.

9 MS. MANIGAULT: Please the court, Your Honor.

10 I'm Dorothy Manigault, an attorney in Greenville
11 County. And this is Millanyo Woody, my client.

12 THE COURT: Thank you. Is there any member of
13 the jury panel related by blood or marriage to either of
14 these attorneys or members of their staff? If so, would
15 you please stand?

16 (No response.)

17 THE COURT: Is there a member of the jury panel
18 who has a close business or a social, a personal
19 relationship with either of these attorneys? If so,
20 would you please stand?

21 (No response.)

22 THE COURT: Is there a member of the jury panel
23 who has ever been involved in any litigation in which
24 either of these attorneys represented you or represented
25 the opposing side? If so, would you please stand?

1 (No response.)

2 THE COURT: Thank you. There's no response.

3 Ladies and gentlemen, the state of South Carolina is
4 in this courtroom; Mr. Woody is in this courtroom, and
5 each side desires to have a fair and impartial jury to
6 hear the facts of this case, to hear the evidence and
7 determine what the facts are. That's their desire and
8 that's what they deserve under the constitution of South
9 Carolina, the constitution of the United States of
10 American. They deserve to have fair and impartial
11 jurors. Is there any member of the jury panel aware of
12 any reason whatsoever that you believe in this case you
13 could not be fair to both the state of South Carolina, to
14 the defendant, and render a verdict that would speak the
15 truth on the law and the evidence and that alone? If for
16 any reason you believe you could not be a fair juror,
17 would you please stand?

18 (No response.)

19 THE COURT: Thank you. There's no response.

20 Any other questions from the state?

21 MS. MUNSON: Nothing from the state, Your
22 Honor.

23 THE COURT: From the defense?

24 MS. MANIGAULT: Nothing from the defense, Your
25 Honor.

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Jury Voir Dire

23

1 THE COURT: All right. Let's empanel a jury.

2 THE CLERK: When I call your name, please stand
3 in place and then wait for further instructions.

4 Juror 179, Myrtle Wagner. What says the state?

5 MS. MUNSON: Please present the juror.

6 THE CLERK: What says the defendant?

7 MS. MANIGAULT: Please swear the juror.

8 THE CLERK: Ms. Wagner, please bring your
9 things, come and have a seat in the jury box.

10 Juror 40, Carol Drake. What says the state?

11 MS. MUNSON: Please present the juror.

12 THE CLERK: What says the defendant?

13 MS. MANIGAULT: Please excuse this juror.

14 THE CLERK: All right. Ms. Drake, please be
15 seated. You have been excused from this case.

16 Juror 163, Bobby Stucker. What says the state?

17 MS. MUNSON: Please present the juror.

18 THE CLERK: What says the defendant?

19 MS. MANIGAULT: Please swear the juror.

20 THE CLERK: Please gather your things and come
21 have a seat in the jury box.

22 Juror 152, Scott Shaw. What says the state?

23 MS. MUNSON: Please present the juror.

24 THE CLERK: What says the defendant?

25 MS. MANIGAULT: Please swear the juror.

1 THE CLERK: Mr. Shaw, please come have a seat
2 in the jury box.

3 Juror 11, John Banks. What says the state?

4 MS. MUNSON: Please present the juror.

5 THE CLERK: What says the defendant?

6 MS. MANIGAULT: Please excuse Mr. Banks from
7 this trial.

8 THE CLERK: Please be seated. You have been
9 excused from this case.

10 Juror 194, Adriana Zapata. What says the state?

11 MS. MUNSON: Please present the juror.

12 THE CLERK: What says the defendant?

13 MS. MANIGAULT: Please swear the juror.

14 THE CLERK: Ma'am, please bring your things and
15 come have a seat in the jury box.

16 Juror 49, Jo Gilreath. What says the state?

17 MS. MUNSON: Please present the juror.

18 MS. MANIGAULT: Please swear Ms. Gilreath.

19 THE CLERK: Thank you. Ma'am, please bring
20 your things and have a seat in the jury box.

21 Juror 33, Alicia Cox. What says the state?

22 MS. MUNSON: Please excuse the juror from the
23 trial of this matter.

24 THE CLERK: All right. You may be seated. You
25 have been excused from this case.

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1 Juror 196, John Bourgeois. What says the state?

2 MS. MUNSON: Please present the juror.

3 THE CLERK: Thank you. What says the
4 defendant?

5 MS. MANIGAULT: Please excuse the juror from
6 his case.

7 THE CLERK: I beg your pardon?

8 MS. MANIGAULT: Please excuse.

9 THE CLERK: Please have a seat. You have been
10 excused from this case.

11 Juror 17, Terry Bouvier. What says the state?

12 MS. MUNSON: Please excuse the juror from the
13 trial of this matter.

14 THE CLERK: Please be seated, sir.

15 Juror number 1, Bonnie Adkins. What says the state?

16 MS. MUNSON: Please present the juror.

17 THE CLERK: What says the defendant?

18 MS. MANIGAULT: Please excuse Ms. Adkins for
19 this case.

20 THE CLERK: All right. Ma'am, you may be
21 seated. You have been excused from this case..

22 Juror 41, Nicole Evans. What says the state?

23 MS. MUNSON: Please excuse the juror from the
24 trial of this matter.

25 THE CLERK: All right. Thank you, ma'am. You

1 may be seated.

2 Juror 23, Douglas Byrd. What says the state?

3 MS. MUNSON: Please present the juror.

4 THE CLERK: What says the defendant?

5 MS. MANIGAULT: Please excuse the juror for
6 this case.

7 THE CLERK: Excuse him? Please be seated. You
8 have been excused from this case.

9 Juror 134, Shane Paris. What says the state?

10 MS. MUNSON: Please present the juror.

11 THE CLERK: What says the defendant?

12 MS. MANIGAULT: Please swear Mr. Paris.

13 THE CLERK: Mr.. Paris, please come and have a
14 seat in the jury box.

15 Juror 198, Dontavirus Ladson. What says the state?

16 MS. MUNSON: Please present the juror.

17 THE CLERK: What says the defendant?

18 MS. MANIGAULT: Please excuse Mr. Ladson from
19 this case.

20 THE CLERK: Please be seated. You have been
21 excused from this case.

22 Juror 130, Jane Ooten. What says the state?

23 MS. MUNSON: Please present the juror.

24 THE CLERK: What says the defendant?

25 MS. MANIGAULT: Please excuse Ms. Ooten from

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1 this case.

2 THE CLERK: Please be seated. You have been
3 excused from this case.

4 Juror 170, James Temple. What says the state?

5 MS. MUNSON: Please present the juror.

6 THE CLERK: What says the defendant?

7 MS. MANIGAULT: Please swear Mr. Temple.

8 THE CLERK: Mr. Temple, please have a seat in
9 the jury box.

10 Juror 200, Christopher Pilgrim. What says the
11 state?

12 MS. MUNSON: Please present the juror.

13 THE CLERK: What says the defendant?

14 MS. MANIGAULT: Please swear Mr. Pilgrim.

15 THE CLERK: Sir, please have a seat in the jury
16 box.

17 Juror 176, Gregory Vaughan. What says the state?

18 MS. MUNSON: Please present the juror.

19 MS. MANIGAULT: Please swear Mr. Vaughan.

20 THE CLERK: Thank you. Sir, please have a seat
21 in the jury box.

22 Juror 47, Sandra Gilbert. What says the state?

23 MS. MUNSON: Please present the juror.

24 THE CLERK: What says the defendant?

25 MS. MANIGAULT: Please excuse Ms. Gilbert.

1 THE CLERK: All right. Ma'am, please have a
2 seat.

3 Juror 178, Steven Waddell. What says the state?

4 MS. MUNSON: Please excuse the juror from the
5 trial of this matter.

6 THE CLERK: Please be seated, sir.

7 Juror 45, Miranda Freeman. What says the state?

8 MS. MUNSON: Please present the juror.

9 THE CLERK: What says the defendant?

10 MS. MANIGAULT: Please swear the juror.

11 THE CLERK: Ma'am, please come have a seat in
12 the jury box.

13 Juror 26, Aaron Cass. What says the state?

14 MS. MUNSON: Please present the juror.

15 THE CLERK: What says the defendant?

16 MS. MANIGAULT: Please swear the juror.

17 THE CLERK: Sir, please come have a seat in the
18 jury box.

19 Juror 154, Sally Shipman. What says the state?

20 MS. MUNSON: Please present the juror.

21 THE CLERK: What says the defendant?

22 MS. MANIGAULT: Please swear Ms. Shipman.

23 THE CLERK: Ms. Shipman, please have a seat in
24 the jury box.

25 All right. For our alternate, juror 169, Lynn

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1 Taylor. What says the state?

2 MS. MUNSON: Please excuse the juror from the
3 trial of this matter.

4 THE CLERK: All right. Ma'am, please be
5 seated.

6 Juror 128, Catherine Olson. What says the state?

7 MS. MUNSON: Please present the juror.

8 THE CLERK: What says the defendant?

9 MS. MANIGAULT: Please swear Ms. Olson.

10 THE CLERK: Ms. Olson, please have a seat in
11 the jury box.

12 THE COURT: Is there any matters we need to
13 take care of as far as the selection of the jury in this
14 case, from the state?

15 MS. MUNSON: Nothing from the state, Your
16 Honor.

17 THE COURT: From the defense?

18 MS. MANIGAULT: Nothing from the defense, Your
19 Honor.

20 THE COURT: All right. Thank you. Ladies and
21 gentlemen who were not selected, you may go back
22 downstairs. There will be instructions for you at the
23 assembly room as to whether or not we need to use your
24 services later today and some other juries will be
25 selected. Thank you for your patience. You may retire

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1 now back to the assembly room.

2 Everyone else, please remain seated.

3 (WHEREUPON, the jury panel exited the open court at
4 approximately 12:12 p.m.)

5 THE COURT: Ladies and gentlemen, you've seen
6 the process by which you were selected to serve as a
7 juror in this case. These attorneys, these parties,
8 believe you're the twelve best people to hear this matter
9 and decide what the evidence shows, what the facts are.

10 We have thirteen jurors. We've selected an
11 alternate. The last juror selected will occupy that seat
12 during the process. She's every bit as much a part of
13 the jury as anyone else. Sometimes in the course of a
14 trial -- I don't anticipate this case being real, real
15 long, but in the course of a trial there may be an
16 emergency that comes up or one of you gets ill. We
17 certainly don't hope that on anyone. But if that were to
18 happen, rather than have to start the trial all over
19 again, we could just have that alternate step into the
20 place of the juror that we may lose because of that
21 emergency or sickness and continue the case.

22 I'm honored to have a chance to work with you. I
23 know that you're here at a sacrifice. I'm going to do
24 everything in my power to keep the trial moving so that
25 you don't have down time that sometimes occurs when

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1 you're on jury service.

2 You may have some apprehension about serving as a
3 juror. I told you, you're going to be the judge of the
4 facts. You may be thinking to yourself right now, I
5 answered my summons, I came and sat in a big room with a
6 lot of other people, I've watched a movie, and now, all
7 of a sudden, I'm sitting in a jury box. And now a judge
8 has told me I'm a judge, too. You may have some
9 trepidation about where you're now sitting and what your
10 duties are and think to yourself, well, I can't be a
11 judge. I've not been to law school and I've never had a
12 business law course or done any kind of -- never been in
13 a courtroom before, never seen a lawyer my whole life in
14 person.

15 Let me assure you, ladies and gentlemen, you're
16 bringing into this courtroom every skill you're going to
17 need to be the judge of the facts, because what you're
18 bringing into this courtroom is the everyday experiences
19 that you enjoy in the home and workplace and social
20 activities. You're bringing into this courtroom the good
21 commonsense with which you've been blessed and that's
22 what you're going to need to utilize in deciding what the
23 facts are in this matter. You're going to need to be
24 good listeners. There's going to be testimony offered,
25 folks will take an oath and give you answers to questions

1 that lawyers ask. There may be some documentary evidence
2 entered into the trial of the case. That's what you're
3 going to utilize to be able to make that determination of
4 what the facts are.

5 Since you're going to need to be a good listener,
6 it's going to be vitally important that you be
7 comfortable. Part of my job is to decide when we're
8 going to take break. Normally we'll go for an hour, hour
9 and a half at a time, depending on how the testimony is
10 flowing. We'll take a break in the morning. We'll have
11 a break in the afternoon. Hopefully we'll be finished
12 most days at five or five thirty.

13 If there's any time that you need a break and I
14 haven't called for a break, please get my attention. If
15 you're uncomfortable in anyway, you're not going to be
16 able to be a good listener and fulfil your duty as a
17 judge of the facts.

18 You've already had interaction with our bailiffs at
19 the back of the room and to your right is Ms. Fryer, Mr.
20 Ford over to your right. Either of these bailiffs will
21 certainly help you in anyway they can. The young lady
22 from the clerk's office, Ms. Mary Troup, called your name
23 downstairs and then in this courtroom. She'll be here
24 throughout the trial helping with the paperwork and so
25 forth. Directly in front of me is Ms. Danette Hanks.

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1 She's the court reporter. She's taking down everything
2 that's said during the course of the trial, keeping a
3 record. If here's exhibits she'll be marking those and
4 keeping up with those. Hudson Smith is the young man
5 seated beside me, a recent law school graduate, my law
6 clerk. He'll be here most of the time. You may see him
7 coming and going as the trial is in process taking care
8 of matters back in the office. Any of these folks will
9 certainly help you in anyway they can during the course
10 of the trial.

11 Trials take place in stages. There's opening
12 statements the attorneys give you when each of them give
13 you an overview of what you can anticipate the trial
14 revealing to you. After that there will be testimony
15 given. After all the testimony and the evidence is in,
16 then there will be closing statements from the attorneys..
17 And then I'll instruct you on what the law of the case
18 is.

19 Sometimes in the course of a trial, there may be
20 objections made. Sometimes there's no objections. But
21 if there are objections, my job, of course, is to rule on
22 those objections as a matter of law. Sometimes I can do
23 that by saying sustained or overruled and we move on to
24 the next question. Sometimes there might be a legal
25 matter or a scheduling matter that I'll have the lawyers

1 up here at the bench and we'll whisper together and can
2 hopefully resolve a legal issue. Sometimes in the course
3 of a trial there may be a matter of law that even the
4 attorneys feel like we need to address or just in the
5 stage of a trial there's legal matters that have to be
6 taken care of. When those matters come up, often you'll
7 be out of the courtroom in your jury room while I resolve
8 those legal matters. It may be that I have to hear some
9 testimony that wouldn't normally be presented to a jury.
10 It may be legal arguments of the lawyers. It may be
11 doing some research under the law. I want to make the
12 best decision I possibly can as the judge of the law. So
13 sometimes I have to hear those matters that wouldn't
14 affect you at all. I'm a judge and you're a judge, but
15 when you have the facts to make that determination, I'm
16 not going to be in your jury room with you deciding what
17 the facts are, because that's not my prerogative, just as
18 the law is not your prerogative, so you'll be back there
19 doing your deliberations and I'll be out here waiting on
20 those deliberations to be concluded.

21 Until all the facts are presented to you, the
22 evidence is presented to you and I've instructed you on
23 the law, then you shouldn't be discussing the case.
24 Sometimes you want to anticipate what someone says or
25 analyze testimony that's in progress. That would be

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1 improper for you to do, ladies and gentlemen, until all
2 the evidence is in and I've instructed you on what the
3 law is that's applicable to that particular evidence
4 that's been presented. I'm going to be the judge of the
5 law and when I give you what that law is, you're going to
6 apply that law to the evidence that you've heard in this
7 case. But until you've heard all the evidence and I've
8 given you that legal instruction, you shouldn't be
9 discussing the case one with another or with anyone else,
10 for that matter, when you're back in your jury room or
11 elsewhere.

12 I know that you're going to have curious family
13 members and perhaps business associates. We'll take a
14 lunch break in a few moments and you may assemble with
15 your fellow jurors and get to know one another. You may
16 want to meet a friend or a family member downtown. And
17 they know you're going to have jury service; did you get
18 picked, what's the case about? Oh, let me tell you what
19 I know about that, and those kind of things. That would
20 be improper for you to be talking to anyone about the
21 case, ladies and gentlemen, while it's in progress.
22 You're going to have ample opportunity when this case is
23 concluded to share your experiences with your family and
24 your friends and your loved one. But while it's in
25 progress is not the time to be doing that. You're making

1 a high commitment to these parties in the selection
2 process and later as the trial begins, to decide what the
3 evidence shows you from what takes place in this
4 courtroom and not from any extraneous matters that you
5 hear outside or -- I don't know if there will be any news
6 media about this on the six o'clock news or the seven
7 o'clock news or the eleven o'clock new. But if there
8 were to be any news reports of the trial being in
9 progress, you should just not listen to those or watch
10 those. Let your family tape that. Or the same with the
11 newspaper; just don't read it until after the case is
12 over. You're making a high commitment to these parties
13 and they expect you to fulfill that commitment.

14 When you're out eating, you may be in a booth or a
15 table and there might be someone in an adjoining table
16 talking about the case innocently. You let that person
17 know that you're a juror and you can't be listening to
18 that. Or just take the initiative yourself to move to a
19 different booth and make sure that the process we're in,
20 that we maintain the purity of that process, because of
21 the high commitment that you're making to these parties
22 to try the case from the evidence that's presented here
23 and nowhere else.

24 I can't imagine this happening, but sometimes
25 someone may try to contact you or call you or want to

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1 give you information or ask you questions. If that were
2 to happen, please explain to that person that you can't
3 be talking about this case. If that individual persists
4 in doing that, please excuse yourself as soon as
5 possible, get the name of that person, if possible,
6 report it back to me and I can assure you I'll take care
7 of that. I don't anticipate anything like that
8 happening. I want to make sure, though, that you
9 understand the importance of the process that we're now
10 in, you maintaining that purity, that you aren't
11 influence by any other source.

12 We now have arrived at a very high information age
13 and technology and there's lots of social media out there
14 for you to communicate with your so-called friends out
15 there in cyberspace through social media. Our Chief
16 Justice of our Supreme Court in South Carolina has issued
17 an order that's applicable to all jurors who have been
18 empaneled such as you, is to be related to you from the
19 Chief Justice by a trial judge such as I. And that order
20 says that you're not to do any kind of independent
21 research to check on the internet and archives or go to
22 the library and look up words or whatever, or to share
23 the process of this trial with any of your friends
24 through social media or otherwise. That would be
25 improper. That would be against the order of the Chief

1 Justice. Again, you're going to have an opportunity to
2 share your experiences and what this trial is about with
3 your friends and your loved one, but while the trial is
4 in progress is not the time to do that. You can do that
5 when the trial is concluded. It's a high commitment
6 you're making to be the judge of the facts, and I'm sure
7 the parties appreciate that. And the legal process
8 appreciates that, that we have good jurors who make those
9 decisions about a case from what takes place here in the
10 courtroom and nowhere else.

11 As we come and go in the hallway and the elevator,
12 you may see these attorneys and they may seem a little
13 distant toward you or unfriendly or high-hat you in
14 anyway and walk another way. Please don't hold that
15 against the attorneys or against their clients. That's
16 their training. They want to make sure that there's no
17 appearance of any impropriety. Even though they may be
18 talking with you in the hallway about the weather or any
19 other innocent matter, they don't want it to be perceived
20 as an improper communication with a juror. So if you
21 were to see them and they're not as friendly as you think
22 they ought to be, you surely shouldn't hold that against
23 them or their attorneys. Again, that's the way they're
24 trained, to avoid any contact with jurors while the court
25 week is going on.

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1 You're making a commitment to do justice to both
2 sides. It makes me proud that you've assumed this
3 responsibility and I look forward to working with you in
4 this case, ladies and gentlemen.

5 Normally we take a lunch break around one o'clock
6 and be ready to start back at two, two fifteen. But
7 rather than hampering these attorneys with an opening
8 statement or having a witness and having to break after
9 just a few minutes, we're going to take a little earlier
10 lunch today. We'll try to get matters taken care of
11 here. There are already exhibits and so forth marked so
12 that when the trial actually starts, it can go along in
13 an expedient manner. I'm going to let you go now. If
14 you'll go with Mr. Ford, he'll show you where your jury
15 room will be where you are to report back. We'll be
16 ready to start at two o'clock. We'll have these matters
17 out of the way and hopefully be ready for the opening
18 statements at that time, ladies and gentlemen.

19 Have a good lunch. I'll see you back at two
20 o'clock, if you'll go with Mr. Ford now.

21 (WHEREUPON, the jury exited the open court at
22 approximately 12:27 p.m.)

23 THE COURT: All right. We'll be at ease till
24 two o'clock. See you back then.

25 MS. MUNSON: Thank you, Your Honor.

1 (WHEREUPON, the court stood at recess for a lunch
2 break.)

3 THE COURT: Okay. Ready to proceed?

4 MS. MUNSON: State's ready, Your Honor.

5 THE COURT: If the jury's ready you can have
6 them come in, please.

7 MS. MANIGAULT: Sorry, Your Honor.

8 THE COURT: Does the state have a position
9 about that? The jury hasn't been sworn yet. We can talk
10 about that ---

11 MS. MUNSON: He always come, Your Honor. I
12 don't have a valid reason to ---

13 THE COURT: We'll talk about it during the day
14 when we break next time. The jury's coming in.

15 MS. MANIGAULT: Your Honor, the only thing I
16 was going to -- I don't know where Officer Bradford is
17 going to be, and I told Ms. Munson I was going to ask the
18 court if I could proffer that testimony from the 2006
19 incident so I can see what she's trying to elicit.

20 MS. MUNSON: He's here.

21 THE COURT: Didn't we talk a little about that?

22 MS. MANIGAULT: Yeah.

23 THE COURT: Didn't she basically say that, what
24 she said he was going to say ---

25 MS. MUNSON: He didn't make an arrest.

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1 THE COURT: He did an investigation and ---

2 MS. MUNSON: The dates, where it allegedly
3 happened, and that's pretty much it. I mean, what he did
4 with regard to the child and all that kind of stuff.

5 THE COURT: Do you need to have a proffer on
6 that? If he gets astray, we can take that legal matter
7 up ---

8 MS. MUNSON: If there's something in particular
9 that you don't want him to say, I can tell him that, not
10 to say it.

11 MS. MANIGAULT: And Ms. Munson did not object
12 to my client staying on bond -- out on bond.

13 MS. MUNSON: Right.

14 THE COURT: We'll take that up later.

15 MS. MANIGAULT: Yes, sir.

16 (WHEREUPON, the jury entered the open court at
17 approximately 2:08 p.m.)

18 THE COURT: All right. Ladies and gentlemen,
19 we're now ready to start the trial of the case. In just
20 a few moments the attorneys will give an opening
21 statement to you. Let me remind you, what the lawyers
22 have to say to you is not evidence. The evidence is
23 going to come from the witness stand and any tangible
24 evidence that may be admitted into evidence. But while
25 this is not evidence, I urge you to listen carefully as

1 each attorney addresses you. I'm confident that each of
2 them can give you some valuable insights to help you as
3 the case develops to knowing what you need to be alerted
4 to.

5 Before the attorneys make their opening statement to
6 you, I'm going to have the clerk administer an oath to
7 you. I hope you'll listen carefully as this oath is
8 given to you. It's a time-honored oath that's been in
9 existence since well before the foundation of our country
10 here in America. Oaths similar to this were taken by
11 citizens in England and common law states of Europe and
12 certainly throughout America, maybe even today, maybe
13 simultaneously a jury is taking a similar oath to perform
14 the task that you're taking now to be the fact-finders
15 and triers of the facts. After the oath is administered
16 to you, listen carefully as the attorneys address you in
17 their opening statements.

18 Ms. Troup.

19 THE CLERK: Please stand and raise your right
20 hand for the oath in this case and the proper response is
21 I will.

22 You shall well and truly try the case 2012-GS-23-
23 7385, the State versus Millanyo Antonio Woody, indicted
24 for lewd act upon a child, and 7386A for criminal sexual
25 conduct with a minor in the second degree, and a true

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Opening Statement by Ms. Munson

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1 verdict render according to the law and the evidence, so

2 help you God. I will?

3 THE JURORS: I will.

4 (WHEREUPON, the jury was duly sworn.)

5 THE CLERK: Thank you. Please be seated.

6 THE COURT: Madam Solicitor, you may address
7 the jury in your opening statement.

8 MS. MUNSON: May it please the court. Ms.
9 Manigault.

10 OPENING STATEMENT

11 BY MS. MUNSON:

12 What's the proper way for a young girl, seven,
13 eight, nine years old, to learn about the natural, normal
14 sexual things that go on between a man and a woman?
15 Evidence in this case will show that part of the
16 information that Minor got about these matters
17 came from this defendant, Millanyo Woody, who was her
18 stepfather at one time. And the evidence will show that
19 he didn't explain these things to Minor by
20 showing her an appropriate video or having a private
21 conversation with her or sending her to a class. He
22 introduced her to those things by doing them to her, at
23 eight years old. Touching her vagina in the shower. All
24 the way up to actually causing a physical injury that Dr.
25 Nancy Henderson will talk to you about tomorrow morning.

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Opening Statement by Ms. Manigault

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1 Now, at the close of this case, I'm going to ask you
2 to find the defendant guilty of both charges, of lewd act
3 on a minor and of criminal sexual conduct with a minor in
4 the second degree. In order to do that, each and every
5 one of you has to be firmly convinced that he's guilty of
6 each element of the offenses.

7 Now, you might have some idea in your head right now
8 what you think lewd act on a minor is, or what is
9 criminal sexual conduct with a minor. The only
10 definitions that matter in this courtroom are the ones
11 that Judge Welmaker is going to give you at the close of
12 the case. And at the close of the case, you will be
13 convinced that he is guilty of both offenses.

14 Ms. Manigault and I are likely going to disagree on
15 a lot of things during the course of this trial. We both
16 agreed on y'all. We both know that you're going to
17 listen closely, deliberate carefully, and render a
18 verdict that speaks the truth.

19 Thank you for your time.

20 THE COURT: Ms. Manigault.

21 MS. MANIGAULT: Please the court, Your Honor.

22 Ms. Munson.

23 **OPENING STATEMENT**

24 **BY MS. MANIGAULT:**

25 Ladies and gentlemen, I'm Dorothy Manigault, an

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Opening Statement by Ms. Manigault

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1 attorney in Greenville County. Ms. Munson has told you
2 that -- and the judge has intimated to you that you are
3 the trier of the facts. You listen to the evidence
4 that's presented in court and when you -- if the case
5 reaches you, then when you go back to your jury room to
6 deliberate, you decide what you believe the facts are
7 from what has been presented to you. There may be some
8 points that are not touched that you have questions about
9 when you start deliberating. Well, if they are points
10 then you have to use what you heard already. We can't
11 come back and redo anything, so that's why we ask you to
12 listen very closely.

13 Now, the judge will give you the law at the end of
14 the case on the lewd act with a minor and criminal sexual
15 conduct with a minor second degree. You will apply that
16 law to the facts that you heard in this case.

17 Now, Ms. Munson has told you that Dr. Henderson will
18 testify that Minor had a tear or injury. The question
19 is, who, how? My client has entered a plea of not guilty
20 in this charge. The judge will instruct you on the
21 premise and principals of law, that an individual comes
22 to court presumed innocent until that presumption of
23 innocence, like a robe or a trench coat, such as a robe
24 of righteousness, is removed totally from a person. You
25 can't unbutton the trench coat and have it hanging off.

1 Or you can't unbutton the robe and have it hanging -- a
2 sleeve hanging off. You have to totally remove that
3 cloak of innocence. It is the burden of the state of
4 South Carolina through Ms. Munson of the Greenville
5 County Solicitor's Office to present evidence to you that
6 will prove beyond a reasonable doubt, not premise, not
7 guess, not inference. The judge will charge you at the
8 end and I'll make a statement about a portion of the law
9 that he will charge you at the end. But that burden of
10 proof is on the state of South Carolina. They must prove
11 beyond a reasonable doubt that my client did, in fact, do
12 what he is accused of doing.

13 When a person is charged -- when a person is
14 arrested, they have an arrest warrant. To get into
15 general sessions court, your honor read to you this
16 morning, the indictments. These are just charging
17 instruments. They are just paperwork. They can't -- a
18 person can't get to court without those instruments,
19 those documents. They're not evidence. The evidence is
20 whatever is presented to you through testimony, through
21 exhibits or however the state wishes to proceed. The
22 defendant has no burden of proof to prove that he's
23 innocent. That's already presumed, he's innocent.

24 So I'm asking you to listen to the testimony in this
25 case, ask yourself questions while you're listening to

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1 the testimony, what about this, what about that, they
2 didn't say anything about that. Just ask yourself --
3 just continue to listen and weigh what you're hearing as
4 you're listening. And we believe, and we present to you
5 and submit to you, that at the end of the case that you
6 will come back with a verdict that does speak the truth,
7 and that truth will be not guilty on both charges.

8 Thank you.

9 THE COURT: Solicitor, you may call your first
10 witness.

11 MS. MUNSON: Thank you, Your Honor. The state
12 calls Minor

13 THE CLERK: Ma'am, please come forward. Stop
14 at the end of the bench here. Please place your left
15 hand on the bible and raise your right hand.

16 You do solemnly swear or affirm to tell the truth,
17 the whole truth and nothing but the truth, so help you
18 God?

19 THE WITNESS: I swear to tell the truth.

20 THE CLERK: Please be seated. Please state
21 your name for the record.

22 THE WITNESS: My name is Minor

23 Minor

24 BEING DULY SWORN, TESTIFIED AS FOLLOWS:

25 DIRECT EXAMINATION

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1 BY MS. MUNSON:

2 Q. Okay. Minor I'm going to ask you to keep your
3 voice up. Okay?

4 A. Okay.

5 Q. How old are you?

6 A. I'm fifteen.

7 Q. Where do you go to school?

8 A. [REDACTED] School.

9 Q. And what grade are you in?

10 A. Tenth.

11 Q. Do you have a favorite subject?

12 A. Yes. It's math.

13 Q. Math?

14 A. Uh-huh (affirmative).

15 Q. Yikes. Do you do anything other than just -- do you
16 have any extracurricular activities?

17 A. Like sports and stuff?

18 Q. Sure.

19 A. Yes. I do cheerleading, basketball and track.

20 Q. Okay. What kind of things did you do over the
21 summer?

22 A. I did like a repertory thing, whatever. Really over
23 this last past summer, I really didn't do a lot.

24 Q. Okay. All right.. Now, where do you live now?

25 A. I live with Aunt Jamaica Griggs.

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- 1 Q. Jamaica Griggs?
- 2 A. Uh-huh (affirmative).
- 3 Q. Okay. I know I'm getting older. You're going to
- 4 have to keep your voice up just a little more.
- 5 A. Okay.
- 6 Q. And who lives there with you and your Aunt Jamaica?
- 7 A. Her daughter, Teresa Griggs, and her husband,
- 8 Quinton Largent.
- 9 Q. Okay. Anybody else live there?
- 10 A. No, ma'am.
- 11 Q. Do you have any brothers?
- 12 A. Yes. I have two brothers.
- 13 Q. And what are their names?
- 14 A. JaTwan P. and Millanyo W.
- 15 Q. Okay. JaTwan is how old?
- 16 A. Thirteen.
- 17 Q. And your youngest brother, does he have a nickname
- 18 that you call him?
- 19 A. Yeah. I call him M.J.
- 20 Q. M.J. And how old is he?
- 21 A. He is ten.
- 22 Q. Now, and who's your mother?
- 23 A. Tawanda Woody.
- 24 Q. All right. And she's the mother of your two
- 25 brothers?

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- 1 A. Yes, ma'am.
- 2 Q. Do you have any sisters?
- 3 A. Yes. I have one sister, from my dad's side.
- 4 Q. On your dad's side?
- 5 A. Uh-huh (affirmative).
- 6 Q. Now, do you have much contact with your biological
- 7 father?
- 8 A. Yes. I have a lot of contact with my biological
- 9 father, now I do.
- 10 Q. Now you do?
- 11 A. Uh-huh (affirmative).
- 12 Q. Wasn't always that way?
- 13 A. No, it was not.
- 14 Q. How come?
- 15 A. He was in jail for like ten years of my life.
- 16 Before I didn't know him, so I just recently met him when
- 17 he got out of prison.
- 18 Q. Okay. Now, JaTwan's father, do you know him?
- 19 A. I know -- I've seen him before, I know him, but not
- 20 like -- I just don't really know him like that.
- 21 Q. Okay. Any contact with JaTwan's father's family?
- 22 A. No.
- 23 Q. All right. Now, let's talk about M.J. Who is his
- 24 father?
- 25 A. Millanyo Woody. Millanyo Antonio Woody.

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- 1 Q. Okay. I'm sorry?
- 2 A. Millanyo Antonio Woody.
- 3 Q. Okay. And who is that? Is he in the courtroom?
- 4 A. Yes, ma'am. He's in the black shirt with the
- 5 glasses.
- 6 Q. Okay. Now, do you have much contact -- or did you
- 7 have much contact with the defendant's family?
- 8 A. Yes, I did.
- 9 Q. What kind of contact did you have with the
- 10 defendant's family?
- 11 A. Like they were my real family. Like my mom was
- 12 married to him, so I thought that was my father. So like
- 13 that's my family. His mom was my grandma. His children
- 14 was considered my brothers and sisters. We were all like
- 15 a really big family. That was my family.
- 16 Q. All right. Did you get along -- well, how did you
- 17 get along with the defendant?
- 18 A. Very well. He was like -- that was my daddy, you
- 19 know. My mom told me that was my daddy, so you know, I
- 20 think that's my daddy. I loved Antonio. I loved him a
- 21 lot. I treated him just as well, because at the time I
- 22 was small. I was little, so you know, I didn't know -- I
- 23 didn't know to treat him in a bad way at all. That was
- 24 like my father.
- 25 Q. Well, about how old were you whenever the defendant

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1 married your mom?

2 A. I don't even remember. I was young. I think I was
3 probably about six. I'm not for sure. I was young. I
4 would say elementary school, like in the first grade, I
5 think, first or 5K, one of those.

6 Q. Okay. And whenever the defendant married your mom,
7 who all -- first of all, did you live with the defendant
8 and your mom?

9 A. Yes, I lived with them.

10 Q. And who else lived with you?

11 A. My other younger brother JaTwan lived with us. None
12 of his kids didn't live with us until later on in life.
13 But when we first became a family, it was just me and my
14 younger brother, because my other little brother M.J.
15 wasn't born yet.

16 Q.. Okay. So were your parents -- was the defendant and
17 your mom living together whenever M.J. was born?

18 A. Yes, they were.

19 Q. And where were y'all living back then?

20 A. When M.J. was born?

21 Q. Yes, ma'am.

22 A. We were living in Westview Homes.

23 Q. Okay. And where is that? In what city?

24 A. Greenville, South Carolina.

25 Q. Okay. How did you get along with the defendant even

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1 after M.J. was born?

2 A. I still got along really well with him. Matter of
3 fact like I guess you would say when his kids came
4 around, he never mistreated me none. He was still like
5 there, you know. Actually he treated me better -- I
6 thought he treated me better than he treated his other
7 kids.

8 Q. Okay. And at some point did things change between
9 you and the defendant?

10 A. Yes.

11 Q. Now, where were you living when things changed
12 between you and the defendant?

13 A. I was living with my Aunt Jamaica Griggs.

14 Q. Okay. So you were living with her before you had a
15 problem with the defendant?

16 A. No. I was living with her after I had the problem
17 with the defendant.

18 Q. Okay. Now, what is it that happened that caused a
19 problem between you and the defendant?

20 A. Are you talking about the first time he assault me,
21 the first time he like physically touched me?

22 Q. Okay. Let's talk about that. How old were you,
23 first of all?

24 A. I was eight years old.

25 Q. And where did this happen?

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1 A. This happened in Westview Homes in the bathroom, in
2 the shower. I was in the shower whenever he came in and
3 he touched my private part.

4 Q. All right. Now, I'm sorry to do this, Minor But
5 what do you mean when you say he touched your private
6 part?

7 A. My vagina.

8 Q. Did you have any clothes on?

9 A. No. I was in the shower like completely naked.

10 Q. Okay. Had he ever come into the bathroom before
11 when you were in the shower?

12 A. No. No, ma'am

13 Q. Okay. When you were little do you remember any --
14 do you remember the defendant bathing you?

15 A. No. I don't remember -- I wasn't that young where
16 he came in where he could bathe me. I mean, I wasn't
17 that young.

18 Q. Okay. When he touched your vagina, were you
19 actually in the stall or in the shower?

20 A. Yes, ma'am. I was actually in the shower.

21 Q. Okay. What did he say to you when he was doing
22 that, if anything?

23 A. I don't remember him saying anything to me.

24 Q. Okay. And he just touched you there?

25 A. Yes. He just like came and touched me like. He

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- 1 came in there and physically touched my private part like
2 with him, you know.
- 3 Q. Did he move his hand at all?
- 4 A. Yes, ma'am.
- 5 Q. In any kind of direction?
- 6 A. I guess just horizontal and vertical.
- 7 Q. Okay. Minor we're making a record here, so I
8 have to ask you. You just now held up two fingers and
9 pointed them down?
- 10 A. Yeah, like on my private part going like this.
- 11 Q. Going up and down like that?
- 12 A. Yes, ma'am.
- 13 Q. Now, when he did that, what did it feel like?
- 14 A. I don't really know what it feels like. I mean, I
15 know what it feels like, but at the time I wasn't
16 thinking because I was so young. So I'm not really using
17 my brain to know that's not right until I went to school
18 in a couple of days.
- 19 Q. How long -- the first time that he did this to you
20 in the shower, how long did he stay in there and touch
21 you?
- 22 A. Is it all right if I say I don't know how long it
23 was?
- 24 Q. It's always all right, as long as you're telling the
25 truth. You don't know?

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1 A. No, ma'am.

2 Q. Why did he stop or when did he stop?

3 A. He just stopped. I guess because I was done and
4 getting out of the shower, so I knew he would stop and
5 then I came out of the shower.

6 Q. Okay. And how many times did something like that
7 happen before you told somebody?

8 A. It happened a couple of times. No, I'm not for sure
9 for how many times, but I know it happened a couple of
10 times. And when I went to school one day, you know, we
11 have these -- we have like people come in to tell you
12 about safety rules, like safety stuff. Like if
13 somebody's doing this to you, you're supposed to tell
14 your mom. And I remember one day I was on the couch and
15 I was sitting on Antonio's lap or whatever, and he told
16 me not to tell my mom. So it brought me back to that
17 moment when that man told me, he said, if somebody says
18 don't tell your mom, that's when you're supposed to tell
19 because it's something not right. So right after that
20 happened I went to go tell my guidance counselor and she
21 handled it from there.

22 Q. Okay. Now, other than telling you not to tell your
23 mother, did he do anything else?

24 A. What you -- I'm not understanding.

25 Q. Did he give you anything or ask you anything?

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1 A. Every time it was always over -- whatever he was
2 doing, when he was doing it and every time it was over he
3 would give me money or he would buy me things. Like if I
4 asked for anything he would get it for me. Like it don't
5 matter what it is, he's going to get it for me. I got
6 everything in the world. I was like spoiled rotten. I
7 got everything in the world.

8 Q. Okay. How long would you estimate that -- how long
9 did it go on, him touching you this way, before you told
10 a grown-up at school?

11 A. I don't even -- I don't know.

12 Q. Okay. That's fine. And when you told your
13 counselor at school, what was the next thing that
14 happened?

15 A. I got off the bus from school, because I rode the
16 bus, and I got off the bus and it was polices -- well, my
17 mom -- well, let me go back. I come in the house and my
18 mom's on the phone. And like I guess she's crying and
19 stuff. And she's like, what did you say, what did you
20 do? And I'm like ---

21 MS. MANIGAULT: Your Honor, I'm going to object
22 to anything of what anybody else said in her testimony.

23 THE COURT: Okay.

24 MS. MUNSON: That's okay, Minor Just don't
25 say what anybody else said.

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1 Q. So you came home and your mom was crying?

2 A. Uh-huh (affirmative).

3 Q. And then what happened?

4 A. Then the police came to the house or whatever, and
5 my aunt, Jamaica Griggs, he came over there to come and
6 remove me from the house because I guess I had to leave.
7 I guess I had to leave so they come over to the house.

8 Q. Now, the house where the police came to, is that the
9 same house where the defendant was touching you?

10 A. Yes, it is.

11 Q. Okay. And you left with your aunt that day?

12 A. Yes. I left with my aunt that day.

13 Q. All right. Now, after you left with your aunt back
14 when you were eight years old, did you ever have anymore
15 contact with the defendant or his family?

16 A. Yes, I did.

17 Q. Well, explain to the jury about that. When would
18 you see him?

19 A. I would see him at his mother's house. That's the
20 person I called my grandma. I would see him at his
21 mother's house all the time. I would go over there
22 because it was still like nothing, it was still like
23 nothing had ever happened. That's what it seemed like,
24 because I would still go over there and it wouldn't be no
25 problem or whatever. And him abusing me -- he was still

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1 abusing me while I was over there.

2 Q. At his mother's house?

3 A. Yes.

4 Q. And you might not know the address, but where was
5 that?

6 A. I don't know, I don't know the address. It was
7 somewhere off -- it seemed like it was off in the
8 country; that's what it seemed like. But I don't know
9 where it was at.

10 Q. Okay. Was it still in South Carolina?

11 A. Yes. It was still in South Carolina.

12 Q. Was it still in Greenville?

13 A. I'm not for sure. I know it was in South Carolina.

14 Q. That's fine. Now, why were you going over to his
15 mother's house?

16 A. I was just going over there because I still
17 considered that my family, you know, so I was still going
18 over there. And his kids, I still considered my brothers
19 and sister, I wanted to see them because they were my
20 family. So I wanted to go over there to see them, still.

21 Q. Okay. And how would you get from your house -- or
22 how would you get from your aunt's, your Aunt Griggs'
23 house, to the defendant's mother's house? How would you
24 get over there?

25 A. Sometimes the defendant, Antonio, he would come and

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1 pick me up from over there. Or my mama would bring me
2 over there.

3 Q. Okay. When you would go over to the defendant's
4 mother's house was there anybody with you, any of your
5 brothers or anybody with you?

6 A. Yes. My brothers were with me because they're going
7 over there, too, because they didn't live with him. They
8 didn't live with him, so they would go over there with
9 me, too.

10 Q. Okay. And how were you treated when you were at the
11 defendant's mother's house?

12 A. I was treated the same, well. I was treated very
13 good. Nothing changed. Nothing hadn't changed.

14 Q. Okay. And as far as the touching, did that
15 continue?

16 A. Yes, that continued.

17 Q. Did the touching change at all?

18 A. Yes. That's when, that's when he was doing a little
19 bit more than just touching me.

20 Q. Okay. What do you mean when you say he was doing a
21 little bit more?

22 A. His mouth was coming on to my private parts.

23 Q. Okay.

24 A. And his fingers were going inside me.

25 Q. Okay. And when he would put his mouth on your

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- 1 private part and his fingers inside you, did you have
- 2 your clothing on or off?
- 3 A. Had my clothing off.
- 4 Q. And what about him?
- 5 A. He had his clothes on.
- 6 Q. Where would this happen?
- 7 A. This would happen at his mom's house in like the
- 8 bedroom, I guess you would call it the den, but it was
- 9 like a back room, like a -- it was like a trailer, so it
- 10 was like a kitchen here, you come in the front door,
- 11 here's the kitchen and then back here is like set off,
- 12 like a little room, with a TV and some couches right
- 13 there.
- 14 Q. Okay. Was anybody else home while he was doing
- 15 these things to you?
- 16 A. Yes. Everybody else was home. They were asleep.
- 17 Q. Okay. So what time of the day or night would this
- 18 take place?
- 19 A. Like late, real late at night when people's supposed
- 20 to be sleeping. Like late at night. I would say like
- 21 three to four in the morning, maybe. It's around times
- 22 when people are supposed to be asleep.
- 23 Q. Okay. And were you sleeping in the room where he
- 24 would do these things to you?
- 25 A. No, I wasn't sleeping in the room.

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1 Q. Okay. How would you get to the room in his mother's
2 house where he would do these things to you?

3 A. Sometimes he would pick me up and bring me in there.
4 Or sometimes he would wake me up and bring me in there.

5 Q. Okay. By the time that he has started putting his
6 mouth on your private part and his fingers inside of you,
7 how old are you now?

8 A. I think I'm about nine and ten, maybe. Right about
9 nine and ten.

10 Q. Okay. And did this ever happen anywhere other than
11 his mother's house?

12 A. The second incident when I reported to my uncle, it
13 happened at my mama's house.

14 Q. Okay. Now, still back at his mother's house, did
15 things get even worse than him putting his mouth on your
16 private part and his fingers inside of you?

17 A. No, ma'am. I just seen his private part.

18 Q. You saw it?

19 A. Yeah. I visualized his private part.

20 Q. Okay. And how did that happen?

21 A. He would pull down his pants and show me.

22 Q. And just show it to you? Did anything else happen?

23 A. And he was rubbing his penis on my private part. He
24 wouldn't penetrate it any. He would rub it on top of my
25 private part.

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1 Q. Okay. Now, when he would put his fingers inside of
2 you, was it -- how did it feel physically?

3 A. It kind of hurted a little bit, but I didn't say
4 anything.

5 Q. Okay. Did you ever notice any change in your body
6 after he had penetrated you?

7 A. No, ma'am.

8 Q. You didn't see -- or did anything come out of you?

9 A. No. Nothing came out of me. Just like from I
10 guess, from him abusing me, I got my period at nine years
11 old. And I guess that's young to get your period. I got
12 my period at nine years old. So I guess that's about it,
13 I just got my period.

14 Q. Okay. Now, then you were talking about an incident
15 that happened back at your mother's house?

16 A. Uh-huh (affirmative).

17 Q. Now, was this a different house than where this all
18 began?

19 A. Yeah, this is a different house.

20 Q. And before I ask you about that, let me ask you
21 this, Minor This whole time has your mother worked?

22 A. Yes. My mama always worked third shift. That's at
23 nighttime.

24 Q. Okay. And is she still working at the same place
25 now that she was back when you were eight years old and

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1 this first happened?

2 A. No, ma'am, she has a different job.

3 Q. Okay. But what shift did she work back ---

4 A. She worked -- well, now she -- she still worked
5 third shift, but she's been working third shift all my
6 life, basically, she's been working third shift.

7 Q. Even back when this first started?

8 A. Yes. Even back when this first started.

9 Q. Okay. Now, the incident that took place at your
10 mother's different home, who was living there at the
11 time?

12 A. My mama, my two little brothers and her boyfriend.

13 Q. Okay. Her boyfriend ---

14 A. When he -- this incident happened, her boyfriend was
15 in jail. His name is Clifford Mobley. He was in jail
16 when this happened.

17 Q. So your mother had a boyfriend while she was married
18 to the defendant?

19 A. Yes, ma'am. He wasn't -- I guess they were
20 separated, but they weren't together -- they wasn't
21 together then.

22 Q. Okay. Were they together when this all first
23 started?

24 A. Yes, they were together.

25 Q. And at what point did this other fellow come into

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1 your mother's life?

2 A. They were still together after the incident happened
3 the first time, they were actually still together.

4 Q. Okay.

5 A. And then I guess probably like a year later, they
6 separated and then my mama got a new boyfriend.

7 Q. Okay. Now, let's talk about this other incident.

8 And this was at your mother's other house?

9 A. Yes, ma'am.

10 Q. Do you know -- you don't happen to know where?

11 A. It was on Old Buncombe Road.

12 Q. Okay. And what time did this happen?

13 A. This happened over in the morning, like around five
14 something in the morning.

15 Q. Okay. Who was at home with you?

16 A. When this incident happened?

17 Q. Yes.

18 A. My two little brothers.

19 Q. Okay. And how did you know that something was about
20 to happen?

21 A. I was asleep in my mom's room. My two little
22 brothers were in their room. And the phone kept ringing.
23 I was asleep, but you know, you can hear stuff. I just
24 kept hearing the phone, but I just didn't answer the
25 phone. And then I heard knocking on the door or

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1 whatever. And I just kept hearing a knock on the door.
2 So you come out of my mama's room, it's like a wall right
3 there where you can, you can see out of the front of the
4 -- you can see the front door, but if you hide you
5 wouldn't be able to see them and they can't see you. So
6 I looked out and I seen and it was Antonio. He was like,
7 hey, MoMo, come here, come to the door. So I -- before I
8 open the door, he said, your mama called me over here.
9 Your mama called me over here. So I felt like it was
10 okay to open the door because my mama told him to, so
11 that's what I'm thinking. So I opened the door and he
12 like comes in, whatever. He was like, your mama told me
13 to come over here to wake the boys up. So I walked back
14 to my mom's room and I shut the door. And I laid back in
15 the bed. And he's walking around the house or whatever.
16 I'm hearing footsteps. He's walking around the house.
17 So he comes to the door and he comes into my mom's door
18 or whatever, and I'm laying there, and then that's when
19 he pulled me close to the edge of the bed and whatever,
20 and he started touching on me. He started touching on me
21 and then pulling my pants down. He started touching on
22 me. He started pulling my pants down. And put his mouth
23 on my private part or whatever. And that's when he put
24 his penis inside of me or whatever. And I guess it
25 wouldn't go in so he stopped or whatever. And I pulled

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1 my pants back up. He left twenty dollars right there
2 beside me, or whatever. And he left out of the room.
3 And so my mama came -- I guess he woke my brothers up and
4 they headed for school, or whatever. And my mama came
5 home and I didn't tell my mama what happened or whatever,
6 because I mean, I just didn't tell her. But every time
7 he would give me money or something, I would leave it
8 around to give it to other people because I felt like a
9 prostitute, like you having sex with me like -- having
10 sex with me and giving me money for it. So I would leave
11 my money around so people would think they found it, or
12 whatever, so they would have it. Because I didn't want
13 it at all.

14 Q. Okay. After he did that and he left, do you know
15 why he left?

16 A. I think he left because he knew my mama was coming
17 home in the morning. That's why I think he left. Now
18 that I'm using my brain, I think he left because he knew
19 my mom was coming home in the morning.

20 Q. And that day did you tell anybody what had happened
21 to you?

22 A. No, I didn't tell anybody that day. It was a minute
23 before I even, even told or whatever. Because I started
24 lashing out. I started -- because it started getting to
25 me, I was angry, and it started getting to me, so I

1 started lashing out. But it was a minute before I even
2 told what was going on.

3 Q. Okay. When you say it was a minute before you told,
4 do you actually mean sixty seconds or ---

5 A. No, like a minute, I mean like a couple of times,
6 like months before I told.

7 Q. Okay. Now, were you living with your mother at the
8 time that this incident took place?

9 A. Yes, I was.

10 Q. Okay. And you live with your aunt now?

11 A. Yes, I do.

12 Q. Okay. When you say you were lashing out, what kind
13 of things were you doing? You were kind of cutting up;
14 weren't you?

15 A. Yes. I was cutting up. I was getting in trouble in
16 school. I kept getting in trouble in school. I was
17 getting suspended or whatever. And I was being
18 disrespectful to my uncle, whatever, and my mom. I was
19 doing all kind of bad stuff. I was just acting out.

20 Q. Okay. And at some point did you report what had
21 happened to you?

22 A. Yes, I did.

23 Q. To whom did you report this?

24 A. To my uncle.

25 Q. Okay. And what did he do after you reported it?

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1 A. He was sitting there, I guess he was just sitting
2 there. He was thinking. Because he was upset about it.
3 And he called, he called -- I don't know who he called,
4 but he called somebody and he reported it.

5 Q. Okay.

6 A. Because I think the only reason I told was because
7 he sat me down at the kitchen table and he was like, Mo,
8 what is wrong with you? Why are you acting out? Why are
9 you doing this?

10 MS. MANIGAULT: Your Honor, I'm going to object
11 again to anything anybody is saying to her that she's
12 repeating.

13 THE COURT: All right. I'll sustain the
14 objection to hearsay. She can certainly talk about her
15 reaction to the conversation with her uncle.

16 Q. So you were having a conversation with your uncle?

17 A. Uh-huh (affirmative).

18 Q. And the topic of the conversation was what?

19 A. Was what is going on with you? Why are you acting
20 out?

21 Q. Okay.

22 A. Why are you doing this?

23 Q. And then is that when you told him what had
24 happened?

25 A. Yeah. I told him what happened. I had broke down,

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1 I started crying, and I told him what happened.

2 Q. Okay. Now, do you remember -- let me ask you this.

3 Do you know how old you were when he actually forced
4 himself on you sexually, when he tried to put his penis
5 in your vagina?

6 A. I was -- I think I was eleven. Eleven years old.

7 Q. Was there any -- what physical feeling did you have
8 when he was trying to do that?

9 A. It was pain. It hurt. It was pain.

10 Q. Okay. Okay.

11 MS. MUNSON: Beg the court's indulgence.

12 Q. Now, Minor from the first time when you were
13 eight years old and the defendant started touching you,
14 up until the point where he actually tried to put his
15 penis in you, was there any time in there where he wasn't
16 sexually coming on to you?

17 A. No. It was -- it happened all the way up to when I
18 was eleven. I mean, up to I'm eleven years old, because
19 I was still seeing him or whatever. So I was still going
20 around him, so it was still happening. Until I
21 completely stopped going around him, that's when he
22 completely stopped.

23 Q. Okay.

24 MS. MUNSON: I have nothing further, Your
25 Honor.

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1 THE COURT: You may cross examine the witness,

2 Ms. Manigault.

3 CROSS EXAMINATION

4 BY MS. MANIGAULT:

5 Q. Is it Minor

6 A. It's Minor

7 Q. Minor Okay. You reported to your uncle -- his
8 name is Quinton?

9 A. Yes, ma'am.

10 Q. And you reported that in 2010 or 2011?

11 A. Can you use like ages, please, because I don't
12 really know like ---

13 Q. Okay. How old were you when you told your Uncle
14 Quinton?

15 A. Around eleven years old.

16 Q. You were eleven years old. So how old are you now?

17 A. I'm fifteen.

18 Q. So that was -- you're saying this all happened in
19 2009?

20 A. I'm confused.

21 Q. I'm just trying to find out when this was all
22 supposed to have happened. So let me ask you a question.
23 You reported it to your uncle, that's one person. Did
24 you report it to anybody else?

25 A. When I was eight years old. I reported it to my

1 guidance counselor when I was eight. The first incident,
2 I reported it to my guidance counselor.

3 Q. Okay. And you said that this happened when you were
4 on -- living in Westview?

5 A. The first incident?

6 Q. Yes.

7 A. Yes, ma'am.

8 Q. Okay. And who was living with you at Westview?

9 A. My mom, Antonio, my two little brothers.

10 Q. Okay. Did your Aunt Jamaica ever live there with
11 you at any time?

12 A. Yes. She lived there at one point in time, but she
13 moved out.

14 Q. Okay. Now, you testified earlier that you lived at
15 Westview for approximately three years; is that right?

16 A. I lived there about -- I'm not really for sure how
17 long I lived there, but I was there, I was there for a
18 few length of time with my -- with Antonio and my mama.

19 Q. Okay. You told Ms. Munson earlier that you lived
20 there for about three years. That's wrong?

21 A. I don't remember telling her that, but ...

22 Q. Okay. All right. And when you talked to your
23 uncle, did he take you to the police station?

24 A. No, he didn't.

25 Q. He didn't take you to the police department?

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- 1 A. No, he didn't.
- 2 Q. Did you ever go to the police department with your
3 mom or your aunt?
- 4 A. I went to a lady who I guess she was -- I don't know
5 what she was. I think she was a detective. I went to
6 her office and I had to tell her what happened, like a
7 lot of times.
- 8 Q. Okay.
- 9 A. But I don't think that was the police department, I
10 don't think so.
- 11 Q. Do you remember talking to Cheryl Cromartie, a
12 female?
- 13 A. She was -- I don't know them by name.
- 14 Q. Okay. An investigator?
- 15 A. Yes, I think. Yeah, it was an investigator.
- 16 Q. Okay. And how often did you say that Antonio messed
17 with you? The words you used, abused you. How often did
18 Antonio abuse you?
- 19 A. From when I was eight till I was eleven.
- 20 Q. And how many times would you say that was?
- 21 A. It was through -- it was all the time when I seen
22 him.
- 23 Q. And how often did you see him?
- 24 A. I seen him very often. I told the case worker that
25 I seen him a lot because I still considered him my

1 family, until the second time.

2 Q. All right. Even if -- after the first time you
3 testified that you were taken from your mom's home; is
4 that right?

5 A. The first time? Yes, I was taken from her.

6 Q. Okay. And you're telling the court that even after
7 you were -- the first accusation that you reported, you
8 were taken from your mom's home, that your mom and
9 whoever else was supervising you at the time would still
10 let you go around Antonio?

11 A. Yes. I still was going around Antonio.

12 Q. Okay. And how often did you go there?

13 A. I went over there a lot of times. I was still going
14 over to his house -- well, not his house, his mother's
15 house, seeing him over there.

16 Q. Okay. And would you say that was maybe two days a
17 week, three days a week?

18 A. I'm not for sure. Is that okay if I'm not for sure.

19 Q. Okay. Is it one day a week?

20 A. I'm not for sure.

21 Q. Okay. But you're for sure that you went over there
22 all the time?

23 A. Yes, ma'am.

24 Q. All right. Now, when you went to his mom's house,
25 who was at his mom's house?

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1 A. All of his kids, my two brothers, me, him, and her
2 husband and her.

3 Q. All right. And you testified earlier that the house
4 was a trailer?

5 A. Yeah, it was a trailer.

6 Q. Okay. So his mom lived in a trailer the entire time
7 that you were going over seeing Antonio?

8 A. That's what I believe. It looks like a trailer. I
9 believe it was a trailer.

10 Q. Okay. So she lived in the same spot; is the
11 question?

12 A. No. I don't think she lived in the same spot. She
13 done moved before, but that's what I'm remembering, that
14 she lived in a trailer.

15 Q. Okay. What I'm trying to get from you is this.
16 When you said that this happened at his mom's house, was
17 she living in the same spot all the time?

18 A. Can I call Ms. Judy Munson up?

19 Q. No, ma'am. You have to tell me what you remember.

20 A. I wanted to call her up to ask can I take a break.

21 THE COURT: You need to take a break now?

22 THE WITNESS: Yes, I do.

23 THE COURT: All right. We'll take a short
24 break so that you can refresh yourself.

25 Ladies and gentlemen, you go back to the jury room.

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1 Don't discuss the case at this time. We'll call you back
2 in just a few moments. Let me just mention to you,
3 sometimes when you're back there you may need a -- make a
4 call to check on a sick child. You may need a cup of
5 coffee. We need to have sort of a liaison. What I'm
6 going to do, I'm going to appoint Mr. Stucker as the
7 foreperson. He's sitting in the foreman's seat. He's
8 our liaison. If some of you have a need, you can just --
9 he can write it out for you, give it to the bailiff, and
10 we can take care of that need as best we can.

11 What his job ultimately is going to be as the
12 foreperson is facilitate the discussions that you have
13 one with another during the deliberations after all the
14 evidence is in. So for right now if you have any needs,
15 Mr. Foreman, if you would, write that out. You'll occupy
16 that seat. The alternate will occupy the seat she's in.
17 The rest of you, as you come and go, can sit on the front
18 row or the back row.

19 We'll take a short break and call you back in just a
20 few moments. Don't discuss the case while you're out.

21 Everyone else, please remain seated.

22 (WHEREUPON, the jury exited the open court at
23 approximately 2:55 p.m.)

24 THE COURT: All right. We'll take a short
25 break. You can step down and refresh yourself. Let me

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1 remind you, once you start your testimony, you're giving
2 sworn testimony, you can't talk with the solicitor or
3 anything about your testimony. You can certainly talk
4 about other things, but not about your testimony or any
5 of the evidence that's being offered. You can certainly
6 take a break and we'll allow you to refresh yourself now.

7 Let's take a short break. We'll call you back in
8 just a few moments.

9 (WHEREUPON, the court stood at recess for a short
10 break.)

11 (WHEREUPON, the jury entered the open court at
12 approximately 3:04 p.m.)

13 THE COURT: Ms. Manigault, you may continue
14 your examination of the witness.

15 MS. MANIGAULT: Thank you, Your Honor.

16 Q. Minor when we took a break, I was trying to get
17 from you where Antonio's mother lived when you were going
18 over to her house. And was she staying in the same
19 place?

20 A. I'm not for sure. I'm not for sure if she was
21 staying in the exact same place, but I know that it was a
22 trailer where -- when I was going over there it was a
23 trailer. I don't know because -- I don't know like her
24 address or if she moved or something. I just know it was
25 a trailer.

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1 Q. Okay. So each time you went to her house, it was a
2 trailer?

3 A. That's the way it looked, like a trailer.

4 Q. Okay. All right. And you said you were either
5 seven or eight?

6 A. I was eight.

7 Q. You were age eight?

8 A. The first incident?

9 Q. The first time you say something happened?

10 A. Yes.

11 Q. You were age eight?

12 A. Yes, ma'am.

13 Q. And for the next four years, you're saying that
14 something continuously happened with you with Antonio?

15 A. It couldn't be four years. From eight to eleven,
16 that's three.

17 Q. Okay. All right. So it was age eleven when it
18 stopped, you're saying?

19 A. Yes, ma'am.

20 Q. Now, where were you other than you're claiming
21 Antonio's mother's house. Where did something happen to
22 you otherwise?

23 A. The second incident? You're talking about the
24 second incident that was reported?

25 Q. Okay.

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- 1 A. Are you talking about that?
- 2 Q. That'll do. That's good.
- 3 A. It was at my mother's house.
- 4 Q. At your mother's house. And where was your mother
- 5 living at the time?
- 6 A. Old Buncombe Road.
- 7 Q. Okay. And was your mother married before she
- 8 married Antonio?
- 9 A. No. That was her first marriage, that I believe.
- 10 Q. It was her first marriage. All right. Did your
- 11 mother have a boyfriend before she had -- before Antonio
- 12 was her boyfriend?
- 13 A. Yeah. She had probably a couple of boyfriends
- 14 before she was with Antonio.
- 15 Q. Okay. So how old were you then, when she had those
- 16 boyfriends? Six, seven?
- 17 A. I don't know. I was young. I don't even have -- I
- 18 don't even remember who they are. I just know that she
- 19 had to have a boyfriend, because she has me and my other
- 20 brother. So I know she had to have other boyfriends. I
- 21 don't remember.
- 22 Q. How old is your other brother?
- 23 A. Thirteen. The one that's -- that she had before she
- 24 met Antonio? He's thirteen.
- 25 Q. Okay. And how old are you?

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1 A. I'm fifteen.

2 Q. Okay. Now, you remember talking to an investigator,
3 you said a woman?

4 A. Yeah, she was a woman.

5 Q. All right. And do you remember that you told her
6 that something happened over forty times?

7 A. Yes. I remember I told her -- I gave her -- she
8 told me to do it by an estimate, and I told her -- I
9 remember telling her a number. I'm not for sure exactly
10 that is the number, but I'm really for sure that I said a
11 number.

12 Q. Okay. You remember saying a number?

13 A. Yes, ma'am.

14 Q. And you remember saying forty?

15 A. No. I said I don't remember -- I remember giving a
16 number, but forty, I'm not remembering if I gave her
17 forty, but I'm remembering giving her a number. I do
18 remember giving her a number, because she asked me for an
19 estimate, to give me like an estimate.

20 Q. Okay. So if it was forty, would that have been
21 wrong, right, a guess maybe?

22 A. It could have been -- it was a guess because like we
23 talked about, I don't remember. I gave her an estimate.

24 Q. Okay. Now, you're saying it happened so many times
25 and you gave her an estimate and the estimate may have

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1 been forty, you can't remember. But you keep referring
2 to a first and a second incident.

3 A. I'm referring to that because the first incident was
4 -- those was the two incidents that were reported. The
5 other incidents wasn't reported. I didn't tell. The
6 first incident when I was eight, that was reported. I
7 can only go by the stuff that was reported. The other
8 incidents, they happened to me, but I never reported, I
9 never told anybody so they could report them.

10 Q. Okay. Now, do you remember telling Investigator
11 Cromartie that Antonio was not your stepfather, he wasn't
12 your father, he was just your mother's husband?

13 A. I never told her anything like that. I always told
14 her if anybody asks me, I don't care how mad I am, I
15 don't care how -- what the situation is, he was my
16 stepfather. Like I said, he was my father at that time.
17 I can tell anybody that.

18 Q. So if that was listed in the investigator's report,
19 that is wrong, that is incorrect?

20 A. Can you rephrase that again?

21 Q. If it was said that you said Antonio was not your
22 stepfather, he was not your father, he was only your
23 mother's husband. So if that was said, giving it to you,
24 that was wrong? Is that what you're telling us today?

25 A. Yes, it's wrong. I always said that he's my father

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1 to anybody. He was my father then, because that's what I
2 was going by.

3 Q. Okay. Do you remember giving a statement to
4 Investigator Cromartie?

5 A. Yes. She -- when I went in her office?

6 Q. Yes.

7 A. Yes.

8 Q. Do you remember signing a statement for her?

9 A. Yes, I did.

10 Q. I'm going to show you a copy of your statement to
11 see whether this is -- you can review it.

12 A. Am I allowed to read this?

13 Q. Yeah. You can take your time and read over it, to
14 yourself.

15 A. Oh.

16 Q. Uh-huh (affirmative). Have you had a chance to look
17 at it?

18 A. Yes, ma'am.

19 Q. Now, when your uncle was -- Uncle Quinton; right?

20 A. Yes.

21 Q. His last name is Largent?

22 A. Uh-huh (affirmative).

23 Q. When he was talking to you, he was talking to you
24 about you stealing somebody's camera; is that right?

25 A. Yeah, I was -- he was talking to me about a lot of

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1 things; like a lot of trouble that I was getting involved
2 in.

3 Q. Okay. And one of them included, you were accused of
4 stealing somebody's camera; is that right?

5 A. Yes, I was.

6 Q. From a friend?

7 A. No. I was accused of stealing a camera from one of
8 my -- have you ever heard of sister to sister and brother
9 to brother? It's a program.

10 Q. Yeah.

11 A. She was an adult, yes.

12 Q. But it was somebody you knew?

13 A. Yes.

14 Q. And when he was talking to you or fussing at you
15 about that, that's when you said -- that's when you told
16 him about Antonio?

17 A. Yes. He was -- but like I said, before he was
18 talking about multiple incidents I had done got into that
19 leading up to it, that was one of the -- but he was
20 talking about way more than that. He was talking about
21 all of that.

22 Q. Okay. And when he was talking about all of that and
23 he was, would you say, fussing at you?

24 A. Yeah. Like, you know, not really fussing, but, you
25 know, sitting down and talking to me trying to get

1 through to me, trying to make me, you know, tell him what
2 is going on with me.

3 Q. Okay. But when he was doing that he was talking
4 about multiple incidents. Were they all stealing or was
5 it something else?

6 A. It was -- not all of them was stealing. It was
7 other incidents, too.

8 Q. Was it school problems?

9 A. Yeah. It was school, like getting suspended,
10 talking back to the teacher. You know, just doing stuff
11 that I wasn't supposed to do.

12 Q. Okay. And that's when you told him about Antonio?

13 A. Yes.

14 Q. And you told him that Antonio had touched you; is
15 that right?

16 A. Yeah. He did it again.

17 Q. And he called somebody and reported it, you said?

18 A. Yeah. That's what I believe, he called somebody.

19 He didn't do it right in front of my face, but I know
20 what's whenever people started coming in the house and he
21 told me.

22 Q. Okay. Now, what happened the time you said you
23 reported it to the guidance counselor? Anything happen
24 then?

25 A. Nothing really happened then. All I know if I told

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1 and then I got removed from home. And they told me about
2 moving from the house right there at the spot. And
3 nothing really happened because he didn't go to jail.
4 Nothing happened, really. I just couldn't go like -- I
5 just couldn't go to my mom's house.

6 Q. Okay. So you couldn't go to your mom's house
7 because Antonio was there; is that right?

8 A. Yes, that's right.

9 Q. But you could go to Antonio's mama's house and
10 Antonio was still there?

11 A. Yes. I could go to Antonio's mama's house, but
12 Antonio wasn't living there, but he would come over
13 there. But he wasn't living there. So I could go over
14 there.

15 Q. Okay. And you spent the night over there?

16 A. Yes. Several times I spent the night over there.

17 Q. Okay. And so when you spent the night Antonio
18 wasn't living there, so you said -- I think you testified
19 earlier that this happened like two or three o'clock in
20 the morning when people were supposed to be sleeping?

21 A. He came -- he comes over at night. That's what I'm
22 saying. He comes over at night. That's what I'm saying.
23 Now, he doesn't live there, but his mom does and he comes
24 over at night. He can come to his mom's house anytime he
25 wants to because that's his mom. His mom let him do it.

1 But he came over in the night.

2 Q. But you remembering telling the investigator that he
3 would come over in the afternoon?

4 A. No.

5 Q. All right. So Antonio would come over at night and
6 this happened at night several times you're saying?

7 A. It would happen at night. I'm saying when I come
8 over there -- he comes over at night, it would happen.
9 That's what I'm saying.

10 Q. Right.

11 A. Uh-huh (affirmative).

12 Q. So I'm just trying to get from you, this happened
13 every time he came over?

14 A. Yes.

15 Q. And do you know how many times he came over at
16 night?

17 A. No. He came over there once, once at nighttime he
18 come over to do what he had to do. He could stay at his
19 mama's house and stay over and spent the night and he
20 leaves over in the morning.

21 Q. Okay. You say he came over there once. What do you
22 mean by that?

23 A. Like are you saying -- are you -- I'm confused on
24 how you're asking the question. I'm very confused. Are
25 you ---

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- 1 Q. Okay. Let me restate it. You said that Antonio
2 would come over at night?
3 A. Yes, ma'am.
4 Q. So are you saying that he comes over at two o'clock
5 in the morning?
6 A. No, he -- that two o'clock, twelve o'clock, yeah,
7 and that's at nighttime. That's when we're supposed to
8 be in the bed. My age, we're in the bed.
9 Q. Okay.
10 A. Yes.
11 Q. All right. So when he got over at twelve o'clock or
12 two o'clock, you would still be up?
13 A. No. No. I would not be up. I would be asleep.
14 Q. All right. And who would you be sleeping with? Who
15 would be in the room with you?
16 A. Well, really my sister Desiree.
17 Q. And how old was Desiree?
18 A. She's supposed to be like -- she's probably like
19 fourteen now. That's not blood sister. That's his
20 daughter, but she's like fourteen now, I think, fourteen
21 or thirteen. She's one of them. I know she's a year
22 behind me in school. So I think she's like in the ninth
23 grade. She's like fourteen.
24 Q. Okay. So Desiree would be at Antonio's mom's house
25 when you were there?

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1 A. Yes.

2 Q. And y'all would be sleeping in the same room?

3 A. Yes.

4 Q. Were your brothers sleeping in the same room?

5 A. My younger brothers, everybody -- basically we would
6 all sleep in the same room. It was a small house. We
7 didn't have like a big house. We all basically slept in
8 the same room.

9 Q. Okay. And how many beds was in that room?

10 A. It was a bunk bed.

11 Q. A bunk bed?

12 A. Uh-huh (affirmative).

13 Q. So there was a top level and a lower level?

14 A. Yes. And then there was a floor. Some people slept
15 on the -- sometimes they slept on the floor, but I slept
16 on the bed.

17 Q. Okay. Did you sleep on the top bunk or the lower
18 bunk?

19 A. I slept on the bottom bunk.

20 Q. Okay. And who would be sleeping on the floor?

21 A. Maybe Maurice might sleep on the floor. He's the
22 older brother. He's like -- I think he's nineteen. He's
23 out of school. He's been out of school like -- before I
24 even got to high school he was out of school.

25 Q. Okay. Maurice is your older brother or Antonio's

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- 1 son?
- 2 A. Antonio's son.
- 3 Q. Okay. So he was sleeping in the room with you, too?
- 4 A. Yeah.
- 5 Q. All right. Who was sleeping on the top bunk?
- 6 A. Well, my younger brothers.
- 7 Q. Okay. So the two younger brothers had the top bunk?
- 8 A. Uh-huh (affirmative).
- 9 Q. You and Desiree had the bottom bunk?
- 10 A. Yes.
- 11 Q. And maybe Maurice was on the floor?
- 12 A. Yeah. He would get on the floor.
- 13 Q. And that was every time you went to Antonio's mom's
- 14 house?
- 15 A. That's not every time, but that's most likely how
- 16 we're going to sleep.
- 17 Q. Okay. All right. So if that wasn't every time, who
- 18 else would be in the room with you when you're saying
- 19 that Antonio was supposed to have taken you out of the
- 20 room or picked you up?
- 21 A. That's when he was seeing another girl named India.
- 22 He was seeing her. She had a little boy. So he would
- 23 come over to his mom's house, too. So he would be in
- 24 there, too, because he was -- that's when my mom and him
- 25 would separate and I'd go over to his mama's house, he

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1 would come over there, too, the little boy. I forgot his
2 name. I think his name was Desmond.

3 Q. Okay. So there would be at least ---

4 A. There would be -- there was a lot of us.

5 Q. At least six of y'all in the room?

6 A. Desiree, me and all the brothers. Yes, about six of
7 us.

8 Q. About six of you in the room. And I believe you
9 testified earlier that Antonio would come in the room and
10 wake you up or he would pick you up and take you out of
11 the room?

12 A. Yes, ma'am.

13 Q. Okay. Now, if he woke you up out of your sleep, if
14 he didn't take you or pick you up, how did you get out of
15 the room over the guy on the floor?

16 A. Walk out.

17 Q. So did you have to crawl over him or anything?

18 A. I don't know. He's like -- if you really see -- if
19 you see the picture in my head, it's like the bunk beds
20 are along the wall, he's laying like this. So if I get
21 out of the bed, I can just step over him and he won't
22 feel nothing. That's how it was.

23 Q. Okay. But you had to step over him?

24 A. Yes.

25 Q. And the door -- to get to the door from where you

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- 1 were laying, you had to step over the body on the floor
- 2 to get to the door ---
- 3 A. Yes.
- 4 Q. --- to go out?
- 5 A. Uh-huh (affirmative).
- 6 Q. So to come into the room you said the bed was on the
- 7 wall and you're on the lower level?
- 8 A. Yes.
- 9 Q. And who slept in the front?
- 10 A. What do you mean like the front?
- 11 Q. Okay. You're in the bunk bed, two of you are
- 12 sleeping in the bed. Who's sleeping on the edge?
- 13 A. Me. I'm sleeping -- I'm not sleeping towards the
- 14 wall. Desiree is on the wall. I'm not on the wall.
- 15 Q. Okay. Now, so when you say that Antonio would come
- 16 into the room and pick you up, so Antonio would have to
- 17 step over -- what's his name on the floor?
- 18 A. Maurice.
- 19 Q. He would have to step over Maurice on the floor to
- 20 get to you and then pick you up and step back over
- 21 Maurice to get you out of the room. Is that what you're
- 22 saying?
- 23 A. Yes. That's what I'm saying.
- 24 Q. Okay. So at age eight you say you reported one
- 25 incident, but didn't tell about anything else?

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1 A. Yeah. I reported one incident. That's the shower
2 incident.

3 Q. Okay. Now, the shower incident, you were at ---

4 A. Westview Homes when they both -- when my mama and
5 Antonio were together.

6 Q. And was there anybody else at home when that was
7 supposed to have happened?

8 A. Yes.

9 Q. Okay. Who was there?

10 A. My two little brothers. They were -- it's an
11 upstairs and downstairs house. We were downstairs.
12 There's a shower downstairs. It was big -- it was a four
13 bedroom -- matter of fact, it was a four bedroom. It was
14 upstairs, my brothers was up there and I was downstairs.

15 Q. All right. And so the brothers are upstairs and
16 you're downstairs?

17 A. Uh-huh (affirmative).

18 Q. And when you got in the shower you were home by
19 yourself with the brothers or was Antonio already there?

20 A. Antonio was already there. He lived there with us.

21 Q. Okay. But he was there that day when you got out of
22 the shower?

23 A. Yes.

24 Q. And you're saying that he came in the shower and he
25 touched you on your vaginal area, your private parts, you

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1 said?

2 A. Yes, ma'am.

3 Q. Okay. That was incident number ...

4 A. That was incident number one when I was eight.

5 Q. Number one when you were eight. Okay. You saw this
6 statement. Do you remember telling Investigator

7 Cromartie that the abuse never stopped and it continued
8 until I was twelve years old. Do you remember that?

9 A. Yes. I remember.

10 Q. Okay. But today you're saying that it stopped at
11 age eleven?

12 A. Yes, I am.

13 Q. Okay. Now, I want to ask you about when you
14 reported the first incident, you left your mother's home,
15 went to live with your aunt, her name is Jamaica?

16 A. Jamaica, uh-huh (affirmative).

17 Q. And that's Quinton's wife or ---

18 A. Yes.

19 Q. And you went to live with them. They still let you
20 go and be around Antonio?

21 A. They let me go and be around my mom, too. It was
22 like I was living with them, but before I leave -- before
23 I go to his mother's house, I had to go with my -- I'm
24 going with my mom first. That's -- I'm going with my
25 mama and then he'll come and pick you up. Because my

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1 auntie, she wouldn't have allowed that to go on or
2 whatever. But she didn't know until I told her the
3 incident, and she was upset about it.

4 Q. So you and your mother are deceiving your aunt and
5 uncle?

6 A. Deceiving?

7 Q. Tricking, lying ---

8 A. Yeah.

9 Q. --- not telling the truth?.

10 A. She never, she never -- yes, I was going over, I was
11 going over to his mom's house, yes.

12 Q. Well, did you know that you weren't supposed to be
13 around your mom and Antonio?

14 A. I know I wasn't supposed to be around Antonio. I
15 Could be around my mom and his family, but I wasn't
16 supposed to be around him.

17 Q. But you still went to be around Antonio?

18 A. I wasn't still supposed to be around Antonio. I
19 could be around his family.

20 Q. Okay. All right. Now, who would take you to
21 Antonio's mother's house; your mom?

22 A. Either mom would take me or Antonio would come and
23 pick us up.

24 Q. From where?

25 A. From my mom's. Because my mom -- if you look on the

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- 1 paper, whatever, my mom was staying in Union. That's
2 when she was living with her -- when she first started
3 going with her boyfriend, she moved, she started living
4 in Union. So when she come down to come see us, she
5 would get a hotel.
- 6 Q. Okay.
- 7 A. Or whatever. So my mom would have to take us to
8 either his house -- I mean, not his house, but his
9 mother's house or he would have to come and get us.
10 Because he knew my mama's situation or whatever.
- 11 Q. Okay. So you're telling me that your mom has a new
12 boyfriend?
- 13 A. Uh-huh (affirmative).
- 14 Q. She lives in Union with the new boyfriend?
- 15 A. Yes. That's when they ---
- 16 Q. She comes to Greenville and stays in a motel?
- 17 A. Well, she comes to -- well, she ---
- 18 Q. Go ahead.
- 19 A. You're kind of confusing me a little bit.
- 20 Q. I'm just repeating what you said.
- 21 A. Yeah. You're kind of running stuff out. I'm
22 getting kind of confused.
- 23 Q. Okay.
- 24 A. I'm saying that ---
- 25 Q. Let me restate it. You said that -- you volunteered

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1 that your mom lived in Union with her new boyfriend?

2 A. Uh-huh (affirmative).

3 Q. All right. But she would come to Greenville. And
4 when she came to Greenville, she would live in a motel;
5 is that right?

6 A. Yes. When she came -- my mom lived in Union with
7 her new boyfriend. That's when they first got together.
8 But to still see us -- Union County is about, what, an
9 hour away. So she had to come down here to Greenville to
10 see us.

11 Q. So the answer to the question is, yes, she lived in
12 a motel?

13 A. When she come down here, she would come and stay in
14 a motel. She don't live there because she's not staying
15 there. She just come ---

16 Q. But answer my question to you. Did she stay in a
17 motel when she came to Greenville?

18 A. Yes.

19 Q. Okay. Now, when she got to Greenville how did you
20 get to the motel?

21 A. My mom would come and pick me up from my aunt's
22 house.

23 Q. Okay. Your mom had a car?

24 A. Yes.

25 Q. So why would your mom call Antonio to come to the

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1 motel and pick you up and take you to his mom's house?

2 A. Because sometimes he would volunteer. He would
3 volunteer. My mama was still communicating with him
4 because of the child that they had. So we were all --
5 just because the first incident happened, every -- like I
6 told you in the beginning, everything was still fine.
7 Everybody acted like nothing really happened. So it
8 wasn't -- he wasn't really even mad about the first
9 incident, because he came and picked us up. Yes, that's
10 what I'm saying. That's what I'm saying. Because nobody
11 acted like nothing happened after the first incident.
12 Nobody acted like nothing happened. Like it wasn't a
13 problem.

14 Q. All right. But there must have been a problem
15 because you couldn't stay with your mom. Is that what
16 you're saying?

17 A. I mean, it was a problem, but ---

18 Q. Okay. Go ahead if you want to say something.

19 A. (No verbal response.)

20 Q. All right. The first incident you reported was in
21 2006 when you were age eight?

22 A. Yes, ma'am.

23 Q. Okay. And you remember talking to Dr. Henderson?

24 A. Is that the rape crisis center person?

25 Q. Dr. Nancy Henderson who did the interview with you,

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1 medical interview?

2 A. Is that person ---

3 Q. I don't know.

4 A. I mean, because I'm not for sure. I know people by
5 the places that I went.

6 Q. Okay. Well, did you -- were you examined?

7 A. Yes, I was, at the rape crisis.

8 Q. Okay. Now, when you went to be examined in 2006, do
9 you recall telling Dr. Henderson, the person who examined
10 you, that a little boy had put his private part in your
11 butt?

12 A. A little boy had put his private part in my butt?

13 Q. Uh-huh (affirmative)..

14 A. No, I do not remember.

15 Q. Okay. Do you remember when you talked to her in
16 2006 that you told her a little boy had touched you in
17 your vaginal area?

18 A. I do not remember telling that to her, because I
19 don't think she would talk to me about a situation like
20 that.

21 Q. No. I'm asking you, do you remember telling her?

22 A. No. I wasn't talking to her about that. I don't
23 remember talking to her about that.

24 Q. Okay.

25 MS. MANIGAULT: Beg the court's indulgence.

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1 Q. Was there any one of these times you -- India is
2 Antonio's present wife; is that right?

3 A. It was his girlfriend at the time.

4 Q. Right. Did she pick you up and carry you anywhere
5 at any time?

6 A. Had she picked me up before; is that what you're
7 asking?

8 Q. Between 2005 and 2010 -- 2008 when you're alleging
9 this happened, did India pick you up and carry you
10 anywhere to be with Antonio?

11 A. She has picked me up before.

12 Q. Okay. From where?

13 A. She picked me up -- we done been a lot of places
14 with India. I think she picked me up one time from my
15 mom's or whatever, because Antonio stayed busy. He
16 always had something to do. He made time for us, but she
17 would pick us up. She picked me up before.

18 Q. Okay. So when -- and when India picked you up
19 Antonio was not with her?

20 A. No, he wasn't.

21 Q. You said he stayed busy. Did Antonio work a job?

22 A. He did have a job at Parker Place.

23 Q. Okay.

24 A. But then I think something happened and he didn't
25 work no more.

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1 Q. Where would y'all go when India picked you up?
2 Would you go to Cookout or skating rink, bowling or what?

3 A. Well, one time she took me -- one time we all went
4 out to a bowling alley before. She took us places,
5 because, you know, that was the new girlfriend, so I
6 guess she was trying to win us over. She done took us
7 places. Went to the bowling alley before and I had fun.
8 She done picked me up before. I done rode in the car
9 with India.

10 Q. Okay. And you're telling this court that you spent
11 a lot of nights at your grandmother's house that you --
12 Antonio's mother?

13 A. Yes.

14 Q. What's her name?

15 A. Her name is -- I called her grandma all the time, so
16 I don't know her name. Her last name is Woody, I know.
17 But I don't know her name. We called her grandma.
18 That's what we called her.

19 Q. Okay. So you spent a lot of nights at Grandma
20 Woody's house?

21 A. Yes. I just called her grandma. Grandma, that's
22 what I called her.

23 Q. Okay. All right. But you spent a lot of nights at
24 her house?

25 A. Uh-huh (affirmative).

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1 Q. And there would be at least five other children
2 there with you?

3 A. Yes. A lot of us.

4 Q. And you said it was a small trailer?

5 A. Yes.

6 Q. How many bedrooms?

7 A. It's really two bedrooms, but it's a den.

8 Q. Okay. Was there anybody else staying with Ms.
9 Woody, your grandma, at the trailer; another lady?

10 A. Corrine?

11 Q. Uh-huh (affirmative).

12 A. Yeah.

13 Q. Okay. All right. Thank you.

14 THE COURT: Any redirect?

15 MS. MUNSON: Yes, sir, Your Honor.

16 REDIRECT EXAMINATION

17 BY MS. MUNSON:

18 Q. Who else has touched you sexually since you were
19 eight years old?

20 A. Since I was eight years old?

21 Q. Yeah?

22 A. Antonio has and one time when I was at my friend's
23 house, he didn't get to touch me, he came in there and he
24 was trying to like come on to me, but I got up and I told
25 my friend. Her name was Despi (phonics), and I told her

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1 mom, and I got to -- when I got home that next day, I
2 told Antonio about it, because he got -- I told Antonio
3 about it, and then he got really upset and called the
4 boy's dad and whatever.

5 Q. Okay. So this was -- this incident with this other
6 boy, was this before or after the defendant started
7 touching you sexually?

8 A. This was after he started touching me sexually. But
9 I still told. I still told him anyway.

10 Q. Okay. And did this other boy, did he actually put
11 his hands on you anywhere?

12 A. Yeah, he touched me, but he touched me when my
13 clothes were on.

14 Q. Okay. Now, earlier when you -- when Ms. Manigault
15 was questioning you, you asked for me. Can you explain
16 for the jury why you did that?

17 A. Oh, I asked for you because I know I'm supposed to
18 -- if I want to take a break, you told me if I wanted to
19 take a break just to tell you that I wanted to take a
20 break and I can, you know, take a break. Because I was
21 upset.

22 Q. And we talked about this several times; correct?

23 A. Yes, we have.

24 Q. What have I instructed you or told you to say to the
25 jury?

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Minor - Redirect Examination by Ms. Munson

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1 A. You told me to tell the truth and if I want to take
2 a break, you know, just say, can I take a break.

3 Q. All right. Now, the statement that Ms. Manigault
4 was asking you about, did you also put in your statement
5 that Antonio licked my private and then put his fingers
6 inside me?

7 A. Yes, I did.

8 Q. And that after he finished he would always put money
9 in my pocket?

10 A. Yes, I did..

11 Q. Did you also put in your statement that he always
12 told me not to tell anyone?

13 A. He told -- yes, he told me, do not tell your mom.

14 Q. Okay. Is there anything that you want to change,
15 Minor about the statement that you've given to this
16 jury?

17 A. No. There's nothing that I want to change, but
18 would like to say something.

19 Q. Well, we can't do it that way.

20 A. Well, I was just going to say that all this happened
21 ---

22 MS. MANIGAULT: Your Honor, I'm going to
23 object.

24 THE COURT: It's non-responsive. I sustain the
25 objection.

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Tawanda Woody - Direct Examination by Ms. Munson

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1 Q. But there's nothing that you need to change about
2 what you're telling the jury?

3 A. No.

4 Q. Okay. All right. Thank you.

5 THE COURT: All right. You may step down.

6 You may call your next witness, Solicitor.

7 MS. MUNSON: Please the court, Your Honor, the
8 state calls Tawanda Woody.

9 THE CLERK: Please place your left hand on the
10 bible and raise your right hand.

11 You do solemnly swear or affirm to tell the truth,
12 the whole truth and nothing but the truth, so help you
13 God?

14 THE WITNESS: I do.

15 THE CLERK: Please be seated. Please state
16 your name for the record.

17 THE WITNESS: My name is Tawanda Woody.

18 TAWANDA WOODY,

19 BEING DULY SWORN, TESTIFIED AS FOLLOWS:

20 DIRECT EXAMINATION

21 BY MS. MUNSON:

22 Q. Hey, Ms. Woody. Now, how old are you?

23 A. Thirty-five.

24 Q. Okay. And you have children?

25 A. Yes, three.

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- 1 Q. And what are their, what are their names and dates
2 of birth?
- 3 A. Minor is my first, [REDACTED]. JaTwan P. is
4 thirteen. His is [REDACTED] And M.J., Millanyo W.
5 Jr., his is [REDACTED]
- 6 Q. Okay. And his -- M.J.'s father is the defendant;
7 correct?
- 8 A. Yes.
- 9 Q. Okay. Now, when did you meet the defendant?
- 10 A. I met Antonio, I don't know the date, but I -- the
11 day I do remember, we got married in 2001.
- 12 Q. Okay. Did you date long before you got married?
- 13 A. We probably date about maybe -- I'd say maybe a year
14 and a half.
- 15 Q. Okay. Were you married before or after M.J. was
16 born?
- 17 A. Before M.J. was born.
- 18 Q. All right. And when you got married -- and you say
19 that was what year?
- 20 A. We got married in 2001.
- 21 Q. Okay. When you got married, where did y'all live?
- 22 A. When we got married we lived in Westview Homes.
- 23 Q. Okay.
- 24 A. Because we lived a lot of place, but ...
- 25 Q. Well, from the time that you married the defendant

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Tawanda Woody - Direct Examination by Ms. Munson

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1 till the time that Minor went to live with her aunt,

2 okay? That's 2001 to 2006?

3 A. Uh-huh (affirmative).

4 Q. Did you ever live outside of Greenville County?

5 A. I did. I lived -- I went to Union for a brief
6 minute. I wasn't down there that long because of the
7 living situation.

8 Q. Okay.

9 A. But I did move to Union.

10 Q. Okay. Was that before or after Minor had ---

11 A. Afterwards.

12 Q. --- disclosed? After?

13 A. Afterwards.

14 Q. Okay. Now, when you were living with the defendant
15 after getting married, who all lived with you?

16 A. Just me, him and the kids.

17 Q. Okay. And how were things going?

18 A. I mean, we had a good marriage, you know. We was
19 both young, in the church, you know, and wanted to see,
20 so we went ahead and got married and tried to live a
21 normal, healthy life.

22 Q. Okay. How old was Minor whenever you married the
23 defendant?

24 A. It would have had to be, it would have to be -- I
25 don't remember what age, but she as young when I married

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Tawanda Woody - Direct Examination by Ms. Munson

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1 him.

2 Q. She was born in what year?

3 A. '97.

4 Q. And y'all were married in?

5 A. 2001.

6 Q. Okay. So that's, what, three or four?

7 A. Yeah.

8 Q. Okay.

9 A. Yeah, yeah.

10 Q. And when you first married the defendant was he
11 working outside the home?

12 A. Yeah, he had several little jobs. He had, you know
13 one particular job. He had worked at Park Place, the
14 mattress company.

15 Q. Okay.

16 A. He worked there.

17 Q. And were you working at the time?

18 A. Yes. I was working -- at the time I was working two
19 jobs. Like I always worked third. So I had like a third
20 shift job and then I worked on weekends, Friday,
21 Saturday, Sunday, at the children's shelter.

22 Q. Okay. So when you were working third shift, who was
23 taking care of the children?

24 A. He was taking care of the children.

25 Q. Did you ever have anybody else come in and take care

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1 of the kids?

2 A. No. Because he was in the home, you know. He
3 worked first shift and I worked third shift.

4 Q. Okay.

5 A. So it always worked out where I could -- we had a
6 lot of money or whatever so we didn't have to pay nobody
7 or daycare or anything like that.

8 Q. How would you characterize the relationship that you
9 witnessed between Minor and the defendant?

10 A. It was a good relationship. He treated her like his
11 own daughter. You know, she -- like I said, she ran
12 track, so he always coached her in track and always
13 pushed her. She was first, she was always the one at
14 home anyway, and then she was a girl. You know what I'm
15 saying, because we had two boys.

16 Q. Okay. Did you ever have any interaction with the
17 defendant's family?

18 A. Yes.

19 Q. Even before you got married?

20 A. Only his mother.

21 Q. Okay.

22 A. And his mother's sister.

23 Q. What's his mother's name?

24 A. Shirley Woody.

25 Q. Okay. How often would you see the defendant's

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1 mother?

2 A. We would see them all the time. The kids would see
3 them a lot on the weekends and stuff like that, because
4 they always go down there on weekends. All the kids go
5 to grandma's house on the weekends.

6 Q. And where was grandma's house?

7 A. Well, she stayed in several different places. The
8 first place I remember she stayed at was by Cleveland
9 Park. She had stayed there. And then down by Piedmont
10 in a trailer.

11 Q. Okay. Had you ever been to her house?

12 A. Yeah, I've been to her house several times.

13 Q. And did the defendant have any children not with
14 you?

15 A. Yes. He had two kids and I had two kids.

16 Q. Okay.

17 A. He has an older son, Maurice Fuller, and he has
18 another daughter, Desiree W.

19 Q. All right. Were your children close with the
20 defendant's son?

21 A. Yes. All our kids was close. So like when my kids
22 be at home, his kids come over, so I have like six kids
23 I'd take care of all the time. So we always was a big
24 family.

25 Q. Okay.

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1 A. Because, you know, if you have one and another
2 spouse have another one, it's our kids.

3 Q. Okay. Now, at some point did things change between
4 Minor and the defendant; correct?

5 A. Yes.

6 Q. Now, without saying anything anybody said ---

7 A. Right.

8 Q. --- when did you first know that something was
9 wrong? Or how did you learn about something being wrong?

10 A. Well, didn't really notice seeing things, but cannot
11 pinpoint like what's going on and things of that nature.
12 Because like I said, I worked a lot and I had a lot I had
13 to take care of, so I really wasn't like focused on
14 seeing any red flags or things.

15 Q. So you didn't see anything, you didn't see anything
16 yourself?

17 A. No, I didn't see anything myself.

18 Q. Okay. How -- let me ask you this. When did Minor
19 go to live with her aunt?

20 A. Well, she had to go live with my sister because -- I
21 don't know the exact date.

22 Q. Okay.

23 A. But when they had sex education at school and they
24 had sex education class at school, they talked to the
25 kids and that's when Minor had spoke with one of them

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1 people at the school.

2 Q. Okay.

3 A. And they called DSS and an officer -- and they came
4 out to the house.

5 Q. Okay. Who is they?

6 A. Okay. The police came and DSS came.

7 Q. Okay. And what house?

8 A. They came to Westview Homes, when we was staying in
9 Westview Homes.

10 Q. Okay. Were you home when they came?

11 A. I was home because it was evening time. It was like
12 school was almost out.

13 Q. Okay.

14 A. So it was like -- maybe like in the afternoon like
15 three or four -- three o'clock, two or three o'clock.

16 Q. So these officials come over to your house. Did any
17 of your family come over to the house, as well?

18 A. My sister Jamaica came.

19 Q. Okay. And whenever Jamaica left, did anybody go
20 with her?

21 A. Minor had to leave.

22 Q. Okay. She had to leave?

23 A. At the time they asked ---

24 MS. MANIGAULT: Your Honor, I'm going to object
25 to anything she's getting ready to testify to about who

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1 asked -- who said what.

2 THE COURT: Okay. I sustain the objection.

3 Q. So when -- Minor left with your sister?

4 A. Uh-huh (affirmative).

5 Q. Okay. Now, what, if anything, happened to the
6 relationship between you and the defendant after your
7 daughter Minor went to live with your aunt? I mean,
8 your sister?

9 A. Well, it was like a standstill because it was all
10 like up in the air because we didn't know exactly what
11 was going on. And so we just took things slow and follow
12 all -- I had to follow all procedures of what was going
13 on and what was presented to me with the DSS and the
14 police before you make -- before I made any movement. So
15 I just did the steps that I was supposed to had -- was
16 required to do.

17 Q. Okay.

18 A. And that's what I did. And so we didn't have like a
19 real tight relationship after that.

20 Q. What -- of those requirements, how many of them, if
21 any, had anything to do with Minor contact with the
22 defendant?

23 A. He had to stay a hundred feet away until they had
24 settled the case.

25 Q. Okay.

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- 1 A. A hundred feet away.
- 2 Q. Was she allowed to go around him anyway?
- 3 A. Well, when the case was over, then we could do what
- 4 we had wanted.
- 5 Q. Okay. When you say the case?
- 6 A. It was a case through DSS.
- 7 Q. Okay. All right. Now, even after the case was
- 8 closed, even after that, did -- how did your relationship
- 9 with the defendant go after that?
- 10 A. I got out of that situation.
- 11 Q. Okay.
- 12 A. I got out from underneath and I had moved and was
- 13 trying to get on my feet on my own. So I got out of the
- 14 situation.
- 15 Q. All right. Now, at some point did -- when did you
- 16 become aware of the second group of allegations?
- 17 A. Well, I don't know the exact date when it was
- 18 called, but I do recall the day that she reported the
- 19 incident because, like I said, I do work third shift.
- 20 Q. Uh-huh (affirmative).
- 21 A. And that particular, that particular time that I was
- 22 at -- I was working third shift, I was in a relationship
- 23 and the guy I was in a relationship with had went to
- 24 jail. And so he had went to jail during the week and I'm
- 25 thinking it had to happen on a Monday, because I was at

1 work.

2 Q. Okay.

3 A. And nobody was there but the kids. The only person
4 was at home was MoMo, M.J. and JaTwan.

5 Q. Okay. And Mo ---

6 A. And MoMo was, she was old enough to be at home with
7 her brothers.

8 Q. Okay. When MoMo -- who do you mean when you say
9 MoMo?

10 A. Excuse me. Minor was, Minor was at home with
11 her brothers. Minor is MoMo; is my nickname I give
12 her.

13 Q. Okay. And what instructions did Minor have
14 regarding her two younger brothers that she was staying
15 with?

16 A. It's third shift. They in the bed.

17 Q. Right.

18 A. So they go to sleep and in the morning time they get
19 up and go to school. They are old enough to get up and
20 go to school. They wasn't like little kids you have to
21 get up and get ready and send them on the bus. They're
22 old enough to do that on their own.

23 Q. All right. So who did you ask to get involved with
24 making sure that the kids got to school?

25 A. Nobody. Just they was at home. I just told her

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1 that they should make it on that bus.

2 Q. Okay.

3 A. Because they bus came early in the morning. They
4 were like -- maybe like -- I can't recall what time, but
5 the bus came early in the morning. And I said, make sure
6 you get on the bus.

7 Q. Would that be before or after you got home?

8 A. It would be way before I got home, because I didn't
9 get off until like seven o'clock. I'm still at that same
10 job now.

11 Q. Okay. Now, let me ask you about this fellow that
12 you were seeing that went off to jail. How often would
13 he be alone with Minor

14 A. Well, he don't be alone with Minor

15 Q. What's his name, by the way?

16 A. His name is Clifford Mobley. And he don't be alone
17 with Minor because Minor and the boys, JaTwan and
18 Millanyo be at home. They all be together all the time.

19 Q. Okay. So if Minor was at the house and Mr. Mobley
20 was at the house, the boys would be there as well?

21 A. Yes.

22 Q. All right. So you don't -- you live in Union now?

23 A. No. I stay in Greenville.

24 Q. Oh, Greenville?

25 A. I was at Union just for a brief minute. I lost my

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1 place and was trying to get back on my feet.

2 Q. Okay.

3 A. So I was not in no Union for like years, two or
4 three years, away from my kids.

5 MS. MUNSON: Beg the court's indulgence.

6 Thank you, Ms. Woody.

7 I have nothing further, Your Honor.

8 THE COURT: You may cross examine the witness.

9 MS. MANIGAULT: Okay.

10 CROSS EXAMINATION

11 BY MS. MANIGAULT:

12 Q. Do you go by Tawanda Woody?

13 A. Tawanda.

14 Q. Tawanda.

15 A. Uh-huh (affirmative).

16 Q. Okay. And you said you married Antonio in 2001?

17 A. Yeah. We got married in 2001.

18 Q. You said you dated him for about a year and a half?

19 A. Yeah, about.

20 Q. Where did y'all live -- where is the first place you
21 lived after you got married?

22 A. I think on Sullivan Street. I want to call it
23 Sullivan Street.

24 Q. And it was a house?

25 A. It's a duplex.

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Tawanda Woody - Cross Examination by Ms. Manigault

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1 Q. Duplex. And how long did you stay there?

2 A. I can't recall.

3 Q. A year, a month?

4 A. No, we stayed -- I lived at that place more than a
5 month. So probably -- two years probably.

6 Q. Two years? Okay. When you moved from Sullivan
7 Street duplex, where did you go? Where did you move to?

8 A. Westview Homes.

9 Q. And how long did you stay at Westview Homes?

10 A. We stayed at Westview, we stayed at Westview -- I
11 don't know exactly the length of time because we was in
12 the process of buying a home, purchasing a home together.
13 We was in a home program to -- home buyer program to
14 purchase a home, so we didn't stay at Westview -- we
15 stayed at Westview Homes, but we didn't stay like a long,
16 long time, like -- so I don't know exactly the length of
17 time.

18 Q. Okay. Was it a year, two years, three years, nine
19 months?

20 A. Maybe two and a half.

21 Q. Maybe two and a half years?

22 A. Oh, I do recall. We did stay in apartments, because
23 M.J. was born and he was sick and was hospitalized. I
24 did stay in an apartment for like six months. And that
25 was off Cedar Lane Road. Because M.J. was hospitalized.

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Tawanda Woody - Cross Examination by Ms. Manigault

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1 Q. Okay. So you stayed on Cedar Lane Road after you
2 moved from Sullivan Street?

3 A. Yeah.

4 Q. And then you went from Cedar Lane Road to Westview?

5 A. Right.

6 Q. And Westview Homes were apartments or ...

7 A. Apartments.

8 Q. Apartments. And you believe you may have stayed
9 there two and a half years, more or less?

10 A. Maybe.

11 Q. Maybe. Okay. And when did you separate from
12 Antonio?

13 A. I don't know the exactly year that was.

14 Q. So could you figure it this way ---

15 A. We was married for seven years and we was trying to
16 get a divorce. We was married for seven years and we was
17 trying to get a divorce and that's when we found out that
18 the pastor never did send in the marriage license, so
19 legally we really ain't married.

20 Q. Oh, gotcha. Okay. So you were married for seven
21 years. How many of those seven years were y'all
22 separated?

23 A. Never.

24 Q. Never? Okay. You've accounted for about five years
25 of the marriage. So where did you live after Westview

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- 1 Homes?
- 2 A. Lowndesville Court. That's when we bought the
- 3 house.
- 4 Q. Lowndes Hill?
- 5 A. Lowndesville. And that's Free Town.
- 6 Q. Okay. And so you stayed there about two years, year
- 7 and a half?
- 8 A. I stayed there in that house a year, and that's when
- 9 I left that house.
- 10 Q. Okay. All right.
- 11 A. But he still owned that house.
- 12 Q. All right. So you stayed there a year? Okay. Was
- 13 part of the reason that you and Antonio separated because
- 14 you were sending money to somebody in jail?
- 15 A. No.
- 16 Q. Okay. Now, what did you say this Shirley Woody's
- 17 sister's name was?
- 18 A. Corrine.
- 19 Q. Corrine. And Ms. Corrine stayed with Shirley Woody?
- 20 A. Yes. She's like -- not disabled, but I don't know
- 21 what you want to call it. But she don't talk like that.
- 22 She won't -- she can't communicate like me and you are.
- 23 Q. Okay. All right. Was there a time that -- I think
- 24 you call her MoMo, ---
- 25 A. Yeah.

1 Q. --- Minor when y'all first got -- when you first
2 married Antonio, did not consider him as her father or
3 stepfather?

4 A. Say that again.

5 Q. Did she ever tell anybody that he wasn't her father
6 and he wasn't a stepfather either; he was just your
7 husband?

8 A. Maybe -- if she said anything like that, it may be
9 because she was mad at him. But she always considered
10 him her dad.

11 Q. Okay.

12 A. You know how kids get when they're mad at somebody,
13 so if she did say anything like that, then she probably
14 was mad at the moment.

15 Q. Okay. Now, you say you saw no red flags? You
16 didn't see anything because you worked a lot; right?

17 A. I did work a lot.

18 Q. Okay. So before you married Antonio, you were
19 dating Sullivan or Mobley? Clifford Mobley, you said?

20 A. Clifford Mobley, I dated him ---

21 Q. After?

22 A. Afterwards.

23 Q. Okay. So who did you date before? Before you
24 married Antonio?

25 A. Oh, we was dating at the time.

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Tawanda Woody - Cross Examination by Ms. Manigault

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- 1 Q. Yeah, before you started dating Antonio?
- 2 A. Probably nobody.
- 3 Q. Okay. Who is Minor father? What's his name?
- 4 A. Gregory Sullivan. I dated him in high school.
- 5 Q. Okay. So how old were you when you had Minor
- 6 A. I was eighteen.
- 7 Q. And I believe Minor said he was never an active
- 8 part of her life, really?
- 9 A. No, not really, because he did ten years. When she
- 10 was four, that's when he did ten, he went in and did ten
- 11 years.
- 12 Q. And from age eighteen until you married Antonio,
- 13 there was no other men in your life around your children?
- 14 A. No.
- 15 Q. Okay. And I believe you said that if Clifford
- 16 Mobley -- did he stay with you at any point, at any time,
- 17 over night?
- 18 A. Yes, he did stay with me.
- 19 Q. But that any time that he was there, all your
- 20 children were there with Minor
- 21 A. Yes. All my kids, we all be together.
- 22 Q. Okay. You testified that you work a lot.
- 23 A. Yes, I do.
- 24 Q. Okay. So were you at the house every time Clifford
- 25 Mobley was there with the children?

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Tawanda Woody - Cross Examination by Ms. Manigault

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1 A. Well, like if I'm not at work, I'm at the house. Is
2 that what you're asking me?

3 Q. My question is, were you at the house every time
4 Clifford Mobley was at the house with your children?

5 A. Yes. I'm at the house.

6 Q. Okay. So you never left your children alone with
7 Clifford?

8 A. Yes, I have left them alone with Clifford, but if I
9 did leave them along, it wouldn't be like a long period
10 of time, like four or five, six hours, work hours.

11 Q. Okay. You said you work third shift. Where did
12 you work third shift?

13 A. I was at Pendleton Place. It's a shelter, emergency
14 shelter. And I worked at -- the one I worked on the
15 weekends, I worked at -- it's a mental hospital in
16 Travelers Rest.

17 Q. Okay. What were your hours at Pendleton Place?

18 A. At Pendleton Place I had worked from eleven -- the
19 third shift was like from eleven to seven.

20 Q. And how many days a week?

21 A. It was Monday through Thursday.

22 Q. Okay.

23 A. And then on Friday, Saturday and Sundays I did the
24 mental hospital.

25 Q. What were your hours there?

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Tawanda Woody - Cross Examination by Ms. Manigault

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1 A. That was like during the day.

2 Q. Okay. And what were your hours?

3 A. That was from six to six. Twelve hour shifts.

4 Q. All right. And so if you were not there with the
5 children, then the only person there with the children
6 was Minor

7 A. Yes... Like most -- like sometimes that I worked --
8 let's see. Most of the time I worked, they would be at
9 home. Minor was old enough to be at home with them.
10 And then sometimes they would be over my sister's house.
11 But other than that, like far as like getting babysitters
12 and stuff like that, I didn't have funds to do that.

13 Q. Okay. That's fine. How old is Minor now?

14 A. She's fifteen.

15 Q. So in 2010 she would have been thirteen; '09 she
16 would have been twelve; 2008, she would have been eleven;
17 2007, she would have been ten. All right. Thank you.

18 MS. MUNSON: No redirect, Your Honor.

19 THE COURT: All right.. Thank you. You may
20 step down.

21 Ladies and gentlemen, we're going to take a short
22 break before we call our next witness. Let me remind you
23 again, when you're back there don't talk about the case
24 one with another. We'll take a short break. We'll call
25 you back in just a few minutes. You may retire to your

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1 jury room.

2 (WHEREUPON, the jury exited the open court at
3 approximately 4:01 p.m.)

4 THE COURT: How many more witnesses do you have
5 this afternoon?

6 MS. MUNSON: One, two, three ---

7 THE COURT: Is everybody on the list that will
8 be testifying? Again, we'll have Henderson tomorrow?

9 MS. MUNSON: Right. I'm definitely not going
10 to call JaTwan. And I probably won't need to call Mike
11 Robertson. And if I do, it'll just be fairly briefly.

12 THE COURT: The others are available tomorrow
13 that need to be?

14 MS. MUNSON: Yes.

15 THE COURT: Okay. We'll plug along for a while
16 and be ready to proceed back. Let's take a short break.

17 (WHEREUPON, the court stood at recess for a short
18 break.)

19 (WHEREUPON, the jury entered the open court at
20 approximately 4:22 p.m.)

21 THE COURT: All right. Solicitor, you may call
22 your next witness.

23 MS. MUNSON: May it please the court, Your
24 Honor, the state calls Jamaica Griggs.

25 THE CLERK: Ms. Griggs, please come forward.

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Jamaica Griggs - Direct Examination by Ms. Munson

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1 If you would please stop at the end of the bench. Place
2 your left hand on the bible and raise your right hand.
3 You do solemnly swear or affirm to tell the truth,
4 the whole truth and nothing but the truth, so help you
5 God?

6 THE WITNESS: I do.

7 THE CLERK: Please be seated. Please state
8 your name for the record.

9 THE WITNESS: Cora Jamaica Griggs.

10 JAMAICA GRIGGS,

11 BEING DULY SWORN, TESTIFIED AS FOLLOWS:

12 DIRECT EXAMINATION

13 BY MS. MUNSON:

14 Q. All right, Ms. Griggs. Now, how are you related to
15 Minor

16 A. I'm her aunt.

17 Q. Okay. And her mother is your sister?

18 A. Yes.

19 Q. And where does Minor live right now?

20 A. She lives with me.

21 Q. Okay. And where do y'all live?

22 A. [REDACTED] [REDACTED] [REDACTED]

23 [REDACTED].

24 Q. Okay. Is that in Greenville?

25 A. Oh, sorry. Yeah, Greenville.

1 Q. Okay. And do you remember what year, around what
2 time Minor came to live with you?

3 A. 2007 or '8, one of those.

4 Q. Okay. Well, that's fine. How old was she when she
5 came to live with you?

6 A. Seven, going on eight.

7 Q. And what precipitated -- without saying anything
8 anybody said, why is it that your niece came to live with
9 you?

10 A. Someone knocked at the door and asked for her --
11 actually asked for her mom. She wasn't there. So they
12 went to her mom's house where she used to live at, and
13 the next thing I know they called me back and asked can
14 she come live with me.

15 Q. Okay. Who is they?

16 A. DSS.

17 Q. Okay. So someone contacted you asking if you would
18 take her?

19 A. Uh-huh (affirmative). Could she come.

20 Q. And did you have a problem with that?

21 A. Oh, no.

22 Q. Okay. Now, during the time that she was living with
23 you, would she still have contact with her mother?

24 A. Yes.

25 Q. Were you under any restrictions about who Minor.

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Jamaica Griggs - Direct Examination by Ms. Munson

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- 1 could see?
- 2 A. Just her mom and her brothers.
- 3 Q. Okay. She was allowed to see them?
- 4 A. Yeah. She was allowed to see her mama and brothers.
- 5 Q. Did you know -- did you see any contact between
- 6 Minor and the defendant after she came to live with
- 7 you?
- 8 A. No.
- 9 Q. Okay. Now, after Minor came to live with you, did
- 10 you take her to any appointments?
- 11 A. I took her to her doctor's appointments and I took
- 12 her to the rape crisis department.
- 13 Q. Okay. How many times did you take her to rape
- 14 crisis?
- 15 A. Twice.
- 16 Q. And when you went to the rape crisis place, what was
- 17 the first thing that took place after you got checked in
- 18 and sat down? Did anyone speak with you?
- 19 A. I don't remember.
- 20 Q. Okay. That's fine. Now, did you ever have any
- 21 contact with the defendant's family?
- 22 A. Yeah, his mom, Antonio's mom.
- 23 Q. Okay. And you called him Antonio?
- 24 A. No, we called him Fatz.
- 25 Q. Fatz. Okay. Who lives with you at your house now?

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Jamaica Griggs - Cross Examination by Ms. Manigault

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1 A. Me and my husband, Quinton Largent.

2 Q. Okay. How long have you two been living together?

3 A. For -- we had a period of separation, so we lived
4 together for two years and then we separated for two
5 years. We just got back together.

6 Q. Okay. And during the time that you were separated
7 from your husband, was there any other male living there
8 or staying there overnight?

9 A. No.

10 Q. Okay. Is there any -- who stays at your house now
11 other than you and your husband and Minor

12 A. My daughter, Teresa Griggs.

13 Q. Okay. And how old is she?

14 A. Fourteen.

15 Q. All right. Is she allowed to have overnight male
16 guests?

17 A. No.

18 MS. MUNSON: Nothing further, Your Honor.

19 THE COURT: You may cross examine the witness.

20 MS. MANIGAULT: Thank you, Your Honor.

21 **CROSS EXAMINATION**

22 **BY MS. MANIGAULT:**

23 Q. All right. Ms. Griggs, you said you're married to
24 Quinton Largent?

25 A. Yes.

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Jamaica Griggs - Cross Examination by Ms. Manigault

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- 1 Q. And is this your first marriage?
- 2 A. No, it isn't.
- 3 Q. Okay. Which one is this, your second?
- 4 A. Yes.
- 5 Q. And what was your first husband's name?
- 6 A. Roger Griggs.
- 7 Q. All right. Do you recall when you married Quinton,
- 8 the year?
- 9 A. 2008.
- 10 Q. 2008?
- 11 A. Uh-huh (affirmative).
- 12 Q. Okay. So you said you lived together two years. So
- 13 you lived together 2008, 2009?
- 14 A. Uh-huh (affirmative).
- 15 Q. And was he still living there in 2010?
- 16 A. No.
- 17 Q. So 2010 and 2011, he wasn't there?
- 18 A. No. Hold on a second. I can't remember the exact
- 19 years and dates.
- 20 Q. Well, let's do it like this. You said you recently
- 21 got back together. When did you get back together?
- 22 A. Last year.
- 23 Q. 2012?
- 24 A. Right.
- 25 Q. So Minor came to live with you at age seven, you

1 say, going on eight?

2 A. Yes.

3 Q. Which could have been 2007 or 2008?

4 A. I guess. I'm not for sure.

5 Q. But you said she was going on ---.

6 A. She was going on seven -- she was going on eight
7 years old.

8 Q. Okay.

9 A. Maybe 2006, 2007, but that's how old she was. I
10 can't remember the years.

11 Q. Okay. So Minor lived with you and Quinton for one
12 year before you separated from him?

13 A. Two years.

14 Q. Lived with you two years?

15 A. Uh-huh (affirmative).

16 Q. All right. So you left Quinton in 2008 -- strike
17 that. 2010?

18 A. Uh-huh (affirmative).

19 Q. So Minor would have been with you 2008 and 2009?

20 A. I can't remember the years. Unless you would let me
21 write them down, I can't remember ---

22 Q. That's fine. That's fine. Let me ask you this. Do
23 you remember the year you married him? Quinton?

24 A. Quinton, yes.

25 Q. Okay. What year did you marry him?

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Quinton Largent - Direct Examination by Ms. Munson

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1 A. 2009.

2 Q. You married him in 2009. So were y'all living
3 together before you got married?

4 A. No.

5 Q. All right. Thank you.

6 MS. MUNSON: Nothing further, Your Honor.

7 THE COURT: Okay. Thank you, ma'am. You may
8 step down.

9 MS. MUNSON: State calls Quinton Largent.

10 THE CLERK: Mr. Largent, please come forward.

11 If you would please stop at the end of the bench. Place
12 your left hand on the bible and raise your right hand.

13 You do solemnly swear or affirm to tell the truth,
14 the whole truth and nothing but the truth, so help you
15 God?

16 THE WITNESS: I do.

17 THE CLERK: Please be seated. Please state
18 your name for the record.

19 THE WITNESS: Quinton Jerome Largent.

20 **QUINTON LARGENT,**

21 **BEING DULY SWORN, TESTIFIED AS FOLLOWS:**

22 **DIRECT EXAMINATION**

23 **BY MS. MUNSON:**

24 Q. All right. Mr. Largent, you're kind of soft spoken,
25 so keep your voice up if you don't mind?

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Quinton Largent - Direct Examination by Ms. Munson

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1 A. Okay.

2 Q. Where do you live, sir?

3 A. [REDACTED]

4 Q. All right. Are you married?

5 A. I am.

6 Q. To who?

7 A. Cora Griggs.

8 Q. And how long have y'all been married?

9 A. Five years in July.

10 Q. Okay. Did you have a little separation in there
11 somewhere?

12 A. We did.

13 Q. Is that all patched up now?

14 A. Yes, it is.

15 Q. Okay. Now, at some point -- do you have any

16 children with Ms. Griggs?

17 A. No, not me with her.

18 Q. During the course of your marriage has any child

19 other than Minor lived with y'all?

20 A. Yes, her daughter.

21 Q. Is she still living with you?

22 A. My stepdaughter. Yes.

23 Q. Okay. When did Minor come to live with y'all?

24 A. Minor was already living with my wife when we
25 married.

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Quinton Largent - Direct Examination by Ms. Munson

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1 Q. Okay.

2 A. She was already with her.

3 Q. And when you married your wife, how would you say
4 your relationship was with Minor

5 A. I have a pretty good relationship with all the kids.
6 I have two daughters of my own previously.

7 Q. Okay. Are they older or younger than ---

8 A. I've got an eleven year old and a twenty-one year
9 old.

10 Q. Okay. Do they interact with Minor and your wife's
11 daughter?

12 A. Yeah, they have, but they live in Columbia.

13 Q. All right. Now, during the time that Minor was
14 living with you after you were married, how much contact
15 would you have with her on a daily basis?

16 A. Daily basis, we had contact every day when they come
17 home from school and have clean-up duties. I'm the chore
18 person in our house.

19 Q. Kind of the disciplinarian?

20 A. Yes, disciplinarian.

21 Q. Okay. Did you have to discipline Minor a lot?

22 A. In some cases I had to, yes.

23 Q. Okay.

24 A. Not a whole lot, but I have in some cases.

25 Q. Was it always that way the whole time she's been

1 living with you?

2 A. Not all the time. She has good days; she has bad
3 days.

4 Q. All right. Now, at some point did things get worse
5 than just a little bad?

6 A. They did at one point.

7 Q. Okay. What kind of things was she getting into?

8 A. She was acting up at school. She had gotten
9 expelled from school. And she -- one of the teachers had
10 said that ---

11 MS. MANIGAULT: Your Honor, ---

12 Q. Without saying what anybody said.

13 A. Okay.

14 Q. But she got in trouble?

15 A. She got in trouble.

16 Q. And when did all that -- her getting in that kind of
17 trouble, do you remember about when that started?

18 A. I can't remember specific dates. She was always in
19 and out of something.

20 Q. Okay. Now, is she still living with y'all?

21 A. At this point in time, no. She's living with her
22 mother.

23 Q. All right. How long ago did she leave you and go to
24 live back with her mother?

25 A. She's been with her mother probably throughout the

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Quinton Largent - Direct Examination by Ms. Munson

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1 summer.

2 Q. Okay. So there was a period of time -- was there or
3 was there not a period of time after she got into the bad
4 trouble and she left to go to her mother, was there some
5 time in there where she was still with you?

6 A. Yeah. I mean, even now she's still with us
7 sometimes.

8 Q. Okay. And how are things going now? Are you
9 involved in her school work and things like that?

10 A. Yeah. She's doing pretty good in school. She's in
11 high school now so it's a little different. And she's
12 blossomed, coming into her own.

13 Q. Okay. Now, at some point did you have a
14 conversation with Minor about some allegations that she
15 made?

16 A. Yes, ma'am.

17 Q. Okay. Now, without saying what she said, did she
18 tell you when this happened?

19 A. Yeah. She told me most of what had happened, when
20 it happened, but at one point when she started telling
21 me, I told her -- because she put it all on paper, and
22 she did, because I couldn't listen to that anymore.

23 Q. You couldn't listen to anymore of it?

24 A. No.

25 Q. Okay. And what did you do when she told you about

1 what had happened to her?

2 A. I talked to my wife about it and we then called DSS.

3 Q. And did you do that?

4 A. We did.

5 Q. After that did you speak with any other officials
6 about what Minor told you other than DSS?

7 A. I don't remember who else we were speaking with. I
8 spoke with a friend of mine in Charleston. He works with
9 DSS.

10 Q. Okay.

11 A. And we went in -- we did talk to the officer at DSS.

12 Q. Okay. Did you speak with any law enforcement
13 personnel?

14 A. I think we did at DSS.

15 Q. Okay.

16 A. I can't remember. It's been a while now.

17 Q. That's okay. Now, tell us about the circumstances
18 under which Minor was telling you what had happened to
19 her?

20 A. Under what the circumstances ---

21 Q. Yes. I mean, where were you ---

22 A. Well, we were at the house. She had been expelled
23 from school. And in fact that same week, I think, I went
24 to try to get her back into school. But she was doing
25 home schooling. And there had been some allegations that

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Quinton Largent - Direct Examination by Ms. Munson

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1 she had done something with a mentor. And I asked her
2 about it. I said, what's going on, you know, why are you
3 -- what's going on? And she began to explain to me what
4 was going on and why she was acting out. She said some
5 -- mentioned some things about her -- staying at her
6 mama's house. I can't go into details, but ---

7 Q. Yeah. Without saying what she said ---

8 A. Without saying what she said, but she began to tell
9 me what had happened. But she was, you know, she was
10 just -- wasn't herself, you know. She hadn't been being
11 herself. And when I started to ask her about it, she
12 began to tell me and she told me. And she said -- I
13 asked her, I said, well, had this ever stopped? She
14 said, no, it never stopped.

15 Q. When you said she hadn't been behaving like herself,
16 how long had that been going on?

17 A. Probably several months or so.

18 Q. Okay. Had you ever tried to talk with her like that
19 before?

20 A. No.

21 Q. Okay.

22 A. We were just -- at that point in time we was just in
23 that setting at that time and she wondered what was going
24 on, too, because she was acting out against people that
25 were good to her, people that were nice to her. You know

1 what I'm saying? Doing stuff that was just out of
2 character.

3 Q. Was she acting out towards you?

4 A. Well, yeah, to a certain degree. But even more so
5 than that, she had a mentor that she was acting out with
6 the mentor. And the mentor was a very, very good person,
7 and you know, I couldn't understand why she would do
8 that.

9 Q. Okay. During the time that -- when she first came
10 to live with you, do you know about any restrictions that
11 were on you and your wife about her going around anybody?

12 A. At that time, no, I didn't know -- I really didn't
13 know the whole gist of the situation at all.

14 Q. Okay. Because you weren't married to your wife at
15 that point?

16 A. Right.

17 Q. Did you ever witness any interaction between the
18 defendant and Minor after she made the allegations?

19 A. No.

20 Q. Okay.

21 MS. MUNSON: I have nothing further, Your
22 Honor.

23 THE COURT: Cross examination?

24 CROSS EXAMINATION

25 BY MS. MANIGAULT:

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Quinton Largent - Cross Examination by Ms. Manigault

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- 1 Q. Mr. Largent, you said that Minor was always in and
2 out of something. What does that mean?
- 3 A. She's a typical teenager. I mean, she get into
4 stuff.
- 5 Q. Okay. All right. What year did you marry Cora
6 Jamaica?
- 7 A. In '08.
- 8 Q. You got married in '08?
- 9 A. Yes, ma'am.
- 10 Q. So you said in '08 that Minor was already living
11 with, ---
- 12 A. Yes, ma'am.
- 13 Q. --- with Jamaica, your wife?
- 14 A. Yes, ma'am.
- 15 Q. And what year did you and your wife separate?
- 16 A. 2010.
- 17 Q. And you got back together?
- 18 A. It was a year ago now. A little over a year.
- 19 Q. 2012?
- 20 A. Yeah.
- 21 Q. '11?
- 22 A. What is this, 2013?
- 23 Q. This is '13, yeah, October.
- 24 A. 2012.
- 25 Q. 2012? Do you know how long Minor had lived with

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Quinton Largent - Cross Examination by Ms. Manigault

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1 your wife before you married her?

2 A. I'm not absolutely sure.

3 Q. Okay. And you said Jamaica has a daughter?

4 A. Yes.

5 Q. And how old is that daughter?

6 A. Teresa is fourteen.

7 Q. Okay. And she -- Teresa always lived with you and

8 ---

9 A. Yes.

10 Q. --- Jamaica at the house?

11 A. Yes.

12 Q. Did you know Cora's -- Cora Jamaica's first husband?

13 A. Yes, I do.

14 Q. What's his name?

15 A. Rick.

16 Q. His last name?

17 A. Griggs.

18 Q. Okay. And do you know when he and Cora Jamaica

19 separated?

20 A. I'm not absolutely sure of the date.

21 Q. Okay. Do you know whether he was in the house when

22 Minor moved into the house with Cora Jamaica?

23 A. I think so, but I'm not absolutely sure.

24 Q. All right. Thank you.

25 MS. MUNSON: Nothing further, Your Honor.

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Robert Bradford - Direct Examination by Ms. Munson

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1 THE COURT: All right. Thank you. You may
2 step down.

3 THE WITNESS: Thank you.

4 MS. MUNSON: Your Honor, the state calls Robert
5 Bradford.

6 THE CLERK: Mr. Bradford, please come forward.
7 If you would please stop at the end of the bench. Place
8 your left hand on the bible and raise your right hand.

9 You do solemnly swear or affirm to tell the truth,
10 the whole truth and nothing but the truth, so help you
11 God?

12 THE WITNESS: I do.

13 THE CLERK: Thank you. Please be seated.
14 Please state your name for the record.

15 THE WITNESS: Robert Bradford, III.

16 ROBERT BRADFORD, III,

17 BEING DULY SWORN, TESTIFIED AS FOLLOWS:

18 DIRECT EXAMINATION

19 BY MS. MUNSON:

20 Q. Who do you work for, sir?

21 A. Greenville Police Department.

22 Q. How long have you been with the city police
23 department?

24 A. About twenty-six and a half years.

25 Q. Okay. What are your current duties?

State of South Carolina -vs- Millanyo A. Woody (2012-GS-23-07385 and 07386A)
Robert Bradford - Direct Examination by Ms. Munson

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1 A. I am a juvenile detective.

2 Q. And what does that entail?

3 A. We investigate crimes involving juveniles, whether
4 they are the perpetrators or the victims.

5 Q. Okay. And back in 2006, what was your -- what were
6 your duties with the Greenville City Police Department?

7 A. I was also still a juvenile detective.

8 Q. Okay.. All right. And did you become involved in
9 this particular case?

10 A. Yes, ma'am, I did.

11 Q. All right. On what date did you get notice of this
12 case?

13 A. My report was taken on May 1st, 2006.

14 Q. Okay. And from whom did you get the report?

15 A. We received the information from the Department of
16 Social Services, specifically a young lady named Christy
17 Pecosi (phonics).

18 Q. Okay. Now, when you got this report in 2006, what
19 was one of the first things that you did?

20 A. Well, one of the things that I did first was I did
21 go to the home of the victim.

22 Q. Okay. And who's the victim that you have listed?

23 A. The victim that I had was Minor

24 Q. Minor

25 A. Minor Is that ...

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Robert Bradford - Direct Examination by Ms. Munson

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1 Q. [REDACTED]?

2 A. [REDACTED]. I think, unless I'm not pronouncing it
3 correctly. Minor

4 Q. And did you actually speak with her?

5 A. I did. I spoke with the victim and I did speak with
6 her mother, as well.

7 Q. Okay. Where did you go -- what was the address that
8 you went to?

9 A. The address at the time is [REDACTED]
10 here in Greenville City.

11 Q. Okay. What kind of -- is that like a neighborhood
12 or duplex or something?

13 A. It is a neighborhood. It's a housing project.

14 Q. Okay. Does it have a name?

15 A. It's ----

16 Q. If you don't mind.

17 A. It's Westview, but I can't remember -- there's two
18 right across from each other. I can't remember which one
19 is which.

20 Q. Okay. Now, when you spoke with the victim in the
21 case, do you know how old she was?

22 A. At the time the victim was nine years old.

23 Q. Okay. And how did her appearance compare with the
24 age that you were given?

25 A. She looked like what I would think a nine year old

1 would look like.

2 Q. Okay. And you also spoke with her mother?

3 A. Yes, ma'am, I did.

4 Q. And after -- did the victim tell you where these
5 allegations took place?

6 A. In the home, I think is where the victim alleged
7 that she was touched.

8 Q. Okay. And did she give you a time frame of when she
9 was touched?

10 A. I'm not really sure. I'm thinking eight or nine,
11 because the incident alleged to have occurred between
12 what I put down was March to April.

13 Q. Of what year?

14 A. Of 2006.

15 Q. Okay. So after you go to the home and you speak
16 with the mother and the child, did you make any decisions
17 about where Minor was going to be after that?

18 A. We did. We agreed that she could stay with her aunt
19 during the investigation.

20 Q. All right. And did the aunt come to the house to
21 collect Minor

22 A. I'm not exactly sure. Either she came to get her or
23 we took her. She did go to stay with her aunt.

24 Q. Okay. All right. Now, after leaving the home, what
25 was the next step in your investigation to these

State of South Carolina -vs- Millanyo A. Woody (2012-GS-23-07385 and 07386A)
Robert Bradford - Direct Examination by Ms. Munson

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1 allegations?

2 A. The next thing I did was basically I set up an
3 interview with the, at the time called the Child Advocacy
4 Center, for the victim and did also speak to the suspect,
5 Mr. Woody.

6 Q. Okay. The child advocacy center, it has a new name
7 now?

8 A. Yes, ma'am. It's called the Julie Valentine Center
9 now.

10 Q. Okay. And after your investigation did you make any
11 charges?

12 A. No charges were made.

13 MS. MUNSON: Thank you. I have nothing further
14 at this time, Your Honor.

15 THE COURT: You may cross examine the witness.

16 MS. MANIGAULT: Nothing, Your Honor.

17 THE COURT: All right. Thank you. You may
18 step down.

19 THE WITNESS: Thank you, Your Honor.

20 MS. MUNSON: Your Honor, may this witness be
21 excused?

22 MS. MANIGAULT: No objection.

23 THE COURT: Without objection. Thank you. You
24 may be excused.

25 THE WITNESS: Thank you.

State of South Carolina -vs- Millanyo A. Woody (2012-GS-23-07385 and 07386A)
Cheryl Cromartie - Direct Examination by Ms. Munson

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1 THE COURT: You may call your next witness,
2 solicitor.

3 MS. MUNSON: Your Honor, the state calls Cheryl
4 Cromartie.

5 THE CLERK: Ma'am, please come forward. If you
6 would please stop at the end of the bench. Place your
7 left hand on the bible and raise your right hand.

8 You do solemnly swear or affirm to tell the truth,
9 the whole truth and nothing but the truth, so help you
10 God?

11 THE WITNESS: I do.

12 THE CLERK: Please be seated. Please state
13 your name for the record.

14 THE WITNESS: Cheryl Cromartie.

15 CHERYL CROMARTIE,

16 BEING DULY SWORN, TESTIFIED AS FOLLOWS:

17 DIRECT EXAMINATION

18 BY MS. MUNSON:

19 Q. Who do you work for, ma'am?

20 A. Greenville County Sheriff's Office.

21 Q. How long have you been with the sheriff's office?

22 A. Twenty years and some months.

23 Q. Okay. What is your current assignment with the
24 sheriff's office?

25 A. I'm a sergeant in uniform patrol division.

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Cheryl Cromartie - Direct Examination by Ms. Munson

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1 Q. And what are your duties?

2 A. My duties is just I work in the uniform patrol
3 division. I wear a uniform. I'm out on the street. My
4 duties is to supervise the officers that I have under me.

5 Q. Okay. How long have you been a sergeant in the
6 uniform patrol division?

7 A. About three years and four months.

8 Q. Okay. And prior to that what were your duties for
9 the sheriff's office?

10 A. I worked in the criminal investigation division as a
11 sex crimes investigator.

12 Q. How long did you do that?

13 A. For about seven years.

14 Q. All right. And did you take a report in reference
15 to this case that brings us here today?

16 A. Yes.

17 Q. On what date did you get the report?

18 A. I got the report April the 22nd, 2010.

19 Q. Of what year?

20 A. 2010.

21 Q. And from where did this report come?

22 A. It was actually a walk-in that come into our office.

23 Q. Okay. And who came into your office?

24 A. I got -- the person that come into my office, there
25 was an uncle, Mr. Largent, Quinton Largent. There was

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Cheryl Cromartie - Direct Examination by Ms. Munson

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1 also the -- Ms. [REDACTED]'s aunt, which is Cora Largent.

2 And then I also got a visit with Minor

3 Q. Okay. The three of them came to you?

4 A. Yes.

5 Q. Okay. Had you had any contact with anyone else

6 before they came into your office, any contact about this
7 case?

8 A. No.

9 Q. That was the first you knew of it?

10 A. That was the first.

11 Q. All right. When Minor came in with her aunt and
12 uncle, how old was she then?

13 A. She was twelve years old at the time.

14 Q. Okay. And what was her appearance in reference to
15 the age that she gave you?

16 A. The age, she appeared to be twelve years old at the
17 time. She was twelve.

18 Q. And did you speak with Mr. Largent and the aunt?

19 A. Yes.

20 Q. And did you also speak with Minor

21 A. Yes.

22 Q. All right. Did she tell you when these things
23 happened to her? Did she give you a time frame?

24 A. The time frame that she gave me, she told me that it
25 was an incident that occurred when she was at the age of

State of South Carolina -vs- Millanyo A. Woody (2012-GS-23-07385 and 07386A)
Cheryl Cromartie - Direct Examination by Ms. Munson

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1 nine or ten, ten years of age.

2 Q. And then the incident that she was speaking to you
3 about ---

4 A. And the incident that she actually spoke to me about
5 on this particular day, she was twelve years of age.

6 Q. Okay. Did she tell you where these things took
7 place?

8 A. Yes.

9 Q. And where were they?

10 A. There was an address of [REDACTED], that's
11 located in Greenville County. Also, I have an address of
12 [REDACTED] located in Greenville County.

13 Q. Okay. Now, after speaking with her and the family
14 members that brought her in, what was the next part of
15 your investigation?

16 A. The next part of my investigation is basically I
17 spoke with her uncle, I spoke with her aunt. And the
18 next part was to speak with Minor herself.

19 Q. Okay. And did you do that?

20 A. Yes.

21 Q. And where did you do that?

22 A. That took place in my office. And my office at the
23 time was located in Greenville County Square.

24 Q. Okay. Was anybody in the room with you while you
25 were speaking with her?

1 A. No.

2 Q. And how do you go about getting a statement from a
3 twelve year old who says they've been sexually assaulted?

4 A. With twelve years old and above, we basically talk.
5 I ask if they know why they're in my office. And of
6 course, with Minor she basically stated she did know
7 why she was there to speak with me. And she basically
8 told me she was there to speak with me because she was
9 sexually abused.

10 Q. Okay. Was she clear about -- without telling me
11 what she said, was she clear about who had done this to
12 her?

13 A. Yes.

14 Q. Okay. About how long would you say you interacted
15 with her?

16 A. I may have talked to Minor I may have talked to
17 her for about an hour.

18 Q. And then what is the next step in an investigation
19 like this?

20 A. The next step after speaking with her, she basically
21 -- I'll get an actual statement from her and I'll type
22 everything that she's telling me.

23 Q. Okay. And then after you type it out, do you let
24 her look at it?

25 A. Yes.

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Cheryl Cromartie - Direct Examination by Ms. Munson

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1 Q. And you had her read it back to you?

2 A. Yes.

3 Q. All right. And how do you do that? Do you just ask
4 her to read it or read it out loud?

5 A. I ask her, once she's done telling me everything and
6 I type it, I'll take it and I'll ask her to read over it.
7 And I'll ask her to read over it out loud for me just to
8 make sure that she understands everything and to make
9 sure that I got everything that she told me.

10 Q. Okay. Now, when you're interviewing a child like
11 this, do you, do you kind of grill them a little bit, for
12 lack of a better term?

13 A. I don't necessarily grill them. I -- what we do is
14 we're in conversation, we talk, and I will ask them --
15 I'll ask open-ended questions. And I give them a chance
16 to explain to me in their language, in their terms, what
17 occurred, what happened to them.

18 Q. Okay. And what's the process, if in giving you
19 information, the child that you're interviewing, you
20 notice some discrepancies?

21 A. What I would do is go back and ask the same question
22 or I ask another question. And I will get them to repeat
23 what they're telling me, repeat it back to me.

24 Q. Okay. After the interview process, did you refer
25 Minor anywhere for further investigation?

State of South Carolina -vs- Millanyo A. Woody (2012-GS-23-07385 and 07386A)
Cheryl Cromartie - Cross Examination by Ms. Manigault

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1 A. Yes.

2 Q. And when was that?

3 A. I referred them to the Julie Valentine Center for a
4 medical exam and a forensic interview.

5 Q. Okay. And were you able to follow through with that
6 part of the investigation?

7 A. After, after I referred Minor and her family to
8 the Julie Valentine Center, it was right around the time
9 that I got promoted and I got transferred to -- out of
10 that division into uniform patrol division.

11 Q. Okay. So what happened with the case at that point?

12 A. My case load was turned over to another investigator.
13 to finish.

14 Q. Okay.

15 MS. MUNSON: I have nothing further at this
16 time, Your Honor.

17 THE COURT: You may cross examine the witness.

18 CROSS EXAMINATION

19 BY MS. MANIGAULT:

20 Q. Is it investigator?

21 A. It's Sergeant Cromartie now.

22 Q. Sergeant, okay. Sergeant, you said that when
23 Quinton Largent, Cora Jamaica Largent and Minor
24 came into your office, Minor was then age twelve?

25 A. Yes.

State of South Carolina -vs- Millanyo A. Woody (2012-GS-23-07385 and 07386A)
Cheryl Cromartie - Cross Examination by Ms. Manigault

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1 Q. And according to Minor the allegations that she
2 relayed to you happened when she was age nine or ten?

3 A. That was one of the allegations.

4 Q. One of them?

5 A. Yes, ma'am.

6 Q. And what was the other age?

7 A. The other age was twelve.

8 Q. Twelve. Okay. And the places she said they took
9 place was [REDACTED]

10 A. [REDACTED].

11 Q. And did she say who lived there?

12 A. Her mother lived at that residence.

13 Q. Okay.. And the other place was [REDACTED]?

14 A. Yes.

15 Q. Did she say who lived there?

16 A. Her -- not her actual grandmother, but her sibling's
17 grandmother.

18 Q. Did she tell you what kind of place they lived in?

19 House, apartment?

20 A. House.

21 Q. House. Okay. All right. No further questions.

22 THE COURT: Any redirect? . . .

23 MS. MUNSON: Nothing further, Your Honor. We
24 ask that this witness be excused.

25 MS. MANIGAULT: No objection, Your Honor.

State of South Carolina -vs- Millanyo A. Woody (2012-GS-23-07385 and 07386A)
Michael Robertson - Direct Examination by Ms. Munson

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1 THE COURT: Without objection, this witness may
2 be excused. Thank you. You may step down.

3 MS. MUNSON: Your Honor, if we could call Mike
4 Robertson. I don't think he'll be up there too long.

5 THE CLERK: Sir, please come forward. If you
6 would please stop at the end of the bench. Place your
7 left hand on the bible and raise your right hand.

8 You do solemnly swear or affirm to tell the truth,
9 the whole truth and nothing but the truth, so help you
10 God?

11 THE WITNESS: I do.

12 THE CLERK: Thank you. Please be seated.
13 Please state your name for the record.

14 THE WITNESS: Michael Robertson.

15 MICHAEL ROBERTSON,

16 BEING DULY SWORN, TESTIFIED AS FOLLOWS:

17 DIRECT EXAMINATION

18 BY MS. MUNSON:

19 Q. Who do you work for, sir?

20 A. Greenville County Sheriff's Office.

21 Q. How long have you been with the sheriff's office?

22 A. Twenty-three years.

23 Q. What are your current duties and responsibilities?

24 A. I am currently assigned to the crimes against
25 children unit.

State of South Carolina -vs- Millanyo A. Woody (2012-GS-23-07385 and 07386A)
Michael Robertson - Direct Examination by Ms. Munson

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1 Q. Okay. And when did you become involved in this
2 case?

3 A. The end of July of 2010.

4 Q. Okay. And how did you become involved?

5 A. Investigator Cromartie was promoted to sergeant and
6 I transferred into her position.

7 Q. And then what -- when you sort of took over, what
8 was still out there to be done?

9 A. She had some active cases and I took over her cases.
10 And on this case, I was just waiting for the forensic
11 interview to -- a hard copy of the forensic interview to
12 come in.

13 Q. And anything else other than the forensic interview?

14 A. And the warrants to be obtained on the defendant.

15 Q. Okay. As part of your investigation was there any
16 medical information that you were seeking?

17 A. I did not receive the medical information. I
18 believe Investigator Cromartie had that.

19 Q. Okay. But did you eventually see that?

20 A. I did not.

21 Q. And on what date did you apply for a warrant against
22 Mr. Woody?

23 A. On August 2nd of 2010.

24 Q. Okay.

25 MS. MUNSON: I have nothing further, Your

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1 Honor.

2 MS. MANIGAULT: No questions, Your Honor.

3 THE COURT: All right. Thank you. You may
4 step down.

5 Mr. Foreman, ladies and gentlemen, this might be a
6 good time for us to stop for the day before we take the
7 next witness. Let me remind you again not to be
8 discussing the case with family, with friends, anyone
9 else; not to do any kind of independent research. That
10 would be against your oath; against the instructions from
11 the Chief Justice of our Supreme Court. We're well into
12 the case. Remember the oath that you've taken, the
13 commitment that you've made to these parties that you're
14 going to well and truly try the case from what's
15 presented here in this courtroom and not from any other
16 source.

17 We'll be ready to start back at nine o'clock in the
18 morning. If you'll be back in your jury room then, we'll
19 be ready for the next witness.

20 Everyone else, please remain seated while the jury
21 departs for the evening. Have a good evening, ladies and
22 gentlemen.

23 (WHEREUPON, the jury exited the open court at
24 approximately 5:00 p.m.)

25 THE COURT: Mr. Woody, let me just remind you,

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1 the state has agreed -- once the trial started, you don't
2 have any bond. The state's agreed that you can stay out
3 without a bond. Let me make sure you understand,
4 however, that the trial will proceed a nine o'clock in
5 the morning, whether you're here or not. It would
6 certainly behoove you to be here. The jury has seen you
7 here today. So just like all the other folks who
8 testified, there shouldn't be any contact one with
9 another. You make sure you're here. In fact, I'm sure
10 your lawyer will be talking to you before then. We'll be
11 ready to start at nine o'clock. The trial will not be
12 delayed if you're not here.

13 THE DEFENDANT: Yes, sir.

14 THE COURT: All right. We'll see you back at
15 nine o'clock in the morning.

16 (WHEREUPON, the court was adjourned for the day.)

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18 (WHEREUPON, the court convened with all parties
19 present and the following proceedings were had.)

20 THE COURT: All right. Ladies and gentlemen,
21 we're now ready to proceed with the trial of the case.
22 Solicitor, you may call your next witness.

23 MS. MUNSON: Thank you, Your Honor, may it
24 please the court. The state calls Dr. Nancy Henderson.

25 THE CLERK: Dr. Henderson, please stop there at

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1 the bench. Please place your left hand on the bible and
2 raise your right hand.

3 You do solemnly swear or affirm to tell the truth,
4 the whole truth, nothing but the truth, so help you God?

5 THE WITNESS: I do.

6 THE CLERK: Thank you. Please be seated.

7 Please state your name for the record.

8 THE WITNESS: Nancy Henderson.

9 NANCY HENDERSON, M.D.,

10 BEING DULY SWORN, TESTIFIED AS FOLLOWS:

11 DIRECT EXAMINATION

12 BY MS. MUNSON:

13 Q. Dr. Henderson, who do you work for?

14 A. I work for Greenville Health System.

15 Q. And are you associated with anyone other than the
16 health system?

17 A. That is my employer.

18 Q. That's your employer. Okay. How long have you been
19 with the Greenville Health System?

20 A. I've been there since 1990.

21 Q. All right. What are your main duties for the
22 Greenville Health System?

23 A. I am head of the division of forensic pediatrics,
24 and so with that I'm involved with doing consults when
25 there's a concern of child abuse in a child that's

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1 admitted to the floor. I'm involved in teaching the
2 medical students about child abuse and neglect, as well
3 as the pediatric residents. And I'm the peds residence.
4 I see children at both the Julie Valentine Center, which
5 is an advocacy center, and also the one up in
6 Spartanburg, the Children's Advocacy Center of
7 Spartanburg, evaluating children when there is a concern,
8 as an outpatient, for abuse and neglect. I'm also
9 involved at Pendleton Place, which is the children's
10 shelter, and we do the evaluations on children that have
11 been placed there, as well as their ongoing medical care.
12 And lastly, I'm involved in the Center for Pediatric
13 Medicine one-half day a week doing just general
14 pediatrics working with the residents there.

15 Q. That's a busy day. Now, you're licensed to practice
16 medicine in South Carolina?

17 A. Yes, ma'am.

18 Q. And how long have you been licensed to practice?

19 A. When I came in -- well, in South Carolina, since I
20 moved here in 1991.

21 Q. Okay. Tell the jury about your educational
22 background.

23 A. Okay. I did my college training at Rutgers College
24 of Pharmacy and then did my medical school training at
25 Bowman-Gray School of Medicine, which is in Winston-

1 Salem, North Carolina. And then did a three-year
2 pediatric residency at T.C. Thompson Children's Hospital,
3 which is in Chattanooga, Tennessee. I'm board certified
4 in general pediatrics and then sub-boarded in child abuse
5 pediatrics.

6 Q. What do you have to do to become certified in
7 pediatrics and then the sub-board, as you said? What do
8 you have to do?

9 A. Well, for the general pediatrics, obviously you have
10 to complete your medical school training and then
11 complete your pediatric residency training, which is a
12 three-year program, and then sit for written boards. And
13 then that has to be recertified every seven to ten years.
14 For the child abuse pediatrics, that is a newer sub-
15 board, which just began in 2009. And for that board, you
16 had to have fifty percent of your practice being involved
17 in child abuse and neglect over a five-year period. And
18 then there was also a written exam. And that has to also
19 be recertified, retaken, every ten years.

20 Q. Okay. How many -- over the years how many exams
21 would you say you have performed on children?

22 A. Probably I see about two hundred, two hundred fifty
23 a year for various evaluations with regard to abuse and
24 neglect.

25 Q. Okay. What about exams for sexual abuse?

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1 A. The sexual abuse exams are the majority of the exams
2 that we see at the children's advocacy centers, both the
3 Julie Valentine Center and the one up in Spartanburg. I
4 would say about ninety percent of those exams are with
5 regard to concerns about child sexual abuse.

6 Q. Okay. And have you ever been qualified as an expert
7 in the field of pediatric child abuse?

8 A. Yes, I have.

9 Q. Pediatric sex abuse?

10 A. Well, there's lots of -- I've been qualified in the
11 area of general pediatrics and then child abuse
12 pediatrics, which includes sexual abuse, physical abuse
13 and neglect, as a part of that.

14 Q. And in what courts have you been qualified as an
15 expert in that field?

16 A. Both in family court and general sessions court.

17 Q. In just South Carolina?

18 A. Well, that's primarily where my practice has been.
19 But yes, in South Carolina, all over the upstate, I find
20 myself in court related to that.

21 Q. Okay. How many times have you been qualified as an
22 expert, about?

23 A. I am probably in court maybe about five times a
24 month. So about that many.

25 Q. Okay.

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1 MS. MUNSON: Your Honor, at this time I offer
2 Dr. Henderson as an expert in the field of child abuse
3 pediatrics.

4 THE COURT: Any voir dire of this witness or
5 any objection?

6 MS. MANIGAULT: Just a couple of questions for
7 clarifications, Your Honor.

8 THE COURT: All right. You may ask your
9 questions as part of her qualifications.

10 **EXAMINATION**

11 **BY MS. MANIGAULT:**

12 Q. Dr. Henderson, your voice went down when you said
13 you were board certified in general pediatrics.

14 A. Yes, ma'am.

15 Q. And you explained what was required for that. And I
16 could not hear the explanation for the sub-board of child
17 abuse.

18 A. Child abuse pediatrics, yes. That, as I was
19 mentioning, the first time that it was offered was in
20 2009. And to be able to qualify to take the written
21 exam, you had to have fifty percent of your practice be
22 involved in taking care of children with child abuse and
23 neglect over a five year period.

24 Q. All right. And then you later said that under the
25 child abuse sub-board certification, you deal with the

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1 areas of -- I didn't hear that either.

2 A. Oh, areas of child sexual abuse, child physical
3 abuse, neglect issues, sometimes emotional abuse, medical
4 neglect, are all part of that field.

5 Q. All right. And you have been qualified in general
6 sessions in Greenville County?

7 A. Yes, ma'am.

8 Q. Thank you.

9 MS. MANIGAULT: No further questions.

10 THE COURT: All right. This witness will be
11 qualified in the field of child abuse pediatrics.

12 Ladies and gentlemen, let me explain briefly to you.
13 Normally when a witness testifies that witness can't give
14 an opinion. They can testify of what they saw or
15 experienced or sensed in some way. But there is an
16 exception when a witness has been qualified because of
17 education and experience in any field. They're permitted
18 to give an opinion in that area of their expertise and
19 the basis of that opinion.

20 The fact that this witness is qualified to give an
21 opinion doesn't mean you must accept the opinion. It's
22 evidence that you treat as all other evidence and use it
23 in the way that you see fit.

24 All right. Solicitor, you may continue

25 MS. MUNSON: Thank you, Your Honor.

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1 Q. All right, Dr. Henderson. Now let's move to the
2 patient that brings us here today. Do you remember
3 seeing a patient named Minor

4 A. I know the patient because of a review of my
5 records.

6 Q. Okay. And when did you see her?

7 A. I saw her twice. I saw her in May of 2006 and then
8 again in May of 2010.

9 Q. And where did you see her?

10 A. I saw her at what is now called the Julie Valentine
11 Center here in Greenville.

12 Q. And why did you see her there as opposed to at the
13 hospital?

14 A. Because she was not admitted as an inpatient, so it
15 was an outpatient referral.

16 Q. Okay. And when you saw her the first time, in May
17 of 2006, what sort of protocol -- or do you have a set
18 protocol that you go through when you begin one of these
19 exams?

20 A. Yes, we do have a set protocol. The majority of
21 children that are referred to either advocacy center
22 usually are referred from the Department of Social
23 Services or law enforcement. But certainly we do see
24 referrals from pediatricians and other physicians, as
25 well. And they're coming to see me for a medical

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1 evaluation because, as I mentioned before, most often
2 there's concerns of some type of sexual abuse. So the
3 procedure would be, I work with the child life specialist
4 who goes out and gets the child out of the waiting room
5 with whoever is accompanying her for the visit and bring
6 them back to the exam room. Go over the medical exam so
7 that the child feels comfortable, exactly what's going to
8 take place with them that day. That includes looking in
9 the eyes, the ears, listening to heart and lungs, looking
10 at the skin and also looking at the genital area. And
11 the child gets to look at the equipment that we use for
12 that. And that is something called a culpascope, which
13 is not anything invasive to the child, but allows for
14 quite good magnification and light source to look at that
15 area so the child, again, gets to look at that. And then
16 I do talk to whoever is with them to try to get an
17 understanding of any medical problems, concerns, that may
18 be going on, since this is usually the only time that I'm
19 seeing the child to get a medical history. And then I
20 often do talk to the child if they're able to separate by
21 themselves, again, to understand what concerns they might
22 have, what has happened, and an opportunity for them to
23 ask any questions about what's going to be taking place.
24 We then do the medical exam, as I mentioned. Allow for
25 them to have whoever they'd like to have in the exam room

- 1 to make it as child-friendly as possible. And then,
2 depending on what the allegations are and what the
3 findings are on the exam, I determine if any type of
4 testing, blood work, might need to be done. And so that
5 is taking place. The child gets dressed. And then we
6 wrap up the exam, again, by answering any questions that
7 the family might have and then make sure they have the
8 appropriate referrals to move forward.
- 9 Q. Okay. As part of your diagnosis does it matter what
10 the allegation is?
- 11 A. It doesn't so much -- well, it does matter. I mean,
12 I think that's where I start from. You know, I usually
13 have some information, whoever is the referral source,
14 why the child is there, you know, what the concern is.
15 So that kind of gives me a heads-up of kind of where
16 we're starting. But often things change. You know, the
17 concerns may be different, once I talk to the family, the
18 concerns may be different again. That child may add more
19 information as time goes on, as we talk, or may have
20 other concerns about their body. So the initial
21 allegations are important, but the conversations that
22 happen during the exam are equally as important to
23 determine where things go.
- 24 Q. Okay. Either time that you examined Minor
25 did you have any trouble communicating with her?

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1 A. I did not.

2 Q. Okay. And what did she tell you had happened to her
3 when she came to you in May of 2006?

4 A. In May of 2006, she had shared some concerns about
5 her being -- someone coming in while she was showering.
6 That person helping her bathe at that time. And then
7 also shared about that person touching her genital area
8 on top of her clothes. Feeling very uncomfortable with
9 that. Being told not to tell about that. That's
10 primarily what she had shared.

11 Q. Okay. And then you moved on to the physical
12 examination.

13 A. Yes, ma'am.

14 Q. And what were your findings as to the physical
15 examination in May of 2006?

16 A. In May of 2006 her physical examination was normal.

17 Q. Okay. And then the next time that you examined

18 Minor do you know -- can you tell us when that
19 was?

20 A. That was in May of 2010.

21 Q. All right. And in May of 2010, did you have any
22 trouble communicating with her?

23 A. I did not.

24 Q. And what did she tell you had happened to her then?

25 A. In May of 2010, she shared about this person licking

1 her all over her body. She shared about penile/vaginal
2 penetration. She shared about bleeding related to that
3 incident. She shared about being shown pornography. She
4 shared about being offered money. I think that was the
5 majority of those.

6 Q. Okay. And then you moved to the physical exam?

7 A. Yes.

8 Q. And what were your findings there?

9 A. On the physical exam she did have a healed tear of
10 her hymen, which is at nine o'clock. We look -- we label
11 kind of any kind of trauma to the area like the face of a
12 clock. So twelve o'clock would be at the top, three, six
13 and nine. And hers was at nine o'clock. She also had a
14 pretty significant white discharge at the time of that
15 exam.

16 Q. And how old was she at the time of that second exam?

17 A. She was twelve.

18 Q. And why was the -- what's significant about the
19 white discharge that you noted?

20 A. Well, sometimes children can have discharge and it
21 be what we call physiologic discharge just from estrogen
22 being around in between -- sometimes during menstrual
23 cycles you can see discharge. But sometimes it's not.
24 And the only way to tell what is causing that is to do
25 further testing.

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1 Q. Okay. Let's talk about the tear that you noted in
2 her hymen. How does -- in your experience, how does
3 something like that happen in a child that's twelve?

4 A. The tear is due to some type of penetration across
5 that hymenal tissue.

6 Q. Okay. And in what state was the tear?

7 A. It was well-healed.

8 Q. Okay. But you could still see it?

9 A. Yes, ma'am.

10 Q. All right. Let's talk about some of the myths of,
11 you know, riding a horse or playing sports too rough and
12 causing the tear in the hymen of a child. Are those
13 things that could happen?

14 A. Injuries other than sexual abuse can cause tears to
15 the hymen, but they're very unusual. And the reason why
16 they're unusual is because although the hymen is not deep
17 inside the body, it has a lot of kind of outer protective
18 layers. So as we kind of, from the outside in, in the
19 female genital area, you have your labial, which is kind
20 of the, kind of the first covering over that. And then
21 inside, kind of inside that, is kind of the vulvar area,
22 and that's where the vaginal opening is. And then the
23 hymen, which is kind of not a complete closure over the
24 vaginal area; it's a partial tissue that is over there.
25 So if there is trauma, accidental trauma, it has to kind

1 of go directly, you know, from that outer area in and
2 kind of be a direct area to the hymenal tissue. And so
3 the majority of times when there is accidental trauma to
4 the area, you have to have trauma to the outside and to
5 the inside, not just to that specific area on the hymen.
6 It would be quite unusual.

7 Q. Okay. When you found this medical finding in
8 Minor on her second exam, is that usual? Do you
9 usually find something like that in your exams?

10 A. No. The majority of children that I see have normal
11 exams. I would say probably about ninety percent or
12 more. And that is definitely consistent with the medical
13 literature. A lot of times with detected trauma that
14 children experience, fondling, digital penetration, even
15 sometimes penile penetration, it doesn't actually cause
16 any physical findings that you can see on the exam. And
17 then that area often has an extremely good blood supply
18 so that small types of trauma can heal very, very quickly
19 so that we don't see anything. And lastly, that
20 estrogen, once a child is going through puberty, that
21 allows that area to often stretch instead of tear. So a
22 lot of times I see sexually active teenagers that I know
23 are sexually active because of their history and maybe
24 what I see on the exam related to infections and things
25 like that and their exams are totally normal.

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1 Q. Okay. Now, the healing tear that you observed, is
2 there any way to date it or to say how long it's been
3 there?

4 A. Other than saying that it didn't just happen, it's
5 not acute. There's no redness, there's no bleeding,
6 there's no way to date it from that.

7 Q. Okay. And is there any way to tell how many times
8 this area was penetrated in order to cause the injury
9 that you saw?

10 A. There is not. I think the only thing that -- in
11 this case, which is a little bit different from a lot of
12 the children that I see, is that I saw her twice. Most
13 of the time I just see a child one time and just have
14 that isolated exam. But with Minor you know, having
15 seen her four years prior, this not being there, so I
16 guess that's another way to date it, as well. It wasn't
17 there in 2006. It is there in 2010. But it didn't just
18 happen.

19 Q. Okay. Do you think it would be helpful, doctor, if
20 you could do a brief diagram to show the jury where your
21 medical findings were?

22 A. I can.

23 Q. Please, if you would step down. Just remember to
24 keep your voice up.

25 MS. MUNSON: And I suppose we ought to mark

1 this.

2 THE COURT: Marked for identification.

3 (WHEREUPON, State Exhibit Number 1 was marked for
4 identification.)

5 Q. As you are doing the diagram, doctor, if you could
6 explain to the jury what exactly it is you're doing?

7 A. Okay. Well, maybe I will do it so it's facing them.
8 This is definitely just going to be a schematic. I'll
9 draw just a little bit so that we can get started. Just
10 to kind of help orient you with the lays kind of being
11 what we call in the fee holders. And this is the abdomen
12 up here. And this is the rectal area right here. And
13 this is kind of the labia that's open. And I use what we
14 call traction just kind of gently using my thumb and
15 index finger to kind of gently pull on it toward me and
16 apart and that opens up the entire genital area so you
17 actually can see very well. This area here is the
18 urethra where we urinate from. And so this is the
19 vaginal opening, as I had mentioned before. And then
20 like many parts of our anatomy there's just different
21 types, and it varies from person to person, and the type
22 of hymen that Minor had is called a crescent shaped
23 hymen because it's a crescent like the moon. So it
24 doesn't go circumferentially around, so I'm going to draw
25 it in place and then you'll be able to see it. So you

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1 can see that it looks like a moon and there's always an
2 opening, so some people think that your vaginal area that
3 it's completely closed until there is some type of
4 penetration through that, and that is not true. Young
5 women start their periods and there needs to be a way for
6 that to get out. So the majority of times there always
7 is an opening. And so what Minor findings were,
8 it is more so on this exam than normally, and I guess I
9 can draw it a little bit bigger up here so you can see it
10 a little bit better. So that again here is the hymenal
11 tissue. And normally it should go as a crescent shaped
12 all the way around. And again this is twelve o'clock,
13 three o'clock, six o'clock and nine o'clock. So at nine
14 o'clock there was what we call an interruption in that
15 kind of smooth edge of the hymen, which we call a
16 transection because it went completely to the edge of
17 the hymenal wall. And that was the finding on her exam,
18 along with the white discharge, as I had mentioned.

19 Q. All right. Thank you, doctor. All right. Now this
20 transection, could this be just some -- just the way
21 her body was made?

22 A. Well, again, I think having had a prior exam in
23 2006, I had the opportunity to see it at that time; it
24 wasn't there. So sometimes you can see in some children
25 what we call deep clefts in that area of three o'clock

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1 and nine o'clock. But having seen Minor back at that
2 earlier date, not there, there this time, I don't think
3 this was part of her anatomy. And sometimes that can
4 be a confusion for some children. But having seen her
5 before, I had the opportunity to see something different.

6 Q. Okay. So based on -- let me ask you this first. Do
7 you have an opinion about how Minor got that injury?

8 A. Well, I think based on the history that she had
9 shared with me and the findings on her exam, including
10 the lab work that we did, that this was due to a
11 penetrating injury, and I felt it was consistent with the
12 disclosure that she had made.

13 Q. Of penile vaginal penetration?

14 A. Yes, ma'am.

15 MS. MUNSON: I have nothing further at this
16 time, Your Honor.

17 THE COURT: You may cross examine the witness.

18 MS. MANIGAULT: Thank you, Your Honor.

19 CROSS EXAMINATION

20 BY MS. MANIGAULT:

21 Q. Dr. Henderson, in 2006 did you have a chance to
22 review that report?

23 A. Yes, ma'am.

24 Q. At that time did the patient Minor -- were you
25 informed that someone had put their private part in her

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1 butt? I think that's what your note says?

2 A. Yes.

3 Q. Okay. And was that an adult or a child?

4 MS. MUNSON: Objection, relevance. And
5 hearsay.

6 THE COURT: I overrule the objection.

7 A. That was another child.

8 Q. And was that the only disclosure she made regarding
9 someone touching her -- did she make a disclosure to you
10 in 2006 that someone had touched her in her vaginal area
11 also?

12 A. On top of her clothes, yes.

13 Q. Now, in 2010, did you do tests for any sexually
14 transmitted diseases?

15 A. Yes, I did.

16 Q. And were any sexually transmitted diseases
17 detected?

18 A. Yes. On the wet prep she had trichomoniasis, which
19 is a sexually transmitted disease. Along with bacterial
20 vaginosis and a yeast infection. The latter two are not
21 sexually transmitted.

22 Q. And was she prescribed anything for that?

23 A. Yes, she was.

24 Q. All right. Now, you testified that the exam was
25 sometime after the reported information that you

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1 received, the incident date?

2 A. Yeah. I think the intake was on the 26th of April
3 to the advocacy center and I saw her on the 13th of May
4 of 2010.

5 Q. Okay. And your testimony is that you could not say
6 -- give a time frame for when the tear in the hymen
7 could have occurred?

8 A. It was not acute, but it happened between 2006 and
9 2010.

10 Q. All right. And you say she was twelve when she
11 came in. So when she came in was she already started
12 her menstrual cycle?

13 A. I do not have it recorded that she had.

14 Q. Thank you.

15 THE COURT: Any redirect?

16 MS. MUNSON: No, sir, Your Honor.

17 THE COURT: All right. Thank you, doctor. You
18 may step down.

19 MS. MUNSON: Your Honor, we ask that this
20 witness be excused.

21 THE COURT: Any objection?

22 MS. MANIGAULT: No objection.

23 THE COURT: Without objection, the witness may
24 be excused.

25 MS. MUNSON: May it please the court, Your

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1 Honor, that is the state's case.

2 THE COURT: All right. Ladies and gentlemen,
3 we need to take a short break while I take care of some
4 matters. We'll call you back in just a few minutes.
5 Don't discuss the case while you're out and about. You
6 haven't heard everything that you need to hear before you
7 start your deliberations. So don't discuss the case.
8 You may retire back to your jury room briefly.

9 (WHEREUPON, the jury exited the open court at
10 approximately 9:47 a.m.)

11 THE COURT: All right. Are there any matters
12 we need to take care of before we settle the record and
13 I talk to Mr. Woody about his right to testify?

14 MS. MANIGAULT: Your Honor, defense would make
15 a motion for a directed verdict, as to the charges in
16 that the state did not prove the elements of the offenses
17 as charged.

18 THE COURT: Any of the elements in particulate?
19 Or do you just think overall?

20 MS. MANIGAULT: Overall.

21 THE COURT: I must weigh the evidence at this
22 stage in the light most favorable to the non-moving
23 party, as you both are aware. Our court has said if
24 there's any direct evidence or substantial circumstantial
25 evidence that would tend to prove the guilt of the

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1 accused or from which it could fairly, logically be
2 deduced, I should not grant a directed verdict. I find
3 there is not a lack of competent evidence. Certainly
4 more than a mere suspicion was raised of guilt. I
5 respectfully deny your motion, Ms. Manigault.

6 MS. MANIGAULT: Thank you, Your Honor. The
7 other issue is, Your Honor, my client has not fully
8 decided whether he's testifying or not testifying.

9 THE COURT: If you could come forward with
10 your client, Ms. Manigault, and let me talk with him
11 briefly.

12 Mr. Woody, if you would, please raise your right
13 hand. Do you swear or affirm that the testimony you're
14 about to give me will be the truth, the whole truth and
15 nothing but the truth, so help you God?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: I'm confident you've had a chance
18 to talk with your attorney about your rights that we have
19 at this stage of the case, but I need to go over them to
20 be satisfied in my own mind that you understand those.
21 If I mention anything that you have a question about,
22 please let me know and I'll be glad to try to answer it
23 for you.

24 We're at the stage of the trial now where you can
25 present a defense. You have a right to the protections

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1 that you enjoy under the constitution of South Carolina;
2 also the constitution of the United States. The Fifth
3 Amendment to the United States constitution says in part
4 that no person can be compelled or required in any
5 criminal case to be a witness against himself. That
6 means you can't be required to testify. You have a
7 right to testify on your own behalf, but nobody can make
8 you testify. It's a personal right that you enjoy, and
9 nobody can waive this right except you. You may decide
10 that you want to testify, and if you do you would be
11 subject to the same rules that govern any other witness
12 who testified. You would be examined and cross examined
13 on any relevant issue in the case.

14 In addition, if you have any prior convictions
15 involving dishonesty or false statements or crimes for
16 which you could have been punished for more than one year
17 in jail, then if the court determines that the probative
18 value of admitting that evidence outweighs its prejudicial
19 effect to you, then the solicitor would be allowed to
20 introduce your criminal record to attack your credibility.

21 Now, the decision of whether or not to testify must
22 be made voluntarily by you, intelligently by you, with
23 the knowledge of the protections that you enjoy under
24 our constitutions. And also of the consequences of your
25 decision to testify. You may decide you don't want to

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1 testify. And if that's your choice, I'm going to
2 instruct the jury that they can't give that fact that
3 you didn't testify any consideration whatsoever. That
4 there's to be absolutely no prejudice to you because
5 you chose not to testify. This decision is left entirely
6 up to you. You can talk with family, with friends, with
7 your attorney. But ultimately that's a decision that you
8 and you alone will have to make.

9 Do you understand, Mr. Woody, what I've explained to
10 you?

11 THE DEFENDANT: Yes, sir, I do.

12 THE COURT: Do you have any questions of me?

13 THE DEFENDANT: No, sir.

14 THE COURT: All right. You can return to your
15 seat, please, with your attorney.

16 Are there any offenses for which the state would
17 seek to impeach the witness if he chose to testify,
18 solicitor?

19 MS. MUNSON: No, sir, Your Honor.

20 THE COURT: All right. Let's take a break and
21 y'all can talk about this a little more. We'll take
22 about a ten, fifteen minute break and be ready to
23 proceed.

24 MS. MANIGAULT: Thank you, Your Honor.

25 (WHEREUPON, the court stood at recess for a short

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1 break.)

2 THE COURT: All right. Ms. Manigault, you
3 ready to proceed?

4 MS. MANIGAULT: Yes, sir.

5 THE COURT: You ready to proceed?

6 MS. MANIGAULT: Yes, sir.

7 THE COURT: Does your client intend to put up
8 a defense?

9 MS. MANIGAULT: Yes, Your Honor. My client
10 intends to testify, but we have one short witness before
11 he testifies.

12 THE COURT: All right.

13 Okay. If our jury is ready you can have them come
14 back in.

15 (WHEREUPON, the jury entered the open court at
16 approximately 10:16 a.m.)

17 THE COURT: All right. Ms. Manigault, you may
18 call your first witness.

19 MS. MANIGAULT: Thank you, Your Honor. Please
20 the court, we call Ms. Shirley Woody.

21 THE CLERK: Ms. Woody, please. Pause at the
22 end of the bench. Please place your left hand on the
23 bible and raise your right hand.

24 You do solemnly swear or affirm to tell the truth,
25 the whole truth, nothing but the truth, so help you God?

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1 THE WITNESS: Yes, ma'am.

2 THE CLERK: Thank you. Please be seated.

3 Please state your name for the record.

4 THE WITNESS: It's Shirley Diana Woody.

5 SHIRLEY DIANA WOODY,

6 BEING DULY SWORN, TESTIFIED AS FOLLOWS:

7 DIRECT EXAMINATION

8 BY MS. MANIGAULT:

9 Q. Ms. Woody, I'm going to need you to keep your voice
10 up, so I'm going to stand back here to make you talk loud.

11 A. Okay.

12 Q. Where do you live?

13 A. I live at [REDACTED] Simpsonville, South
14 Carolina.

15 Q. All right. And in 2006 where did you live?

16 A. I lived at [REDACTED], Piedmont.

17 Q. And how long did you live at that address?

18 A. Four and a half years.

19 Q. When did you move from that address?

20 A. I moved back in May to Pine Valley.

21 Q. May of what year?

22 A. 2000 and -- let me think. 2000 and -- I think I
23 moved there in 2010.

24 Q. Okay. All right. Now, how are you related to
25 Millanyo Antonio Woody?

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- 1 A. He's my son.
- 2 Q. And how old are you, Ms. Woody?
- 3 A. I'm fifty-six.
- 4 Q. And what education do you have? How far did you go
- 5 in school?
- 6 A. Eleventh grade.
- 7 Q. And do you work?
- 8 A. No. I'm disabled.
- 9 Q. And how long have you been disabled?
- 10 A. About nine years.
- 11 Q. About nine years. Okay. Now, in May of 2010, did
- 12 you go down to talk with Investigator Cromartie, a female
- 13 officer?
- 14 A. Yes.
- 15 Q. And did you go down with your daughter India?
- 16 A. Yes.
- 17 Q. And when you went to talk with the investigator, were
- 18 you still living at [REDACTED]?
- 19 A. Yes.
- 20 Q. All right. And has Minor ever spent the night at
- 21 your home?
- 22 A. No. Never.
- 23 Q. All right. Now, what -- is it a house, an apartment
- 24 or a trailer that was at [REDACTED]?
- 25 A. Mobile home.

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1 Q. Mobile home? All right. And how many bedrooms did
2 you have in that mobile home?

3 A. Three.

4 Q. Three bedrooms? And who lives there with you?

5 A. It's me, my son -- my grandson Maurice, my little
6 sister Corrine, and my husband J.C. Stewart.

7 Q. Okay. You kind of muddled. Tell me again. Who
8 lives with you?

9 A. My little sister Corrine, my grandson Maurice Little
10 and my husband J.C. Stewart.

11 Q. All right. And does everybody have their own
12 bedroom?

13 A. Yes.

14 Q. And you said Maurice?

15 A. Maurice.

16 Q. Maurice? How old is Maurice now?

17 A. He's nineteen.

18 Q. And has Maurice always been with you?

19 A. Yes.

20 Q. And how long -- when did he come to live with you; as
21 a baby or ...

22 A. Yes. He was thirteen months old.

23 Q. All right. And did you babysit for any of your other
24 grandchildren?

25 A. Yes.

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- 1 Q. And who did you babysit for?
- 2 A. My step grandson JaTwan and my son Millanyo Junior
- 3 W. .
- 4 Q. And how often did you baby with JaTwan and ---
- 5 A. I kept him all the time.
- 6 Q. All the time? And when you kept Jatwan -- what did
- 7 y'all call Millanyo Junior?
- 8 A. Well, I call him Monty.
- 9 Q. You call him Monty? And do other people call him
- 10 M.J.?
- 11 A. Yes.
- 12 Q. How old is Monty now?
- 13 A. Ten.
- 14 Q. He's ten. When you were babysitting with Monty and;
- 15 JaTwan, did Minor ever come over there to your house?
- 16 A. No. She come one time and that's when Tawanda
- 17 brought my grandchildren for them going to stay with me.
- 18 Q. All right. She came to your house one time and she
- 19 came with her mother Tawanda?
- 20 A. Uh-huh (affirmative). Yes.
- 21 Q. And when they came at that time, did Minor come
- 22 inside the house?
- 23 A. Yes. She wanted to see my granddaughter.
- 24 Q. All right. What is your granddaughter's name?
- 25 A. Malaysia.

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1 Q. Malaysia? All right. Now, when Minor came into
2 your house with her mother Tawanda, was Millanyo there,
3 Antonio there?

4 A. No. He wasn't there.

5 Q. All right. Has Minor ever come to your house at
6 any other time to visit?

7 A. No.

8 Q. All right. Now, you said you lived at Pine Valley
9 for four and a half years?

10 A. Yes. She only come when the children was there and
11 she would go back to her car.

12 Q. Okay. She only come with the children and then she
13 goes back to the car?

14 A. Yes.

15 Q. So she doesn't spend the night in your house?

16 A. No.

17 Q. Okay. So in 2006 through 2010 when you lived at [REDACTED]
[REDACTED], your husband, your sister and your grandson
19 all lived in that house?

20 A. Yes.

21 Q. Did Millanyo -- what do you call your son here?

22 A. Millanyo.

23 Q. Okay. Did Millanyo ever come over to your house like
24 twelve o'clock at night or two o'clock in the morning?

25 A. No.

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Shirley Diana Woody - Cross Examination by Ms. Munson

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1 Q. To check on you or anything else?

2 A. No.

3 Q. Okay. Did Millanyo ever bring Minor to your house?

4 A. No.

5 Q. Did Tawanda ever bring Minor and leave her at your
6 house?

7 A. No. Well, when she was little.

8 Q. How old?

9 A. Like around about five or six.

10 Q. Okay. And would she spend the night then?

11 A. No.

12 Q. You would just babysit during the day?

13 A. Yes.

14 Q. Okay. Did you babysit for anybody else besides
15 Tawanda and Millanyo's children?

16 A. No.

17 Q. Just them? You said you were helping them out as a
18 grandmother?

19 A. Yes.

20 Q. And I wanted to ask you again. Are you certain that
21 Minor did not spend the night with you at Pine Valley or
22 any other place that you lived?

23 A. No. She never.

24 Q. Okay. Thank you.

25

CROSS EXAMINATION

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1 BY MS. MUNSON:

2 Q. Hey, Ms. Woody. M.J. and JaTwan would spend the
3 night?

4 A. Yes.

5 Q. And M.J. is younger than Minor correct?

6 A. Yes.

7 Q. What did Minor call you?

8 A. She don't call me anything. I probably don't be
9 around her that much.

10 Q. Okay. But you're around the boys?

11 A. Yes.

12 Q. Okay.

13 MS. MUNSON: I have nothing further, Your Honor.

14 Thank you, ma'am.

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

16 MS. MANIGAULT: Thank you. Your Honor, we call

17 Millanyo Antonio Woody.

18 THE CLERK: Step up to the end of the bench.

19 Place your left hand on the bible and raise your right
20 hand.

21 You do solemnly swear or affirm to tell the truth,
22 the whole truth, nothing but the truth, so help you God?

23 THE DEFENDANT: Yes, ma'am.

24 THE CLERK: Please be seated. Please state your
25 name for the record.

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1 THE DEFENDANT: My name is Millanyo Woody.

2 MILLANYO ANTONIO WOODY,

3 BEING DULY SWORN, TESTIFIED AS FOLLOWS:

4 DIRECT EXAMINATION

5 BY MS. MANIGAULT:

6 Q. And how old are you, Mr. Woody?

7 A. Thirty-eight.

8 Q. And what kind of educational background do you have?

9 A. I have a GED.

10 Q. How far did you go in school?

11 A. Well, I went a couple of years to college.

12 Q. How far did you go in high school?

13 A. Eleventh.

14 Q. Okay. What high school was that?

15 A. Greenville High.

16 Q. All right. And where did you go to college a couple
17 of years?

18 A. Spartanburg, Greenville Tech. Spartanburg Community,
19 Greenville Tech.

20 Q. Did you ever complete any certificate course?

21 A. No, ma'am. But I have a certificate, but not from
22 them.

23 Q. Okay. So what kind of studying were you doing at
24 Spartanburg Tech and Greenville Tech?

25 A. Horticulture and engineering.

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Millanyo Antonio Woody - Direct Examination by Ms. Manigault

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1 Q. All right. Are you working at this time?

2 A. No, ma'am. I'm disabled.

3 Q. All right. And how long have you been disabled?

4 A. Since 2011.

5 Q. All right. And where are some of the places that you
6 have worked?

7 A. I've worked with U.T.I. as a logistics, for BMW and
8 Swift Transportation and Park Place.

9 Q. Park Place. How long did you work for Park Place?

10 A. From 2001 to 2006.

11 Q. Your voice dropped. You worked for BMW?

12 A. Yes, ma'am. U.T.I.

13 Q. U.T.I., okay.

14 A. That was in 2008.

15 Q. And anywhere else?

16 A. Like I say, Swift Transportation, I worked there a
17 while.

18 Q. As what?

19 A. Truck driver.

20 Q. So how long were you truck driving?

21 A. From I'd say January 2008 till -- no, I'm sorry --
22 2007 to July 2007. It wasn't long.

23 Q. All right. Were you married to Tawanda?

24 A. Yes and no.

25 Q. Okay. Explain the no part.

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- 1 A. Well, we thought we was married, but we never -- you
2 know, once we went to get the divorce, the certificate was
3 never turned in so we couldn't get a divorce because we
4 was never married.
- 5 Q. Y'all went through a ceremony?
- 6 A. Yes, ma'am, we did.
- 7 Q. With a preacher?
- 8 A. Yes, ma'am, we did.
- 9 Q. Did you get a marriage license?
- 10 A. Yes, ma'am, we did.
- 11 Q. So you're saying that it turned out you were not
12 married?
- 13 A. Yes, ma'am, that's correct.
- 14 Q. Was the marriage license not turned in to the ---
- 15 A. The clerk of courts.
- 16 Q. All right. So you thought you were married to
17 Tawanda for how long?
- 18 A. 2000 -- well, we got married in 2002, May 6th, until
19 2008.
- 20 Q. Okay. And did you ever separate from Tawanda?
- 21 A. No, ma'am.
- 22 Q. Okay. What year did y'all finally split up?
- 23 A. 2007.
- 24 Q. 2007. And are you married now?
- 25 A. Yes, ma'am, I am.

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1 Q. What's your wife's name?

2 A. India Woody.

3 Q. And when did you meet India?

4 A. 2007.

5 Q. All right. And did y'all live together?

6 A. Yes, ma'am. We currently live together now.

7 Q. Okay. When did you get married?

8 A. June 29th, 2012.

9 Q. Okay. And did you live together at all in 2007 or
10 '08 before y'all got married?

11 A. Yes, ma'am.

12 Q. When did y'all stop living together?

13 A. January 2008.

14 Q. And y'all lived together continuously until you got
15 married?

16 A. Yes, ma'am, that's correct.

17 Q. And you're still living together now?

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

19 Q. And do you have any children with India?

20 A. Yes, ma'am, I do. I have two children.

21 Q. And they're with India?

22 A. Yes, ma'am, they are.

23 Q. What are their names?

24 A. Malaysia W. and Kyra W.

25 Q. And how old are they?

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- 1 A. Malaysia is five and Kyra is two.
- 2 Q. Okay. I'm assuming Malaysia is a girl?
- 3 A. Yes, ma'am, she's a girl. I'm sorry.
- 4 Q. Kyra is a boy?
- 5 A. Yes, ma'am. That's my son.
- 6 Q. All right. And how many other children do you have?
- 7 A. Three others; total of five.
- 8 Q. All right. And what's your oldest child?
- 9 A. Maurice Fuller.
- 10 Q. And who does Maurice live with?
- 11 A. My mother Shirley Woody.
- 12 Q. And has he always lived with your mother?
- 13 A. Yes, ma'am, he has.
- 14 Q. And how old is Maurice now?
- 15 A. He's nineteen. He'll be twenty next month, the 4th.
- 16 Q. All right. And who else do you have?
- 17 A. I have Desiree W. . She'll be fifteen the 29th of
- 18 next month. And Millanyo Junior, he just turned ten in
- 19 September. And there's Malaysia W. , she's five, and
- 20 Kyra.
- 21 Q. Who does Desiree live with?
- 22 A. She lives with her mother.
- 23 Q. And is that in Greenville County?
- 24 A. Yes, ma'am, it is.
- 25 Q. All right. And M.J. lives with?

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- 1 A. His mother.
- 2 Q. And that's Tawanda?
- 3 A. Yes, ma'am, it is.
- 4 Q. And that's Greenville County?
- 5 A. Yes, ma'am.
- 6 Q. All right. When you and Tawanda thought y'all were
- 7 married did any children live with you?
- 8 A. Yes, ma'am.
- 9 Q. Who lived with you at that point?
- 10 A. It was Minor JaTwan P. and there was
- 11 Millanyo Junior.
- 12 Q. All right. And did Tawanda work during the time
- 13 y'all were together?
- 14 A. Yes, ma'am, she did.
- 15 Q. And what kind of work hours did she have?
- 16 A. She worked third shift sometimes and she worked
- 17 first. She worked at two different places. So it would
- 18 vary; be first and second and third sometimes. It was a
- 19 mixture. It wasn't just third all the time.
- 20 Q. All right. Did you work during that time period?
- 21 A. Yes, ma'am, I did.
- 22 Q. And what was your work hours?
- 23 A. It depends on what year you was talking about. Like
- 24 2006 or beyond, it was Park Place. 2007, it was U.T.I.,
- 25 Swift. Depends on what year you're talking about.

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- 1 Q. Okay. You said y'all got married in 2002?
- 2 A. Yes, ma'am, that's correct.
- 3 Q. Where were you working in 2002?
- 4 A. Park Place.
- 5 Q. All right. When did you leave Park Place?
- 6 A. 2006, September.
- 7 Q. And after you left Park Place, where did you go?
- 8 A. U.T.I.
- 9 Q. All right. So you were working during the entire
- 10 time you were with Tawanda?
- 11 A. That's correct.
- 12 Q. And your work hours during that time was what?
- 13 A. From eight to four.
- 14 Q. All right. Now, how old was Minor when you married
- 15 Tawanda?
- 16 A. I think she was three.
- 17 Q. About three?
- 18 A. Yes, ma'am.
- 19 Q. All right. Did you assist or help Tawanda with
- 20 Minor
- 21 A. Yes, ma'am.
- 22 Q. What kind of things did you do for Minor
- 23 A. I mean the normal father things. Bought her stuff,
- 24 took care of her, fed them. I fed them all. You know, I
- 25 didn't treat her no different than anybody else, like my

1 other daughter.

2 Q. Did you ever give her a bath when she was three?

3 A. Yes, ma'am, I did all of them. Her and the boys and
4 all.

5 Q. All right. Did you ever give her a shower when she
6 was eight or older?

7 A. No, ma'am. That's not -- no, ma'am.

8 Q. Did you ever step into the shower or bathroom while
9 she was in the bathroom?

10 A. No, ma'am.

11 Q. All right. Did you ever touch her while she was in
12 the shower and ---

13 A. No, ma'am.

14 Q. So you're testifying that you did give her baths when
15 she was younger?

16 A. Yes, ma'am, I did.

17 Q. And you did that for all your children?

18 A. Yes, ma'am, I did.

19 Q. All right. What was the part of the reason why you
20 and Tawanda finally split up?

21 A. It was due to the first allegations and different
22 other stuff. One day I checked the mailbox and I seen a
23 letter from Minor father and I was curious about it
24 and I read it. So that had a lot of play -- part in it.

25 Q. Okay. Do you recall going down and talking in May of

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- 1 2006 to Investigator Cromartie?
- 2 A. No, ma'am.
- 3 Q. A female investigator?
- 4 A. No, ma'am, not in 2006.
- 5 Q. Okay. I'm sorry. Did you go down and talk to
- 6 Investigator Cromartie in 2010?
- 7 A. Yes, ma'am, that's correct.
- 8 Q. Okay. And she told you about her investigation?
- 9 A. Yes, ma'am, that's correct.
- 10 Q. And your response to her was what?
- 11 A. Do I need to see a lawyer? And she was like it was
- 12 best if I contact a lawyer before I said anything, so ...
- 13 Q. Okay. All right. And did you deny the allegation
- 14 that she told you about?
- 15 A. Yes, ma'am, I did.
- 16 Q. And you told her that?
- 17 A. Yes, ma'am, I did.
- 18 Q. And at that point did your mom also go down there?
- 19 A. Yes, ma'am, she did.
- 20 Q. Okay. Now, have you ever seen Minor alone anytime
- 21 after you and Tawanda split up?
- 22 A. Yes, ma'am, I did.
- 23 Q. When?
- 24 A. December -- sometime December 10th.
- 25 Q. Of what year?

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1 A. 2010. I'm sorry.

2 Q. All right. And why did you see her at that time?

3 A. Well, her mother called me and wanted me to go by and

4 check on the kids because M.J. was always missing the bus

5 and she was tired of getting off work and having to take

6 him to school. And he was acting out in the morning. So

7 she called me about it. You know, I called him a couple

8 of times on the phone to try to get him to get up, but

9 that didn't work. So she wanted me to go over there one

10 day because her boyfriend was in jail at the time.

11 Q. Because? I didn't hear you?

12 A. Her boyfriend Clifford was in jail at that time.

13 Q. Was Clifford living with her at one point?

14 A. Yes, ma'am.

15 Q. So Tawanda called you and asked you to go check on

16 the kids and get them up?

17 A. Yes, ma'am.

18 Q. And when you say M.J., that's your son?

19 A. Yes, ma'am.

20 Q. And he was missing the bus?

21 A. Yes, ma'am.

22 Q. And so you tried to call and correct the situation,

23 but that didn't work?

24 A. Yes, ma'am, that's correct. It didn't work.

25 Q. Now when you went over there that morning, who was at

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1 the house?

2 A. It was Minor there was JaTwan and there was
3 Millanyo Junior.

4 Q. And when you went over there, what did you do?

5 A. Well, I knocked on the door and I told her her mother
6 sent me over. She opened the door. Went in her mother's
7 room, shut the door. I proceeded to get the boys dressed.
8 They ate cereal. Her mother continued texting me. I told
9 her what was going on, what was happening. The bus came.
10 I left.

11 Q. All right. You put the boys on the bus?

12 A. Yes, ma'am, I did.

13 Q. And you left Minor at the house?

14 A. Yes, ma'am, I did.

15 Q. Did you have any other contact with Minor that
16 morning?

17 A. No, ma'am, I didn't.

18 Q. Did you go in Tawanda's bedroom and force Minor to
19 lay on the bed or lie on the door?

20 A. No, ma'am, I didn't.

21 Q. Did you try to have sex with Minor that morning?

22 A. No, ma'am, I didn't.

23 Q. Have you ever tried to have sex with Minor

24 A. No, ma'am, I didn't. I haven't. Sorry.

25 Q. Have you ever spent the night in a house with Minor

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1 since you and Tawanda separated?

2 A. No, ma'am, I haven't.

3 Q. Has Minor -- have you gone to your mother's house

4 and Minor been there?

5 A. No, ma'am, I haven't.

6 Q. That's day or night?

7 A. That's day or night. Not since the 2006 incident.

8 Q. All right. You said Minor was three when you

9 married her mom?

10 A. Yes, ma'am.

11 Q. Did you ever, even while giving Minor a bath from

12 age three to whenever -- when do you think you stopped

13 giving her a bath?

14 A. Well, probably about six or seven.

15 Q. So did you ever touch her in a way that was -- that

16 had nothing to do with giving her a bath?

17 A. No, ma'am, I didn't.

18 Q. Did you ever try to molest her?

19 A. No, ma'am.

20 Q. Did you ever try to put your fingers up her vaginal

21 area?

22 A. No, ma'am.

23 Q. Did you ever rub your private part, your penis,

24 against her body?

25 A. No, ma'am.

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- 1 Q. Either with clothing or without clothing?
- 2 A. No, ma'am.
- 3 Q. Did you and Minor have a pretty good relationship,
- 4 father/daughter relationship?
- 5 A. Yes, ma'am. I did with all the kids. Like I said,
- 6 they were all around. So I mean, I didn't treat none of
- 7 them different than the other. I just saw her more
- 8 because she was in the house more than the rest of my
- 9 other kids, so ...
- 10 Q. Okay. Now, when you and Tawanda separated, you got
- 11 with India, your wife now?
- 12 A. Yes, ma'am.
- 13 Q. Where did y'all live?
- 14 A. What year you talking about?
- 15 Q. Okay. 2008?
- 16 A. In 2008, lived in Georgia.
- 17 Q. How long -- you and India?
- 18 A. Yes, ma'am.
- 19 Q. And how long did you live in Georgia?
- 20 A. About eight or nine months.
- 21 Q. All right. Was Minor down there?
- 22 A. No, ma'am.
- 23 Q. Did anybody bring Minor down there to see you?
- 24 A. No, ma'am.
- 25 Q. Did you come back home to visit your mom?

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- 1 A. Yes, ma'am.
- 2 Q. And was Minor ever at the house when you came back
3 from Georgia to visit your mom?
- 4 A. No, ma'am.
- 5 Q. When you moved from Georgia, where did you move to?
- 6 A. We currently moved with my mother for a while.
- 7 Q. Lived with your mother?
- 8 A. Yes, ma'am.
- 9 Q. How long did you stay with her?
- 10 A. I stayed from January to June, I think.
- 11 Q. Of what year?
- 12 A. 2009.
- 13 Q. All right. So when -- that was you and India?
- 14 A. Yes, ma'am, and Malaysia.
- 15 Q. Your daughter. So when you moved with your mom when
16 you came back from Georgia?
- 17 A. Yes, ma'am.
- 18 Q. You stayed with her several months?
- 19 A. Yes, ma'am.
- 20 Q. Did Minor come over during that time and spend the
21 night?
- 22 A. No, ma'am.
- 23 Q. Did she come over during the day when you were there?
- 24 A. No, ma'am.
- 25 Q. Now, when you left your mom in 2009, where did you

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1 move to?

2 A. We moved to -- I think we moved to Oakview
3 Apartments. That's in Spartanburg.

4 Q. Okay. And how long did you live in Spartanburg?

5 A. I think we stayed there a year and a half, maybe two
6 years.

7 Q. Did Minor come over to Spartanburg to visit you and
8 India?

9 A. No, ma'am.

10 Q. Now, when you say we moved to Spartanburg, that's
11 you, India and Malaysia?

12 A. Yes, ma'am.

13 Q. All right. When was your last child born?

14 A. Kyra, [REDACTED] he's two, so 2012.

15 Q. All right. So you stayed at Oakview Apartments in
16 Spartanburg?

17 A. Yes, ma'am.

18 Q. And you stayed there for how long you said?

19 A. I think we stayed there about a year and a half.

20 Q. A year and a half?

21 A. Uh-huh (affirmative).

22 Q. And Minor didn't come to visit or spend the night
23 with y'all?

24 A. No, ma'am.

25 Q. Did Tawanda ever come to visit you over there?

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1 A. No, ma'am, not in Spartanburg. No, ma'am.

2 Q. All right. And when you moved from Oakview

3 Apartments in Spartanburg, where did you go to, where did
4 you move to?

5 A. We moved to [REDACTED] It's in Piedmont, South
6 Carolina.

7 Q. Okay. Was that in 2009, also?

8 A. 2010.

9 Q. All right. And how long did you stay there?

10 A. We stayed there I think a year, maybe two years.

11 Q. All right. Now, when you left the Piedmont -- stop
12 right there -- did Minor ever come to spend the night or
13 visit you and India while you lived in Piedmont?

14 A. No, ma'am.

15 Q. Did you ever go anywhere where Minor was and spend
16 the night at that place?

17 A. No, ma'am.

18 Q. Now, when you left Piedmont where did you move to?

19 A. When we left Piedmont we went to Duncan, I think it
20 was Culpepper Drive in Duncan, South Carolina.

21 Q. And that's in Spartanburg County?

22 A. Yes, ma'am.

23 Q. All right. And how long did you stay in Duncan?

24 A. I think we stayed there a year.

25 Q. All right. And did Minor come to your house in

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1 Duncan, South Carolina, to stay with you and your wife?

2 A. No, ma'am.

3 Q. All right. Did M.J. ever come and spend the night
4 with you at any of these places?

5 A. Yes, ma'am.

6 Q. Okay. And where do you live now?

7 A. I stay in Spartanburg. It's [REDACTED]. It's
8 in Spartanburg.

9 Q. Okay. So generally, when you separated from Tawanda
10 in 2000 ---

11 A. '7.

12 Q. --- 2007, you got with India.

13 A. Yes, ma'am.

14 Q. Generally you would have lived from Georgia to
15 Spartanburg County?

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

17 Q. And the only time you came back to Greenville County
18 was when you spent those couple of months with your
19 mother?

20 A. Yes, ma'am, that's correct.

21 Q. And during any of that time from 2007, since you and
22 Tawanda separated, through 2010, besides the one time that
23 you told us about already, did you go anywhere around

24 Minor near Minor Were you ever by yourself with

25 Minor

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1 A. No, 'ma'am, I wasn't.

2 Q. And you never spent the night at anybody's house
3 where Minor was?

4 A. No, ma'am, I wasn't. I didn't. I'm sorry.

5 Q. I believe that there was testimony that Minor
6 considered herself spoiled rotten because you bought her
7 everything she wanted. What kind of things did you buy
8 Minor

9 A. She wasn't spoiled rotten. I just took care of her
10 like everybody else. I mean, the only thing I can say she
11 was spoiled is when she got a scooter, me and her mother
12 split in half for her birthday. That's the only time I
13 would say she was spoiled or anything. We couldn't afford
14 nothing extravagant for her or nothing, you know.

15 Q. Keep your voice up.

16 A. Oh, I'm sorry.

17 Q. You said you couldn't afford anything extravagant?

18 A. Yes, ma'am. Nothing -- I don't know what she's
19 talking about spoiled rotten.

20 Q. Did you do more for Minor than you did for Desiree?

21 A. No, ma'am.

22 Q. Did you do more for Minor than you did for M.J.?

23 A. No, ma'am.

24 Q. And Malaysia?

25 A. Malaysia wasn't born. No, ma'am.

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- 1 Q. She wasn't born at that time?
- 2 A. No, ma'am.
- 3 Q. So you did for all your children, is what you're
- 4 saying?
- 5 A. Yes, ma'am.
- 6 Q. And you didn't give her any more or less than you
- 7 gave the other kids?
- 8 A. No, ma'am. Maybe occasion I gave her a dollar or
- 9 two. Like I said, Desiree didn't live with me, so ...
- 10 Q. Did you ever give M.J. or Monty money?
- 11 A. Yes, ma'am.
- 12 Q. And did you ever give Desiree money?
- 13 A. Yes, ma'am.
- 14 Q. Was Minor upset with you when you and her mother
- 15 split?
- 16 A. Yes, ma'am, kind of. Yes, ma'am. It kind of
- 17 happened when Malaysia came along. That's when everything
- 18 started kicking up.
- 19 Q. Okay. Now, I want you to tell me again.
- 20 A. Yes, ma'am.
- 21 Q. Did you go in anybody's house and spend the night
- 22 while Minor was in that house?
- 23 A. No, ma'am, I have never done that.
- 24 Q. And has Minor come to your house either in Georgia
- 25 or Spartanburg County or ever when you were staying the

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Millanyo Antonio Woody - Cross Examination by Ms. Munson

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1 couple of months with your mother, did she come to your
2 house -- to that house and spend the night there?

3 A. No, ma'am, she didn't.

4 Q. All right. You have not had any time alone with
5 Minor is that what you're saying?

6 A. Other than the one time that her mother called me.

7 Q. Okay. That was December of 2010?

8 A. Yes, ma'am, that's correct.

9 Q. And I am talking about from 2006, 2007, 2008, 2009,
10 2010, did you spend the night with Minor in anybody's
11 house?

12 A. No, ma'am, I didn't.

13 Q. All right. Thank you.

14 **CROSS EXAMINATION**

15 **BY MS. MUNSON:**

16 Q. When was Malaysia born?

17 A. [REDACTED] 2009.

18 Q. And that's when Minor started getting money?

19 A. Yes, ma'am.

20 Q. Did you not tell Detective Bradford with the
21 Greenville City Police when you talked to him in 2006 ---

22 A. Yes, ma'am.

23 Q. --- that you didn't bathe Minor anymore, but you
24 would still wash her hair ---

25 A. Yes, ma'am.

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- 1 Q. --- as recently as a month before?
- 2 A. Yes, ma'am, that's correct.
- 3 Q. Wash her hair in the sink, I guess?
- 4 A. No, ma'am.
- 5 Q. Where?
- 6 A. Well, I mean, not in the sink; probably in the
- 7 bathtub.
- 8 Q. This whole time you were living in Georgia and
- 9 Spartanburg and everywhere else from '07 to 2010; is that
- 10 right?
- 11 A. Yes, ma'am.
- 12 Q. You didn't see M.J.?
- 13 A. Yes, ma'am, I saw him.
- 14 Q. Well, where did you see him?
- 15 A. At my mother's house. He came over.
- 16 Q. So it's not like you went to Georgia and never came
- 17 back?
- 18 A. Yes, ma'am, that's correct.
- 19 Q. So you were around?
- 20 A. Yes, ma'am, I were around. Yes, ma'am.
- 21 Q. Okay. You never bought Minor anything -- you
- 22 wouldn't give her anything she wanted?
- 23 A. No, ma'am.
- 24 Q. Even at weird times?
- 25 A. No, ma'am.

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1 Q. What about the Hannah Montana wig?

2 A. Hannah Montana wig?

3 Q. Yeah.

4 A. No, ma'am.

5 Q. You don't even know what that is?

6 A. I know what Hannah Montana is, but not a wig.

7 Q. Okay. Did you also tell Detective Bradford that you
8 had no idea why Minor would lie on you?

9 A. Yes, ma'am. I think -- that's correct, yes, ma'am.

10 Q. Over at your mother's house, M.J. would be over there
11 from time to time ---

12 A. Yes, ma'am.

13 Q. --- spending the night?

14 A. Yes, ma'am.

15 Q. JaTwan, as well?

16 A. Yes, ma'am. I considered him my son. Yes, ma'am.

17 Q. Okay. And you considered Minor your daughter?

18 A. Yes, ma'am. But after -- you're talking about
19 between 2006 and 2007, things were different between me
20 and her.

21 Q. From -- okay. Things got bad in 2009 because you had
22 a child ---

23 A. Yes, ma'am. She would come occasional, but not
24 spending the night or me being alone with her or anything
25 like that.

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1 Q. Okay. And then things were bad in 2006 because of
2 the first allegation?

3 A. Yes, ma'am. That's when me and her mother ---

4 Q. And did they ever heal up?

5 A. No, ma'am.

6 Q. Okay. So you didn't have any time alone with her
7 from 2006, after the first allegations, ---

8 A. Yes, ma'am, I hear you.

9 Q. --- until the one time that you went over there
10 because you say Tawanda called you to go over to Tawanda's
11 house to check on the boys?

12 A. Yes, ma'am, that's correct.

13 Q. You're telling this jury you've never been around
14 that child in all that time?

15 A. I never said I'd never been around her. I said I'd
16 never spent the night -- she's never stayed with me.

17 Q. Okay. But she's been around you?

18 A. Yes, ma'am, that's correct.. Her mother and her aunt,
19 they brought her around, back in 2007, when we ---

20 Q. Okay. Okay. Thank you, Mr. Woody.

21 MS. MUNSON: I have nothing further, Your Honor.

22 THE COURT: Any redirect?

23 MS. MANIGAULT: None, Your Honor.

24 THE COURT: All right. Thank you, sir. You may
25 step down.

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1 MS. MANIGAULT: Defense rests, Your Honor.

2 THE COURT: Anything in reply from the state?

3 MS. MUNSON: Yes, Your Honor. The state would
4 like to recall Minor

5 THE COURT: Ms. [REDACTED], let me remind you,
6 you're still under oath. You were sworn in yesterday for
7 your testimony, so you're still under oath. All right?

8 THE WITNESS: So do I have to do this?

9 THE COURT: No, ma'am, you're still under the
10 oath that you took yesterday.

11 Minor

12 HAVING BEEN PREVIOUSLY SWORN, TESTIFIED AS FOLLOWS:

13 DIRECT EXAMINATION

14 BY MS. MUNSON:

15 Q. Minor did you ever have a Hannah Montana wig?

16 A. Yes, I did.

17 Q. Keep your voice up. How did you get it?

18 A. Antonio gave it to me.

19 Q. And when was that?

20 A. We went to Walmart to go buy -- we went to Walmart to
21 go get it. Because, you know, Walmart stay open twenty-
22 four hours.

23 Q. Where were you living at the time?

24 A. We were living in -- not Free Town. It was a house.

25 I know it was a house. I don't remember the address

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1 because I was ten years old.

2 Q. Let's just say this. In between -- was this before
3 or after you had first told your guidance counselor when
4 you were seven or eight that you had been touched
5 inappropriately? Did the Hannah Montana wig come before
6 or after that?

7 A. This came after.

8 Q. Okay. And how did he -- why did he give you that?

9 A. After when he touched me, I asked him, I say, can I
10 have me a Hannah Montana wig?

11 Q. And why did you want a Hannah Montana wig?

12 A. I was a fan of Hannah Montana. I really wanted me a
13 Hannah Montana wig. So if I asked him, he got it for me.

14 Q. Did he get you other things -- would he do that
15 before you talked to your guidance counselor?

16 A. He would do that before. He would do that -- and
17 after, because before for Christmas I got more stuff than
18 any of my brothers and his children. My couch was full of
19 Christmas gifts.

20 Q. All right. Thank you, Minor

21 THE COURT: Cross examination?

22 MS. MANIGAULT: None.

23 THE COURT: All right. Thank you. You may step
24 down.

25 MS. MUNSON: Nothing further, Your Honor.

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1 THE COURT: Ladies and gentlemen, I need to
2 briefly talk to the attorneys about the next stages of the
3 trial. If you'll go back to your jury room. Don't
4 discuss the case just yet. We'll be ready for the closing
5 statements of the attorneys and I'll instruct you on the
6 law in just a few moments, if you'll retire back to your
7 jury room just briefly.

8 (WHEREUPON, the jury exited the open court at
9 approximately 10:53 a.m.)

10 THE COURT: All right. I've prepared a verdict
11 form. I'd like both of you to look it over and make sure
12 it's in proper order if you would, please.

13 Any other matters as far as the charge or otherwise
14 that we need to review?

15 MS. MUNSON: I suppose you're going to charge
16 circumstantial evidence, Your Honor?

17 THE COURT: Right. I'll charge that and I'll
18 charge burden of proof, those things, credibility of
19 witnesses.

20 MS. MUNSON: Okay.

21 THE COURT: Matters relating to the two charges,
22 reasonable doubt.

23 MS. MUNSON: Expert, I guess.

24 THE COURT: And I'll charge expert.

25 MS. MUNSON: And I have nothing to add, Your

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1 Honor.

2 THE COURT: Are y'all ready for the jury now or
3 do you need a short break?

4 MS. MANIGAULT: Just short.

5 MS. MUNSON: I'd like one, too, Your Honor.

6 THE COURT: We'll take five minutes and be ready
7 to go.

8 MS. MANIGAULT: Thank you.

9 (WHEREUPON, the court stood at recess for a short
10 break.)

11 THE COURT: Is the jury ready?

12 THE BAILIFF: Yes, sir.

13 THE COURT: They're ready?

14 THE BAILIFF: Yes, sir.

15 THE COURT: Okay. Y'all ready to proceed?

16 MS. MANIGAULT: Yes, sir.

17 MS. MUNSON: Yes, Your Honor.

18 THE COURT: All right. Let's have our jury come
19 in.

20 (WHEREUPON, the jury entered the open court at
21 approximately 11:20 a.m.)

22 THE COURT: Ladies and gentlemen and Mr.

23 Foreman, we've reached the stage now where the attorneys
24 will have a chance to address you in their closing
25 statements. Again, I remind you that what they have to

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Closing Statement by Ms. Manigault

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1 say to you is not evidence in the case. You've heard all
2 the evidence in the case. But I urge you, nevertheless,
3 to listen carefully as each attorney addresses you. It
4 gives you insights to perhaps help you in your
5 deliberations to start soon. After they've had a chance
6 to make their closing statements, I'll give you the law of
7 the case and then it'll be yours to decide.

8 Ms. Manigault, you may address the jury in your
9 closing.

10 MS. MANIGAULT: Thank you, Your Honor. Please
11 the court. Ms. Munson.

12 MS. MUNSON: Yes, ma'am.

13 **CLOSING STATEMENT**

14 **BY MS. MANIGAULT:**

15 Ladies and gentlemen of the jury, you have heard the
16 testimony and evidence in this case as presented by the
17 state of South Carolina through Ms. Munson. And Your
18 Honor will, as he's just stated to you, give you the law
19 to apply to the information that you have received in
20 these two days. Your Honor will also tell you that there
21 are certain principals of law that we abide by in our
22 judicial system. He will tell you about the burden of
23 proof, which I spoke to you briefly about in my opening.
24 It's upon the state of South Carolina through the
25 Greenville County Solicitor's Office to prove beyond a

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Closing Statement by Ms. Manigault

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1 reasonable doubt that the offense as charged against

2 Millanyo Woody was perpetrated by Millanyo Woody.

3 Now, let me get this out in front. Dr. Henderson has

4 testified. She did an examination. And the state will

5 probably offer to you, well, he wasn't charged in 2006

6 because the examination was normal, but he was charged in

7 2010 because the examination was not. Dr. Henderson has

8 testified what the physical exam showed, a healed tear in

9 the hymen at the nine o'clock position. So that is a

10 fact. That is a fact for Minor What is not a fact is

11 that Millanyo Antonio Woody perpetrated this crime against

12 her. So that's on the table. Yes, something did happen

13 to Minor but it was not done by Millanyo Antonio Woody.

14 Your Honor will tell you that the burden of proof is

15 on the state. The reasonable doubt, he will explain that

16 premise principal of law and then he will tell you that

17 when you -- when he's charged you and you begin to

18 deliberate then twelve of you must agree on the

19 information or the facts in this case to bring back a

20 verdict.

21 There are two charges, criminal sexual conduct with a

22 minor in the second degree and lewd act. So there are two

23 charges.

24 The witnesses have testified and you have had an

25 opportunity to observe them. Now, just because a charge

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Closing Statement by Ms. Manigault

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1 is made and just because information is told to a police
2 officer or investigator and told to a doctor, given a
3 name, none of those individuals were present at the scene
4 or situation that has been described to them. They take
5 the information as described to them. They have no way of
6 weighing what they have said -- what the person is saying
7 is accurate, whether it's actually the person that's
8 accused. They have no way of knowing that. So they just
9 take the information that is given to them. So Your Honor
10 will tell you that when you had an opportunity to observe
11 the witnesses, you can decide the believability and the
12 credibility of a witness just like he told you about the
13 expert witness. The expert witness can give their
14 opinion; however, you don't have to take that opinion.
15 You can weigh that opinion just like you weigh the other
16 information, the other evidence that you've heard. So
17 you've seen the witnesses, they have testified, you had an
18 opportunity to observe their demeanor, whether they have
19 been evasive, whether they're trying -- whether their
20 story has changed from the time they told the
21 investigator, from the time they told the doctor, from the
22 time they come into court to testify.

23 I submit to you that Minor story has changed
24 continually, even as she sat on the witness stand
25 yesterday. And don't hold it against me because we ask

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Closing Statement by Ms. Manigault

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1 questions to get information out. You might not like that
2 I have on garnet and black today. I started to wear my
3 orange tiger shirt, but I didn't. But the personal
4 idiosyncracies you can't hold against us and Your Honor
5 told you that we will object and we have certain things we
6 do in our training. And so don't hold any of that against
7 my client because maybe you didn't like the way I looked
8 as a person or anything like that. What we have ask you
9 to do is listen to the information and weigh it together
10 as twelve people.

11 All right. So is there a bias that somebody has
12 something to gain. Is there a benefit? I don't know.
13 That's for you to consider.

14 People will swear an oath but may not necessarily
15 tell all of the truth or any of the truth. Or they may
16 tell a portion of the truth. Or they may tell what they
17 want you to hear. So just because they get up and swear
18 an oath doesn't mean that they're verifying or telling you
19 the absolute truth. The facts, you sort them out. What
20 information has been given, that's all that there is. Dr.
21 Henderson, I asked her about sexually transmitted disease
22 because it was in her report. I wanted that out there
23 because that says something happened to Minor but it
24 doesn't necessarily say it happened through Millanyo. The
25 testimony is this, is that her mother, according to

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1 Minor herself, had at least two boyfriends before
2 Millanyo, before Antonio as she called him. And she had
3 Clifford after Antonio that was living with them, who went
4 to jail. They never volunteered why he went to jail, but
5 he went to jail. And I'm assuming that he got out, but I
6 didn't ask.

7 The defendant testified. The defendant didn't have
8 to testify because of the presumption of innocence. But
9 the defendant wanted to tell where he was, what was going
10 on. You heard him testify that when he separated from
11 Tawanda Woody, the lady he married, the preacher -- they
12 got a marriage license, but the preacher didn't turn in
13 the license; you heard all that.

14 Oh, and by the way, while I'm recounting testimony,
15 please remember what you heard. I would not deliberately
16 mislead you and neither would Ms. Munson. But remember it
17 how you heard it. Either way, they thought they were
18 married. They stayed together for a period of six, seven,
19 eight years; I'm not sure, and found out that they weren't
20 married, but they were splitting up at that time anyhow.
21 And I asked Mr. Woody, why were you splitting up? He
22 said, well, because of the accusations in 2006 and some
23 other things. With her boyfriend in prison that he read a
24 letter that was written to Tawanda. So eventually they
25 split up.

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1 Now, his testimony is after they split up he had no
2 alone-time, none, with Minor because, one, he was
3 living in Georgia for almost a year; nine months or ten
4 months. He came back to Greenville and lived with his mom
5 for three to four months or more. Then they moved to
6 Spartanburg County and stayed over there. And he
7 essentially has lived in Spartanburg County. He testified
8 that he had no alone, no overnight time. Yes, he did see
9 her when her mother brought her over, but that was it. No
10 alone-time for any of this to happen. Well, did he give
11 her baths when she was younger? Yes. Yes. There is an
12 age where fathers decide they're not going to bathe their
13 children anymore or they're not going -- girls, anymore.
14 All right. So he told you that; there was a point where
15 he stopped giving her baths. He told you that he did not
16 touch her in any appropriate (verbatim) manner. He did
17 not go into the shower; see her naked in the shower. He
18 did not force her on the bed. He did testify that in
19 December of 2010 he did go over to Tawanda's home because
20 she called and/or texted to ask him to get their son M.J.
21 up out of bed because he was missing the bus too much.
22 And he did go in the house, got the two boys ready, left
23 Minor in Tawanda's bedroom, got the boys ready, put them
24 on the bus and left.

25 Okay. So if he wanted to misrepresent anything to

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1 you, he could have just said, I haven't been over there, I
2 haven't been alone with her at all; no time. But he was
3 forthright in saying, yes, there was one time in December
4 that I was alone with her and the two boys in the house,
5 but I did not do anything to her. I did what I was asked
6 to do, got the boys ready, put them on the bus and left.

7 All right. You know, the thing about when you have a
8 wide span and a gap like that, 2005 or 2006 to 2008 or
9 2010 is the gap. Okay. It is hard for a person to defend
10 it because the gap is so wide. Are there alibis? Well,
11 you don't know because -- what they're saying is we don't
12 know when it happened, but we know it happened all during
13 that time. So if he was working, you had a certain date
14 and time and month, you could have got records from the
15 job. But we didn't have a certain date, time and month.

16 All right. Then Minor testifies that, well, it
17 happened at his mother's house and he would come over
18 there at midnight or two o'clock in the morning when
19 everybody was supposed to be asleep and wake me up. Now,
20 do you recall that she said there were bunk beds in the
21 room. She slept on the lower bed, the two boys slept on
22 the upper bed, and the eighteen year old or nineteen year
23 old slept on the floor, which was in front of the door.
24 All right. And she testified that Millanyo or Antonio, as
25 she called him, would come in the room, step over the guy

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1 on the floor, this eighteen year old or however old he was
2 at the time, step over him, pick her up out of the bed,
3 step back over him and take her out of that room into
4 another room in the back of the house.

5 Now, you heard Ms. Shirley Woody testify this. That
6 yes, she has three bedrooms. Her oldest grandson had his
7 bedroom. She and her husband had their bedroom. And her
8 sister had her bedroom. All right. Ms. Shirley Woody,
9 the mother of Millanyo, testified that, yes, the two
10 younger boys would come and stay, but Minor never spent
11 the night at her house. Never. When I asked Minor
12 what is Antonio's mother's name, she's not sure. You
13 know, I just call her grandma. But if you're spending so
14 much time with somebody, it seems like you would know the
15 name. Well, I know at least her last name is Woody, she
16 said, because Antonio's last name is Woody. But that
17 description right there causes some issues and problems
18 and concern. You're lifting a seven, eight, nine, ten,
19 eleven year old, according to her, out of the bed in a
20 small room -- she said it was small -- stepping over a
21 body on the floor, a living body, and taking her out. How
22 would she get back in, she didn't testify to that.

23 You must decide what portion of any person's
24 testimony you want to believe. You can believe some of
25 it, all of it, none of it. It's up to you. You can

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1 believe some of what one person says and some of what
2 another person says, or none of what any of them says and
3 use your common sense and try to figure out the results
4 for this case by what you've heard. By what you've heard.

5 Millanyo Woody testified he was gone from Greenville
6 most of the time of this accusation. Yes, he testified
7 that he came back to see his mother. He came back -- he
8 saw his son. But never saw Minor by herself, along, in
9 any circumstance that would cultivate this kind of
10 accusation. So, yes, something happened to Minor but
11 the question is who did it. And our answer is, it was not
12 Millanyo Antonio Woody. And that's what the state would
13 have you to believe.

14 The mother admitted that she left the kids alone for
15 Minor to watch. She admitted that she had other men
16 living in the house, or another man, from the mother's
17 version. Other men from Minor version. So whichever
18 version -- however you remember this is how you apply it.

19 And so the family as presented -- and there are
20 issues in every family, and I'm not downing that family.
21 I'm not downing Minor I'm not downing her mother, Ms.
22 Tawanda. I'm just saying that the facts of the family is
23 there as presented. They can't change it. That's what it
24 is. And so they testified to their lifestyle. They
25 testified to what happened. And that's what we have to go

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1 with.

2 One thing I want you to remember from Minor
3 statement is this. She said after the 2006 report of an
4 incident, an examination, everything went on like there
5 was no problem and nothing happened and life went on as
6 usual. That's when she was going to Ms. Woody's house and
7 spending the night and stuff. Well, Ms. Woody already
8 said that didn't happen. It didn't happen. Mr. Quinton
9 Largent testified, that's the uncle, testified that
10 Minor was always into something. Those are his words.
11 How is she doing now? He says, she is coming into her own
12 since she's in high school. What kind of problems she's
13 had? Problems in school, problems with accusations of
14 theft from a mentor, other issues that he may not have
15 gone into. A mentor is somebody that's trying to help an
16 individual, is a person in a position of trust. So he
17 wanted to try to get to the bottom of what was going on.
18 But I want you to remember, he said Minor was always
19 into something.

20 Now, the state is going to offer you this, that she
21 was acting out because she had been bothered, she had been
22 molested, she had been sexually molested; that's what
23 they're going to offer you. That's why she was acting
24 out. Well, there are a lot of children acting out that
25 have not been sexually molested, not been bothered. And

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1 so you just have some kids that are more -- a little bit
2 more unruly than other kids. And it's not because of
3 sexual molestation.

4 The state wants you to believe this. And they will
5 offer you this also, that he was charged in 2010 because
6 there was more information, more evidence, because the
7 physical examination was different. Yes, the physical
8 examination from 2006 and 2010 was different. You heard
9 Dr. Henderson yourself. Yes, it was different. Yes, the
10 allegations continued. Her age level lowered, at first it
11 was seven, eight, and Investigator Cromartie said it was
12 -- now she said it was age nine to ten. And then
13 Investigator Cromartie said she said it stopped at twelve.
14 Then Minor testified, no; it was eleven. And may have
15 started at eight. So the testimony is changing to fit the
16 law. To fit the law.

17 And so as you go back to your jury room, I ask you to
18 consider this. All of the evidence is in. You have
19 questions in your mind, you have questions in your
20 thought, you're just going to have to use what you heard
21 and make a decision with what you've heard. Any doubt in
22 your mind regarding the information, the evidence that has
23 been presented to you, must be weighed in favor of the
24 defendant. And Your Honor will explain the reasonable
25 doubt theory of law. He will explain that. So I ask you

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1 to bring back a verdict that speaks the truth. And
2 verdict is from the Latin term veredicto, which means to
3 speak the truth. And a verdict that speaks the truth in
4 this case is a verdict of not guilty on criminal sexual
5 conduct second degree and not guilty on lewd act.

6 Thank you.

7 THE COURT: All right. Solicitor, you may
8 address the jury.

9 MS. MUNSON: May it please the court. Ms.
10 Manigault.

11 **CLOSING STATEMENT**

12 **BY MS. MUNSON:**

13 There are few things in this life that we can know to
14 an absolute certainty. And the law does not require that,
15 not even in a criminal case. If, after deliberating,
16 (after listening like you did and deliberating with one
17 another, you are firmly convinced that that defendant
18 committed a sexual battery on Minor who at the
19 time was eleven years old to fourteen, if she was less
20 than fourteen, but at least eleven, if you're convinced
21 that he committed a sexual battery on her in that age
22 time, he's guilty of criminal sexual conduct second
23 degree. If you are convinced beyond a reasonable doubt
24 that during the time frame that's been put before you, and
25 it is a long time, but it went on a long time, if you are

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1 convinced that he touched her body in a sexual way to
2 gratify his sexual pleasures or hers, if you are firmly
3 convinced, then he's guilty of lewd act.

4 And how do we get there? Certainly the state wants
5 you to get there. I'm obviously an advocate. Ms.
6 Manigault is obviously an advocate, and a very good one.
7 Y'all are advocates, as well. You're advocates for the
8 truth. You have no friends to reward, no enemies to
9 punish. What you say is going to stand. And the thing
10 is, you're not being asked to make a moral judgment.
11 Okay? You might not like how Tawanda Woody raised her
12 daughter. You might think Minor has a smart mouth. You
13 might find it really awful to have to be asked to convict
14 a man who looks like this. He looks good; doesn't he?
15 He's here with his mother, who obviously cares for him.
16 He's here with his wife. He's got a family. That's hard
17 to do; isn't it? Probably impossible, if you're making a
18 moral judgment. But what you're asked to do is to put all
19 that aside. Did he do this to her? Does it matter what
20 she's like? Does it matter what he's like? And I agree
21 with Ms. Manigault, I've got to talk fast and I can be
22 irritating. Don't hold it against, it against my client
23 either. And my client is the state; not Minor
24 When it comes down to it, we are talking about
25 credibility. Clearly something did happen to Minor

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1 Somebody penetrated her vagina when she was under -- when
2 she was eleven years old or older, between ten and eleven.
3 Don't know exactly when. Because Minor is not able to
4 take the stand and say, yes, on June the 14th, 2006, at
5 four o'clock in the afternoon, that's when it happened.
6 That's not the nature of this beast. And when I say this
7 beast, I mean repeated, long-term sexual assault of a
8 child. She can't tell you exactly what days it happened.
9 But she was sexually assaulted. And it's fortunate, in
10 one way, that she had to undergo two of these exams,
11 because now you know, you know that the tear that was in
12 her hymen was not just part of her particular anatomy.
13 You know that. So it's unfortunate for her; fortunate for
14 you, because you can be firmly convinced somebody did this
15 to her. Was it him? Do you believe her?
16 While we're talking about credibility, and I mean
17 this with all respect, his mama didn't tell you the truth.
18 How do you know that? Because what makes sense? Does it
19 make sense to you that he was married to Ms. Woody for
20 four years, oh, and M.J. is over at the house and JaTwan
21 is over at the house spending the night. They're over
22 there quite often or all the time, I think is what Ms.
23 Woody said. But not Minor Not even once? She came in
24 the house one time. That does not make sense, ladies and
25 gentlemen. And when you're evaluating credibility and

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1 believability, you do have to examine, why would a person
2 get up there and not tell you the truth? What do they
3 have to gain or lose? It's obvious. She's his mother.
4 She doesn't want to believe that her son did this to that
5 child. Who would? But we don't have to make that
6 decision. Y'all don't have to make that decision. You're
7 making a factual determination. And it doesn't make sense
8 at all, that in all that time these families were
9 connected, Minor never went in that house but one time
10 and never spent the night. Doesn't make sense.

11 And we have to examine, why would Minor lie? Why
12 would she? There's all these -- you're being asked to
13 believe that there are all these other men running in and
14 out of the house and, you know, Tawanda Woody had other
15 guys and there was a period of time when Mr. Largent
16 wasn't living with his wife, Aunt Jamaica. One of those
17 other guys probably did it. Then why wouldn't she lie
18 about them? Why would she pick this guy? Something
19 happened to her, no doubt. Why would she lie about who
20 did it to her? Let's take a good hard look at that; and
21 we know that you will. She loved him. Even when she was
22 on the stand yesterday, did she say one bad thing about
23 him? Did she say one bad thing about his mama? Or his
24 other children? I considered her my grandmother. And
25 just as an aside, could you say your grandmother's name

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1 when you were a little kid until you got older? I don't
2 know. She was my grandmother. He was my father. Why lie
3 about him?

4 And what even prompted her to talk about being
5 abused? You have to examine that as well. There was no
6 testimony that the defendant came home from work and saw
7 her eating cheetos with her feet on the couch and got mad
8 and disciplined her. Nope. No testimony that she was a
9 little tramp out sneaking out at night and drinking and he
10 had to discipline her and she didn't like that. There's
11 no testimony that mama had found another guy that Minor
12 liked better and Minor was going to break up the family.
13 None of that. What made this child tell? You remember
14 what she said. She was in school. And when a counselor
15 said, if somebody ever tells you, don't tell your mama,
16 you better tell your mama. That's what made her tell.
17 And what happened good in Minor life after she
18 reported it? She had to undergo that horrible sexual
19 assault exam. She had to leave her mother's house; no
20 warning. I mean, the cops came that day and off she went.
21 Do you think that was a good thing for Minor Do you
22 think she enjoyed the pressure of her little brother, this
23 defendant's son, do you think she liked that? Do you
24 think she liked having to live with that, the guilt, if
25 she had any, of breaking up the family? Because she's the

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1 one who did it. Do you think that was a good thing in

2 Minor life?

3 And then she testified, things just kind of went on

4 like normal. There were no charges made. Things just

5 kind of went on like normal. Maybe in her little eight,

6 nine, ten year old brain, that was normal. Guidance

7 counselor told her to tell. She told. Family breaks up.

8 And then what happens? It continued. And it gets worse.

9 And she started cutting up. She did. Who knows if she

10 was cutting up directly because of a sexual abuse? But

11 maybe she was cutting up because it didn't feel normal

12 anymore. She couldn't take it anymore. She had had

13 enough. And she told again.

14 And see, what the defense wants you to do is they

15 want you to get off of this path, because there is a path,

16 from the witness stand directly to that defendant that

17 leads to his guilt. And what they want you to do is get

18 off of that path. Let's go down here and talk about these

19 other boys. Let's go talk about a seven year old putting

20 his penis in her behind. Let's go over here and talk

21 about Tawanda Woody and all the guys she was with. Let's

22 go talk about Minor being a liar and a cheater and a

23 stealer. Let's go talk about that. They don't want you

24 looking at that, because the evidence shows clearly,

25 somebody sexually assaulted her. And it was him.

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1 minor in the second degree and a lewd act upon a child.
2 The fact -- I remind you, the fact that the defendant in
3 this case has been arrested and charged, indicted, that's
4 not evidence. It doesn't create any presumption of guilt,
5 no inference of guilt. Shouldn't be considered by you as
6 evidence in the case. The indictments are merely the
7 charging papers by which the case is brought before this
8 court for disposition.

9 Now, there's two separate charges as I've told you.
10 Each of those is separate and distinct from the other, and
11 you decide each indictment separately on the evidence and
12 the law applicable to it, uninfluenced by your decision on
13 the other indictment. In other words, the defendant can
14 be convicted or acquitted on any -- either or all of the
15 charges. You'll be asked to write separate verdicts,
16 guilty or not guilty, for each of those indictments.

17 Now, the defendant in this case has pled not guilty
18 to the indictment and that plea puts the burden on the
19 state to prove the defendant is guilty. Now, I charge
20 you, any person charged with committing a criminal offense
21 in South Carolina is never required to prove his
22 innocence. That's an important rule of law, that in a
23 criminal law, no matter how serious the charge may be, the
24 one charged will always be presumed innocent of that crime
25 for which the indictment was issued, unless guilt has been

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1 proven by evidence satisfying you of that guilt beyond a
2 reasonable doubt. This presumption of innocence doesn't
3 end when you begin your deliberations, but accompanies the
4 defendant throughout the trial until you've reached a
5 verdict of guilt based on evidence satisfying you of that
6 guilt beyond a reasonable doubt. Presumption of innocence
7 isn't a mere legal theory or legal phrase that's tossed
8 about. It is a substantial right to which every defendant
9 is entitled, unless you, the jury, are satisfied from the
10 evidence of the defendant's guilt beyond a reasonable
11 doubt.

12 You may ask yourself, just what is a reasonable doubt
13 in the law? A reasonable doubt is the kind of doubt that
14 would cause a reasonable person to hesitate to act. Some
15 of you may in the past have had an opportunity to serve as
16 a juror in a civil case where you were told that it was
17 only necessary to prove that a fact was more likely true
18 than not true, such as by what was called the greater
19 weight of the evidence or the preponderance of the
20 evidence. In criminal cases, the state's proof is more
21 powerful than that. It must be proof beyond a reasonable
22 doubt. That would be proof that leaves you firmly
23 convinced of the defendant's guilt. In this world, we
24 know there's few things that we know with absolutely
25 certainty, and in criminal cases, the law doesn't require

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1 proof that overcomes every possible doubt. If, ladies and
2 gentlemen, based upon your consideration of the evidence,
3 you're firmly convinced the defendant is guilty of the
4 crime charged, then you must find the defendant guilty.
5 If, on the other hand, you think there's a real
6 possibility that the defendant is not guilty, you must
7 give the defendant the benefit of the doubt and find him
8 not guilty.

9 Now, I remind you that during the course of this
10 trial we've had certain duties to perform, you and I, and
11 as the trial judge it's been my responsibility to preside
12 over the trial of the case, to rule on the admissibility
13 of evidence that's been offered during the trial. You're
14 to consider only the testimony that's been offered, the
15 evidence that is before you. My job also is to charge you
16 the law that's applicable to the case. As the presiding
17 judge, I'm the sole authority on the law. I judge the
18 law. It's your duty as jurors to accept the law and apply
19 the law just as I state it to you now. Some of you may
20 already have an idea of what the law is or a notion about
21 what the law ought to be in a case such as this. And if
22 you have such a notion and your idea doesn't agree with
23 what I now tell you the law is, then you must abandon such
24 an idea, because under your oath you've sworn to accept
25 the law and apply the law just as I state it to you now.

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1 Every case that's tried in this courtroom before a
2 jury, that jury becomes the sole, exclusive judge of the
3 facts in the case. A trial judge can't intimate or state
4 or comment on or make any statement whatsoever to a trial
5 jury about the facts in a case. Since you, the jury, are
6 the sole judges of the facts, you're not to infer from
7 what I've said during the progress of the trial or any
8 rulings I've made on the admissibility of evidence or
9 otherwise, anything I say to you in the course of this
10 instruction to you, that I have an opinion about the
11 facts. I don't have an opinion about the facts. The law
12 of South Carolina does not allow a trial judge to have an
13 opinion about the facts. Our constitution prohibits that.
14 This is a matter solely for you, the jury, to determine.
15 You weigh the effect and the value, the truth of the
16 evidence presented during the trial.

17 There's two types of evidence which are generally
18 present during a trial. There's what's called direct
19 evidence and circumstantial evidence. Direct evidence
20 directly proves the existence of a fact and does not
21 require deduction. Circumstantial evidence is proof of a
22 chain of facts and circumstances that would indicate the
23 existence of a fact. Crimes may be proven by
24 circumstantial evidence. The law makes absolutely no
25 distinction between the weight or the value to be given to

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1 either direct or circumstantial evidence. However, to the
2 extent the state relies on circumstantial evidence, all
3 the circumstances must be consistent with each other and
4 when taken together point conclusively to the guilt of the
5 accused beyond a reasonable doubt. If these circumstances
6 merely portray the defendant's behavior as suspicious, the
7 proof has failed. The state has the burden of proving the
8 defendant guilty beyond a reasonable doubt. This burden
9 rests with the state regardless of whether the state
10 relies on direct evidence, circumstantial evidence or some
11 combination of the two. You should weigh all the evidence
12 in the case, ladies and gentlemen, and after weighing all
13 the evidence, if you're not convinced beyond a reasonable
14 doubt of the defendant's guilt, then you must, of course,
15 find the defendant not guilty.

16 Necessarily, you must determine the credibility of
17 the witnesses who've testified in the case. Credibility
18 simply means believability. It becomes your duty as
19 jurors to analyze and evaluate the evidence, determine
20 which evidence convinces you of its truth. In determining
21 the believability of witnesses who've testified in the
22 case, you can believe one witness over several witnesses.
23 You can believe several witnesses over one witness. In
24 your judgment, you can believe part of the testimony of a
25 witness; you can reject the remainder of the testimony of

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1 that very same witness. You can believe the testimony of
2 a witness in its entirety or you can reject the testimony
3 of a witness in its entirety. You can consider whether
4 any witness has exhibited to you any interest or bias or
5 prejudice or other motive in the case. You can consider
6 the appearance, the demeanor of the witness while on the
7 witness stand. Was the witness straightforward or
8 hesitate in answering? Was the testimony of the witness
9 consistent or inconsistent? How did the witness come to
10 know the facts to which he or she testified? Was the
11 testimony of a witness strengthened or weakened by other
12 testimony or other evidence? It's totally up to you,
13 ladies and gentlemen, to determine the credibility of the
14 witnesses who have testified.

15 The rules of evidence ordinarily do not permit
16 witnesses to testify to opinions or conclusions, but there
17 is an exception under what we call expert witnesses. A
18 witness who, because of education and experience, has
19 become an expert in some art or science or profession or
20 calling, may state an opinion as to any relevant and
21 material matter in which that witness claims to be an
22 expert and may also state the reasons for the opinion.
23 You should consider any expert opinion received in
24 evidence in the case, and like other evidence, give it the
25 weight that you think it deserves. If you decide the

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1 opinion of the expert is not based on sufficient education
2 or experience or if you conclude that the reasons given in
3 support of that opinion are not sound or the opinion is
4 outweighed by other evidence, you may disregard the
5 opinion entirely. An expert witness's testimony is to be
6 given no greater weight than that of any other witness
7 simply because the witness is an expert. Further, you're
8 not required to accept an expert's opinion, even though it
9 may be uncontradicted.

10 Now, in order to establish criminal liability,
11 criminal intent is required and must be proven by the
12 state beyond a reasonable doubt. Criminal intent is
13 always a matter that must be determined by a jury from the
14 circumstances surrounding the situation. There's no way
15 to prove intent to a mathematical certainty. Obviously
16 there's no way that medical science has devised that we
17 can dissect a person's brain and determine what the person
18 had in mind. So the law says that criminal intent may be
19 inferred from the circumstances that existed and may be
20 established by inference in the same way as any other
21 fact, by taking into consideration the acts of the parties
22 and all the facts and circumstances of the case. Criminal
23 intent is a mental state. It's a conscious wrongdoing.
24 It's up to you to determine what the defendant intended to
25 do based upon the circumstances shown to have existed.

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1 Now, ladies and gentlemen, as I told you, there's two
2 separate charges here. Each are separate and distinct
3 from the other. The defendant is charged in this case
4 with second degree criminal sexual conduct with a minor.
5 The state must prove beyond a reasonable doubt that the
6 defendant engaged in a sexual battery with the victim. A
7 sexual batter is sexual intercourse, cunnilingus,
8 fellatio, anal intercourse or any intrusion, however
9 slight, of any part of a person's body or any object into
10 the genital or anal openings of another person's body,
11 except, of course, when such an intrusion is accomplished
12 for medically recognized treatment or diagnostic purposes.

13 The state must also prove beyond a reasonable doubt
14 that the victim was at least eleven years old but not more
15 than fourteen years old at the time of the sexual battery.
16 Consent or willingness or indifference or ignorance on the
17 part of the minor, if any, as to what was taking place,
18 does not in anyway affect the charge of criminal sexual
19 conduct with a minor, because a minor at that age cannot
20 legally consent to sexual intercourse.

21 The defendant in this case is also charged with a
22 separate offense, that is committing a lewd act upon a
23 minor. A minor is a person under the age of eighteen.
24 The state must first prove beyond any reasonable doubt
25 that the defendant in the case was over the age of

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1 fourteen. Next, the state must prove the defendant
2 wilfully and lewdly committed or attempted to commit a
3 lewd and lascivious act on or with the body or its parts
4 of that body of a child under the age of sixteen years,
5 with the intent to arouse, appeal to or gratify the lusts,
6 passions or sexual desires of the defendant or of the
7 child. Wilfully means voluntarily and intentionally
8 without the specific intent to do something the law -- or
9 with the specific intent to do something the law forbids.
10 Lewd means obscene, lustful, indecent or lecherous.
11 Lascivious means tending to insight lust, lewd, indecent,
12 obscene or tending to deprave the morals in respect to
13 sexual relations.

14 Now, Mr. Foreman, I've prepared a verdict form. I
15 believe it'll be self-explanatory. There's two possible
16 verdicts on each of these charges. Again, I've listed
17 those. One charge of criminal sexual conduct with a minor
18 in the second degree and then the charge of lewd act upon
19 a child. There's no significance in the order in which
20 these alternates are listed; either guilty or not guilty,
21 depending on how you find the state has met its burden of
22 proof. One has to be listed before the other. All twelve
23 of you must agree upon a verdict. It must be a unanimous
24 verdict. Your verdict can't be based upon sympathy or
25 passion or prejudice, emotion, or any other consideration

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1 not in evidence in the case.

2 Now, Mr. Foreman, ladies and gentlemen, you're free
3 to ask me any questions regarding the law that I've just
4 given you in this case. Remember, however, it's
5 impermissible for me to answer any questions you have
6 regarding the facts of the case. That's your duty, as the
7 facts finders, and yours alone, to determine what the
8 evidence shows you. And based upon that you fill out the
9 verdict form. Once you've checked the appropriate block
10 on each of the charges, you sign your name as foreperson
11 on behalf of your fellow jurors, date it and we'll receive
12 the verdict back here in the courtroom.

13 At this time I'm going to ask if you would to go back
14 to your jury room. Don't start your deliberations just
15 yet. There's a final matter of law that I need to take
16 care of with the attorneys, after which, hopefully, we'll
17 have the verdict form back for you, with instructions to
18 begin your deliberations. But for right now, you will
19 retire to your jury room, and don't start discussing this
20 case just yet.

21 Everyone else, please remain seated while the jury
22 departs.

23 (WHEREUPON, the jury exited the open court at
24 approximately 12:08 p.m.)

25 THE COURT: Any exceptions to the charge, from

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1 the state?

2 MS. MUNSON: No, sir, Your Honor.

3 THE COURT: From the defense?

4 MS. MANIGAULT: No, Your Honor.

5 THE COURT: All right. Here's the verdict form.

6 I don't believe we have any other evidence. Hang on just
7 a minute.

8 All right. You can tell them they can start their
9 deliberations. If you would, have the alternate to come
10 out for me.

11 (WHEREUPON, the jury began deliberations at
12 approximately 12:25 p.m. and the court stood at
13 recess awaiting the verdict of the jury.)

14 (WHEREUPON, the alternate was dismissed at
15 approximately 12:26 p.m.)

16 THE COURT: All right. We've received a
17 question from the jury signed by the foreperson. It says,
18 we would like clarification of what is a lewd act. I
19 propose that I'll have the jury come back out. I'll
20 reinstruct them on what I told them earlier about lewd act
21 and the definition again, and let them continue their
22 deliberations.

23 Any input from either the state or the defendant
24 about that?

25 MS. MUNSON: That's acceptable with the state,

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1 Your Honor.

2 MS. MANIGAULT: The defense also, Your Honor.

3 THE COURT: All right. If they're ready, please
4 have them come back, Mr. Ford. I'll mark this as Court
5 Exhibit 1 for the record.

6 (WHEREUPON, the jury entered the open court at
7 approximately 1:36 p.m.)

8 THE COURT: Mr. Foreman, and ladies and
9 gentlemen, you've inquired about a clarification on the
10 charge of lewd act on a minor. I'll reiterate what I told
11 you earlier about that offense.

12 A minor is a person who's under the age of eighteen.
13 Now, what the state must prove beyond a reasonable doubt
14 is that the defendant, the one charged in this case, was
15 over the age of fourteen. The state must also prove that
16 the defendant wilfully and lewdly committed or attempted a
17 lewd or lascivious act on or with the body of or the parts
18 of a child under the age of sixteen years, with the intent
19 to arouse, appeal to or gratify the lust, the passions or
20 the sexual desires of either the defendant or of the
21 child. Wilfully means voluntarily and intentionally with
22 the specific intent to do something the law forbids. Lewd
23 means obscene, lustful, indecent or lecherous. Lascivious
24 means tending to insight lust, lewd, indecent, obscene or
25 tending to deprave the morals in respect to sexual

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1 relations. That's the law relating to the charge of
2 committing a lewd act on a minor.

3 I hope this is a clarification for you. I'll ask, if
4 you would, please, to go back and continue your
5 deliberations at this time.

6 (WHEREUPON, the jury exited the open court at
7 approximately 1:39 p.m.)

8 THE COURT: All right. Any exceptions from the
9 state?

10 MS. MUNSON: No, sir, Your Honor.

11 THE COURT: From the defense?

12 MS. MUNSON: None, Your Honor.

13 THE COURT: All right. We'll be at ease until
14 we hear from our jury.

15 (WHEREUPON, the court stood at recess awaiting the
16 verdict of the jury.)

17 (WHEREUPON, Court Exhibit Number 1 was marked for
18 identification.)

19 THE COURT: All right. I understand the jury
20 has reached a verdict. Are there any matters we need to
21 take care of before we call our jury back?

22 MS. MUNSON: Nothing from the state, Your Honor.

23 MS. MANIGAULT: Nothing from the defense, Your
24 Honor.

25 THE COURT: Okay. If our jury is ready, you can

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1 have them come in.

2 (WHEREUPON, the jury entered the open court at
3 approximately 2:08 p.m.)

4 THE COURT: Mr. Foreman, I understand the jury
5 has reached a verdict. Is that correct?

6 MR. FOREMAN: Yes, we have, Your Honor.

7 THE COURT: Is it a unanimous verdict as to both
8 charges?

9 MR. FOREMAN: Yes, it is, Your Honor.

10 THE COURT: All right. If you would, please,
11 hand the verdict form to the bailiff.

12 All right. Madam Clerk, you may publish the verdict.

13 THE CLERK: Your Honor, in the case of 2012-GS-
14 23-7385 and 7386, the State of South Carolina versus
15 Millanyo Antonio Woody. We, the jury unanimous find the
16 defendant, Millanyo Antonio Woody, as to the charge of
17 criminal sexual conduct with a minor in the second degree,
18 guilty.

19 As to the charge of lewd act upon a child, guilty.

20 These are signed by Mr. Stucker, our foreperson.

21 Ladies and gentlemen, if you agree these are the
22 verdicts you reached in your deliberations ---

23 (WHEREUPON, the defendant became upset and had to be
24 subdued by officers.)

25 SHIRLEY WOODY: Come on, baby, don't do that.

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1 Millanyo, don't do that, baby. Y'all, please don't hurt
2 my son. Please don't hurt him. Please don't, Millanyo.
3 Don't fight them back, baby. Stop.

4 THE DEFENDANT: I didn't do nothing.

5 SHIRLEY WOODY: No, don't hurt him. Don't hurt
6 him. Y'all, please don't hurt my baby.

7 THE DEFENDANT: I didn't do nothing. Mama, I
8 didn't do nothing.

9 THE COURT: Take the jury out.

10 (WHEREUPON, the jury exited the open court at
11 approximately 2:12 p.m.)

12 SHIRLEY WOODY: Y'all, please, don't hurt him.
13 He ain't doing nothing.

14 (WHEREUPON, the defendant is unable to be restrained
15 by three police officers, Allen Smith, Mike Atwell
16 and Jeff McCall, and is eventually tased.)

17 THE DEFENDANT: I didn't do nothing, mama.
18 They're trying to lock me up for a long time for nothing.
19 I didn't do nothing. Why y'all doing that, Tawanda? Why?

20 TAWANDA WOODY: Tell the truth.

21 THE DEFENDANT: I'm telling the truth, baby.
22 You know I'm telling the truth. I'm telling the truth.
23 I'm telling the truth, Tawanda. Listen to me. You know
24 me better than that. Please, y'all, please. Please, I'm
25 begging for my life. I'm sorry. I don't want to be

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1 disrespectful or nothing. I'm not trying to hurt nobody.

2 I just don't want to go to jail. Y'all, I've got children

3 and all. I haven't done anything to those people. Please

4 listen to me, sir. I'm calm. I'm not going to hurt you.

5 SHIRLEY WOODY: Baby, please, Millanyo.

6 THE DEFENDANT: Mama, they're going to try to

7 give me -- I want Tawanda to the truth. Please tell the

8 truth, Tawanda. Please tell the truth. Ms. Manigault,

9 please help me. Can you help me, Ms. Manigault? There's

10 nothing you can do?

11 SHIRLEY WOODY: Oh, God, baby.

12 THE DEFENDANT: Oh, that hurt. Okay, mama, I'm

13 sorry. I didn't mean to do that. But they're trying to

14 find me guilty, and mama, I didn't do nothing to nobody.

15 I didn't do nothing to her. I ain't been around them

16 people, mama. I ain't done nothing to them for them to

17 find me guilty of something like that. I haven't done

18 anything, mama. I swear to you. I wouldn't do that to

19 her like that. That was my daughter. Man, I loved her.

20 I've got other kids, for them to find me guilty of

21 something like this. They're trying to take my life from

22 me, man.

23 INDIA WOODY: Baby, it's okay.

24 THE DEFENDANT: It's not okay, India. You know

25 it's not okay, baby. It's not okay.

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1 INDIA WOODY: It's okay ---

2 THE DEFENDANT: No, it's not, because I didn't
3 do nothing. I didn't do nothing to them, man, for them to
4 be doing me like this? I stayed away from them people. I
5 didn't do nothing to them.

6 SHIRLEY WOODY: I know. I know.

7 THE DEFENDANT: Nothing. Nothing. I'm sorry to
8 be upset, but this is ridiculous. I haven't done nothing
9 to them people.

10 SHIRLEY WOODY: I know you haven't.

11 THE DEFENDANT: Oh, God. I didn't do nothing to
12 them, man. I ain't done nothing to them. Tawanda know
13 it. She know I ain't done anything like that. That's
14 crazy for her to do that. Oh, my God, I'm sorry, y'all.
15 I haven't done anything like that for them to come back
16 with a guilty verdict or something like that. What in the
17 world? I've got little kids. They're going to take me
18 away from my family, my children and all. I love my
19 children. Can you take me on back there, please. Can you
20 take me on back there so I can -- I don't know -- I just
21 don't want to ---

22 INDIA WOODY: Millanyo.

23 THE DEFENDANT: Baby, I haven't done nothing.
24 Do you know they're going to take me from you a long time?
25 I'm gone. There's nothing I can do. I tried. Ms.

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1 Manigault, I tried.

2 MS. MANIGAULT: Calm down.

3 THE DEFENDANT: Can you help me, please? What
4 did I do? Why do y'all want to destroy me like that, just
5 ...

6 INDIA WOODY: They didn't want you to be happy.

7 THE DEFENDANT: That's what I'm saying. I
8 haven't done anything to hurt nobody. Why do they want to
9 destroy my life like this? Mama, I love y'all. Don't
10 y'all never forget that. I love you.

11 SHIRLEY WOODY: I love you, too, baby.

12 (WHEREUPON, the defendant was escorted from the open
13 court at approximately 2:19 p.m.)

14 (WHEREUPON, the court stood at recess for a short
15 break.)

16 THE COURT: All right. Let the record reflect
17 that we're back on the record now. The defendant caused a
18 disruption when the verdict was read. He's been subdued
19 and is now outside the presence of the court, but his
20 attorney is here. All we need to do now is have our jury
21 dismissed.

22 If you would, please, Mr. Bailiff, just have them
23 come back out.

24 You can have our jury come in, please.

25 (WHEREUPON, the jury entered the open court at

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1 approximately 2:25 p.m.)

2 THE COURT: Thank you, ladies and gentlemen. We
3 had a brief interruption. I'll explain that in just a few
4 moments. I wanted Madam Clerk to continue the questions
5 that she had for you. She had just read the verdict form
6 and I'll ask Ms. Troup, if you would, to complete what you
7 need to do for the verdict.

8 THE CLERK: All right. Normally I would say,
9 ladies and gentlemen of the jury, if you agree these are
10 the verdicts you reached in your deliberation room, would
11 you please raise your right hand.

12 (WHEREUPON, all jurors' right hands were raised.)

13 THE CLERK: Thank you.

14 THE COURT: All right. Ladies and gentlemen,
15 sometimes the emotion of a case gets overwhelming for one
16 side or the other. I'm sorry for the disruption that
17 happened here. I think we're all pleased with our
18 security, that they responded in a good way for everyone
19 for the safety of all concerned.

20 We have some other matters to take care of today. We
21 have your fellow jurors who are calling back in about
22 thirty minutes to come and perhaps be selected for another
23 trial. I don't believe we'll need -- I think we'll have
24 enough to not need your services anymore today. But I
25 would ask if you would call back tonight after six

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1 o'clock. There will be a message on the machine for you
2 as to when you need to report back tomorrow or when you
3 need to call back tomorrow and then we'll be ready to
4 proceed with selecting a jury for the next case that we
5 have tomorrow. I believe we'll have enough from the rest
6 of the panel for the activity we need to take care of this
7 afternoon.

8 Thank you very much for your service on this jury,
9 ladies and gentlemen. You were conscientious and listened
10 well and I observed that and I appreciate that so much.
11 You're dismissed at this time. I would ask the foreperson
12 if he would just wait in the hall, there's another piece
13 of paper or two that I need you to sign that the clerk
14 will have there for you.

15 Thank you very much, ladies and gentlemen. I look
16 forward to working with you again this week or perhaps in
17 the future even. But you're dismissed at this time.

18 (WHEREUPON, the jury exited the open court at
19 approximately 2:28 p.m.)

20 THE COURT: All right. Any matters from either
21 side as far as motions?

22 MS. MANIGAULT: Your Honor, the defense would
23 make a motion that the verdict be set aside and for a new
24 trial. We believe that the verdict does not speak the
25 truth as far as the elements of the offense being proved

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1 by the state, on either charge.

2 THE COURT: Well, obviously there was a
3 divergence of testimony from several witnesses who
4 testified and the jury had a factual decision to make as
5 to credibility of the witnesses and obviously they chose
6 to believe the victim and those other witnesses the state
7 put up. I believe there was sufficient evidence for the
8 jury to make its decision on both charges. I respectfully
9 deny your motion, Ms. Manigault.

10 MS. MANIGAULT: Thank you, Your Honor.

11 THE COURT: All right. We'll have sentencing in
12 the morning at about ten o'clock so that we see what -- I
13 don't know if I'm going to be selecting a jury in another
14 case or what. That'll give us a little time to find out
15 what's happening on the other trials. So at ten o'clock
16 in the morning we'll do the sentencing.

17 MS. MUNSON: Thank you, Your Honor.

18 MS. MANIGAULT: Thank you, Your Honor.

19 THE COURT: Thank you both. You represented
20 your clients well.

21 (WHEREUPON, the court was adjourned for the day in
22 this matter.)

23 OCTOBER 16, 2013

24 (WHEREUPON, court convened with all parties present
25 and the following proceedings were had.)

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1 THE COURT: All right. We're here on the
2 sentencing of Mr. Woody from the trial yesterday. Is
3 there anything the state needs to bring up before I hear
4 from his attorney? And I'll certainly be glad to hear
5 from others.

6 MS. MUNSON: The defendant does have a criminal
7 record. December the 12th of 1992, auto breaking and
8 petit larceny; December the 8th of 1993, malicious damage,
9 simple assault and battery; January the 23rd of 1996,
10 burglary in the second degree; August the 6th of 1997,
11 possession of marijuana; January the 25th of 2010,
12 domestic violence first offense. And that -- when the
13 court is ready, I'm sure that -- no one from the family
14 wishes to address the court, but what the state would ask
15 the court to take into consideration is the length of time
16 that this was going on with this young girl and the fact
17 that at eleven years old, she had sexual intercourse with
18 a grown man. We would certainly ask you to keep that in
19 mind, Your Honor. The state's position is that he is
20 entitled to twenty days credit and I guess last night
21 counts as one, so twenty-one days.

22 Thank you, Your Honor. We have nothing further.

23 THE COURT: All right. Ms. Manigault, be glad
24 to hear from you, your client, anyone else that would like
25 to address me.

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1 MS. MANIGAULT: Please the court, Your Honor.

2 My client is thirty-eight years old. He's a lifelong
3 resident of Greenville County. He went to the tenth
4 grade, but he did get his GED and had a couple of years,
5 one at Greenville Tech and one at Spartanburg Tech.

6 Your Honor, the court has heard all the testimony in
7 this case. His employment has been with Park Place, I
8 believe is the longest term of employment, for more than
9 six years. He's done janitorial work with JanPak, a
10 janitorial supply service. He has worked as a truck
11 driver with U.T.I., I believe. And he is married. His
12 wife is here, his mother is here, and I believe his
13 children are here today with him.

14 Your Honor, after the jury -- at the time that the
15 verdict was being read, my client became a little upset.
16 He wants to apologize to the court today for that. And I
17 would certainly apologize to the court for his actions in
18 that matter. He just was distraught. And he has, from
19 the very beginning, maintained his innocence. We had a --
20 what any attorney would consider a great offer to enter a
21 plea from the Solicitor's Office dismissing all the
22 charges and pleading to an ABHAN, one year of HIP and with
23 probation, no registry. My client, after talking with
24 him, he just would not accept that offer. He said he was
25 innocent and he didn't want to accept it. I tried to talk

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1 with him to do an Alford plea or a no-contest plea. He
2 wouldn't do that. He wanted to go to trial. That was his
3 decision. There was nothing I could do about that. You
4 heard his testimony. You heard the complaining witness's
5 testimony in this case. Your Honor, we would just ask the
6 court for as much leniency and mercy as you can possibly
7 show to my client.

8 THE COURT: Thank you, Ms. Manigault.

9 MS. MANIGAULT: He wants to make an apology.

10 MS. MUNSON: Before he does that, Your Honor,
11 may I be heard on one thing?

12 THE COURT: Yes, ma'am.

13 MS. MUNSON: The offer. I did make that offer.
14 It had nothing to do with the seriousness of the case.
15 There was a long period of time where I completely lost
16 contact with Minor mom, so I felt like I had to do
17 that. Thank you.

18 THE COURT: Yes, sir, Mr. Woody.

19 THE DEFENDANT: Yes, sir, Your Honor. I'm
20 sorry. I wanted to apologize to the court and to you for
21 my actions yesterday. That was totally out of line. I
22 was just upset, Your Honor.

23 Your Honor, I ask that you give leniency on me
24 because I'm a family man, you know. All I wanted to do
25 was take care of my family, you know. I've made mistakes

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1 in my life before, but I've tried to get it correct.
2 Your Honor, that's all I have is my family. That's
3 all I have. That's all I want to do, is take care of
4 them. I don't want to hurt nobody. I don't want to go to
5 no prison. You know, I'll take twenty years house arrest,
6 thirty years probation, whatever you give me. You know, I
7 just want to leave my family; that's all. I don't
8 understand those people back there. I loved them. They
9 were my family, too. I loved them, Your Honor. I just
10 don't want to do no whole bunch of time if you can give me
11 some leniency. I mean, it's totally up to you. I'm sorry
12 for everything, especially for yesterday. I apologize to
13 the deputies that came in here about everything. I was
14 just upset. I didn't mean no harm. I wouldn't hurt
15 nobody. I'm not a bad person, Your Honor. I'm not. I
16 swear I'm not a bad person. I just don't know what else
17 to say. I don't want to keep wasting your time. Thank
18 you, sir.

19 MS. MANIGAULT: Your Honor, his mother, Shirley
20 Woody, would like to make a brief statement.

21 THE DEFENDANT: I love you, M.J. I love you,
22 buddy. I'm sorry.

23 THE COURT: Where did you last work, Mr. Woody?

24 THE DEFENDANT: I worked at U.T.I., yes, sir,
25 truck driver. No, that was BMW.

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1 THE COURT: BMW was your last employment?

2 THE DEFENDANT: Yes, sir, I was let go. I have
3 a lawsuit pending about that. We didn't talk about that
4 at all.

5 THE COURT: You worked there about six months;
6 is that right?

7 THE DEFENDANT: No, sir. I worked there longer
8 than six months. I worked there for about a year and a
9 half.

10 THE COURT: What's the nature of your disability
11 that you're under now?

12 THE DEFENDANT: Well, I have high blood pressure
13 and I'm legally blind in my left eye. And high
14 cholesterol. I had an injury when I went to prison the
15 first time in '96. They had jumped on me real bad and
16 messed up my eye. I lost my glasses yesterday also.

17 THE COURT: Yes, ma'am, I'll be glad -- if
18 you'll state your name again for the record, please,
19 ma'am.

20 SHIRLEY WOODY: My name is Shirley Woody.

21 THE COURT: Yes, ma'am.

22 SHIRLEY WOODY: I was going to come and speak
23 for my son. I'm sorry if there's anything that he done,
24 but I love him. And I hope you'll have mercy on him
25 because I know that so many times if anything happen, I

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1 could be dead when he get out.

2 THE COURT: Thank you, ma'am.

3 These are always difficult cases. A tragedy happened
4 that affected so many people. Just sad for all. I hope
5 you, sir, Mr. Woody, can find ways to help yourself to
6 become the man that I'm sure you can be, even while
7 incarcerated.

8 I certainly wish the best for the young lady, who was
9 injured in so many ways through no fault of her own.

10 This is case 2012-GS-23-7386A, the sentence of the
11 court is defendant be admitted to the State Department of
12 Corrections for a period of one hundred seventy-seven
13 months. Case 2012-7385, the same sentence, to be
14 concurrent. Wish you the best, sir. Give him credit for
15 his time served.

16

17 [END OF REQUESTED TRANSCRIPT OF RECORD]

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Certificate of Reporter

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1 CERTIFICATE OF REPORTER

2

3 I, the undersigned Danette P. Hanks, Official Court
4 Reporter for the Thirteenth Judicial Circuit of the State
5 of South Carolina, do hereby certify that the foregoing is
6 a true, accurate, and complete transcript of record of all
7 the proceedings had and evidence introduced in the
8 trial/hearing of the captioned case, relative to appeal,
9 in the Circuit Court for Greenville County, South
10 Carolina, on the 14th day of October, 2013.

11 This transcript may contain quoted material. Such
12 material is reproduced as read by the speaker.

13 I do further certify that I am neither of kin,
14 counsel, nor interest to any party hereto.

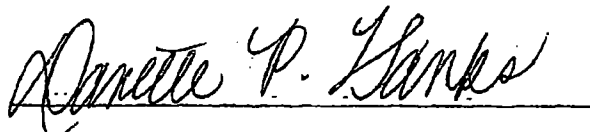
15 February 3, 2014

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Circuit Court Reporter

FORM 5

STATE OF SOUTH CAROLINA)

County of Greenville)

IN THE COURT OF COMMON PLEAS

Millanyo A. Woody 227810)

Full name and prison number (if any) of Applicant)

v.)

State of South Carolina:)

2015-CP-23-05718

APPLICATION FOR

POST-CONVICTION RELIEF

FILED-CLERK OF COURT
GREENVILLE S.C.
PAUL B. WICKEN
SEP 1 PM 2 47**INSTRUCTIONS B READ CAREFULLY**

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make clear to which question any such continued answer refers.

Since every application must be sworn under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

If the application is taken in forma pauperis, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay the fees and costs of the proceedings. When the application is completed, the original shall be mailed to the Clerk of Court for the County in which the applicant was convicted.

1. Place of detention Perry Correctional Inst.
2. Name and location of Court which imposed sentence Greenville County
305 E. North St. Greenville, S.C. 29601
3. Name(s) of co-defendant(s) (if any) N/A
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
(a) 2012-GS-2307386A

- (b) 2012-GS-2307385
- (c) _____
5. The date upon which sentence was imposed and the terms of the sentence:
- (a) 10-16-13 / 177 months
- (b) _____
- (c) _____
6. Check whether a finding of guilty was made:
- (a) after a plea of guilty _____
- ☒ (b) after a plea of not guilty find guilty on 10-15-13
- (c) after a plea of nolo contendere _____
7. Did you appeal from the judgment of conviction or the imposition of sentence?
Yes
8. If you answered Ayes@ to (7), list:
- (a) the name of each Court to which you appealed:
- i. The State of South Carolina in the Court of Appeals
- ii. _____
- iii. _____
- (b) the result in each such Court to which you appealed:
- i. Appeal Dismissed
- ii. _____
- iii. _____
- (c) the date of each such result:
- i. January 28, 2015
- ii. _____
- iii. _____
- (d) if known, citations of any written opinion or orders entered pursuant to such results:
- i. Opinion No. 2015-UP-056
- ii. _____
- iii. _____
9. If you answered Ano@ to (7), state your reasons for not so appealing:
- (a) N/A

- (b) _____
- (c) _____
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:
- (a) See attached sheets
- (b) _____
- (c) _____
11. State concisely and in the same order the facts which support each of the grounds set out in (10):
- (a) See attached sheets
- (b) _____
- (c) _____
12. Prior to this application have you filed with respect to this conviction:
- (a) any petition in a State Court under South Carolina Law? No
- (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? No
- (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? No
- (d) any other petitions, motions or applications in this or any other Court? No
13. If you answered Ayes@ to any part of (12), list with respect to each petition, motion or application:
- (a) the specific nature thereof:
- i. _____
- ii. N/A
- iii. _____
- iv. _____
- (b) the name and location of the Court in which each was filed:
- i. N/A
- ii. _____
- iii. _____

iv. _____

(c) the disposition thereof:

i. N/A

ii. _____

iii. _____

iv. _____

(d) the date of each such disposition:

i. N/A

ii. _____

iii. _____

iv. _____

(e) if known, citations of any written opinions or orders entered pursuant to each such disposition:

i. N/A

ii. _____

iii. _____

iv. _____

14. Has any ground set forth in (10) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?

No

15. If you answered "yes" to (14) identify:

(a) which grounds have been presented:

i. N/A

ii. _____

iii. _____

(b) the proceedings in which each ground was raised:

i. N/A

ii. _____

iii. _____

16. If any ground set forth in (10) has not previously been presented to any Court, State or Federal, set forth the ground and state concisely the reasons why such ground has not previously been presented:

(a) N/A
 (b) /A
 (c) _____

17. Were you represented by an attorney at any time during the course of:

(a) your arraignment and plea? _____
 (b) your trial, if any? Yes
 (c) your sentencing? _____
 (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? Yes
 (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? _____

18. If you answered Ayes@ to one or more parts of (17), list:

(a) the name and address of each attorney who represented you:

i. Dorothy Manigault Esq
Public Defenders Office 305 E. North St Suite 123
Greenville, S.C. 29601
 ii. Kathrine Hudgins Esq.
1015 Sumter Street
Columbia, S.C. 29201

(b) the proceedings at which each such attorney represented you:

i. Trial Court
 ii. Appellate Court
 iii. _____

19. State clearly the relief you seek in filing this application:

vacate and remand for new trial or resentence

20. Are you now under sentence from any other court that you have not challenged?

No

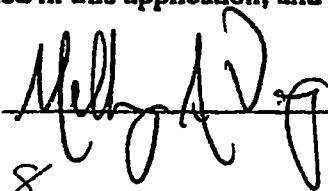
Revised 3/2003

STATE OF SOUTH CAROLINA)

County of Greenville)

VERIFICATION

I, Millanys Antonio Woody, being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and that the matters and allegations therein set forth are true.



SWORN to and subscribed before me this 8 day of September, 2015.

Tamara Conwell (L.S.)
Notary Public

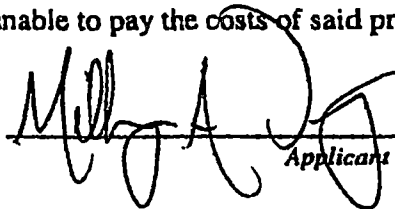
My Commission Expires

My Commission Expires: September 25, 2023

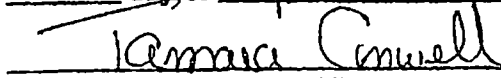
**APPLICATION TO PROCEED WITHOUT PAYMENT
OF COSTS AND AFFIDAVIT
IN SUPPORT THEREOF**

I, Millano Antonio Woody, hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefor. In support of my application I declare under penalty of perjury that the following facts are true:

- (1) I am the applicant in this action and I believe I am entitled to redress.
- (2) Because of my poverty I am unable to pay the costs of said proceeding or give security thereof.


Applicant

SWORN or affirmed to and subscribed before me this
8 day of September 2015.


Notary Public

My Commission Expires

My Commission Expires: September 25, 2023

The applicant is alleging a 5th, 6th and 14th Amendment violation which set forth the prima facie violation of my Constitutional rights. Grounds are constitutional dimension. The fundamental defects alleged are standards that require establishment of a complete miscarriage of justice and a omission inconsistent with the rudimentary demand of fair procedure.

It would be a denial of due process not to give the applicant an evidentiary hearing on the applicant's constitutional claims. The following acts/omissions by trial counsel constituted ineffective assistance of counsel in violation of Strickland v. Washington, 104 S.Ct. 2052.

Answer to question # 10 on PCR Application

- Trial counsel was ineffective for failing to move to quash his indictments which were unconstitutionally overbroad and vague.
- Trial counsel was ineffective for failure to communicate to applicant the precise terms of a plea deal / offer before going to trial.
- Trial counsel was ineffective for failure to object / Challenge the state's preemptory challenge that violated Equal Protection Clause recognized in Batson v. Kentucky 476 U.S. and its progeny
- Trial counsel was ineffective for failing to request trial court to charge the lesser included offense of the crimes charged.

Trial counsel was ineffective for failing to move to quash his indictments which were unconstitutionally over broad and vague.

Applicant was indicted in Greenville County Court of General Sessions on Sept 18, 2012 for CSC w/a minor 2nd degree and Lewd Act upon a child. The indictments read as follows:

That Millango Antonio Woody did in Greenville County, between the 4th day of December 2008 and the 22nd day of April 2010 commit a sexual battery on ^{Minor} who was fourteen years of age or less but who was at least eleven years of age. This violation of § 16-3-655(2) of the South Carolina Code of Laws (1972) as amended CSC w/a minor second degree (old) 16-03-0655(A)(1) on the face of the indictment.

The Lewd Act upon a child reads as follows:

That Millango Antonio Woody did in Greenville County between the 4th day of December 2005 and 22nd day of April 2010, being over the age of fourteen years, willfully and lewdly commit or attempt a lewd and lascivious act upon or with the body, or its parts, of ^{Min or} a child under the age of sixteen years, with the intent of arousing, appealing to, or gratifying the lust passions, or sexual desires of himself or such child. This is in violation of § 16-15-140 which was repealed on June 18, 2012

The applicant in present case contend that his ability to present a defense was hindered as the broad brush [of the indictments] was 5½ years with no specificity. Trial counsel failed to object to the indictments which caused the applicant to be denied a fair trial. The indictments alleged the offenses occurred at unspecified time over a 5½ year period. It was virtually impossible to try and defend against accusations spanning such a vast period of time.

Gentry is the seminal case in analyzing the sufficiency of an indictment. Gentry sets forth two requirements that are relevant and dispositive in the instant case. The first being a defendant's right to question the manner in which the accusation has been presented, which applicant's trial counsel failed to challenge or object to. The second and most important here, is the Court's determination as to whether the offense is stated with sufficient certainty and particularity to enable the defendant to know what he is called upon to answer and whether he may plead an acquittal.

Applicant was undoubtedly taken by surprise and significantly limited in his ability to combat the charges against him. Simplified, there was no way for applicant to know whether he could plead an acquittal. Gentry, 610 S.E. 2d at 500

The S.C. Supreme Court believe that notice and preparatio are inextricably linked concepts as fairness and due process require that a criminal defendant receive sufficient notice of the charge against him to enable him to prepare a defense. In re Grey B., 291 S.C. 108, 109, 352 S.E. 2d 470 (1987).

Given the expansive time frame and lack of specificity as to this time frame, this court can only conclude applicant was prejudiced by the defects in the indictments. The class of Criminal case should not translate into an exception that operates to circumvent constitutional and statutory principles.

If it were not for trial counsel deficient performance from failure to object to the indictments. The outcome of this proceeding / jury trial would have been different. See
State v. Baker, 769 S.E. 2d 860 February 11, 2015

Trial counsel was ineffective for failure to communicate to applicant the precise terms of a plea deal/offer before going to trial.

As a general rule, defense counsel has the duty to communicate formal prosecution offers to accept a plea on terms and conditions that may be favorable to the accused.

Here in this case, trial counsel did not communicate the formal offer and the precise terms to the applicant. Applicant would have accepted the plea offer had he been afforded effective assistance of counsel. The applicant can demonstrate that a reasonable probability the plea would have been entered without the prosecution canceling it. There is a reasonable probability that the end result of the criminal process would have been more favorable by reason of a plea to a lesser charge or a sentence of less prison time. *Glover v. United States*, 531 U.S. 198, 203, 121 S. Ct. 696 (2001) Any amount of [additional] jail/time has Sixth Amendment significance. See trial trans. pages 256-257 6

Trial counsel was ineffective for failure to object/challenge the state's use of preemptory challenge that violated the Equal Protection clause recognized in *Batson v. Kentucky*, 476 U.S. 79 and its progeny.

In this case, the applicant assert that his trial counsel failed to provide the effective assistance of counsel required by the Sixth and Fourteenth Amendments by failing to object to his equal protection right recognized by *Batson v. Kentucky*, 476 U.S. 79, 106 S.Ct. 1712.

See Random Strike sheet

The Sixth Amendment states, in pertinent part: In all criminal prosecutions, the accused shall... have the assistance of counsel for his defense. U.S. Const. Amend. VI. The assistance of counsel clause was made applicable to the states in *Gideon v. Wainwright*, 372 U.S. 335, 342, 83 S.Ct. 792 (1963).

See *J.E.B. v. Alabama-ex rel. T.B.*, 511 U.S. 127, 114 S.Ct. 1419, 1430 (1994) (applying the *Batson* equal protection analysis to gender discrimination); *Georgia v. McCollum*, 505 U.S. 42, 59, 112 S.Ct. 3348, 3359 (1992) (extending *Batson* to criminal defendants' use of preemptory challenges).

In the selection of the petit jury, the state used one of its ten peremptory challenges to excuse a black member of the venire. Trial counsel failed to object to the strike on juror 41 and contended

that the state had exercised its challenges to the black venire person on account of their race, in violation of the Equal Protection clause.

Thirty-five persons were summoned as the venire for applicant's trial. Twenty-nine were white; three were black. None of the twelve selected for the jury were black, nor was the alternate black.

The Equal Protection Clause forbids the prosecutor to challenge potential jurors solely on account of their race or on the assumption that black jurors as a group will be unable impartially to consider the state's case against a black defendant. Trial counsel's failure to object to the picking of the jury denied applicant a prima facie case of discrimination in jury selection by showing that he is a member of a cognizable racial group and that the relevant circumstances raise an inference that the prosecution has exercised peremptory challenges to remove from the venire members of his race. *Fludd v. Dykes*, 863 F.2d 822, quoting *Batson*. In *Powers v. Ohio*, 499 U.S. 400, 111 S.Ct. 1364 the Supreme Court held that a defendant of any race can raise an equal protection challenge to the prosecution's discrimination use of peremptory challenges, thereby eliminating any need for a criminal defendant raising an equal protection challenge to show commonality of race with the excluded jurors.

Trial counsel's error in failing to object to jury's selection and applying the rule in Batson is apparent on the face of the trial transcript of the jury selection proceeding. See transcript pages #23-#29. Trial counsel's failure to object from looking at the record will show that this Batson violation was obviously valid that any competent lawyer would have objected. No further evidence is needed to determine whether counsel was ineffective for not having done so. Based upon her failure to object, standing alone, establish her ineffectiveness. See also State v. Evins, 373 S.C. 404, 415, 645 S.E. 2d 904, 909 (2007). When one party strikes a member of a cognizable racial group or gender the trial court must hold a Batson hearing if the opposing party request one. State v. Haigler, 334 S.C. 623, 515 S.E. 2d 88, 90 (1999). In ~~the~~^{M.W.} the case at bar, counsel failed to object thereby failing to get a ruling and preserve for appellate court review.

Whether a Batson violation has occurred must be determined by examining the totality of facts and circumstances in the record. Edwards, 384 S.C. at 509, 682 S.E. 2d at 822

Lesser Offense

- Trial counsel failed to request trial court to charge the lesser include offenses of the crimes charged.

' Trial counsel's actions prejudiced the petitioner and unduly subjected him to federal law violations and U.S. Supreme Court precedents. In *Keeble v. United States*, 412 U.S. 219, 93 S. Ct. 1993 (U.S. S.D. 1973) the Supreme Court stated Although the lesser included offense doctrine developed at common law to assist the prosecution in cases where the evidence failed to establish some element of the offense originally charged, it is now beyond dispute that the defendant is entitled to an instruction on a lesser included offense if the evidence would permit a jury rationally to find him guilty of the lesser offense and acquit him of the greater. See *Sengone v. United States*, 380 U.S. 343, 85 S.Ct. 1004 (1965)

Berra v. United States, 351 U.S. 131, 76 S.Ct. 655 (1956)

Stevenson v. United States, 162 U.S. 313, 16 S.Ct. 839 (1896) Petitioner should have been granted a lesser charge to the jury.

As far back as the year of 1896, the U.S. Supreme Court ruled in *Stevenson v. United States* ^{supra} (In a case where some of the elements of crime charged themselves constitute a less crime, the defendant if the evidence justified it, would no doubt be entitled to an instruction which would permit a finding of guilt of the lesser offense). The U.S. Supreme Court ruled in *Spaziano v. Florida*, 468 U.S. 447, 104 S. Ct. 3154 (1984) (the absence of a lesser included instruction increases the risk that the jury will convict... simply to avoid setting the defendant free... the goal of the "Beck Rule" in other words is to eliminate the distortion of the factfinding process that is created when the jury is forced into an all-or-nothing choice between the charged crimes of CSC 2nd v/minor and Lewd Act on minor and innocence. See *Beck v. Alabama*, 447 U.S. 625, 100 S. Ct. 2382 (1980); *Keeble v. United States*, ^{supra} Petitioner asserts Trial counsel failed to request a lesser included offense jury charge which not only subjected him to due process rights violations under the 14th Amendment, but also clearly subjected him to equal protection rights violation under the 5th Amendment of the U.S. Const. As the result of the S.C. Supreme Court's ruling and mandates in *Hewward* ^{supra}; *State v. Lambright*, ^{supra}, and *State v. Drofts*, ^{supra}. The very same const. equal protection rights.... should have been offered to petitioner.

(A) Petitioner asserts, he was denied a substantial Constitutional Right of Effective assistance of Counsel in violation of the 6th Amendment of the U.S. Const.

State of South Carolina) Court of Common Pleas
 County of Greenville) #

Millanys A. Woody) Motion For
 Applicant) Execution of
 Vs.) Subpeona

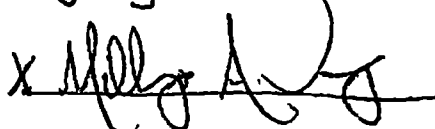
State of South Carolina)
 Respondent)

Comes Now, Millanys A. Woody # 227810
 petition this Honorable Court to execute a subpeona's
 pursuant to the S.C. PCR statutes and any other rules that
 apply in this case. Said name below are potential witness
 in this cause of action. Applicant is entitled to cross-examine
 witness in his upcoming PCR hearing because the burden of
 proof is on the Applicant

The list of the witness and address are as follows
 Minor

Address Unknown

I Millanys A. Woody # 227810
 Certify and verify under penalty
 of perjury that the foregoing is
 true and correct.

x 

280
State of South Carolina }
County of Greenville }
Millanyo Woody 227810 }
Applicant }

In the Court of Common Pleas
for the 13th Judicial Circuit Court
C/A No # 2015-CP-2305718

v.
The State of South Carolina }
respondent }

Notice of Motion to Amend
Procedural History

FILED-CLERK OF COURT
GREENVILLE CO. S.C.
PAUL B. WICKES, CLERK
2016 APR 7 PM 4:09

Now come the applicant moving the Court to Amend his
PCR application, pursuant to the South Carolina Rules of Civil
procedure rule 71.1(d) and South Carolina Post-Conviction
Relief Act.

Procedural History

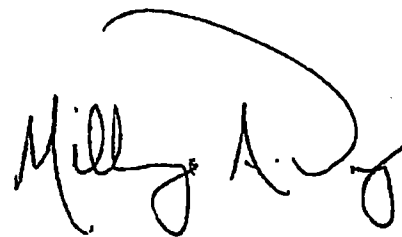
Applicant Millanyo Woody was arrested in Greenville, S.C.
on August 5, 2010, and charged with CSC 1st degree, Obsecene
Material to a minor 12Y or younger, and Lewd Act upon a child
under 16 years of age. [REDACTED] at that time was a minor and
stated that these crimes happened between December 4th 2005
and April 22, 2010. The Greenville County grand jury indicted
applicant for CSC 1st, CSC 2nd, and Lewd Act in September
of 2012, and case came on for trial before a jury

in the Greenville County Court of General Sessions on October 14, 2013. The honorable G. Edward Welmaker was the presiding judge. On October 14th, 2013 the CSC 1st degree was dismissed and jury convicted applicant on CSC 2nd w/minor and Lewd Act upon a minor, and the court sentenced applicant to 177 months on CSC 2nd and 177 months on Lewd Act ran concurrent. On appeal applicant's appeal for direct appeal was dismissed submitted December 1, 2014 - Filed January 28, 2015 Opinion No. 2015-UP-056, Appellate Case No. 2013-002317. The only issue before the Court of Appeals was whether the trial judge erred in failing to quash the indictments for being constitutionally overbroad and ^{n.w.} vague.

Conclusion

For the forgoing reasons applicant's PCR should be amended said Procedural History is meritorious and support the original claims further.

Dated: February 15, 2016


Millanyo A. Woody

State of South Carolina }
 County of Greenville }
 Millanyo Woody 227810 }
 applicant }

v.

The State of South Carolina }
 respondent }

In the Court of Common Pleas
 for the 13th Judicial Circuit Court

C/A No # 2015-CP-2305718

Certificate of Service

FILED-CLERK OF COURT
 GREENVILLE CO. S.C.
 PAUL WICKENSIMER
 2016 MAR 7 PM 3 49

I, Millanyo Woody # 227810 certify that I have served a copy of my PCR Amendment to the respondent at the below address by placing it in the hands of the Perry Correctional mailroom for mailing postaged prepaid.

Paul Wickensimer

Clerk of Court

305 E. North St. Rm. 232

Greenville, S.C. 29601-2120

I, Millanyo Woody # 227810 certify and verify under the penalty of perjury that the foregoing is true and correct. 28 U.S.C.A. § 1746

Millanyo A. Woody

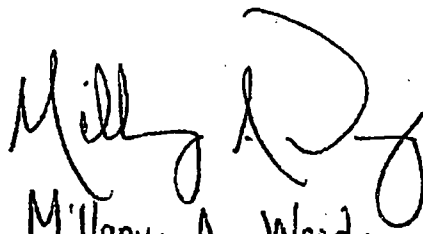
2-15-16

Millanyo Woody ²⁸³ 227811
Perry C.I Q 1B 223
430 Oaklawn Rd.
Pelzer, S.C. 29669

Michael D. Brown, Esquire

Please do not file anything on my behalf with any court. I have filed a complaint against you at this time with The Supreme Court of South Carolina Office of Disciplinary Counsel. It would be a conflict of interest to let you stay on my case. Thank you for respecting this matter.

February 23, 2016


Millanyo A. Woody

Copies sent:

Paul Wickensimer
305 E. North St.
Greenville, S.C. 29601
Clerk of Court

The Supreme Court of South Carolina
Office of Disciplinary Counsel
P.O. Box 12159
Columbia, S.C. 29211
File No# 16-DE-L-0182

Michael Brown
145 N. Church St
Spartanburg, S.C. 293

State of South Carolina }
 County of Greenville }

Millanyo Woody # 227810 }
 Applicant }

v.

The State of South Carolina }
 Respondant }

In the Court of Common Pleas
 for the Thirteenth Judicial Circuit Court
 C/A No # 2015-CP-2305718

Notice of Motion to Amend
 PCR Application

FILED-CLERK OF COURT
 GREENVILLE CO. S.C.
 PAUL J. HICKENHORN
 2015 JUN 26 PM 3 31

Now come the applicant, moving the Court to Amend his
 PCR application, pursuant to the South Carolina Rules of Civil
 procedure rule 71.1(d) and the South Carolina Post-Conviction
 Relief Act.

Applicant request the following grounds be included in
 his PCR Application.

The applicant is alleging a 5th, 6th and 14th Amendment
 violation which set forth the prima facie violation of my constitutional
 rights. Grounds are constitutional dimension. The fundamental defects
 alleged are standards that require establishment of a complete miscarriage
 of justice and a omission inconsistent with rudimentary demand of
 fair procedure.

The following acts/omissions by trial counsel constituted ineffective
 assistance of counsel in violation of Strickland v. Washington, 104 S.Ct. 2052.

Trial Counsel was ineffective for failing to call a medical expert to challenge the state's medical evidence presented at trial.

Trial counsel was ineffective in failing to investigate and present the testimony of a gynecological expert witness. Applicant can show that trial counsel was deficient and counsel's deficiency caused prejudice. Stalk v. State, 681 S.E. 2d 592, 593 (2009)

Counsel has a duty to make reasonable investigations or to make a reasonable decision that makes particular investigations unnecessary. Strickland 466 U.S. at 691, 104 S.Ct. 2052. At a minimum, Counsel has the duty to interview potential witnesses and to make an independent investigation of the facts and circumstances of the case. Ard v. Catoe, 372 S.C. 318, 331, 642 S.E. 2d 590, 597 (2007) (emphasis omitted)

Applicant was tried and convicted on a CSC 2nd w/minor and Lewd Act on a minor 2012-GS-2307386A and 2012-GS-2307385 on 10-14-2013.

On July 16, 2013 which was the original trial date, trial counsel filed for a notice and motion for continuance. On the basis of the Medical Report of the alleged victim which was provided to the defense on July 09, 2013

Applicant is arguing trial counsel was ineffective for failing to investigate and present testimony of a gynecological expert witness during trial. Trial counsel filed a notice for continuance on July 16, 2013 after receiving the Medical Report of alleged victim provided on July 9, 2013. Trial counsel never showed applicant the medical report or discussed having a expert witness for the defendant. Applicant was originally arrested for CSC 1st w/minor, Obscene material to minor 12Y or younger, and Lewd Act upon a minor.

While waiting for trial to begin applicant noticed that he was on trial for CSC 1st and CSC 2nd degree, plus Lewd Act upon a child. The charges were high lighted on a court docket in front of applicant on the table. Trial counsel never informed applicant of additional indictment. Trial counsel told applicant that he could go home do to the continuance. After July 16, applicant never talked to trial counsel again until October 14, 2013 the day trial began. At trial on October 14, 2013 the solicitor dismissed CSC 1st due to lack of evidence. Applicant was tried on CSC 2nd and Lewd Act upon a child. The jury found applicant guilty on both charges and was sentenced to 177 months for each charge ran concurrent. On October 15, 2015 applicant received his motion for discovery (Rule 5 disclosure) in it applicant noticed the medical report that was never shown or discussed with applicant, also there was a copy of the notice and motion for continuance. The notice stated in sho "Defendant is entitled to review the evidence and obtain the services of any expert witness especially regarding the Medical Report of the alleged victim." SEE Exhibit (A)

Counsel did not consult with an expert prior to trial even though she knew the State would attempt to admit evidence of a physical trauma and counsel did not provide a legitimate trial strategy for failing to consult with an expert before trial or call a medical expert witness to testify at trial. U.S.C.A. Const. Amend 6

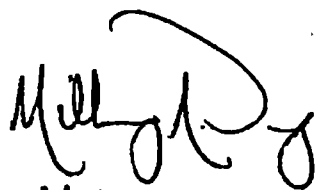
U.S. Supreme Court has held that the defendant must have a fair opportunity to present his defense, requiring the state to provide the basic tools for an adequate defense to an indigent defendant. Bailey v. State 309 S.C. 455. The state is not required to provide the indigent defendant with unlimited funding, it must ensure that the defendant has competent counsel and the services of experts necessary to meaningful defense.

If it were not for trial counsel deficient performance from failing to investigate and present testimony of a gynecological expert there's a reasonable probability that the proceeding / jury trial would have been different. See *Reeves v. State* 2015 WL 7008531.

Conclusion

For the forgoin reasons applicant's PCR should be amended said additional arguments are meritorious and support the original claims futher

Dated: 1-18-16


Millango A. Woody

Exhibit

(A)

STATE OF SOUTH CAROLINA) IN GENERAL SESSIONS COURT

COUNTY OF GREENVILLE) 2012-GS-23-7385 thru 7387

State,)

vs.)

Millanyo Woody,)

Defendant)

**NOTICE AND MOTION
FOR CONTINUANCE**

FILED/CLERK OF COURT
PAUL D. ROSS
COURT CLERK
2013 JUL 16 AM 9:38

The Defendant, Millanyo Woody, by and through his undersigned attorney, Dorothy A. Manigault, makes this motion for a continuance. The case is scheduled for a jury trial on Tuesday, July 16, 2013.

The undersigned attorney is requesting a continuance from the trial scheduled for Tuesday, July 16, 2013, on the basis of the Medical Report of the alleged victim was provided to the defense on July 9, 2013.

The motions for discovery (Rule 5 disclosure) was filed on August 18, 2010, along with a Brady Motion. The Defense received the initial discovery material including incident reports, statements and criminal history on October 26, 2010. No additional discovery was received from the State until a request was made on July 9, 2013, regarding any other discovery material.

The Defendant is indicted for Criminal Sexual Conduct with a Minor, 1st Degree, Criminal Sexual Conduct with a Minor, 2nd Degree, and Lewd Act On A Child. The Defendant is entitled to review the evidence and obtain the services of any expert witness especially regarding the Medical Report of the alleged victim.

The Defendant has not been able to procure the services of any expert at this time,
due to no fault of his own.

NOW, THEREFORE, IT IS requested that this case be continued and the trial
rescheduled after 45 days from the date of this Order.

IT IS SO ORDERED.



Dorothy A. Manigault
Attorney for Plaintiff
522 N Church Street
P. O. Box 392
Greenville, SC 29602
(864) 235-7073 / 235-9630 (fax)
manigaultdam@aol.com

July 16, 2013
Greenville, South Carolina

I 481854
I 481853
2012GS2307386A

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)

IN GENERAL SESSIONS COURT
13th Judicial Circuit
2012-GS-23-7385 thru 7387

The State,

vs.

Millanyo Woody,

Defendant(s).

ORDER FOR CONTINUANCE

FILED
CLERK OF COURT
JUL 16 AM 10:22
2013

This matter came before me on Motion of the Defendant's attorney for a continuance.

The case is scheduled for jury trial on Tuesday, July 16, 2013, in Greenville County General Sessions Court.

It appears that the Defense needs additional time to obtain the counsel/services of an expert witness on behalf of the Defendant regarding a medical report that was revealed through discovery on July 9, 2013.

NOW, THEREFORE, IT IS ORDERED that this case be continued, and the trial be rescheduled after 45 days from the date of this Order.

IT IS SO ORDERED!



Presiding Judge
Thirteenth Judicial Circuit

7:16, 2013

Greenville, South Carolina

State of South Carolina }
 County of Greenville }
 Millanyo Woody # 227810 }
 Applicant }

v.

State of South Carolina }
 Respondent }

Court of Common Pleas
 for the Thirteenth Judicial Circuit Court
 C/A No # 2015-CP-2305718

Certificate of

FILED-CLERK OF COURT
 GREENVILLE CO. S.C.
 PAUL B. WICKENSIMER
 2015 JAN 26 PM 3 31

I, Millanyo Woody # 227810 certify that I have served a copy of my PCR Amendments to the respondents at the below address by placing it in the hands of the Perry Correctional mailroom for mailing postaged prepaid.

Paul Wickensimer

Clerk of Court

305 E. North St. Rm 232

Greenville, S.C. 29601-2120

I, Millanyo Woody # 227810 certify and verify under the penalty of perjury that the forgoing is true and correct. 28 U.S.C.A. § 1746

Millanyo Woody

(6)

1-18-16

State of South Carolina }
County of Greenville }

Millanyo Woody # 227810 }
Applicant }

v.

The State of South Carolina }
Respondant }

In the Court of Common Pleas
for the 13th Judicial Circuit Court
C/A No # 2015-CP-2305718

Notice of Motion to Amend
PCR Application

FILED-CLERK OF COURT
GREENVILLE CO. S.C.
PAUL B. WICKENSIMMER
FEB 19 PM 1:41

Now come the applicant, moving the Court to Amend his PCR application, pursuant to the South Carolina Rules of Civil procedure rule 71.1 (d) and the South Carolina Post-Conviction Relief Act.

Applicant request the following grounds be included in his PCR Application.

The applicant is alleging a 5th, 6th and 14th Amendment violation which set forth the prima facie violation of my Constitutional rights. Grounds are constitutional dimension. The fundamental defects alleged are standards that require establishment of a complete miscarriage of justice and a omission inconsistent with rudimentary demand of fair procedure.

The following acts/omission by trial counsel constituted ineffective assistance of counsel in violation of Strickland v Washington, 104 S.Ct 205,

(1)

Trial counsel was ineffective for failing to object or move for a mistrial in response to bolstering testimony given by Dr. Henderson.

Trial court qualified Dr. Henderson in the field of child abuse pediatrics. She, Dr. Henderson testified as an expert witness in examination, diagnosis and treatment of child sexual abuse. See transcript #pgs 158- # 163 L.6

Dr. Henderson testified that she saw the victim twice, once in May of 2006 and then again in May of 2010 at the Julie Valentine Center in Greenville.

The trial court explained to the jury that when a witness testifies that the witness can't give an opinion. They can testify of what they saw or experienced or sensed in some way. But there is an exception when a witness has been qualified because of education and experience in any field. They're permitted to give an opinion in that area of their expertise and the basis of that opinion. Transcript # pg 163 L.13-19

The solicitor on Direct examination asked what were her findings as to the physical examination in May 2006.

Dr. Henderson testified that in May 2006 her physical examination was normal. The victim had shared some concerns about her being --- someone coming in while she was showering and about that person touching her genital area on top of her clothes.

On Direct examination pg# 174 L. 6-12 in transcript Dr. Henderson was asked do you have an opinion about how victim got that injury? Her answer was, Well, I think based on the history that she had shared with me and the findings on her exam, including the lab work that we did, that this was due to a penetrating injury, and I felt it was consistent with the disclosure that she made.

Dr. Henderson testified that on May 13, 2010 she and the allege victim had a conversation about what happened to her and she testified to what the victim told her. Dr.

Henderson presented a drawing for the jury that had a tore hymen at the 9 o'clock position. Dr. Henderson was asked if she could date the tear, she stated "No, but it happened between 2006 and 2010." See transcript pg# 176 L. 8-9

Dr. Henderson also testified that the victim had a sexual transmitted disease called trichomoniasis (See pg# 175 L. 13-23) Applicant received the medical report on October 15, 2015 it showed nothing about any sexual transmitted disease but it reported an abscess on the left buttocks which she prescribed Bactorban for the abscess. The state asked Dr. Henderson did she have an opinion about how the victim got injured. Dr. Henderson stated Well, I think based on the history that she had shared with me and the findings on her exam, including the lab work that we did, that this was due to a penetrating injury and I felt it was consistent with the disclosure that she had made. pg# 175 L. 6-14.

The law is clear that it is improper for a witness (expert) to give testimony as to his or her opinion about the credibility of a child victim in a sexual abuse matter. State v. Hill, 394 S.C. 280, 294, 715 S.E. 2d 368, 393-94, 377 S.E. 2d 298, 302 (1989); State v. Dempsey, 340 S.C. 565, 568-71, 532 S.E. 2d 306, 308-09 (G. App 2000)

There is no other way to interpret those comments other than to mean that Dr. Henderson believed victim was truthful, See State v. Chavis, 412 S.C. 101, 109, 771 S.E. 2d 336, 340 (2015)

The applicant is relying on Mangal v. State Op. No 5372 (Ct. App. filed December 30, 2015 where Dr. Henderson testified as an expert witness. In this case and my case, Dr Henderson have testified to the same exact testimony verbatim see trans pg# 179 L. 6-12 which vouched for victim's credibility.

If it was not for trial counsel's deficient performance, there is a reasonable probability that the outcome of the proceeding/jury trial would have been different.

Trial counsel allowed Dr. Nancy Henderson to testify about the victim's credibility. To allow the person who examined the child to testify to the characteristics of victims run the risk that the expert will vouch for the victim's credibility. State v. Anderson, Op No. 27558 (S.C. Sup Ct. filed August 5, 2015)

An expert testimony may intrude upon the jury's sole province to determine the credibility of a witness. *State v. Taylor*, 255 S.C. 268, 178 S.E. 2d 244 (1970). While "experts are permitted to give an opinion they may not offer an opinion regarding the credibility of others." *State v. Kromah* 401 S.C. 340 727 S.E. 2d at 449 (2013) citing *State v. Hill*, 394 S.C. 280, 715 S.E. 2d 368 (Cl. App 2011)

After Kromah supra, it is no longer acceptable for an expert witness to indicate in any way that he or she believes the victim. The Kromah Court specifically discussed the impropriety of this type of testimony and how it attempts to convert the expert witness in a human truth detector whose opinions of the truth are valuable and suitable for jury's consumption.

Trial Counsel's failure to object to the vouching /bolstering of the allege victim was a violation of the 6th Amendment which denied me a fair trial. There was no way I could receive a fair trial with a doctor/expert witness vouching for the credibility of a child.

Requested relief - New Trial

Conclusion

For the forgoing reasons applicant's PCR should be amended said additional arguments are meritorious and support the original claims further.

Dated: 2-2-16



Millanyo A. Woody

300

State of South Carolina
County of Greenville

Millanyo Woody # 227810
Applicant

V.

State of South Carolina
Respondent

Court of Common Pleas
for The 13th Judicial Circuit Court

C/A No # 2015-CP-2305718

Certificate of Service

FILED-CLERK OF COURT
GREENVILLE CO. S.C.
PAUL B. WICKENSIMER
2016 FEB 19 PM 1 41

I, Millanyo Woody # 227810 certify that I have served a copy of my PCR Amendments to the respondents at the below address by placing it in the hands of the Perry Correctional mailroom for mailing postaged prepaid.

Paul Wickensimer
Clerk of Court
305 E. North St. Rm 232
Greenville, S.C. 29601 - 2120

I, Millanyo Woody # 227810 certify and verify under penalty of perjury that the foregoing is true and correct. 28 U.S.C.A § 1746

(8)

Millanyo Woody

2-2-16

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF GREENVILLE	)	THIRTEENTH JUDICIAL CIRCUIT
	)	
Millanyo A. Woody, #227810,	)	2015-CP-23-05718
	)	
Applicant,	)	
	)	
v.	)	RETURN ¹
	)	
State of South Carolina,	)	
	)	
Respondent.	)	

In response to the post-conviction relief application filed on September 17, 2015, Respondent would show this Court:

I.

Applicant is incarcerated with the South Carolina Department of Corrections pursuant to the Greenville County Clerk of Court's orders of commitment. Applicant was indicted by the September 2012 term of the Greenville County Grand Jury for one (1) count of a Lewd Act Upon a Child (2012-GS-23-07385) and one (1) count of Criminal Sexual Conduct with a Minor, Second Degree (2012-GS-23-07386A). Dorothy Manigault, Esquire, represented him. On October 14, 2013, Applicant proceeded to a jury trial pursuant to which he was found guilty as indicted on all charges. The Honorable G. Edward Welmaker sentenced Applicant to confinement for one hundred seventy-seven (177) months (14 years, 9 months).

A notice of appeal was filed on Applicant's behalf and an appeal perfected pursuant to Anders v California 378 U.S. 738, 87 S. Ct. 1396 (1967). The South Carolina Court of Appeals

¹ Respondent requests counsel be appointed.

dismissed Applicant's appeal. State v. Woody, Op. No. 2015-UP-056 (filed on January 28, 2015).

The Remittitur was issued on February 13, 2015.

II.

In his application for post-conviction relief Applicant alleges that he is being held in custody unlawfully for the following reasons:

1. "Ineffective Assistance of Trial Counsel"
 - a. "Failing to move to quash his indictments which were unconstitutionally overbroad and vague"
 - i. "The indictments alleged the offense occurred at an unspecified time over a 5 ½ years period. It was virtually impossible to try and defend against accusations spanning such a vast period of time."
 - ii. "Given the expansive time frame and lack of specificity as to this time frame, the court can only conclude applicant was prejudiced by the defects in the indictments (sic)."
 - b. "Failure to communicate to applicant the precise terms of a plea deal/offer before going to trial"
 - i. "There is a reasonable probability that the end result of the criminal process would have been more favorable by reason of a plea to a lesser charge or a sentence of less prison time."
 - c. "Ineffective for failure to object/challenge the state's preemptory challenge that violated Equal Protection Clause recognized (sic) in Batson v. Kentucky 476 U.S. (sic) and it's (sic) progeny"
 - i. "In the selection of the petit jury, the State used one of its ten preemptory challenges to excuse a black member of the venire."
 - ii. "The Equal Protection Clause forbids the prosecutor to challenge potential jurors solely on the account of their race..."
 - d. "Failing to request trial court to charge the lesser included offense of the crimes charged"
 - i. "Trial counsel's actions prejudiced the petitioner and unduly subjected him to federal law violations and U.S. Supreme Court precedents."
 - ii. "...Subjected him to a due process rights violations (sic) under the 14th Amendment, but also subjected him to equal protection rights violation under the 5th Amendment of the U.S. Constitution."

Applicant subsequently amended his application to include the following additional amendments:

- e. "Trial counsel was ineffective for failing to call a medical expert to challenge the State's medical evidence presented at trial."
 - i. "...failing to investigate and present testimony of a gynecological expert witness."
 - f. "Trial counsel never informed applicant of additional indictment."
 - g. "Trial counsel was ineffective for failing to object or move for a mistrial in response to bolstering testimony by Dr. Henderson."
2. "Applicant was denied the right to due process and a fundamentally fair trial in that the State introduced a witness who used false, perjured and misleading testimony in violation of the Fifth, Sixth, Eighth, and Fourteenth Amendments of the U.S. Constitution."
- a. "Counsel failed to object to the use of false, perjured, and misleading testimony submitted by the State."
 - b. "Applicant (sic) trial was rendered fundamentally unfair by his attorney and prosecutorial misconduct."

For the purpose of this Return, Respondent incorporates the Clerk of Court records, and the South Carolina Department of Corrections' records, the record on appeal and Court of Appeals opinion. Respondent reserves the right to amend this Return upon receipt of any relevant materials.

III.

Respondent construes Applicant's first allegations as alleging ineffective assistance of counsel. Respondent asserts that Applicant's allegation of ineffective assistance of trial counsel is without merit. Respondent also asserts that Applicant's attorney rendered effective assistance well within the standard of reasonableness within professional norms for a criminal defense attorney.

A two-pronged test is used in evaluating allegations of ineffective assistance of counsel. First, the applicant must prove that counsel's performance was deficient. Under this prong, attorney performance is measured by its reasonableness under professional norms. Cherry v. State, 300 S.C. at 117, 386 S.E.2d at 625, (citing Strickland v. Washington). The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. The courts presume that counsel rendered adequate assistance and made all significant

decisions in the exercise of reasonable professional judgment. Strickland v. Washington. Applicant must overcome this presumption in order to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

Second, counsel's deficient performance must have prejudiced Applicant such that there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different. Id. A reasonable probability is a probability sufficient to undermine confidence in the outcome of the trial. Johnson v. State, 325 S.C. 182, 480 S.E.2d 733 (1997). In other words, where ineffective assistance of counsel is alleged as a ground for relief, the Petitioner must prove that counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result. Strickland v. Washington, 466 U.S. 668, 104 S. Ct. 2052, 2064 (1984); Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985).

Respondent submits that Applicant cannot satisfy either requirement of the Strickland v. Washington test. However, the allegation of ineffective assistance of counsel probably raises questions of fact that cannot be conclusively refuted by the record. Respondent requests an evidentiary hearing to fully resolve this issue.

IV.

Respondent interprets Applicant's second claim as an allegation that he was also denied due process of law. Applicant's allegation claims infringement of his rights under certain amendments to the United States Constitution. However, Applicant fails to set forth with specificity the grounds upon which these constitutional violations are based. The Uniform Post-Conviction Procedure Act requires that Applicant must "... specifically set forth the grounds upon which the application is based." Section 17-27-50 of the Code of Laws of South Carolina (1976). In an application for post-conviction relief, it is incumbent upon Applicant to make at least a prima facie showing which would

entitle him to relief before an evidentiary hearing will be scheduled and held. Welch v. MacDougall, 246 S.C. 258, 143 S.E.2d 455 (1965); Blandshaw v. State, 245 S.C. 385, 140 S.E.2d 784 (1965). Since Applicant has failed to make even a prima facie showing, Respondent would submit that this allegation should be dismissed for failing to meet the requirements of the Uniform Post-Conviction Procedures Act.

V.

Applicant further alleges prosecutorial misconduct as a result of the State calling a witness that offered false testimony. Prosecutorial misconduct is not an issue for post-conviction relief. Rather, this allegation is a direct appeal issue that is procedurally barred by S.C. Code Ann. § 17-27-20(b) (2003). Post-conviction relief is not a substitute for an appeal. Simmons v. State, 264 S.C. 417, 423, 215 S.E.2d 883, 885 (1974). A post-conviction relief application cannot assert any issues that could have been raised at trial or on appeal. Drayton v. Eyatt, 312 S.C. 4, 8, 430 S.E.2d 517, 520 (1993). Applicant could have raised this issue on appeal. The failure to do so has waived this allegation as grounds for relief. Regardless, it is Applicant's burden to prove actual prosecutorial misconduct. Alabama v. Smith, 490 U.S. 794, 109 S. Ct. 2201 (1989).

VI.

Each and every allegation contained within the application not hereinbefore either expressly admitted, qualified or explained is hereby denied.

VII.

WHEREFORE, the Respondent requests counsel be appointed and an evidentiary hearing solely for the purpose of determining whether the Applicant's trial counsel was ineffective and whether the Applicant's appellate counsel was ineffective.

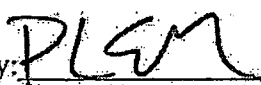
Respectfully submitted,

ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

JOHANNA C. VALENZUELA
Senior Assistant Deputy Attorney General

PATRICK SCHMECKPEPER
Assistant Attorney General

By: 

ATTORNEYS FOR RESPONDENT

Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
Telephone: (803) 734-3737

July 1, 2016.

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

MILLANYO A. WOODY, 227810,

Applicant,

vs.

STATE OF SOUTH CAROLINA,

Respondent.

IN THE COURT OF COMMON PLEAS

2015-CP-23-5718

AFFIDAVIT OF SERVICE BY MAIL

1. I am an employee of the Respondent in the above-captioned action.
2. Regular communication by mail exists throughout the State of South Carolina and that this is a proper circumstance of service by mail.
3. I have this day served a copy of the Return in the above-captioned matter on the following person by depositing same in the United States mail, postage prepaid:

Millanyo A. Woody, 227810
 Perry Correctional Institution
 430 Oaklawn Road
 Pelzer SC 29669

DATED this 1st day of July, 2016.


 Judy A. Carey, Legal Assistant
 For Respondent

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS

MILLANYO A. WOODY,)
)
 APPLICANT,)
)
 -VS-)
)
 STATE OF SOUTH CAROLINA,)
)
 RESPONDENT.)
 _____)

2015-CP-23-05718

TRANSCRIPT OF RECORD

DECEMBER 9, 2016
GREENVILLE, SOUTH CAROLINA

B E F O R E:

THE HONORABLE JOHN C. HAYES, III

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

ATTORNEY FOR APPLICANT:

R. MILLS ARIAIL, JR., ESQ.

ATTORNEY FOR RESPONDENT:

PATRICK SCHMECKPEPER
ASSISTANT ATTORNEY GENERAL

SUSAN W. HUDGINS
CIRCUIT COURT REPORTER

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CERTIFICATE OF REPORTER ----- 53

EXHIBITS

<u>NO</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EVIDENCE</u>
P-1	LETTER 9/1/15 -----	10	10

311

4

1 **MR. SCHMECKPEPER:** May it please the Court, Your Honor?

2 This is Millanyo Woody versus the State of South Carolina,
3 2015-CP-23-5718. The Applicant was indicted for one count
4 of a lewd act upon a child and one count of criminal sexual
5 conduct with a minor, second degree. He was represented by
6 Dorothy Manigault.

On October 14, 2013 the Applicant proceeded to a jury trial after which he was found guilty and indicted. Judge Welmaker sentenced him to confinement for a hundred and seventy-seven months or fourteen years and nine months.

11 A timely notice of appeal was filed and perfected
12 pursuant to Anders v. California. The South Carolina Court
13 of Appeals dismissed the appeal on January 28th of 2015.
14 The remittitur was issued February 13th, 2015. At this
15 point I'm going to turn matters over to opposing counsel.

16 THE COURT: Mr. Ariail.

17 **MR. ARIAIL:** Yes, Your Honor. We're ready to proceed.

18 And I call Mr. Woody to the stand.

19 **THE COURT:** All right. Mr. Woody, please come up and
20 be sworn.

21 **MADAME CLERK:** Mr. Woody, please place your left hand
22 on the Bible and raise your right hand.

23 **Millanyo Woody**, being
24 duly sworn testified as follows;

25 **MADAME CLERK:** Thank you. You may be seated. Please

MILLANYO WOODY - DIRECT EXAMINATION BY MR. ARIAIL

5

1 state your full name for the record.

2 MR. WOODY: My name is Millanyo Antonio Woody.

3 Direct Examination by Mr. Ariail:

4 Q. Mr. Woody, how you doing today?

5 A. I'm doing pretty good, sir.

6 Q. Good, good. I want to go back through a little bit of
7 the information in your case. And you've heard the attorney
8 general put on the record what charges Ms. Manigault
9 represented you on, is that correct?

10 A. Yes, sir, it is.

11 Q. Okay. And so those are charges that you went to trial
12 for and were convicted, is that right?

13 A. Yes, sir.

14 Q. Okay. Now when you were charged with these crimes you
15 were arrested and placed at the law enforcement center, is
16 that correct?

17 A. Yes, sir and no, sir. The charges that I went to trial
18 for, I was never arrested for. Second degree, I was never
19 arrested for that. So I was arrested for criminal sexual
20 conduct, first degree.

21 Q. Okay. So what you're saying is there was a reduction
22 of the charge at some time?

23 A. No, sir, it wasn't. I was never notified. There was
24 -- it was two charges when I went to trial on the 14th.

25 Q. Uh-huh (affirmative).

MILLANYO WOODY - DIRECT EXAMINATION BY MR. ARIAL

6

1 A. One was dismissed. And the one that I was found guilty
2 on was the second degree. I never was arrested or ever
3 notified of any of those charges.

4 Q. Okay. So what you're saying is you were served with
5 warrants for CSC, first, ---

6 A. Yes, sir.

7 Q. And what else?

8 A. And I think it was obscene material ---

9 Q. Okay.

10 A. --- and lewd act.

11 Q. Okay. Lewd act. So the one you said you did not
12 receive notice of were or were aware of was CSC, second?

13 A. Yes, sir.

14 Q. You were okay with the other one, is that right?

15 A. Yes, sir. That's what I noted -- was notified of.

16 That's what I was arrested for, yes, sir.

17 Q. Okay. Now -- and when I was going through that --
18 we'll go back into that in a little bit. As part of this
19 you were represented and, I guess, Ms. Manigault was
20 appointed for you, is that correct?

21 A. Yes, sir, she was.

22 Q. And did you get out on bond at any time?

23 A. Yes, sir. I was arrested August 5th, 2010. And I
24 think I -- I got out on August 27th, ---

25 Q. Okay.

MILLANYO WOODY - DIRECT EXAMINATION BY MR. ARIAIL

7

- 1 A. --- 2010.
- 2 Q. So you stayed out during the pendency of this, is that
- 3 correct?
- 4 A. Yes, sir.
- 5 Q. So that happened -- you were tried on October 14th,
- 6 2013, is that correct?
- 7 A. Yes, sir.
- 8 Q. So that whole time you were out?
- 9 A. Yes, sir.
- 10 Q. Did you have any discussions with Ms. Manigault about
- 11 what the case was about and the evidence and all that?
- 12 A. She -- she never really discussed too much of the case.
- 13 We was just going over statements. So I never -- I never
- 14 knew anything about an indictment, if that's what you're
- 15 asking.
- 16 Q. And we'll go through that in a little bit. What you're
- 17 saying is you weren't aware you were indicted for CSC, ...
- 18 A. Second. Yeah, that's right.
- 19 Q. Second is what you're saying?
- 20 A. Right. I knew I was arrested for first degree, you
- 21 know, but I never, you know, I come to know -- understand
- 22 what an indictment is by going to the law library, but she
- 23 never explained an indictment to me.
- 24 Q. Okay. So there was no -- no discussion with you as to
- 25 how it went from CSC, first, to CSC, second?

MILLANYO WOODY - DIRECT EXAMINATION BY MR. ARIAIL

8

1 A. Right.

2 Q. Did she explain to you what the difference is between
3 CSC, first, and CSC, second?

4 A. No, sir.

5 Q. So, I mean, tell me when the first time you were aware
6 that you were going to trial and were going, you know,
7 looking at CSC, second.

8 A. Well, she -- we went to trial January 16th. That's
9 when she signed for a continuance. When I noticed it I was
10 at the stand, and I saw my name down there, says, criminal
11 sexual conduct, first degree and second degree, and lewd
12 act. I noticed that on the document. But as far as her
13 explaining it to me, no, I never noticed it. She never
14 explained it to me.

15 Q. So you didn't have any, you know, understanding of what
16 that was or ---

17 A. No, sir. I just saw it on -- I thought it was a
18 misprint or something, you know.

19 Q. Did she tell you at any time, here's the difference
20 between those two or what they've got to prove for those
21 two?

22 A. No, sir, she didn't.

23 Q. Okay. Now going -- okay. So at some point in time you
24 decide that you're going to try this case -- you wanted a
25 trial.

MILLANYO WOODY - DIRECT EXAMINATION BY MR. ARIAIL

9

1 A. Yes, sir.

2 Q. Were there any plea offers or any discussions before
3 that about trying to work this out?

4 A. She gave me -- well, not a plea offer. I got a plea
5 offer after I wrote the statement and asked them, you know,
6 on page -- I'm sorry, get it together.

7 After the sentencing hearing Ms. Manigault had stated
8 something in trial about a plea agreement from the State
9 that I never received. So I wrote the State. And the State
10 -- she sent me -- here it is right here. If I could use
11 this as evidence.

12 On page 256, line 19 through 25, and 257, line 1
13 through 17, Ms. Manigault stated that she had gotten a great
14 offer from the State pleading to dismissing of all pleas if
15 plead to ABHAN and one year HIP with probation and no
16 registration. She never conveyed that plea to me, Your
17 Honor. And so I was wondering about that.

18 And I wrote the solicitor. And she gave me a letter,
19 if I could use that as evidence, to the plea, for what I was
20 to plead to.

21 Q. Let me see what it is. Have you already put it as part
22 of your packet or is this ---

23 A. No, it's not part of my packet. That's what the State
24 gave me right there. That was part of the plea agreement,
25 but that she never conveyed to me.

MILLANYO WOODY - DIRECT EXAMINATION BY MR. ARIAIL

10

1 Q. Okay. So ---

2 A. But that right there is what I never went to trial for.

3 I never went to trial for that plea agreement.

4 (Pause)

5 MR. ARIAIL: Your Honor, if I could move this into

6 evidence as Applicant's number 1.

7 MR. SCHMECKPEPER: No objection, Your Honor.

8 THE COURT: In without objection.

9 (Whereupon Plaintiff's exhibit 1 was marked and
10 admitted into evidence)

11 Q. Now as part of this -- I just want to go through this.

12 This was a letter you wrote to, it looks like, Ms. Munson

13 ---

14 A. Yes, sir.

15 Q. --- at the solicitor's office on 9/1/2015, correct?

16 A. Yes, sir.

17 Q. Okay. And in return what you're saying you got is the

18 plea offer that is undated and unsigned by Ms. Munson, is

19 that correct?

20 A. Yes, sir.

21 Q. Okay. And you're saying that document is the plea

22 offer you had never seen or aware of ---

23 A. That's right.

24 Q. --- before you received it back from the solicitor's

25 office?

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1 A. Yes, sir, that's correct.

2 Q. Okay. Now, I mean, clearly, I guess, if you'd received
3 that what would you have done with that information, with
4 that plea offer?

5 A. Well, Your Honor, if I'd received that that would've --
6 Your Honor, I'm not saying that I'm guilty, but it would've
7 given me a better understanding of what was going on so I
8 would have had the chance to even consider it if it was
9 offered to me.

10 Q. Okay. So you're saying you didn't have any discussions
11 with Ms. Manigault about any type of plea offer?

12 A. No, sir, I didn't.

13 Q. Okay.

14 A. Especially what she stated on this page right here on
15 page 56. That's not -- on page 256, the plea agreement that
16 you got, that's not what's on this page that she said that
17 the solicitor gave her.

18 Q. Right. Okay. Now as part of the -- and what I want to
19 make sure I understand is you went through this case, you
20 had discussions with Ms. Manigault about discovery, correct?

21 A. Yes, sir.

22 Q. I mean, y'all talked. I mean, did she tell you this is
23 what they're going to put up as evidence in this case?

24 A. No, sir. We received -- she signed a continuance for
25 some evidence that she got on July 9th, 2013 that she never

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1 conveyed to me. It was -- I guess it was a medical report.

2 See, we never talked about any of that.

3 Q. Was that the medical report from Nancy Henderson ---

4 A. Yes, sir.

5 Q. Okay. And I want to go through, I mean, did you -- and
6 the way this case was laid out, and the way I understand it,
7 and the way the transcript is is basically there was a minor
8 child who had indicated that she was sexually assaulted by
9 you.

10 A. Yes, sir.

11 Q. Okay. Were you aware of what the allegations were and
12 what she was going to testify to?

13 A. No, sir, I wasn't.

14 Q. Did you discuss with Ms. Manigault about any statements
15 or any information that she had about what the minor child
16 would testify to?

17 A. She had gave me some -- back in 2011 she gave me some
18 statements.

19 Q. Okay. Was that from the minor child?

20 A. Yes, sir, from the minor child, from her uncle and from
21 some more people I think that ---

22 Q. Okay. And I want to make sure who these people are
23 because at the trial Tawanda Woody testified, ---

24 A. Yes, sir.

25 Q. --- Tamika Griggs testified, Quinton Largent testified.

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1 A. Yes, sir.

2 Q. Did you have information on those individuals as to
3 what they could testify to?

4 A. No, sir.

5 Q. I mean, so the statements that you got were not for
6 these individuals?

7 A. The statement was from Mr. -- what was the name? Mr.
8 -- it was -- forgive me. I'm kind of nervous.

9 **THE COURT:** All right.

10 A. Mr. Largent.

11 Q. Largent.

12 A. And the victim. Yes, I had statements for those, but
13 not for the other people.

14 Q. Okay. But in this case, I mean, you were aware that it
15 was going to come down to pretty much what the minor child
16 said and some other stuff surrounding that, but were you
17 aware or were you -- did you have a clear understanding of
18 what the minor child may testify to?

19 A. No, sir, I didn't.

20 Q. But you had her statement?

21 A. Yeah, I had a statement. Yes, sir. She ---

22 Q. Go ahead.

23 A. She testified totally different to what was on her
24 statement.

25 Q. Okay. And did you talk with Ms. Manigault about some

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1 differences in what she testified to and what she said in
2 her statement?

3 A. No, sir.

4 Q. Okay. Now we got to the trial -- and I'm trying to
5 make -- make sure before we get to the trial that you had
6 information. You're saying you didn't have everything you
7 needed before trial?

8 A. No, sir, I didn't. I didn't ---

9 Q. What are ---

10 A. --- have everything.

11 Q. --- you saying that you needed that came up during
12 trial that you were unaware of?

13 A. The doctor testified to a sexually transmitted disease,
14 I never had any chance to see anything like that. I never
15 saw the medical records, period. Ms. Manigault said she got
16 them on the 16th, but I never had a chance to see anything
17 like that.

18 Q. Okay. So you never had the medical records or any type
19 of information about an STD?

20 A. No, sir. I received the medical information on October
21 21st, 2015 on the discovery when ---

22 Q. Okay.

23 A. --- I mailed it out.

24 Q. Okay. Now during the trial when this came up did you
25 have a discussion with Ms. Manigault about it and say I

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1 don't have this or, you know, we need to find out about
2 this?

3 A. No, sir, I didn't know. I was naive. I didn't know
4 anything about it until then. I was in shock, but I didn't
5 -- I didn't say anything to her about it.

6 Q. What things in those medical records -- I know the STD,
7 you had an issue with, but what things in the medical
8 records do you say, well, I didn't know about this or these
9 things that I needed to know that concerned you?

10 A. Well, the doctor testified. And I wish I could have
11 had the medical record here. She testified that the child
12 had a sexually transmitted disease, but on page 13 of the
13 medical report it said that there was no such thing as a
14 sexually transmitted disease detected in it.

15 Q. Okay.

16 A. And this was a medical report that was done on 10 -- on
17 2010, in April.

18 Q. Okay. And ---

19 A. I mean, I would have -- I'm sorry. I would have had
20 the medical report, but, like I said, Mr. Brown was supposed
21 to represent me. So he had all my medical reports.

22 Q. Right. Mr. Brown -- we talked about that. He had -- I
23 guess you hadn't fully retained him, is that correct?

24 A. No, sir. I hadn't fully retained him. And he has all
25 my information. So I couldn't even provide the medical

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1 report that I gave him.

2 Q. Okay. And as a result -- that medical report, there
3 were things in there that you said you weren't aware of.

4 Did you ---

5 A. Right.

6 Q. --- discuss that with Ms. Manigault at trial?

7 A. No, sir.

8 Q. Okay. Now one issue -- and I'm walking through a lot
9 of these things because I want to make sure I hit them like
10 you said. One thing you've alleged and we've discussed is
11 there were some questions about the medical testimony from
12 Ms. Henderson, is that correct?

13 A. Yes, sir.

14 Q. I think you indicated there was a question you had in
15 regards to bolstering of a witness, is that right?

16 A. Yes, sir.

17 Q. What -- what do you -- what was the basis for that?

18 A. Basically Ms. Manigault -- well, my trial counsel -- my
19 trial attorney was -- she didn't object. She should have
20 objected to the use of blossering [sic] in the testimony.

21 Q. Bolstering?

22 A. Bolstering, I'm sorry.

23 Q. Okay. I think it's -- the page number I have is 174 in
24 the transcript.

25 A. Yes, sir.

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- 1 Q. Okay.
- 2 A. Yes, sir.
- 3 Q. Your issue is that she was ---
- 4 A. Yes, sir. She was ineffective for failing to move for
5 a mistrial to respond to the blossering [sic] of testimony
6 of Dr. Henderson.
- 7 Q. Okay. And the bolstering that you're saying is that
8 she was using Dr. Henderson as a means of testifying, I
9 guess, about her interview and the findings she had being
10 related to a physical exam that was done, is that correct?
- 11 A. Yes, sir.
- 12 Q. Okay. And you're saying that she should have objected
13 to that to keep that information out?
- 14 A. Yes, sir. Because she was basically -- she was
15 basically stating what the child had told her instead of
16 like -- my understanding is a witness can testify, but not
17 to the opinion. So an expert is allowed to testify to an
18 opinion as long as it's based on what they've learned in her
19 field of expertise. But to have her testify to what the
20 child's saying is different. It's -- that's vouching for
21 her credibility.
- 22 Q. Okay. The information, I think, -- this is from line
23 -- you got your transcript ---
- 24 A. Yes, sir.
- 25 Q. --- to make sure I've got -- it's cite 174. And I

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1 think it ties back with some other information.

2 But I think the question was, tell me if I'm correct,
3 is line 6. Okay. So based on -- let me ask you this first.
4 Do you have an opinion about how a minor got that injury?
5 Well, I think based on the history that she has shared with
6 me and the findings of her exam, including the lab-work that
7 we did, this was due to a penetrating injury. And I felt it
8 was consistent with the disclosure that she made to me.

9 A penile/vaginal penetration? Yes, ma'am. That was
10 the answer. Is that -- is that what you're saying where the
11 bolstering was in regards -- I think it ties back to some
12 other information that she received in the transcript.

13 A. Yes, sir.

14 Q. Okay. Now -- I'm going back through making sure. I'm
15 trying to make sure I covered the issues that we've
16 discussed. And I know you prepared me some information to
17 be able to -- let me ask you about -- have I covered -- are
18 there other issues that you want to bring up to the Court at
19 this time? And for your information, your packet that was
20 filed initially is part of the record already, okay?

21 A. Yes, sir.

22 Q. So if there's anything you want to put, just let me
23 know right now and we can -- we can go through that. Any
24 other issues you have?

25 A. Yes, sir. There's an issue about trial counsel was

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1 ineffective for failing to object to the use of the State's
2 peremptory challenges, basically recognizing Batson versus
3 Kentucky.

4 Basically I had a jury trial. There was thirty-five
5 people summoned for jury. Thirty of them were Caucasian,
6 three were African American and two were Hispanics. Out of
7 the -- out of thirty-five, twelve were chosen. There was
8 twelve Caucasians and one Hispanic. And Ms. Manigault
9 failed to object.

10 Well, the solicitor, when juror 41 came up, she asked
11 -- forgive me. Let me calm down. Juror 41 was a African
12 American. And the solicitor struck her. And I asked Ms.
13 Manigault, well, why did she strike her? But Ms. Manigault
14 was trying to listen to the jury -- the judge making the
15 decision.

16 So before the jury was sworn in she got to sit down --
17 the jury got to sit down. And I didn't get to understand
18 why she told me to hold all questions until the end. But
19 had she have objected to that, it would have been reviewable
20 by the appellate defense if she had reviewed that.

21 Q. So you're -- let me make sure I'm getting this. You're
22 saying -- are there questions about what the solicitor --
23 individuals the solicitor struck?

24 A. Yes, sir. She used one of her peremptory challenges to
25 strike that -- to strike a African American woman. She was

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1 a female.

2 Q. Just one?

3 A. Just one. That was -- there was only two there.

4 Q. So you only had two African Americans that were a part
5 of the jury panel, is that correct?

6 A. Exactly. Yes, sir.

7 Q. She struck one.

8 A. Yes, sir.

9 Q. And you think that she should have had a Batson
10 challenge to find out ---

11 A. Why ---

12 Q. --- what the reason for that was?

13 A. Yes, sir. Exactly.

14 Q. Okay.

15 A. And she ---

16 Q. When you asked her about it did she ever answer you or
17 ...

18 A. No, she didn't. She gave me a piece of paper, and she
19 was trying to listen to the judge, and told me to write down
20 all my questions. Well see, at the time, I didn't know then
21 that it was too late. They was already sworn in.

22 Q. Okay. Now -- okay. That issue, you got that one. Are
23 there other things that I have not brought up that you want
24 to discuss with the Court today?

25 A. Yes, sir. There's an issue with the indictments.

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1 Q. Okay. Indictments. And you indicated that you were
2 not indicted for CSC, second, is that correct?

3 A. Correct. There's an issue with the indictments being
4 unconstitutional, broad and vague. Ms. Manigault should
5 have objected to the indictments being overbroad and vague
6 because they don't -- they're not specific in what's going
7 on.

8 It says between December 4th, 2005 and April 22nd, 2010
9 that lewd act was committed. It doesn't have any specific
10 details of what was going on, a date or anything. There was
11 no way I could have a alibi or anything because they're not
12 -- they're saying they don't know when it happened, just
13 between these dates it happened.

14 Q. Okay. Did you discuss with her about those issues or
15 have any conversation with her?

16 A. No, sir. I didn't discuss anything. We basically
17 talked about the -- basically what me and Ms. Manigault was
18 talking about was the statements that was written from the
19 -- from the victim.

20 Q. Okay. Now I'm going to keep going. If there's any
21 other things that I have -- we talked about discovery, plea
22 offer. Any other items that you want to bring up?

23 A. Excuse me. Give me a second, please, sir, if you don't
24 mind. Can I enter the indictments as evidence?

25 Q. If I'm not mistaken they've already been entered into

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22

1 the ---

2 A. Okay, if they have. I just wanted to make sure.

3 Q. --- record.

4 Q. You're saying the indictments?

5 A. Yes, sir. See, this is where I'm confused at right
6 there.

7 Q. Right here?

8 A. You see where it says -- indictment where it says two
9 CDR code, that's first degree, and that statute there is
10 first degree, but it says ---

11 **THE COURT:** All right. You need to speak up because
12 we're trying to make a record ---

13 A. I'm sorry.

14 **THE COURT:** --- of this.

15 Q. And if I'm not mistaken, these are the same indictments
16 that are made a part of the record already. Tell me what
17 your concern is about these documents.

18 A. I guess that some of them look like they had been
19 altered. You see how the A is on this paper right here?
20 That's just not part of the record, I guess. That's an A
21 that has been written in.

22 And it says the arrest warrant -- it says direct
23 presentment. This is the second degree indictment that I
24 never knew anything about. Okay. It has two CDR codes on
25 it. It has a 3 -- a 0396 and a 0385. I've looked those up.

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1 This is the first degree, but if the first degree was
2 dismissed why is it on the second degree indictment?

3 Q. Okay. What you're saying is Ms. Manigault -- you
4 didn't have a discussion with her and weren't aware of these
5 indictments?

6 A. No, sir.

7 Q. Okay. And you're not -- and it's only dealing with the
8 CSC, second degree, is that correct?

9 A. Correct.

10 Q. And not with the lewd act or other -- the lewd act
11 charge, I guess?

12 A. That's correct. Yes, sir.

13 Q. Okay.

14 MR. ARIAIL: And, Your Honor, I believe these were made
15 a part of the record ---

16 THE COURT: Well, I'm looking for them. They usually
17 are. I see the lewd act. Let me go through them again.

18 MR. ARIAIL: Okay. If not I can submit them as an
19 exhibit.

20 THE COURT: I see a sentencing sheet on the CSC,
21 second, but I don't see the indictment attached. That's
22 usually the way it is. And I see a sentencing sheet on the
23 lewd act. And it does have the indictment. It's got the --
24 not the indictment, but arrest warrant.

25 Okay. Here's the indictment on -- he's got an A -- I

MILLANYO WOODY - DIRECT EXAMINATION BY MR. ARIAIL

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1 see where he's talking about -- that's ---

2 MR. ARIAIL: I think it's the same ---

3 THE COURT: I got that one.

4 MR. ARIAIL: That's the same one.

5 THE COURT: I got it. Okay.

6 MR. ARIAIL: Okay. Yours is redacted. So I guess
7 that's -- he's got an unredacted version.

8 THE COURT: He's got a social security number and his
9 date of birth off of it.

10 MR. ARIAIL: That's right.

11 THE COURT: You see that?

12 MR. ARIAIL: He's got the same copy except it's got
13 redacted on it.

14 THE COURT: See, Mr. Woody?

15 A. Yes, sir.

16 THE COURT: And that's not on what you had because they
17 don't want the world to know your social security number and
18 your date of birth.

19 A. Yes, sir.

20 Q. So that's part of the record. We got that. Tell me --
21 anything else you want me to raise?

22 A. No, sir, that's about it. Can I -- can you go back to
23 the indictments, though? Could I add one ---

24 Q. Sure. Tell me what ---

25 A. If you can turn to page 222, line 7 through -- 6

MILLANYO WOODY - CROSS EXAMINATION BY MR. SCHMECKPEPER

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1 through 15. Could you read those for me? It has to do with
2 the overbroad and vague indictments that Ms. Manigault did
3 admit to it that she couldn't prepare a defense for it.

4 Q. Okay. This is in her closing argument.

5 A. Yes, sir.

6 Q. And you said 222, what line?

7 A. 7 through 15.

8 Q. Okay. It says all right. You know the thing about
9 when you have a wide span and a gap like that, 2005 to 2006
10 to 2008 or 2010 is the gap, okay, it's hard for a person to
11 defend it because the gap is so wide. Are there alibis?

12 Well, you don't know because what they're saying is we don't
13 know when it happened, but we know it happened all during
14 that time.

15 So, I mean, if he was working, you'd have a certain
16 date, and time and month, you could have gotten records from
17 the job, but we didn't have a certain day, time and month.
18 Is that what you're saying right there?

19 A. Yes, sir.

20 Q. Okay. Okay, that's good. I'm going to let them ask
21 you questions now, okay?

22 A. Yes, sir.

23 Cross Examination by Mr. Schmeckpeper:

24 Q. Afternoon, Mr. Woody.

25 A. Yes, sir.

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1 Q. I mean, you did testify that you discussed this case
2 with your attorney. Did you say you -- she never went over
3 discovery with you?

4 A. No, sir, she never went over discovery. We -- the
5 medical evidence should have been part of discovery that she
6 never even talked to me about. So ...

7 Q. So she didn't discuss the evidence of this case with
8 you at all?

9 A. The ---

10 Q. Just the medical?

11 A. Yes, sir, not the medical.

12 Q. She didn't discuss the victim's physical injuries?

13 A. No, sir.

14 Q. So that was a surprise to you at trial?

15 A. Yes, sir.

16 Q. You've referred to a plea offer that she -- she put on
17 the record, I think, on page 256 of the transcript?

18 A. Yes, sir.

19 Q. Now you said that was the first time you ever heard
20 that?

21 A. Yes, sir. That -- that particular what she stated,
22 yes, sir.

23 Q. Why didn't you say anything at that point?

24 A. I didn't know. I mean, I didn't know. I was in the
25 sentencing phase. I didn't know. I was already upset and I

MILLANYO WOODY - CROSS EXAMINATION BY MR. SCHMECKPEPER

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1 didn't know.

2 Q. All right. I think your attorney asked you whether or
3 not you'd have taken it had you been told about it. And you
4 said you would have considered it.

5 A. Yes, sir. Like I said, I pleaded not guilty. I would
6 have considered it because it would have gave me a wider
7 span of options to take.

8 Q. But would you have taken it?

9 A. Uh ---

10 Q. So your answer is you don't know if you would have
11 taken it?

12 A. Well, like I said, I wasn't guilty. So I -- if it had
13 been conveyed to me, then maybe I would have taken it, but
14 it was never conveyed to me. So I can't say whether or not
15 I would have took it or not because it was never conveyed to
16 me.

17 Q. But at the time your attitude was you're not guilty,
18 you're going to trial?

19 A. No, that's not my attitude. No, sir.

20 Q. No, at the time your attitude was I'm not guilty and so
21 I'm going to go to trial?

22 A. No, sir, that wasn't my attitude. It was based on the
23 evidence that I received that she gave me, that's what it
24 was.

25 Q. Now you talked about Dr. Henderson's testimony. Do you

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1 have a pretty clear recollection of what happened at the
2 trial?

3 A. Yes, sir.

4 Q. Who was Dr. Henderson?

5 A. Dr. Nancy Henderson. She was the doctor that
6 testified. Dr. Nancy Henderson.

7 Q. Do you know what her role was in the treatment of the
8 victim?

9 A. According to the testimony to what she testified to
10 from what I've read, yes, sir.

11 Q. Now she wasn't a forensic interviewer, correct?

12 A. Correct.

13 Q. She was an actual medical doctor, conducting a medical
14 exam of the victim?

15 A. Correct.

16 Q. Looking for injuries and symptoms of abuse?

17 A. Correct.

18 Q. And this was for the treatment of the victim?

19 A. Correct.

20 Q. And she goes over what the victim told her in the
21 course of the medical examination, is that fair to say?

22 A. I guess so, yes, sir.

23 Q. Whether or not it's true or not, whether or not the
24 victim was being truthful, the doctor said what was said to
25 her?

MILLANYO WOODY - CROSS EXAMINATION BY MR. SCHMECKPEPER

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- 1 A. Correct.
- 2 Q. And then at a certain point the doctor discusses some
- 3 injuries that the victim had?
- 4 A. Yes, sir.
- 5 Q. Do you remember what those injuries were?
- 6 A. She said she had a tear in the hymen.
- 7 Q. Tear in the hymen?
- 8 A. Yes, sir.
- 9 Q. And did she say how that could possibly occur?
- 10 A. In her statement she said that there was no way to date
- 11 it. It was between 2006 and 2010.
- 12 Q. No, I didn't say when. I'm asking if she said how that
- 13 could occur?
- 14 A. Uh ---
- 15 Q. Because your attorney brought that up on cross
- 16 examination, right, that there was no way to date it?
- 17 A. No, sir.
- 18 Q. She did not bring that up?
- 19 A. No, sir. Well, I think she did. Yes, sir. I'm sorry.
- 20 I'm thinking you was talking about Mr. Ariail.
- 21 Q. Oh, correct. Correct. And I guess my question is did
- 22 she say how that injury could possibly occur?
- 23 A. Did she say how could -- she said it was a penile
- 24 injury. That's what she believed it was.
- 25 Q. That's what she said it could be, right?

MILLANYO WOODY - CROSS EXAMINATION BY MR. SCHMECKPEPER

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1 A. Yes, sir.

2 Q. Now you also alleged your attorney was ineffective for
3 failing to raise Batson?

4 A. Yes, sir.

5 Q. And basically saying that your attorney should have
6 objected because the solicitor struck an African American
7 juror?

8 A. Correct.

9 Q. What is your reasoning for thinking -- are you saying
10 she should have objected because the solicitor struck an
11 African American juror or because the solicitor was striking
12 an African American juror for racial purposes?

13 A. If it would have been a Batson hearing, sir, it would
14 have been discussed in more detail, I think because ---

15 Q. But ---

16 A. There's certain levels on the Batson for discussion,
17 I'm guessing. So I'm trying to understand what you're
18 asking me.

19 Q. I'm just asking if you have any reason to suspect that
20 the strike of that juror was racially motivated?

21 A. I mean, based on the twelve that was selected, it could
22 have been, yes, sir.

23 Q. But do you have any -- what's your basis for thinking
24 that that strike was racially motivated is what I'm trying
25 to say?

MILLANYO WOODY - CROSS EXAMINATION BY MR. SCHMECKPEPER

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1 A. It wasn't a fair cross section of my jurors, of my
2 peers on the trial. What did I have in common with the
3 twelve?

4 Q. So are you -- are you more concerned about the jurors
5 who were in the overall juror pool or the actual jury that
6 was selected?

7 A. A bit of both.

8 Q. Well, I guess what I'm asking is do you have any
9 concrete reasons to suspect that the strike that was
10 exercised was done for racial reasons?

11 A. Say it again. I'm sorry. Ask it again.

12 Q. Do you have any concrete reasons to suspect the
13 solicitor struck that one juror based on race?

14 A. Yes, I believe she struck her based on race.

15 Q. I'm asking what makes you think that?

16 A. Because I have a *prima facie* case that I'm an African
17 American. And if there's no African American representing
18 me, how can I get a fair trial?

19 Q. And finally I'm just going to come to these indictment
20 issues. And just so -- for the record, and I know you
21 dispute the victim's allegations, but the victim in her
22 testimony and to law enforcement alleged that you abused her
23 one or two times over the course of a several year period?

24 A. Say that again. Repeat the question.

25 Q. Were the victim's allegations that you molested her one

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1 or two times over the course of a four year period or were
2 they that you continuously molested her over a several year
3 period?

4 A. I guess it was over a period, I guess. That's what ---

5 Q. So she was saying it was continuous abuse whether or
6 not you agree with that, ---

7 A. Yes, sir.

8 Q. --- that's what she was saying?

9 **MR. SCHMECKPEPER:** I have no further questions, Your
10 Honor.

11 **MR. ARIAIL:** No redirect, Your Honor.

12 **THE COURT:** You can step down and have a seat with your
13 attorney. Thank you. All right. Call your next witness.

14 **MR. ARIAIL:** Yes, Your Honor. I call Ms. Manigault to
15 the stand.

16 **MADAME CLERK:** Ms. Manigault, please place your left
17 hand on the Bible and raise your right hand. You do
18 solemnly affirm to tell the truth, the whole truth and
19 nothing but the truth so help you God?

20 **MS. MANIGAULT:** I do.

21 **MADAME CLERK:** Thank you. You may be seated. Please
22 state your full name for the record.

23 **MS. MANIGAULT:** Dorothy A. Manigault.

24 **Direct Examination by Mr. Ariail:**

25 Q. Ms. Manigault, how you doing today?

DOROTHY MANIGAULT - DIRECT EXAMINATION BY MR. ARIAIL

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1 A. Doing good.

2 Q. Good. I'm going to jump back to -- you represented Mr.
3 Woody in regards to the criminal charges, I guess, CSC,
4 second, and a lewd act, is that correct?

5 A. That's correct.

6 Q. Okay. I'm going to go over it real quick. I'm trying
7 to understand this issue in regards to the indictments.
8 There was a CSC, first, that he was apparently indicted for.
9 It also shows a CSC, second, that he was indicted for. Do
10 you know what the issue is or have you heard or understand
11 this issue about the indictments?

12 A. Yes. He is correct that he was originally arrested for
13 CSC, first. And there was a direct presentment for CSC,
14 second.

15 Q. Okay.

16 A. And the CSC, first, when he was arrested on the date
17 that he gave the Court is correct. August the 5th of 2010,
18 I believe. And it was CSC, first, for a minor under -- less
19 than eleven years old. Lewd act on a minor and
20 disseminating obscene material to a minor.

21 Q. Okay. So at some point in time he, instead of getting
22 indicted for a CSC, first, they indicted him for a CSC,
23 second?

24 A. Correct.

25 Q. Okay. And do you know the reason behind that? What --

DOROTHY MANIGAULT - DIRECT EXAMINATION BY MR. ARIAIL

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1 in his case?

2 A. In his case I think they were just dealing with the age

3 ---

4 Q. Okay.

5 A. --- of the minor to try to get it more defined. That's
6 my understanding.

7 Q. In other words then because of the age range or when
8 the incident occurred, is that ---

9 A. Yes.

10 Q. Okay. Did you have, I mean, I guess he's brought up
11 these issues in regards to these indictments and not aware
12 that he was indicted for CSC, second. Do you remember
13 having any discussions with him about that including the
14 elements that were behind those charges?

15 A. Yes. I believe I first -- when he got out of jail Mr.
16 Woody came to the public defender's office on October the
17 13th, 2010. We had an interview. And he made the complaint
18 that he wanted all of his discovery. So we called him back
19 in January of 2011, told him to come in to -- to make an
20 appointment to pick up the discovery.

21 He came in on March 22nd, 2011 for an office interview.
22 He was given a full copy of the discovery material that I
23 had at that point and was informed that he -- anything that
24 I would receive that we would continue to give it to him and
25 provide it to him. And at that point we did go over the

DOROTHY MANIGAULT - DIRECT EXAMINATION BY MR. ARIAIL

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1 discovery that was presented to him.

2 Q. Okay. At that time y'all went over it was he indicted
3 for the CSC, second?

4 A. No.

5 Q. Okay. Did you explain -- so he had the CSC, first, at
6 that time. Did you go over what they would have to prove in
7 regards to CSC, first, and lewd act?

8 A. Yeah. We went over the touching for arousing with the
9 lewd act. And we went over the CSC, first, and with the age
10 of the victim. So we went over the elements of the charges
11 that he originally had from August the 5th of 2010.

12 Q. Okay. Now as part of that, the evidence they had, he's
13 indicated -- I'm not sure if he had all of it or was aware
14 of some of the information. Did he -- did you give him or
15 show him what you had received in discovery?

16 A. Yes. Discovery, as you're well aware in Greenville
17 County, is a continuing activity. We don't get all of it
18 necessarily up-front. But whatever was provided to me, I
19 made sure that he was aware of it, received a copy of it or
20 went over it with him because, as he said, he was adamant
21 about getting a copy of his discovery.

22 Q. Okay. And as far as your records shows, you gave him a
23 copy of that discovery?

24 A. I gave him the initial discovery that we had. He came
25 into the office in 2012, 2013, before trial, he'd come to

DOROTHY MANIGAULT - DIRECT EXAMINATION BY MR. ARIAIL

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1 the courthouse for -- he was summoned for guilty plea court
2 day, ---

3 Q. Right.

4 A. --- days. He came several times for that. We've had
5 -- we had discussions there in the conference rooms here.
6 We even had a discussion with the solicitor's office.

7 Q. Okay. Two key pieces of information that I see in this
8 case were the testimony of the minor child, ---

9 A. Um-hum (affirmative).

10 Q. --- and the testimony of Ms. Henderson.

11 A. Right.

12 Q. Was he aware of those two pieces of information?

13 A. Yes.

14 Q. Okay.

15 A. The information from the minor child was in the initial
16 discovery.

17 Q. Okay.

18 A. Okay. Everything that the minor child had alleged, all
19 that was in the initial discovery, initial report, initial
20 statements. And the Dr. Henderson, I think that I had -- he
21 was correct that I had filed for a continuance because they
22 did not provide me a copy of it on the first -- he was on
23 the trial docket several times.

24 Q. Right.

25 A. But one of the initial times that he was on the trial

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1 docket, that information came up. I had -- I got an email
2 from the solicitor that says she was going to use it. So I
3 immediately told her I didn't have a copy of it, I needed
4 it. We -- they provided a copy, went over the information
5 that was provided in the Dr. Henderson report with my client
6 at the courthouse.

7 Q. Okay. So he was aware of what she was going to testify
8 to and what she would potentially say at trial?

9 A. Yes. Because the email that the solicitor sent, we
10 were talking about the tear and the healing at the 9:00
11 position and went over that with my client to tell him. And
12 his response is always she's lying, somebody else --
13 somebody else had sex with her, her mother had guys coming
14 in and out of the house, it could have been one of them, it
15 was not me. So he was aware of the information about her
16 body.

17 Q. Okay. Now as part of this he's indicated that there
18 was a plea offer that he -- we submitted into evidence.
19 Were you aware of that plea offer?

20 A. Yes. In April 2012 he came to court and he said he
21 wanted a jury trial. In June -- on June 28th, I think, it
22 looks like, 2012 my notes says the defendant appeared in
23 court with his mother and his, I think, fiancé at that time
24 or wife.

25 Judy Munson gave a copy of the plea offer. A copy was

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1 given to the defendant. Defendant was told to call the
2 public defender's office to come in to discuss the plea
3 offer. On the spot after we discussed it with the solicitor
4 the defendant refused the plea offer on June 28th, 2012.

5 Q. June 28, 2012?

6 A. Right.

7 Q. Okay.

8 A. However, the plea offer, up until a couple of months
9 before trial, the actual trial date, ---

10 Q. Right.

11 A. --- the plea offer remained open.

12 Q. Okay.

13 A. Ms. Munson allowed it to remain open, which was against
14 her general policy, but she remained -- let it open.

15 Q. Okay. In this case we've heard him testify -- he -- it
16 was his position that he was not guilty and he wasn't
17 pleading guilty, is that ---

18 A. That was his position. He says that he's not guilty,
19 he wants a jury trial.

20 Q. Okay. There was part of the trial we went through he
21 said that there was some information that came out, and I
22 think it was an STD and some medical records that were used
23 that he was unaware of.

24 A. Uh-huh (affirmative).

25 Q. Did you have that information prior to going into

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1 trial? Were you aware of that?

2 A. The testimony -- you talking Dr. Henderson?

3 Q. Yes.

4 A. Okay. Whatever was provided on the report from Dr.
5 Henderson I had, yes, before trial.

6 Q. Okay. Were there other things -- and maybe if she's
7 looked at medical records, she's done stuff -- were there
8 other things that were submitted or made part of the record
9 that you didn't have during trial that you ---

10 A. Nothing was submitted or made a part of the record
11 except her testimony.

12 Q. Okay.

13 A. Dr. Henderson's testimony. So she was testifying about
14 her examination ---

15 Q. Right.

16 A. --- of the -- she was testifying about her examination
17 that she'd examined the child twice.

18 Q. Okay.

19 A. 2006 and 2010. 2006 was nothing. 2010 revealed some
20 -- some activity that she testified about.

21 Q. Okay. Now as part of that there was testimony he said
22 about an STD.

23 A. Yes.

24 Q. Were you aware of that before trial or was that new
25 information that you had received?

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1 A. I can't say that I specifically received a statement on

2 STD, ---

3 Q. Okay.

4 A. --- disease, but whatever was in her report is what I
5 received.

6 Q. Okay.

7 A. Now her -- like he said, he -- she may have testified
8 more fully about her examination and the results of her
9 examination that was not in the report.

10 Q. Okay.

11 A. Okay.

12 Q. Now we've heard, and I've gone through, and you've read
13 the transcript or looked at the transcript. There was a
14 question that he has in regards to whether or not Dr.
15 Henderson bolstered the testimony of the minor child.

16 A. Okay.

17 Q. And some testimony about whether or not after a review
18 -- her review -- an interview is consistent with some type
19 of penile penetration. During the trial you didn't object.
20 Was there any reason for that or do you remember anything
21 surrounding that?

22 A. If I didn't object I didn't think it -- I didn't
23 perceive it to be bolstering.

24 Q. Okay.

25 A. She was, like you said, the medical doctor examining a

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1 patient and describing the injuries or tears that she saw
2 and giving information about what would it be consistent
3 with.

4 Q. Okay. So it was your position that you would object if
5 you felt it was objectionable and you just felt at that time
6 it wasn't?

7 A. Correct.

8 Q. Okay. Now that's an issue that he's raised. And my
9 understanding there was only two African Americans that were
10 part of the jury panel. One that must have been selected
11 and was stricken by the prosecution. Do you remember any
12 type of Batson issue that you could have objected to during
13 jury qualifications or selection?

14 A. No, I do not. I kept my jury selection notes and the
15 jury information sheets. And he is correct that number 41
16 was a black female that was struck, but I didn't see any
17 issues on Batson at that point.

18 Q. Okay. So at that -- at that time you didn't see any
19 reason to object or request a Batson hearing?

20 A. No.

21 **MR. ARIAIL:** Your Honor, I have no further questions.

22 **THE COURT:** All right. Counsel.

23 **Cross Examination by Mr. Schmeckpeper:**

24 Q. Good afternoon.

25 A. Yes.

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1 Q. I'm going -- I'm going to touch back on these other
2 things you've already testified about.

3 A. Okay.

4 Q. And just to clarify, would you go over for the Court,
5 for the record and explain to the Court your background as a
6 criminal defense attorney. Just general -- just in general.

7 A. Okay. I've been practicing -- I graduated from -- in
8 '74. I've been practicing -- I was a prosecutor in Richland
9 County, Fifth District, for about three years. I've been
10 practicing as a contract public defender for over fifteen
11 years and a part-time public defender for about seven years.

12 Q. Now you were appointed in this case, correct?

13 A. Correct.

14 Q. And you talked about meetings. Do you remember how
15 many times you met with the Applicant roughly? And I know
16 -- not exactly, but ...

17 A. Do I know how many times I met with him?

18 Q. Generally, yes.

19 A. Generally? Okay. In the office I would say more than
20 -- probably more than seven to eight times. In the
21 courthouse coming for court in what we call guilty plea days
22 was probably like five more -- five additional times or more
23 because he had come to court several times for the plea
24 court time.

25 Q. And just because there's been some, perhaps,

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1 conflicting testimony, would you just express again whether
2 or not you went over discovery with him?

3 A. Yes, I did. I went over the discovery. I provided the
4 discovery for him on March 22nd, 2011. We went over it
5 then. He, as I said, he appeared on June 28, 2012, was
6 given a copy of the plea offer. And we had discussion with
7 Ms. Munson at the time.

8 Q. And is that -- is that the plea offer that you put on
9 the record in the transcript?

10 A. They put on the record.

11 Q. Okay.

12 A. I think it was their plea offer. But the plea offer
13 got better as the time went along.

14 Q. And did you -- did you continue to update the
15 Applicant?

16 A. Yes. He came to my office on July 24th, 2012. We
17 discussed the plea -- he brought with him Shirley Woody, his
18 mother, and Indiana -- India, sorry, Booke Woody, then his
19 wife. We discussed the plea offer. We discussed the
20 discovery. The plea offer eventually evolved to the
21 defendant could enter a guilty plea or an Alford plea to
22 ABHAN, assault and battery of a high and aggravated nature,
23 one year HIP with no registry.

24 Q. And did you convey that to him?

25 A. I conveyed that to him in the presence of his mother,

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1 his wife, he said, was India, he did not want it. He did
2 not want it.

3 Q. Okay. I know we've talked a lot about discovery, dates
4 and what you conveyed to him.

5 A. Uh-huh (affirmative).

6 Q. I know you can't read the Applicant's mind, but based
7 on what you told him and what you continued to tell him up
8 til the time of the trial and the information you conveyed
9 to him do you think he could have had an adequate
10 understanding of the State's case against him?

11 A. I think he had more than adequate understanding because
12 in July and October of 2013 we went over the defense
13 strategy. No challenge to the report of 2006, let it in
14 because it was unfounded. He was never charged and never
15 arrested, if they wanted to put it in.

16 And no challenge to the 2006 medical report where the
17 child was saying that somebody else had messed with her, a
18 little boy, because it wasn't the defendant. The reason is
19 that the -- the victim in the case, he's saying, lies a lot
20 and tells a lot of stories. So we would not object to those
21 reports coming in or that testimony coming in because it was
22 unfounded as to him.

23 Q. And just to touch -- I apologize for interrupting.

24 A. That's fine. I'm finished.

25 Q. Just to touch base on these indictments, do you recall,

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1 and I can show you the document if you'd like, when the
2 Applicant was actually indicted for these crimes?

3 A. No. I'd have to look at the ---

4 **MR. SCHMECKPEPER:** Your Honor, may I approach?

5 A. --- indictment.

6 **THE COURT:** Yes, sir.

7 Q. Was he indicted more than two weeks before trial?

8 A. Yeah, he -- yes, it looks like, if I'm reading it
9 properly.

10 Q. Roughly -- roughly a year before trial?

11 A. Yeah, he was indicted 2012.

12 Q. And his trial date was October 14th, 2013?

13 A. That's correct.

14 Q. And that was the -- do you mind if I get that back?

15 A. Oh, okay.

16 Q. And I know the Applicant testified to this and the
17 record will reflect it. In terms of frequency what was the
18 -- what was the basic allegations from the -- from the
19 victim in terms of the frequency or consistency of abuse
20 over the course of the years?

21 A. She was testifying to touching, to him showing her
22 obscene materials in a car going places with him and
23 advances by him over a -- the period of time that was
24 alleged. She said that he came into the house and had sex
25 with her, or touched her or tried to interject his penis

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1 into her vagina. So it was a continuing -- her story was a
2 continuing allegation over that time-frame.

3 Q. So this wasn't once in summer of 2008, once in fall of
4 2009, maybe twice in the spring of 2010?

5 A. Yeah, it was -- it's continuing.

6 Q. Consistent and continuous abuse?

7 A. Yeah.

8 Q. Now I know you mentioned in your closing argument the
9 range of the allegations. Were you able to prepare this
10 case based on -- were you on notice what the Applicant was
11 being charged with based on the indictments?

12 A. I was on notice. We were on notice.

13 Q. Were you able to prepare a defense?

14 A. We prepared as best we could. The defendant was, as
15 he's testified, he had consistently said that the range is
16 just too far, too wide. And that was my argument to the
17 jury hoping that they would buy some of it. But the
18 testimony of the minor child, she presented a good witness.
19 I'll say it like that.

20 Q. Now the Applicant also alleged a Batson violation. I
21 guess my question for you is whether or not you had any
22 specific reason to think that any of the solicitor's strikes
23 were racially motivated?

24 A. I did not. Like I said, I generally try to keep my
25 jury notes and information, strikes for both parties. And

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1 reviewing that I didn't see any in hindsight and I didn't
2 see any at the point, at that time.

3 Q. And if you had thought maybe that some of those strikes
4 were racially motivated what would your reaction have been?

5 A. Would have asked for a hearing on the Batson issue.

6 **MR. SCHMECKPEPER:** I beg the Court's indulgence.

7 (Pause)

8 Q. Now if you could, just turn your attention to a portion
9 of the transcript that refers to Mr. -- Ms. Henderson was
10 testifying. And I think the specific portion that the
11 Applicant was referring to is 174, line 7 through 14. And
12 I'm going to be asking you questions you've probably already
13 answered. Just to clarify, was this a forensic interview?

14 A. No.

15 Q. Was Ms. Henderson qualified or ever referred to as a
16 forensic interviewer?

17 A. No.

18 Q. What was her profession?

19 A. She was a medical doctor. And she -- generally her
20 examinations were of minors. That's the best I can recall
21 at this point. But she was never presented as a "forensic
22 expert".

23 Q. And what -- what was the purpose of the examinations?

24 A. The purpose of the examination is because the child had
25 claimed that somebody had messed with her. The first time

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1 was 2006.

2 Q. So was the purpose of these examinations medical
3 treatment?

4 A. Yes. The purpose of the examination was there was a
5 tear or problems that the child, the young lady was having.
6 So the examination on the medical basis was to examine the
7 area to see what was going on with her.

8 Q. So throughout the examination disclosures to the doctor
9 would have been for the purpose of medical treatment?

10 A. Yes.

11 Q. Did Dr. Henderson ever testify at trial that she
12 believed that the victim was abused?

13 A. No.

14 Q. Did she ever testify that she believed the victim?

15 A. No.

16 Q. What would you have done if she had -- if she had said
17 that?

18 A. Objection, bolstering.

19 **MR. SCHMECKPEPER:** Your Honor, I have no further
20 questions. Thank you, Ms. Manigault.

21 **MR. ARIAIL:** Nothing further, Your Honor.

22 **THE COURT:** All right. You can step down.

23 A. Thank you, Your Honor.

24 **THE COURT:** Well, before -- before you step down just a
25 minute -- do you have any other witnesses?

DOROTHY MANIGAULT - CROSS EXAMINATION BY MR. SCHMECKPEPER

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1 **MR. ARIAIL:** No, Your Honor.

2 **THE COURT:** This was a direct indictment. Was he ever
3 arraigned on the indictment?

4 A. I was looking through my notes. If he was arraigned it
5 was one of the times during -- coming to the guilty plea.
6 And I meant to call Ms. Munson to see whether she had any
7 notes on it.

8 But on direct indictment, they usually just bring them
9 in on the guilty plea days, not the trial week and do -- do
10 the reading -- presentation of the court, tells them of the
11 new offense. So I don't have any independent recollection,
12 Your Honor, but I was going to call Ms. Munson to see
13 whether she had any.

14 **THE COURT:** All right. Well, I suggest that -- and I'm
15 not going to put the burden on you because you're just a
16 witness, on the State to find out if there's any record that
17 he was arraigned on the direct indictment, criminal sexual
18 conduct in the second degree.

19 **MR. SCHMECKPEPER:** Yes, Your Honor.

20 **MR. ARIAIL:** Thank you, Your Honor.

21 **THE COURT:** You can step down.

22 A. Thank you, Your Honor.

23 **THE COURT:** All right. Anything else?

24 **MR. ARIAIL:** No, Your Honor, that's our case.

25 **THE COURT:** All right. Well, I'm going to take this

1 one under advisement. Is this the one you wanted to do a
2 brief on?

3 **MR. SCHMECKPEPER:** Yes, Your Honor. Literally only if
4 Your Honor would find it helpful. If not, I'd be more than
5 happy to send ---

6 **THE COURT:** Well, I believe it would. And particularly
7 on the -- oh, the time-frame, the specificity of the
8 indictment. I particularly would like some research on
9 that. I think I know what the law is, but it would help.
10 As to the other issues, I don't think I need any -- anything
11 on those.

12 **MR. SCHMECKPEPER:** Nothing on the bolstering issue,
13 Your Honor?

14 **THE COURT:** Well, I think I know bolstering pretty
15 well. And I've looked at her testimony. And I don't think
16 I really need anything on that. But the -- there's some
17 specific cases dealing with the on, or about, or between,
18 and I just don't have them in my head. And I'm going to ask
19 you and you can share it with Mr. Ariail once you have that.
20 But that's the thing I might like a little help on.

21 **MR. SCHMECKPEPER:** And then as far as addressing the
22 indictment issue, I know Your Honor requested me to find out
23 if he had been arraigned. Would you like me to include that
24 in the brief?

25 **THE COURT:** Well, I think that's more of a fact issue.

1 And what I'm going to suggest with that is that -- I really
2 don't know what to do other than to say that if -- whatever
3 information you receive from Ms. Munson -- could do two
4 things.

5 You could prepare an affidavit, although that would
6 negate Mr. Woody's opportunity to cross examine her. Mr.
7 Ariail, what do you suggest? If we hear from Ms. Munson
8 that she has some information involving the direct
9 indictment that he was arraigned ...

10 **MR. ARIAIL:** I wouldn't have a problem trying to get
11 her to submit something in writing or if she wants to do an
12 affidavit just saying we presented it and she's got
13 information, that might be the easiest thing for the Court
14 and we can put it as part of the record.

15 **THE COURT:** Okay. Well, that -- we'll do it that way.
16 And if after that you or your client has any question about
17 that, we'll cross that bridge.

18 **MR. ARIAIL:** Yeah.

19 **MR. SCHMECKPEPER:** Is there a specific date you'd like
20 this by, Your Honor?

21 **THE COURT:** Any date?

22 **MR. SCHMECKPEPER:** Just so I can put something on my
23 calendar.

24 **THE COURT:** December 25th.

25 **MR. SCHMECKPEPER:** December 25th?

1 THE COURT: No, I'm just kidding.

2 (Laughter)

3 **THE COURT:** We'll say by the end of the year.

4 MR. ARIAIL: Thank you, Your Honor.

5 (Hearing Ended at 12:41 pm).

6 (End of Requested Transcript of Record)

Certificate of Reporter

I, The undersigned, Susan W. Hudgins, Official Court Reporter for the Thirteenth 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/hearing of the captioned case, relative to appeal, in the Circuit Court for Greenville County, South Carolina, on the 9th day of December 2016.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

March 25, 2017

S/Susan W. Hudgins

Circuit Court Reporter

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

Millanyo A. Woody,
SCDC No. 227810,

Applicant,

vs.

State of South Carolina,

Respondent.

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

C.A. No.: 2015-CP-23-05718

ORDER

ENTERED COMPUTER

 2017 JAN 20 AM 11 55
 GREENVILLE CO. S.C.
 PAUL N. WICKENS, CLERK

Applicant filed this Application for Post-Conviction Relief September 17, 2015. This matter was heard December 9, 2016, Applicant was represented by R. Mills Ariail, Jr., Esquire. The State was represented by Patrick Schmeckpeper, Esquire.

Applicant is currently incarcerated with the South Carolina Department of Corrections pursuant to the Greenville County Clerk of Court's orders of commitment. Applicant was indicted by the September 2012 term of the Greenville County Grand Jury for one count of Lewd Act Upon a Child (2012-GS-23-07385) and one count of Criminal Sexual Conduct with a Minor, Second Degree (2012-GS-23-07386A). Dorothy Manigault, Esquire, represented Applicant.

On October 14, 2013, Applicant proceeded to trial where he was found guilty as indicted on all charges. The Honorable G. Edward Welmaker sentenced Applicant to confinement for 177 months (fourteen years, nine months).

A notice of appeal was filed on Applicant's behalf and an appeal perfected pursuant to *Anders v. California*, 378 U.S. 738, 87 S. Ct. 1396 (1967). The South Carolina Court of Appeals

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dismissed Applicant's appeal. *State v. Woody*, Op. No. 2015-UP-056 (filed on January 28, 2015). The Remittitur was issued on February 13, 2015.

In his Application for Post-Conviction Relief, Applicant alleges he is being held in custody unlawfully and that his trial counsel was ineffective. In support of this claim Applicant alleges four grounds with seven subparts. Applicant subsequently amended his application to include an additional ground with two subparts and three additional grounds pertaining to ineffective assistance of counsel. The Court will address the grounds presented at the hearing. All grounds not presented by Applicant at his hearing are deemed waived as abandoned.

Where Applicant and trial counsel testified differently as to matters of fact, I find in all such instances credibility lies with trial counsel.

Applicant alleges ineffective assistance of counsel as a ground for relief. In a post-conviction relief proceeding, Applicant bears the burden of proving the allegations in their application. See *Butler v. State*, 286 S.C. 441, 334 S.E.2d 813 (1985). Where ineffective assistance of counsel is alleged as a ground for relief, the Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied on as having produced a just result." *Strickland v. Washington*, 466 U.S. 668, 686, 104 S. Ct. 2052, 2064 (1984); *Butler*, 286 S.C. at 442, 334 S.E.2d at 814 (1985).

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. The courts presume counsel "rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment." *Strickland*, 466 U.S. at 690, 104 S. Ct. at 2066. The Applicant must overcome this

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presumption in order to receive relief. See *Cherry v. State*, 300 S.C. 115, 118, 386 S.E.2d 624, 625 (1989).

A two-pronged test is used in evaluating allegations of ineffective assistance of counsel. First, the Applicant must prove counsel's performance was deficient. Under this prong, attorney performance is measured by its "reasonableness under prevailing professional norms." *Cherry*, 300 S.C. at 117, 386 S.E.2d at 625 (quoting *Strickland*, 466 U.S. at 688, 104 S. Ct. at 2065). Second, counsel's deficient performance must have prejudiced the Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." *Cherry*, 300 S.C. at 117-18, 386 S.E.2d at 625. "A reasonable probability is a probability sufficient to undermine confidence in the outcome of trial." *Johnson v. State*, 325 S.C. 182, 186, 480 S.E.2d 733, 735 (1997) (citing *Strickland*, 466 U.S. at 688, 104 S. Ct. 2052 (1984)).

Applicant's second claim is an allegation that he was denied due process of law in violation of certain amendments to the Constitution of the United States of America. However, Applicant fails to set forth with specificity the grounds upon which these constitutional violations are based. The Uniform Post-Conviction Procedure Act requires that Applicant must "...specifically set for the grounds upon which the application is based." S.C. Code Ann. § 17-27-50. In an application for post-conviction relief, it is incumbent upon Applicant to make a *prima facie* showing which would entitle him to relief before an evidentiary hearing will be scheduled and held. *Welch v. MacDougall*, 245 S.C. 258, 143 S.E.2d 455 (1965); *Blandshaw v. State*, 245 S.C. 385, 140 S.E.2d 784 (1965). In this case, to the extent covered by Applicant in his hearing, the Court will address what claims appear to fall within the parameters of the constitutional violations claim.

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Applicant alleges prosecutorial misconduct as a result of the State calling a witness that offered false testimony. Prosecutorial misconduct is not an issue for post-conviction relief. Rather, this allegation is a direct appeal issue that is procedurally barred by S.C. Code Ann. § 17-27-20(b) (2003). Post-conviction relief is not a substitute for an appeal. *Simmons v. State*, 264 S.C. 417, 423, 215 S.E.2d 883, 885 (1974). A post-conviction relief application cannot assert any issues that could have been raised at trial or on appeal. *Drayton v. Evans*, 312 S.C. 4, 8, 430 S.E.2d 517, 520 (1993). Applicant could have raised this issue on appeal. The failure to do so has waived this allegation as grounds for relief. Regardless, it is Applicant's burden to prove actual prosecutorial misconduct. *Alabama v. Smith*, 490 U.S. 794, 109 S. Ct. 2201 (1989). Based on Applicant's testimony, the Court finds no evidence which supports Applicant's claim of prosecutorial misconduct.

In addition to the issues raised by Applicant in his application and amendments, the Court, *sua sponte*, raised concern as to whether or not Applicant had been arraigned on the direct indictment under which he was tried. Applicant testified he was never arrested for the charge for which he was tried. This is true as he was tried by virtue of a direct indictment. The issue is addressed herein below.

Applicant testified he never discussed his case with trial counsel and in almost the same breath testified he "went over statements with trial counsel." Trial counsel testified that she did meet with Applicant and went over the elements of the charges.

Applicant testified trial counsel never went over a plea offer with him. Applicant testified that he just knew of the offer at trial and that he did not have time to consider the offer. Trial counsel testified that she relayed to Applicant the State's offer, and that Applicant claimed he was not guilty and refused the offer "on the spot." Trial counsel testified that Applicant claimed he was

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not guilty and wanted to go to trial. Additionally, the record belies Applicant's claim regarding his position relative to his plea. (See TR p. 256, l. 14 through p. 257, l. 3).

Applicant testified a Dr. Henderson, M.D., not a forensic interviewer, bolstered the child victim's testimony. Applicant directed the court to page 174, lines 6-14 of the trial record. The exchange at the referenced page is as follows:

Q: Okay. So based on — let me ask you this first. Do you have an opinion about how Minor got that injury?

A: Well, I think based on the history that she had shared with me and the findings on her exam, including the lab work that we did, that this was due to a penetrating injury, and I felt it was consistent with the disclosure that she had made.

Q: Of penile vaginal penetration?

A: Yes, ma'am.

(TR p. 174, ll. 7-15. (questions by solicitor, answers by Dr. Henderson)).

Earlier Dr. Henderson had testified that the victim had told her about a person "touching her all over her body," then the victim shared "about penile/vaginal penetration" and shared "about bleeding related to that incident." (TR p. 167, l. 25 through p. 126, l. 3).

Dr. Henderson was qualified as an expert in "the field of child abuse pediatrics." (TR p. 163, ll. 10-11). Dr. Henderson was employed by Greenville Health Systems and was head of the division of forensic pediatrics. (TR p. 158, ll. 18-23). She testified her duties included doing "consults when there's a 'concern of child abuse.'" (TR p. 158, ll. 24-25).

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While the answer here and the question by the State in *State v. Berry* (Sup. Ct. Appellate Case No. 2015-002580, December 2, 2016) appear at first blush to be identical, the Court finds they are not as set forth herein below.

While not technically qualified as a forensic examiner, there can be no question as to this case that Dr. Henderson's examination was for forensic purposes. To the extent our case law addresses forensic interviewers, it provides guidance on the issue of witness bolstering. In this regard, the Court need look further than the case of *State v. Kromah*, 401 S.C. 340, 737 S.E.2d 490 (2013).¹ The *Kromah* court listed several kinds of statements that a forensic interviewer should avoid at trial. These include:

1. Any statement that indirectly vouches for the child's believability
2. Any statement to indicate to a jury that the interviewer believes the child's allegations

Dr. Henderson's testimony that her findings on examination were consistent with the description the child had made as to penile vaginal penetration is a statement that the child victim was truthful as to that issue. While this testimony indicates that the interviewer believed the child's allegations of penile penetration, the testimony does not vouch for the child's believability in general. While this appears to be the exact type of testimony *Kromah* warns against, as set forth below, the Court finds that Dr. Henderson's testimony did not bolster the child victim's testimony.

Trial counsel testified she did not object to the testimony noted above simply because she did not think it was objectionable. In this case Dr. Henderson testified as a medical doctor who

¹ In what the undersigned believes can only be described as dicta, the Supreme Court stated "...although an expert's testimony theoretically is to be given no more weight by a jury than any other witness, it is an inescapable fact that jurors have a tendency to attach more significance to the testimony of experts."

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conducted a medical examination of the alleged victim. While she testified basically as a forensic expert, she was not testifying as a forensic interviewer. Dr. Henderson's focus was not on any assertion by the minor victim as to the sexual battery, beyond her medical findings. Dr. Henderson's testimony bolsters the victim's testimony only as to whether or not the victim's vaginal area showed signs of penile intrusion. Dr. Henderson objectively found evidence of penile/vaginal penetration. She testified that such finding was consistent with the victim's testimony that she had been so penetrated.

Dr. Henderson testified that her physical examination of the victim revealed a "healed tear of her hymen" (TR p. 168, ll 9-10); that the type of tear she found "is due to some type of penetration across the hymenal tissue" (TR p. 169, ll. 4-5); that such tears are unusual absent "sexual abuse" (TR p. 169, ll. 14-15); and that the injury observed in the victim's vaginal area was due to a "penetrating injury." (TR p. 144, ll. 7-15).

Dr. Henderson testified that the penetrating injury she observed based on her findings on examination was "due to a penetrating injury." Dr. Henderson was not vouching for the victim's believability or bolstering the victim's testimony. Dr. Henderson simply testified that her objective finding and the victim's disclosure of vaginal penetration was consistent with her physical findings. The fact that the child victim informed the doctor as to how her vaginal area was injured does not equate with believability. Here what Dr. Henderson testified was to substantiate not the credibility of the victim, but the results of her physical exam.

Trial counsel was not ineffective for not objecting to Dr. Henderson's testimony regarding the victim's disclosure having been confirmed by the doctor's physical exam. Again, the testimony is not that the victim was believable, but rather that the physical exam confirmed the child's oral statements to the doctor as part of her medical history.

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Next the Court addresses the issue of whether or not Applicant was arraigned on the direct indictment on which he was tried. At the Court's request, counsel for both parties were asked to explore the issue. Counsel for the State, having checked with the Greenville County Solicitor's office, advises the Court that there is nothing definitive on the arraignment of Applicant. That is, there has been no record found of an arraignment of Applicant on the direct indictment here at issue.

Since Applicant was prosecuted on a direct indictment the Court *sua sponte* raised the question as to whether or not Applicant had been arraigned on the direct indictment. At the time of the hearing neither counsel, nor trial counsel, could answer this question. The Court gave counsel time to, post-hearing, find whether or not Applicant had been arraigned. Counsel for the State, per an email from same, states that the trial solicitor, Ms. Munson, was unable to confirm Applicant's arraignment. Counsel for the State stated that Ms. Munson was "unable to find any records...to confirm it." The Court has received nothing from Applicant addressing this arraignment issue.

Since arraignment is neither a statutory nor constitutional right, but is rather a "mere formality," the absence of arraignment does not violate a defendant's due process rights as long as the accused has sufficient notice and an adequate opportunity to defend himself. *State v. Arrail*, 311 S.C. 35, 426 S.E.2d 751 (1993). Arraignment is not a jurisdictional requisite. *Id.*

Here, Applicant testified he was arrested on a warrant for Criminal Sexual Conduct, First Degree under S.C. Code Ann. § 16-3-652 (1976 as amended). The direct indictment on which he was tried was, as noted above, for Criminal Sexual Conduct With a Minor, Second Degree under S.C. Code Ann. § 16-3-652 (1976 as amended). Both Criminal Sexual Conduct, First Degree and

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Criminal Sexual Conduct, Second Degree have as their pivotal element the commission by defendant of a "sexual battery."² Each requires that same be committed on a "victim."³

The arrest warrant for First Degree Criminal Sexual Conduct is not part of the record before the Court. Trial counsel testified that the difference between the charge for which Applicant was arrested and the charge set forth in the direct indictment was the allegation of the victim's age in the direct indictment. Applicant testified he was aware of the direct indictment (referred to by him as a document) but claims trial counsel never explained to him the difference between the two charges. Trial counsel testified she in fact did explain the differences to Applicant.

In *State v. Mayfield*, 235 S.C. 11, 109 S.E.2d 716 (1959), one of several grounds on direct appeal was Mayfield's assertion that he was never arraigned. This assertion was not supported by the record. The Court found that two basic factors weighed against the Defendant's assertion as set forth in an affidavit presented by him. There was his plea of not guilty of the charge to which he was tried and the presumption of regularity in the trial proceedings.

In the instant case, Applicant was, as noted above, aware he was charged with a Criminal Sexual Conduct with a Minor in the Second Degree. By proceeding to trial with this knowledge, Applicant waived arraignment. Also, there being no evidence to overcome the presumption of regularity in this proceeding, in considering the absence of proof that Applicant was arraigned, the Court must presume he was properly arraigned.⁴

From the above it is clear Applicant was aware that he had been charged with Criminal Sexual Conduct With a Minor, Second Degree and had the charge explained to him. Trial counsel

² Defined at 16-3-650, S.C. Code of Laws 1976, as amended.

³ Defined at 16-3-651, S.C. Code of Laws 1976, as amended.

⁴ As to the presumption of regularity, see also *Weathers v. State*, 319 S.C. 59, 459 S.E.2d 838 (1995); *State v. Jones*, 321 S.C. 75, 472 S.E.2d 38 (1942).

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testified she had the State's discovery and had discussed the State's evidence and the facts of the case with Applicant. A review of the trial transcript exhibits that trial counsel was thoroughly prepared for trial.

Therefore, based on an *Arial*, *supra*, analysis, whether or not Applicant was arraigned on the charge of Criminal Sexual Conduct With a Minor, Second Degree is of no moment. Applicant was aware of the accusations against him and was adequately defended.

The Court addresses the arraignment issue even though not raised by Applicant since the Court raised the arraignment question at Applicant's hearing. Applicant neither raised any issue regarding arraignment nor presented any testimony relevant to the issue.

As to trial counsel's failure to object to, or move to quash the indictment, the Court finds trial counsel was not ineffective. At the time of Applicant's trial the current law as to whether time periods in indictments were overbroad was *State v. Baker*, 390 S.C. 56, 700 S.E.2d 440 (Ct. App. 2010). In *Baker*, the Court stated, "time is not a material element of committing a lewd act upon a minor" or "of criminal sexual conduct with a minor." *Id.* at 61, 700 S.E.2d at 443. The indictment in *Baker* encompassed a six year and three month span of time in which Baker was alleged to have committed Lewd Acts Upon Minors (five counts) and Criminal Sexual Conduct with a Minor (one count). The Court of Appeals' *Baker* opinion was reversed by the South Carolina Supreme Court in February 2013.

Trial counsel was not ineffective for failure to move to quash the indictments in Applicant's case. Our courts have never required an attorney to anticipate or discover changes in the law which did not exist at the time of trial. *Thomas v. State*, 310 S.C. 306, 426 S.E.2d 764 (1993).

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Applying the *Strickland* and *Cherry* standard to trial counsel's representation, the Court finds that trial counsel provided to Applicant representation within the range of competence required in criminal cases. The Court finds trial counsel's performance in her representation of Applicant reasonable under professional norms.

The Court finds Applicant has failed to carry his burden of proof as to any of the claims in his Application for Post-Conviction Relief. Therefore, Applicant's Application for Post-Conviction Relief is denied and dismissed with prejudice.

This Court hereby advises Applicant that he must file and serve a Petition for Writ of Certiorari within thirty (30) days of the service of this Order to secure appellate review. See Rules 203 and 243, South Carolina Appellate Court Rules (SCACR). The Applicant's attention is directed to Rule 243, SCACR, for the procedures following the filing and service of the Petition.

IT IS SO ORDERED.

January 13th, 2017
York, South Carolina


John C. Hayes, III
Presiding Judge *HC*

WITNESSES

Michael Robertson

Greenville County Sheriffs Office

8/5/2010

DOCKET NO. 2012-GS-23-

JMM

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

September

TERM 2012

10-16-13

THE STATE

vs.

MILLANYO ANTONIO WOODY

ARREST WARRANT NUMBER

DIRECT PRESENTMENT

B/M

DOB: [REDACTED]/1975

SS# [REDACTED]

2012GS2307386A

ACTION OF GRAND JURY

TRUE BILL

Sharon Tongkins
FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Guilty
Bobby L. Stuck

10/15/2013

Foreperson of Petit Jury

Date:

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Indictment for

CRIMINAL SEXUAL CONDUCT W/ A MINOR
SECOND DEGREE (OLD)

VIOLATION § 16-03-0655(A)(1)

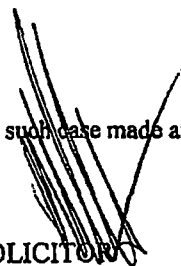
007306A

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE) INDICTMENT FOR
) CRIMINAL SEXUAL CONDUCT W/ A MINOR SECOND DEGREE
) (OLD)

At a Court of General Sessions, convened on **SEP 18 2012** the Grand Jurors of Greenville
County present upon their oath:

That MILLANYO ANTONIO WOODY did in Greenville County, between the 4th day of December 2008 and the
22nd day of April 2010 commit a sexual battery on Minor , who was fourteen years of age or less but who was at
least eleven years of age. This is in violation of §16-3-655(2) of the South Carolina Code of Laws (1976) as
amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


SOLICITOR

WITNESSES

Michael Robertson

Greenville County Sheriffs Office

8/5/2010



DOCKET NO. 2012-GS-23-
JMM

007305

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

September TERM 2012

THE STATE

vs.

ARREST WARRANT NUMBER
1481854

MILLANYO ANTONIO WOODY

ACTION OF GRAND JURY
TRUE BILL


FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Guilty
Bobby A. Stuck

12/15/2013

Foreperson of Petit Jury
Date:

Indictment for

2468

LEWD ACT UPON A CHILD

VIOLATION § 16-15-140

STATE OF SOUTH CAROLINA)
)
 COUNTY OF GREENVILLE)

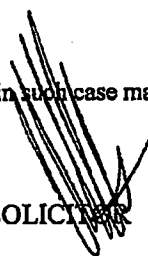
INDICTMENT FOR
 LEWD ACT UPON A CHILD

At a Court of General Sessions, convened on **SEP 18 2012** the Grand Jurors of Greenville

County present upon their oath:

That MILLANYO ANTONIO WOODY did in Greenville County, between the 4th day of December 2005 and the 22nd day of April 2010, being over the age of fourteen years, willfully and lewdly commit or attempt a lewd and lascivious act upon or with the body, or its parts, of ^{Minor} .., a child under the age of sixteen years, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of himself or such child. This is in violation of §16-15-140 of the South Carolina Code of Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


 SOLICITOR