THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

W. Jeffrey Young, Circuit Court Judge

Case No 2013-000084

Jane Doe — Appellant,

v

Charles Smith, Charleston County School District and James Island High School — Respondents

RECORD ON APPEAL
VOLUME I OF V

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Q Okay And then number ten, copies of any articles books or presentations on repressed memory syndrome that you have contributed to, you can provide those?
A **Well, you understand that's a term used by layman, not in medical literature so much The term is dissociative disorder or dissociative amnesia, so I've contributed to that, not exactly "repressed memory syndrome"** 09 15 29
Q Okay 09 15 47
A **But if you include that, I have contributed**
Q Okay Well, then let's amend that
A **If you don't include that, I have not**
Q Okay All right Well, then we'll amend that to request anything you have done on 09 15 59 dissociative disorders, including dissociative amnesia
A **Okay**
Q Okay All right First thing I want to do is go through your CV and I thought you had brought 09 16 11 a copy, but since you didn't, I'm happy to show you my copy at any time for your reference
A **Uh-huh**
Q And it appears that this is a 39-page document Does that appear to be the most current copy of 09 16 30

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your CV?
A **Is there a date at the end?**
Q At the end? Revised October 2004
A **That is not my most recent, no**
Q Okay 09 16 43
A **That's quite an old one actually The new one's about 45 pages**
Q Okay Well, this says revised October 2004, but I thought I had seen some things in here more recent than that Maybe not Maybe they just 09 17 04 said to present Is it possible to contact somebody in your office and have them send me that?
A **I have no support staff**
MS JACKSON Do you have a more 09 17 14 recent copy in your office that someone can send us?
MR EDWARDS Whatever we have has been given to you
MS JACKSON Okay Well, then 09 17 22 what I'm gonna have to do at this point is reserve the right to reopen the deposition to review the more recent one since it appears that we've got at least seven to eight years worth of 09 17 34

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information that's missing since this is 2004
A **(Indicating) The difference will be in more articles published, more presentations given, primarily** 09 17 53
Q Right Okay Under your professional certifications and licenses, which -- what licenses do you have that are currently active?
A **South Carolina and Georgia**
Q And I don't even see Georgia on here 09 18 13
A **Because it's an old CV**
Q Okay When did you become licensed in Georgia?
A **Approximately three or four years ago**
Q Okay So the licenses in California and Hawaii and Virginia are no longer active? 09 18 38
A **Correct**
Q Okay It appears that one of your primary areas of study is eating disorders, is that correct?
A **Correct**
Q All right And we do not have a complaint of an 09 18 47 eating disorder in this case, is that correct?
A **Define, "complaint".**
Q Well, the complaint that was filed in this case and based on the Plaintiff's deposition I have not seen anything regarding any eating 09 19 14

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disorders
A **I'm hung up on the word, "complaint" I don't exactly understand that**
Q Okay The complaint --
A **If you're asking if there is a diagnosis of an eating disorder, then I can respond to that.** 09 19 25
Q Okay Have you read the complaint in this case --
A **Yes**
Q -- which is the initial pleading Was there a 09 19 33 mention of an eating disorder?
A **There was not, to my knowledge, mention of an eating disorder**
Q And are you aware of any doctor who has diagnosed Ms [redacted] with an eating disorder? 09 19 43
A **Yes**
Q Who?
A **Me**
Q What eating disorder?
A **Binge eating disorder** 09 19 48
Q All right You were employed or appointed at the National Crime Victims Research and Treatment Center for approximately five years?
A. **Yes**
Q And what is a medical consultant with regard to 09 20 22

A-P-P-E-A-R-A-N-C-E-S

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(TIMOTHY D BREWERTON, having been first duly sworn, testified as follows)

E-X-A-M-I-N-A-T-I-O-N

BY MS JACKSON

Q Dr Brewerton, will you please state your full name for the Record 09 12 52

A Timothy David Brewerton

Q Dr Brewerton, we met before the deposition, but again, I'm Robin Jackson and I represent Defendant Charlie Smith in this lawsuit 09 13 43 Sitting beside me today is Brian Quisenberry and he represents the remaining Defendants, the school district and James Island High School

A Okay

Q It's my understanding that you have been identified as an expert in this case That's why we've brought you here for your deposition 09 13 52 Have you given depositions in the past?

A Yes, I have

Q About how many? 09 14 01

A Approximately six

Q Okay And were they all as an expert?

A Yes

Q Okay Do you have a list of those cases?

A I do, but not with me 09 14 13

Q Okay Is that something that you can provide to Mr Aaron Edwards to provide to me?

A Yes, I can

(Defendant's Exhibits 1 and 2 were marked for identification) 09 14 20

Q Okay All right I want to make sure you got that down I'm gonna show you what's been marked as Exhibits 1 and 2 to your deposition, your deposition subpoena and then an amended schedule A, which added items 10 and 11 to the schedule A Those were items that you were asked to bring today and it's my understanding you were told by Plaintiff's counsel that I already had all those things? 09 14 42

A Well, it was a misunderstanding I was told that everything that I needed to bring had been -- had been provided and I assumed that that included this, so it was probably my misunderstanding 09 14 54

Q Okay So there is a retainer document somewhere that you can produce? 09 15 06

A Yes

Q Okay And correspondence between you and Mr Edwards' office?

A Yes It's very little, but yes 09 15 16

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STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	
COUNTY OF CHARLESTON)	CASE NO.: 2010-CP-10-7699
Jane Doe)	
☐ Plaintiff(s))	
)	
vs.)	MOTION AND ORDER INFORMATION FORM AND COVER SHEET
)	
Charleston County School District, James Island)	
High School and Charles Smith,)	
☒ Defendant(s))	
Check box above indicating submitting party)	

Name, SC Bar No. and Address of Plaintiff's Attorney	Name, SC Bar No. and Address of Defendant's Attorney
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☐ MOTION HEARING REQUESTED (attach *written* motion and complete SECTIONS I and III)
☐ FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III)
☒ PROPOSED ORDER/CONSENT ORDER (COMPLETE SECTIONS II and III)

SECTION I: HEARING INFORMATION

Nature of Motion:
Estimated Time Needed: . Court Reporter Needed?: ☐ YES ☐ NO

SECTION II: MOTION TYPE

☐ Written Motion Attached
☒ Form Motion – Order granting summary judgment signed by Judge Young
I hereby move for relief or action by the Court as set forth in the attached proposed order.

Signature of Attorney for ☐ Plaintiff (s) ☒ Defendant(s) Dated: 9/10/2012

SECTION III: MOTION FEE

☐ PAID – AMOUNT $ _____
☒ EXEMPT: (check reason)
☐ Rule to Show Cause in Child or Spousal Support
☐ Domestic Abuse or Abuse and Neglect
☐ Indigent Status ☐ State Agency w. Indigent Party
☐ Sexually Violent Predator Act
☐ Post-Conviction Relief
☐ Motion for Stay Bankruptcy
☐ Motion for Publication
☐ Motion for Execution (Rule 69, *SCRCP*)
☐ Proposed order submitted at request of the Court; or, reduced to writing from motion made in open court per judge's instructions
Name of Court Reporter: _____
☒ Other: Order has been signed by Judge Young as a result of hearing held before him on July 23, 2012.

JUDGE'S SECTION	JUDGE: _____
☐ Motion Fee to be paid upon filing of the attached order ☐ Other: _____	CODE: _____ DATE: _____

CLERK'S VERIFICATION

Collected by: _____ Date Filed: _____
(print name)
☐ MOTION FEE COLLECTED: _____
☐ CONTESTED – AMOUNT DUE:

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF CHARLESTON	)	NINTH JUDICIAL CIRCUIT
JANE DOE,	)	CASE NO 2010-CP-10-7699
PLAINTIFF,	)	
vs	)	**ORDER**
CHARLES SMITH, CHARLESTON COUNTY SCHOOL DISTRICT AND JAMES ISLAND HIGH SCHOOL,	)	
DEFENDANTS.	)	

FILED
2012 SEP 10 PM 4:32
JULIE J. ARMSTRONG
CLERK OF COURT
BY

This matter came before this Court on July 23, 2012, upon the motion of the Defendants, Charleston County School District and James Island High School for Summary Judgment pursuant to Rule 56 of the South Carolina Rules of Civil Procedure. Attorney Aaron Edwards was present on behalf of the Plaintiff, attorney Brian Quisenberry was present for James Island High School and the Charleston County School District, and attorney Robin Jackson was present for Charles Smith. This Order addresses only the Motion filed by Defendants James Island High School and Charleston County School District.

The Court has considered the motions, memoranda, and supporting exhibits submitted from the parties The Court advised counsel for all parties that it would consider any additional submissions following the hearing. The Court has reviewed all additional submissions and the matter is now ripe for resolution After considering the record and the parties' submission and arguments, the Court hereby GRANTS the Motion for Summary Judgment by Defendants Charleston County School District and James Island High School

I. FACTS.

Plaintiff's lawsuit is based on events from the 1988-1989 school year. Plaintiff alleges that her former teacher and softball coach, Defendant Charles Smith, sexually assaulted her during the 1988-1989 school year, when she was a freshman at James Island High School (hereafter "High School"). In the 1988-1989 school year, the High School was part of the Charleston County School District (hereafter "District") and did not exist as a separate legal entity [1]

Plaintiff identifies five alleged instances of sexual assault, which include allegations that Smith fondled her genitals and forced her to perform oral sex on him.[2] Plaintiff identified three instances where Smith allegedly brushed or touched her inappropriately in his classroom.[3] Plaintiff alleges the other two instances occurred off school grounds when Smith took her home from softball practice [4] Plaintiff cannot identify when the alleged instances occurred or in what order they occurred.[5] Plaintiff alleges the assaults took place at some point between the beginning of the school year in September 1988 and February 12, 1989, when Plaintiff alleges she attempted to commit suicide by taking Vivarin caffeine pills.[6] Plaintiff has identified no further incidents of sexual assault after February 12, 1989.[7]

Plaintiff did not tell anyone about the alleged sexual assaults until 2007.[8] Plaintiff did not report the alleged instances to anyone at the School and did not tell any friends or parents.[9] Plaintiff's mother had no suspicions of Smith prior to 2007.[10] Plaintiff's mother knew Smith

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[1] Bohnstengel Depo p 53-55
[2] Plaintiffs Depo Vol I, p 88 -101
[3] Plaintiffs Depo Vol I, p 88, 95-97, 100
[4] Plaintiff's Depo. Vol I p 91, 101
[5] Plaintiff's Depo Vol I p. 95
[6] Plaintiff's Depo. Vol I p 96, 110
[7] Plaintiff's Depo. Vol I p. 96
[8] Plaintiff Depo Vol II p. 35.
[9] Plaintiff Depo Vol II p 35
[10] Moore Depo , p 107

gave Plaintiff rides home from softball practice and did not have a problem with it [11] Plaintiff's mother did not complain to anyone at the School about Smith.[12] During the 1988-1989 school year, it was not uncommon for coaches to give rides to students after practice and it did not violate school policy.[13] There are no former students, teachers, employees or any other witnesses that testified they suspected Smith of sexual misconduct or acting inappropriate towards students.

Plaintiff testified that she has no evidence to show that the District and High School should have known about the alleged danger presented by Smith prior to the alleged sexual assaults [14] The District hired Smith as a teacher in 1975 [15] At all times in issue Smith held full certification credentials from the South Carolina Department of Education.[16] Prior to the alleged instances at issue, Smith received a score of satisfactory or higher on all of his teacher evaluations, and Smith received no reports of misconduct or reprimands.[17]

Plaintiff filed her complaint in this action on November 20, 2007 Plaintiff's Second Amended Complaint alleges three causes of action against the District and High School. (1) breach of fiduciary duty, (2) outrage (intentional infliction of emotional distress), and, (3) gross negligence [18] Defendants argue that Plaintiff's claims all fail against the District and the High School because Plaintiff did not timely file her complaint within the applicable statute of limitations Defendants further argue that each of Plaintiff's claims against the District and High

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[11] Moore Depo , p 111
[12] Moore Depo , p 111
[13] Shaddrix Depo p 53; Dilligard Depo p 50, Shealy Depo p 55 Bohnstengel Depo p 98-100 Plaintiff submits current 2012 policies and attempts to apply those to the allegations from the 1988-89 school year The policies Plaintiff cites are irrelevant to the present case because none were issued earlier than 2005. See, Current Policies, Bohnstengel Depo. p 98-100
[14] Plaintiff's Depo Vol II, p 49-50
[15] Smith's Personnel file
[16] Smith's Personnel file
[17] Smith's Personnel file.

School also fail substantively as a matter of law For the reasons set forth below, the Court agrees and GRANTS the Motion for Summary Judgment by the District and High School.

II. STANDARD OF REVIEW.

"The purpose of summary judgment is to expedite disposition of cases which do not require the services of a fact finder" *George v Fabri*, 345 S.C 440, 452, 548, S. E. 2d 868, 874 (2001) "A motion for summary judgment shall be granted "if the pleadings, depositions, answers to interrogatories, and admission on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law." *Id.* (quoting Rule 56(c), SCRCP) *accord Trivelas v South Carolina Dep't of Transportation*, 348 S.C. 125, 130, 558 S.E. 2nd 271, 273 (Ct. App 2001); *Wells v City of Lynchburg*, 331 S.C. 296, 301, 501 S E 2d 746, 749 (Ct App. 1998); *see also Tupper v. Dorchester County*, 326 S C. 318, 325, 487 S E 2d 187,191 (1997) Summary judgment is appropriate when "there is no genuine issue as to any material fact and...the moving party is entitled to judgment as a matter of law." *Celotex Corp. v. Catrett*, 477 U.S. 317, 322, 106 S. Ct 2548 (1986), and "where the record taken as a whole could not lead a rational trier of fact to find for the non-moving party, there is no "genuine issue for trial" *Matsushita Electrical Industrial Co , Ltd. V Zenith Radio Corp.*, 475 U S. 574 106 S. Ct. 1348, 1356 (1986).

III. FINDINGS AND CONCLUSIONS OF LAW.

A. Statute of Limitations.

Defendants argue that all of Plaintiff's causes of action fail as a matter of law against the District and High School because Plaintiff did not timely file her complaint within the three-year statute of limitations set forth in the SC Code Ann. § 15-3-530 (5). Defendants further argue that Plaintiff's allegation of repressed memory fails to save her claims because she presented no

[18] Plaintiff's Second Amended Complaint

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"objectively verifiable" evidence of the alleged abuse, and the expert testimony she submitted did not identify the specific date when Plaintiff allegedly recovered her memories *See, Moriarty v. Garden Sanctuary Church of God*, 334 S.C. 150, 511 S.E. 2d 699 (Ct App 1999) Based on the reasoning and authorities cited in this Court's Order granting Defendant Smith's Motion for Summary Judgment, the Court agrees and finds that the same reasoning and authorities, which are incorporated by reference herein, apply equally to Plaintiff's claims asserted against the District and High School

B. Fiduciary Duty.

Plaintiff's first cause of action asserts that the District and High School owed a fiduciary duty to Plaintiff when she attended the High School during the 1988-89 school year and breached that duty by failing to prevent Smith's alleged abuse. The Court disagrees. Under South Carolina law, the District and High School do not have a fiduciary relationship with their students. In *Doe v. Greenville County Sch. Dist.*, 375 S C 63, 72, 651 S.E.2d 305, 309-310 (2007), the South Carolina Supreme Court upheld a trial court's decision dismissing a cause of action for breach of fiduciary duty against a school district. The Court held that the plaintiffs "have not alleged any facts under which this Court could find another duty owed by the School District other than the duty of supervision as outlined by the Tort Claims Act" *Id* The Court held that the plaintiff was limited to a recovery under a negligent supervision claim. *Id.*

Likewise in *Hendricks v Clemson Univ.*, 353 S.C. 449, 459, 578 S E.2d 711, 715-16 (2003), the South Carolina Supreme Court "decline[d] to recognize the relationship between [a school] advisor and student as a fiduciary one." The *Hendricks* Court held that the state "has reserved imposition of fiduciary duties to legal or business settings, often in which one person entrusts money to another, such as with lawyers, brokers, corporate directors, and corporate

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promoters " *Id.* Plaintiff's fiduciary duty claim against the District and High School therefore fails as a matter of law

C. Intentional Infliction of Emotional Distress (Outrage).

Plaintiff's second cause of action against the District and High School is for outrage. The Court finds that the District and High School are entitled to Summary Judgment as to Plaintiff's outrage claim because the South Carolina Tort Claims Act ("SCTCA") does not waive sovereign immunity for claims of intentional infliction of emotional distress The SCTCA excludes "the intentional infliction of emotional harm" from the definition of "loss" for which a governmental entity may be liable *See* S C. Code Ann. § 15-78-30(f) (defining "loss" as "bodily injury, disease, death, or damage to tangible property, including lost wages and economic loss to the person who suffered the injury, disease, or death, pain and suffering, mental anguish and any other element of actual damages recoverable in actions for negligence, ***but does not include the intentional infliction of emotional harm***.")(emphasis added). See also, *Newman v. S C. Dep't of Empl. & Workforce*, 2010 WL 4791932 (D.S.C. 2010) (holding that "the Department, as a state agency, has sovereign immunity with regard to this tort claim"); *Harkness v. City of Anderson*, 2005 WL 2777574 (D.S.C. 2005) (holding that "the SCTCA does not waive sovereign immunity for [an outrage] claim") Furthermore, the SCTCA excludes liability for "employee conduct outside the scope of his official duties or which constitutes actual fraud, actual malice, intent to harm, or a crime involving moral turpitude." S.C Code Ann § 15-78-60(17). Plaintiff's outrage claim against the District and High School therefore fails as a matter of law

D. Gross Negligence.

Plaintiff's third cause of action in her Second Amended Complaint asserts that the District and High School were grossly negligent in their supervision of Smith and in failing to

WJB

prevent his alleged sexual assaults [19] In *Degenhart v. Knights of Columbus*, 309 S.C. 114, 420 S.E.2d 495 (1992), the South Carolina Supreme Court set out an employer's duty to supervise employees acting outside the scope of their employment:

> Under certain circumstances, an employer is under a duty to exercise reasonable care to control an employee acting outside the scope of his employment. An employer may be liable for negligent supervision if the employee intentionally harms another when he:
>
> (i) is upon the premises in possession of the [employer] or upon which the [employee] is privileged to enter only as his [employee], or (ii) is using a chattel of [the employer],
>
> **and** [the employer]
>
> (i) knows or has reason to know that he has the ability to control his [employee], **and**
>
> (ii) ***knows or should know of the necessity and opportunity for exercising such control***

Degenhart v Knights of Columbus, 309 S.C. at 116-17 (emphasis added), citing, Restatement (Second) of Torts § 317 (1965). *See also, Moore v. Berkeley County School District*, 326 S.C. 584, 486 S E.2d 9 (1997) (applying the test for negligent supervision from *Degenhart* to the plaintiff's claim for gross negligence arising out of a teacher's alleged sexual assault of a student)

In *Brockington v Pee Dee Mental Health Center*, 315 S C 214, 433 S E. 2d 16 (1993), the plaintiff asserted a negligence claim based on similar allegations of sexual abuse against the employer of the alleged abuser for failing to prevent the abuse. The plaintiff alleged he was repeatedly sexually assaulted by defendant's employee while he was a mental health client at the Defendant's medical center. The Court of Appeals reversed the verdict in favor of the plaintiff and held the negligence claim failed as a matter of law because he could not establish the

[19] Plaintiff's Second Amended Complaint, ¶ 33-37.

employer knew or should have known of the necessity to exercise control of the employee

> Our focus here is upon the last element [of the Supreme Court's test]. Did the defendants know or should they have known of the necessity to exercise control over Davis? When viewed in the light most favorable to [the plaintiff], the evidence and its reasonable inferences do not support the finding, implicit in the jury's verdict, that the defendants knew or should have known of this necessity.
>
> [The plaintiff] presented no evidence that the defendants had any knowledge whatever that Davis had sexually assaulted [the plaintiff]. Moreover, nothing that the defendants gathered from Davis, co-workers at the Hartsville office, or elsewhere about either Davis' personal history or his work activities alerted the defendants that Davis would engage in predatory homosexual activity or other inappropriate sexual conduct with clients and with [the plaintiff] in particular.

Brockington, 315 S C. at 217-18.[20]

Likewise, in a case factually similar to the present case, *Moore v Berkeley County School District*, 326 S.C. 584, 486 S.E 2d 9 (1997), the Court of Appeals held the plaintiff's claim for gross negligence against the school district failed as a matter of law in part because the plaintiff could not establish the District knew or should have known about the teacher's alleged sexual proclivity prior to the incidents of abuse. The plaintiff in *Moore* was a fifteen year-old- middle school student who alleged his teacher sexually assaulted him while tutoring him at her home The *Moore* Court applied *Degenhart* negligent supervision test to the plaintiff's gross negligence claim and held "there is no evidence in this case that the District had notice of improper sexual contact between [the employee] and any other students prior to the incident involving [the plaintiff]." *Id.* at 591 The *Moore* Court held the district had no prior notice as a matter of law even though other teachers at the school testified that they observed "inappropriate" behavior,

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[20] *Compare, Doe v Greenville Hosp System*, 323 S C 33 (1994) (affirming a verdict in favor of the plaintiff because the record established that the employer had prior notice of a prior incident of alleged sexual abuse by the employee at issue, which established a reasonable inference that the employer knew or should have known of the necessity of controlling the employee while acting outside the scope)

including a student in the teacher's classroom with the door locked and the lights off, the teacher receiving classroom massages from students, and holding students hands in class. *Id.* The Court held that these instances were insufficient because they were not reported to administration, and even if they had been, it would not have put the District on notice that the teacher would have sexual intercourse with a student. *Id.*

The Supreme Court requires actual or constructive notice of the alleged danger presented by the employee because employers are not insurers against all harm on their premises. Under South Carolina law, the duty to act is not imposed without actual or constructive notice of the alleged danger. *Rogers v. S.C. Dept. of Mental Health*, 320 S.C. 253, 464 S.E.2d 330 (1995) (holding duty to act does not arise until the defendant has notice of a specific threat to others); *Estate of Cantrell v. Green*, 302 S.C. 557, 560-61, 397 S.E.2d 777 (holding no duty to act without prior notice of the danger). *See also, Brockington,* 315 S.C. at 217-18.

In the present case, when viewed in the light most favorable to Plaintiff, the evidence and its reasonable inferences do not support the finding that the District and High School knew or should have known of the alleged danger presented by Smith Plaintiff did not tell anyone about the alleged sexual assaults until 2007.[21] Plaintiff did not report the alleged instances to anyone at the school and did not tell any friends or parents.[22] There are no former students, teachers, employees or any other witnesses that testified they suspected Smith of sexual misconduct or any inappropriate actions towards students. The allegation that Smith gave Plaintiff rides home after softball practice did not put the District on notice of any danger presented by Smith. During the

[21] Plaintiff Depo Vol II p 35
[22] Plaintiff Depo Vol II p 35

1988-1989 school year, it was not uncommon for coaches to give rides to students after practice and it did not violate any school policy [23]

At all times in issue Smith held full certification credentials from the South Carolina Department of Education.[24] Smith received a score of satisfactory or higher on all of his teacher evaluations, and Smith received no reports of misconduct or reprimands whatsoever prior to the alleged instances [25]

Plaintiff testified she has no evidence to show that the District or High School should have known about the alleged danger presented by Smith prior to the alleged sexual assaults.

> Q Do you have any information or knowledge that the school district had any information about Mr. Smith that should have put them on notice prior to these incidents?
>
> A. Prior to 1989?
>
> Q. Uh-huh.
>
> **A. Not at this time.**
>
> Q You don't know of any school district official or teacher official or anyone, that had any knowledge prior to these instances that should have put them on notice?
>
> A. Prior to 1989?
>
> Q (indicating)
>
> **A. Not at this time.**[26]

In response to the Defendants' Summary Judgment Motion, Plaintiff attempts to shift her burden of proof to Defendants Plaintiff states that if Defendants rely on the affirmative defense

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[23] Shaddrix Depo p 53 Dilligard Depo p 50 Shealy Depo p 55 The policy regarding transportation of students in private vehicles was not issued until 2005 See, Current Policies, Bohnstengel Depo p 98-100

[24] Smith's Personnel file

[25] Smith's Personnel file

of gross negligence under the Tort Claims Act Defendants have the burden to show evidence of slight care.[27] Plaintiff's argument fails because Defendants' summary judgment motion is not based on the affirmative defense of gross negligence Defendants' motion is based on Plaintiff's failure to produce evidence to establish even general negligence against the District and High School

Under South Carolina law, Plaintiff has the burden of submitting evidence supporting her claim "In order to resist a defendant's motion for summary judgment, the plaintiff, as the party with the burden of proof at trial, must present the fact of breach [of the duty of care] in dispute." *Estate of Cantrell v. Green*, 302 S.C 557, 560-61 (Ct. App 1990) (affirming summary judgment to defendant on the plaintiff's negligence claim because the plaintiff could not show a breach of the duty of care without evidence that the defendant knew or should have known of the dangerous condition causing the plaintiff's injury).

In support of her claim, Plaintiff cites no cases where a school employee caused the student's alleged injury. Rather, Plaintiff cites to cases where a student injures another student *See, Doe v Orangeburg County School District*, 329 S C. 221, 222, 495 S.E.2d 230 (Ct App 1997) (student sexually assaulted by a sixteen-year-old male special education student); *Woodell v Marion School District One*, 307 S.C. 297, 298, 414 S.E.2d 794 (Ct. App 1992) (student assaulted by another student); *Duncan v Hampton County School District*, 335 S.C. 535, 541, 517 S E 2d 449 (Ct. App. 1999) (mentally disabled student sexually assaulted by other students

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[26] Plaintiff's Depo , Vol II p 49-50

[27] S C Code Ann § 15-78-60(25) (Supp 1996) "A governmental entity is not liable for a loss resulting from "responsibility or duty including but not limited to supervision, protection, control, confinement, or custody of any student, . except where the responsibility or duty is exercised in a grossly negligent manner " S C.Code Ann § 15-78-60(25) (Supp 1996) "Gross negligence means the failure to exercise a slight degree of care Gross negligence involves an intentional, conscious failure to do something which it is incumbent upon one to do or the intentional doing of a thing one ought not to do. The term is relative

in her class). These cases all arise out of the school's alleged failure to prevent a student from injuring another student and are distinguishable from the present case

By contrast, the present case alleges that the District and High School failed to prevent an employee from harming Plaintiff. Therefore, *Degenhart, Moore* and *Brockington* are controlling. Indeed, in *Moore* the Court of Appeals analyzed a similar gross negligence claim against a school district under the Supreme Court's negligent supervision test set out in *Degenhart Moore*, 326 S C. at 591. The *Moore* court held that it was "bound to follow the precedent of *Brockington* and *Doe*" which both applied the *Degenhart* negligent supervision test against public entities, stating that "as in those cases, the crux of [the plaintiff's] case is the sexual conduct of an employee of a public entity." *Moore*, 326 S.C. at 591, *citing*, *Doe v. Greenville Hosp. System*, 323 S.C. 33, 448 S.E 2d 564 (1994), and *Brockington*, 315 S.C. at 217-18.

Here Plaintiff concedes she has no evidence to show that the District or High School should have known about the alleged danger presented by Smith prior to the alleged sexual assaults [28] Plaintiff's claim therefore fails to meet the test set out in *Degenhart, Moore* and *Brockington.*

Plaintiff alternatively asserts that her claim should survive because the District and High School did not have sufficient policies regarding training and prevention of sexual misconduct at the time of Smith's alleged sexual assaults The Court disagrees In *Brockington v Pee Dee Mental Health Center*, 315 S.C at 218, the Court of Appeals held there was no duty to adopt or enforce certain rules against employees acting outside the scope of their employment The plaintiff in *Brockington* alleged his negligence claim should survive because the employer owed

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and means the absence of care that is necessary under the circumstances "*Moore v Berkeley County School District*, 326 S C 584, 486 S E 2d 9 (1997)

him a duty to supervise its employees under the employer's internal rules and directives *Id.* The Court rejected the plaintiff's claim and held an employer can only be held liable for failing to enforce its rules and policies with respect to actions within the scope of employment. *Id.* The Court held "we conclude the defendants possessed no duty arising out of the internal directives to protect [the plaintiff] from unreasonable risks resulting from his relationship with [the employee] in [his] individual capacity" *Id* (emphasis added). *See also, Ellis v. Niles*, 324 S.C. 223, 227, 479 S.E.2d 47 (1996) ("Whether the law recognizes a particular duty is an issue of law to be determined by the court. If there is no duty, then the defendant in a negligence action is entitled to a directed verdict.").

Even if there was such a duty to adopt or enforce rules or polices, the District and High School are immune from such a claim in this case under the Tort Claims Act. The SCTCA states in relevant part "The governmental entity is not liable for a loss resulting from. . ***adoption, enforcement, or compliance*** with any law ***or failure to adopt or enforce*** any law, whether valid or invalid, ***including, but not limited to, any charter, provision, ordinance, resolution, rule, regulation, or written policies.***" S C. Code Ann § 15-78-60(4) (emphasis added).

Plaintiff further responds to Defendants' summary judgment motion by arguing that the District and High School should be liable under a theory of *respondeat superior.*[29] Plaintiff's *respondeat superior* claim fails because Smith's alleged acts of sexual abuse were outside the scope of his employment as a matter of law The Supreme Court in *Armstrong v Food Lion, Inc* set out the test for determining whether an employee acts outside the scope of his employment for purposes of *respondeat superior* liability

> An act is within the scope of a servants' employment where reasonably necessary to accomplish the purpose of his employment

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[28] Plaintiff's Depo , Vol II p 49-50

[29] *Respondeat Superior* liability is not alleged in Plaintiff's Second Amended Complaint

16

> and in furtherance of the master's business These general principles govern in determining whether an employer is liable for the acts of his servant. The act of a servant done to effect some independent purpose of his own and not with reference to the service in which he is employed, or while he is acting as his own master for the time being, is not within the scope of his employment so as to render the master liable therefor Under these circumstances the servant alone is liable for the injuries inflicted. If a servant steps aside from the master's business for some purpose wholly disconnected with his employment, the relation of master and servant is temporarily suspended; this is so no matter how short the time, and the master is not liable for his acts during such time."

Armstrong v Food Lion, Inc. 371 S.C. 271, 639 S.E.2d 50 (2006) (holding the employee who stabbed the plaintiff during store hours, inside the employer's store, with the employer's knife was acting outside the scope of his employment as a matter of law because there was no evidence the employee was motivated to further the employer's business).

Here, Plaintiff alleges Smith fondled her genitals and forced her to perform oral sex on him The record contains no evidence Smith's alleged sexual abuse was motivated to further the District or High School's business Plaintiff also cites no cases holding an employee's sexual abuse could be considered within the scope of employment Indeed, the South Carolina Supreme Court has held such actions are clearly outside the scope *Whittle v. Southern Bell Telephone and Telegraph Co* , 306 S.C 163, 164-66, 410 S E 2d 575 (1991) (treating the employee's alleged sexual battery of the plaintiff as committed outside the scope of his employment and affirming summary judgment for the employer) Plaintiff's gross negligence claim therefore fails as a matter of law and the District and High School are entitled to summary judgment.

E. Claims against Defendant James Island High School.

The Plaintiff's claims against the High School also fail for the additional reason that during the 1988-1989 school year, the High School was part of the Charleston County School

District system and did not exist as a separate legal entity.[30] In 2003, James Island Charter High School was formed as a separate entity from Charleston County School District.[31] The High School, however, did not exist separate from the District at the time the alleged incidents giving rise to Plaintiff's claims occurred Therefore, the High School is entitled to summary judgment on this additional ground as well.

IV. CONCLUSION.

For the reasons stated herein, the Motion for Summary Judgment by Defendants Charleston County School District and James Island High School is GRANTED.

AND IT IS SO ORDERED.

The Honorable ~~W Jeffery Young~~
W Jeffrey Young

4 Sept, 2012.
Sumter, South Carolina

[30] Bohnstengel Depo p 53-55
[31] Bohnstengel Depo p 100.

YCRLAW
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September 10, 2012

HAND DELIVERED
Honorable Julie J Armstrong
Charleston County Clerk of Court's Office
100 Broad Street, Suite 106
Charleston, SC 29401

Re Jane Doe v. Charles Smith, Charleston County School District and James Island High School
Case No : 2010-CP-10-7699
Claim No 46138
YCR File: 2235-20080353

Dear Ms Armstrong:

Enclosed please find the fully executed original and two copies of Defendants Charleston County School District and James Island High School's Order granting summary judgment in the above-referenced case You will also find enclosed an original and one copy of a Motion and Order Information Form and Cover Sheet. Please kindly file the originals and return the clocked-in copies to me via our courier I will promptly provide all counsel of record with a copy of the filed Order once I have received same

Please do not hesitate to contact me if there are any questions

With best regards, I am

Sincerely,

YOUNG CLEMENT RIVERS, LLP

Brian L Quisenberry

BLQ/klr
Enclosures
cc Aaron E Edwards, Esquire (w/enc.)
Robin L Jackson, Esquire (w/enc)

STATE OF SOUTH CAROLINA COUNTY OF CHARLESTON JANE DOE, Plaintiff, v. CHARLES SMITH, CHARLESTON COUNTY SCHOOL DISTRICT AND JAMES ISLAND HIGH SCHOOL, Defendants.	IN THE COURT OF COMMON PLEAS FOR THE NINTH CIRCUIT CASE NO 2010-CP-10-7699 **ORDER**

FILED
2012 SEP 24 PM 1:29
JULIE J. ARMSTRONG
CLERK OF COURT

This matter came before the Court for a hearing on Defendant Charles Smith's motion for summary judgment on July 23, 2012 Attorney Aaron Edwards was present on behalf of the Plaintiff, attorney Robin Jackson was present for Charles Smith and attorney Brian Quisenberry was present for James Island High School and the Charleston County School District. All parties submitted briefs with exhibits, and supplemental briefs that were considered by this Court

On November 20, 2007, Plaintiff filed her complaint in this action Thereafter, the Plaintiff amended her complaint The amended complaint alleges causes of action for breach of fiduciary duty, gross negligence and outrage. This order addresses only Defendant Charles Smith

FACTS

The Plaintiff alleges that while she was a second year freshman at James Island High School, more than twenty (20) years ago, during the 1988-1989 school year, she was sexually assaulted by Charles Smith. (See Exhibit A, School Records) During that school year, Mr Smith was Plaintiff's

geography teacher, and was also the high school softball coach The Plaintiff alleges that she does not know the dates of the assaults, but claims they occurred at some unknown point between September 1988 and February 12, 1989. February 12, 1989 is when the Plaintiff allegedly attempted to commit suicide by taking an unknown amount of Vivarin caffeine pills (Exhibit C, Hospital report) The Plaintiff has alleged five separate incidents occurring at an unknown points and in unknown order during this time period. She further asserts that the there were no further incidents after her suicide attempt She returned to school and the softball team after the alleged suicide attempt and finished out the year both in Mr. Smith's class and on his softball team. The following year, she returned to the school, as a third year Freshman (Exhibit A, School Records). At the end of the 1989-1990 school year, she dropped out and later earned her GED (Exhibit B, Withdrawal Form). Mr. Smith continued as both a teacher and coach at James Island High School until his retirement in 2008.

In 2007, the Plaintiff asserts she suddenly remembered being sexually assaulted by Mr. Smith approximately 19 years prior She claims that until her epiphany in 2007, she had no recollection of anything that had occurred in her life between sometime after the alleged assault and/or suicide attempt, through age 18 This is the second time the Plaintiff has alleged that she was sexually abused by being forced to perform oral sex, followed by an allegation of memory repression The first time, the Plaintiff asserts that she was sexually abused by a babysitter sometime between the ages of 4 and 6 (Exhibit F, Deposition of [redacted] 29/23-25) She claims she was forced to perform oral sex on the babysitter ([redacted] 30/3-4, Exhibit F) She also claims that she repressed the memories of such abuse until 1995-96 (Exhibit F, [redacted] 33/16-20). She has no explanation for why those allegedly repressed memories of the same kind of alleged abuse surfaced in 1995 or 1996, but the second alleged abuse allegations did not, and did not come forward until 2007.

Mr Smith has continuously and consistently asserted that he acted properly and had no relationship with the Plaintiff other than that of a teacher-student and coach-player. He asserts that there was no sexual contact of any kind (Exhibit G, Deposition of Smith, 171/6-14). While he admits that he occasionally gave ~~her~~ Plaintiff and other members of the softball team a ride home after practice or games, he denies sexually assaulting anyone and further asserts that no inappropriate behavior took place (Exhibit G, Smith, 31/14-24).

STANDARD OF REVIEW

"The purpose of summary judgment is to expedite disposition of cases which do not require the services of a fact finder" *George v Fabri*, 345 S C. 440, 452, 548 S E 2d 868, 874 (2001) "A motion for summary judgment shall be granted 'if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law'" *Id* (quoting Rule 56(c), SCRCP) *accord Trivelas v South Carolina Dep't of Transportation,* 348 S C 125, 130, 558 S.E. 2d 271, 273 (Ct. App 2001), *Wells v City of Lynchburg*, 331 S C 296, 301, 501 S.E 2d 746, 749 (Ct App 1998), *see also Tupper v Dorchester County,* 326 S C. 318, 325, 487 S E. 2d 187, 191 (1997) Summary judgment is appropriate when "there is no genuine issue as to any material fact and. .the moving party is entitled to judgment as a matter of law," *Celotex Corp v Catrett*, 477 U.S 317, 322, 106 S Ct 2548 (1986), and "where the record taken as a whole could not lead a rational trier of fact to find for the non-moving party, there is no 'genuine issue for trial'" *Matsushita Electrical Industrial Co , Ltd v Zenith Radio Corp* , 475 U S 574, 106 S Ct 1348, 1356 (1986)

I. STATUTE OF LIMITATIONS

All of Plaintiff's causes of action brought in the amended complaint are hereby dismissed as to Charles Smith because the Plaintiff did not timely file her complaint within the three-year statute of limitations set forth in the SC Code Ann §15-3-530 (5) The statute of limitations applicable to actions "for assault, battery, or any injury to the person or rights of another . is three years for actions arising on or after April 5, 1988." Although a statute of limitations specifically concerning sexual-abuse actions, S.C. Code Ann. § 15-3-555, became effective on August 31, 2001 and would normally apply retroactively, that statute is not applicable here for reasons that are discussed in more detail below

According to the discovery rule, the three-year statute of limitations found in section 15-3-350 (5) begins to run when the underlying cause of action reasonably ought to have been discovered *Dean v Ruscon Corp* , 321 S.C 360, 363, 468 S.E 2d 645, 647 (1996). Thus, the three-year clock starts ticking on the "day the injured party either knows or should have known by the exercise of reasonable diligence to cause of action arises from the wrongful conduct " *Bayle v S C Department Of Transportation*, 340 4 S C. 115, 123, 540 2 S.E 2d 376, 740 (Ct App 2001) This determination is objective, rather than subjective *Id* As such, the question is not whether the particular Plaintiff in this case actually knew she had a claim *Martin v Companion Healthcare Corp* , 357 S. C. 570, 576, 593 S E 2d 624, 627 (Ct App. 2004). Instead, the proper inquiry is "whether the circumstances of the case with a person of common knowledge and experience on notice that some right of his has been invaded, or that some claim against another party might exist " *Young v S C Department of Corrections*, 330 3S. C. 714, 719, 511 S E 2d 413, 416 (Ct App 1999)

In *Doe v Crooks*, 364 SC 349, 613 S E 2d 536 (2005), the Plaintiff sued his former physician for sexual abuse allegedly committed when the Plaintiff was 14 or 15 years old in 1983 *Id* At 351,

613 S E 2d at 537 The action was commenced in 2002, when the Plaintiff was 34 years old. *Id* The Plaintiff acknowledged that he was aware of the abuse while it was occurring but alleged that he did not realize the full extent of his injuries until 2001 *Id* Thus, the Court concluded that discovery occurred in 1983 when the Plaintiff was 15. *Id* at 352, 613 S E.2d at 538. Under § 15-3-40 (1), the limitation period was tolled until the Plaintiff reached the age of maturity, eighteen *Id.* Therefore, pursuant to §15-3-535, the Plaintiff had six years from the date that he reached the age of eighteen to file his action [1] *Id* Because he failed to do so, has cause of action lapsed in 1992 *Id* at 353, 613 S.E 2d at 538.

On appeal, the Plaintiff argued that the statute of limitations enacted in 2001 for sexual abuse claims applied:

> An action to recover damages for injury to a person arising out of an act of sexual abuse or incest must be commenced within six years after the person becomes 21 years of age or within three years from the time of discovery by the person of the injury and the causal relationship between the injury and sexual abuse or incest whichever occurs later

S C Code Ann. §15-3-555 (A). The Court acknowledged that statutes of limitations are generally applied retroactively and that the general assembly did not express any intent to limit the application of §15-3-555 prospectively *Id* At 352, 613 S.E 2d at 538 However, a new statute of limitations cannot operate to revive an action for which the limitations period has already expired *Id* At 351-52, 613 S.E.2d at 538. Therefore, because the Plaintiff's cause of action lapsed in 1992, nine years before §15-3-555 was adopted, the same did not apply *Id* at 353, 613 S E 2d at 538 The South Carolina Supreme Court affirmed that trial Court's dismissal of the action on the grounds that, when

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[1]For actions accruing prior to April 5, 1988, the limitations period of 6 years in duration The three-year limitations period now found in the Code applies to actions accruing on or after April 5, 1988

§15-3-555 became effective, the Plaintiff's cause of action had already lapsed under §§15-3-530 (5) and 15-3-535. *Id*

In this case, the Plaintiff alleges Defendant injured her during the 1988-1989 school year while she was a minor In accordance with the allegations of the amended complaint, the alleged circumstances would have put a person of common knowledge and experience on notice some right of hers had been invaded or that she had a claim against another person Under *Doe*, the Plaintiff did not have to fully understand the extent of the injury, she only had to understand that she was harmed When asked about two alleged incidents at the teachers desk, she testified

98

2 Q. And did you say anything while he was doing
3 this?
4 A. I was very, very uncomfortable
5 Q Did you say anything?
6 A I don't recall saying anything.
7 Q Did you try to get up out of the chair?
8 A I remember just freezing

99

25 Okay Were there any other instances?

100

1 A I was sitting behind his desk another time and
2 he took my hand and put my hand on his penis
3 through his pants.
4 Q Did you try to pull your hand away?
5 A I froze.

Exhibit F, Deposition of [redacted] 98/2-8, 99/25-100/5

This testimony is evidence that the Plaintiff knew at the time the situation was allegedly going on,

that she was being harmed Additionally, she testified that after the alleged oral sex incident

104

16 When you got home was there anybody at your
17 house?
18 A. All I remember is going into my room and closing
19 my door. I don't -- I don't recall if anybody
20 was home or not.
21 Q What was the next time you saw anybody?
22 A. I don't recall All I remember is going home
23 and going into my room and laying on my bed with
24 my cat.
25 Q. Your mom never came in to say, hey, welcome home

105

1 or --
2 A I don't recall. All I remember is going home,
3 going into my room, closing my door and holding
4 onto my cat crying.

Exhibit F, Deposition of [redacted]
104/16-25, 105/1-4

After the caffeine pill overdose, the Plaintiff told hospital staff she was having problems at school, but although offered, she and her mother declined counseling This behavior also demonstrates knowledge of harm during and after the events Doe was fifteen years old at the time of the alleged events She was in high school and was old enough to know right from wrong, and to know that a teacher should not be fondling her vagina in the classroom or forcing her to perform oral sex on him in his car. Though the Plaintiff has apparently refused to answer any questions about her actual feelings at the time, claiming she still cannot remember them, it is not reasonable for Doe to say that she was uncomfortable and "froze" while he was touching her in the classroom, and that she went

home and cried after the oral sex incident, but that she did not think it was wrong, or that Smith was harming her.

Because the Plaintiff was a minor when the alleged injuries occurred, the statute of limitations was tolled until she reached the age of majority *See* S C Code Ann §15-3-40 Based on her date of birth, May 4, 1973 she would have reached the age of 18 in 1991 She then had three years, or until 1994 to file her action. *See* S C. Code Ann §15-3-530 (5). She failed to do so and, therefore, her right to bring an action lapsed in 1994, seven years before §15-3-555 was adopted and thirteen years before she filed it in 2007.

II. REPRESSED MEMORY

A. Objective Verifiability

As her claim is untimely under the statute of limitations, the only way the Plaintiff can maintain this action is with evidence of repressed memory The Plaintiff claims that at some point after the last alleged abuse incident in 1988 or1989, she involuntarily repressed all memories relating to her life between the ages 15 and 18 At age 18, she picks up recollection, but had no memories from the period of time between ages 15 and 18, until 2007 In 2007, she asserts she suddenly started having dreams of Mr Smith standing over her laughing, and that those dreams have turned into memories (Exhibit F[redacted] 138/10-20). Therefore, she asserts that she is entitled to use 2007 as the date she was first aware of the abuse, and the applicable date for the running of the statute of limitations This is not supported by the evidence, and the Plaintiff does not meet the required criteria

The Court in *Moriarty v Garden Sanctuary Church of God,* 334 S.C. 150, 511 S.E 2d 699 (Ct. App 1999) decided that objective verifiability is required for the application of the discovery

rule It set forth eight ways to verify the abuse (1) admission by the abuser, (2) a criminal conviction,(3) documented medical history of childhood sexual abuse; (4) contemporaneous records or written statements of the abuser, such as diaries or letters; (5) photographs or recordings of the abuse; (6) an objective eyewitness's account, (7) evidence the abuser had sexually abused others, or (8) proof of a chain of facts and circumstances having sufficient probative force to produce a reasonable and probable conclusion that sexual abuse occurred Here, the Plaintiff has met none of these requirements There has been no admission, conviction or documentation, there are no records, photographs, eyewitnesses or other alleged victims The Plaintiff appears to have initially relied on the attempted suicide as their "proof of a chain of facts or circumstances." (Exhibit H, Transcript of Motion to Dismiss Hearing in front of Judge Few, 25/15-20). This reliance fails, as it would show knowledge of harm at the time the incidents. (Exhibit H, Transcript, 16/18-17/4) At summary judgment, the Plaintiff set forth what she asserts is (1) a documented medical history of childhood sexual abuse, (2) contemporaneous statements of the abuser, (3) an unknown chain of facts and circumstances, including classic grooming, (4) Smith's concealment of suicide attempt, and (5) other incidents involving inappropriate conduct by Smith After a review of each of these, I find that none of these meets the threshold.

First, this Court found no documented history of childhood sexual abuse during the time period that the Plaintiff alleges she was abused by Smith There have been no records submitted to the Court from doctors or others, *during her childhood*, that show abuse Second, the Plaintiff has submitted a yearbook entry from Coach Smith This entry makes no mention of any sexual relationship or abuse by him. He was both her teacher and her coach during that school year There is nothing unusual about a teacher signing a yearbook The Plaintiff has not shown any evidence that anything in that entry is sexually related

Third, the Plaintiff sets forth, generically, "a chain of facts and circumstances, including classic grooming". There has been no evidence submitted that Smith treated the Plaintiff any differently than he treated any other student. He testified that he gave rides to a number of his players and the male manager of the softball team He denied any improper behavior and the Plaintiff provided no evidence to the Court that she was treated differently

Fourth, the evidence contradicts the allegation that Smith concealed the Plaintiff's suicide attempt To the contrary, the school nurse ~~came~~ responded and EMS came to the school, into the classroom and put ~~her~~ Plaintiff on a stretcher and took her to the hospital. Mr Smith did not conceal anything. He reported the suicide attempt to the nurse. Anything the nurse may or may not have done after that is not attributable to Mr. Smith The Plaintiff has produced no policies or procedures showing that Smith, in February 1989, was required to do anything beyond notifying the nurse.

Finally, the Plaintiff claims "other inappropriate conduct". The incidents cited by the Plaintiff occurred years the Plaintiff left James Island High School, and were not related to any sexual misconduct on the part of Mr. Smith. Even in the light most favorable to the Plaintiff, the Plaintiff cannot meet any of the criteria required by *Moriarty* as there is no objectively verifiable evidence to support the application of the discovery rule in 2007.

B. Expert Testimony.

Though the Plaintiff's expert witnesses have testified that she appears to meet the qualifications for repressed memory, neither of her experts can say to a reasonable degree of medical certainty when the memories were repressed or when she recovered them When asked about the earlier alleged episode of abuse, they could not tell when those memories were allegedly repressed or recovered either. The prior episode of similar abuse (forced oral sex), which the Plaintiff also claims was repressed at some unknown point, was recovered, according to her, in the mid 1990's

The experts could not explain why that memories of abuse would be recovered in the 1990's and memories of this one would not They can only say that they believe that at some point she repressed the memories and at some later point, she recovered them This is not enough to bypass the statute of limitations The Plaintiff knew at the time of the events what was going on, and that she was being harmed She was fifteen (15) years old, was getting her drivers license, and going out for a sporting team. She knew right from wrong. Her own testimony, statements to doctors and other written statements show that she claims that at the time he was abusing her, she was fearful, "frozen" and crying This is evidence of knowledge of harm Under *Doe v Crooks,* the Plaintiff does not need to understand the extent of the harm, just the fact of it 364 SC 349, 613 S.E 2d 536 (2005) Like Doe, the Plaintiff "was aware of the abuse while it was occurring." *Id* at 537. The expert testimony she has provided is not enough to overcome the statute of limitations.

III. INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS/OUTRAGE

To the extent that the Plaintiff claims Intentional Infliction of Emotional Distress against Charles Smith, there is no proper claim for such The South Carolina Tort Claims Act specifically states that a "loss" is defines as "bodily injury, disease, death, or damage to tangible property, including lost wages and economic loss to the person who suffered the injury, disease, or death, pain and suffering, mental anguish, and any other element of actual damages recoverable in actions for negligence, **but does not include the intentional infliction of emotional harm** " S C Code Ann § 15-78-30(f) (*emphasis added*) Thus, this cause of action is dismissed

IV. PUNITIVE DAMAGES

Punitive damages are barred against a governmental entity by Section § 15-78-120(b), which mandates that "[n]o award for damages under this chapter shall include punitive or exemplary damages or interest prior to the judgment" Therefore, this Defendant, as the employee of a governmental entity is entitled summary judgment on this claim and all claims for punitive damages against this Defendant are be dismissed

CONCLUSION

After reviewing all of the evidence submitted, the briefs of the parties and the arguments of counsel, this Court finds that the Plaintiff has failed to file her action within the applicable statute of limitations Therefore, all causes of action contained in this matter are hereby dismissed

AND IT IS SO ORDERED!

19 Sept, 2012
Sumter, SC

Honorable W. Jeffrey Young

STATE OF SOUTH CAROLINA COUNTY OF CHARLESTON JANE DOE, Plaintiff, v CHARLES SMITH, CHARLESTON COUNTY SCHOOL DISTRICT AND JAMES ISLAND HIGH SCHOOL, Defendants	IN THE COURT OF COMMON PLEAS FOR THE NINTH CIRCUIT CASE NO 2010-CP-10-7699 **ORDER**

FILED
2012 DEC 13 PM 3:45
JULIE J. ARMSTRONG
CLERK OF COURT
BY

This matter came before the Court on the Plaintiff's motion to reconsider the grant of summary judgment to Defendant Smith. After reviewing the motion to reconsider, the summary judgment motion and memorandum of law, the memorandum in opposition to summary judgment, and the order granting summary judgment, the motion to reconsider is hereby DENIED

AND IT IS SO ORDERED!

Honorable W Jeffrey Young

13 Dec, 2012

Sumter, SC

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF CHARLESTON	)	NINTH JUDICIAL CIRCUIT
JANE DOE,	)	CASE NO 2010-CP-10-7699
	)	
PLAINTIFF,	)	
	)	
vs	)	**ORDER**
	)	
CHARLES SMITH, CHARLESTON COUNTY SCHOOL DISTRICT AND JAMES ISLAND HIGH SCHOOL,	)	
	)	
DEFENDANTS	)	

2012 DEC 27 PM 4:29
JULIE J. ARMSTRONG
CLERK OF COURT
BY

This matter came before this Court on Plaintiff's motion to reconsider the grant of summary judgment to Defendants Charleston County School District and James Island High School under Rules 52 and 59 of the South Carolina Rules of Civil Procedure. After reviewing the motion to reconsider, the summary judgment motion and memorandum of law, the memorandum in opposition to summary judgment, and the order granting summary judgment, the motion to reconsider is hereby DENIED [1]

AND IT IS SO ORDERED

Honorable ~~W. Jeffrey Young~~
W Jeffrey Young

Dec. 13, 2012
Sumter SC

[1] To the extent Plaintiff's motion to reconsider presents issues not raised prior to judgment the motion fails on those grounds as well. "A party cannot use a motion to reconsider to present an issue [the party] could have raised prior to judgment but did not." *Anderson Memorial Hospital, Inc. v. Hagen*, 313 S.E. 497, 443 S.E.2d 399, 400 (Ct. App. 1993).

STATE OF SOUTH CAROLINA	)	
	)	**IN THE COURT OF COMMON PLEAS**
COUNTY OF CHARLESTON	)	
	)	
Jane Doe	)	**CIVIL ACTION COVERSHEET**
Plaintiff(s)	)	
	)	~~2007~~ - CP - ~~10~~ - ~~5203~~
vs.	)	10-CP-10-76099
	)	
Charles Smith and Charleston County School District	)	
Defendant(s)	)	

(Please Print)		**SC Bar #:**	015072
Submitted By:	David Flowers	**Telephone #:**	864/421-0036
Address:	Mooneyham Flowers Berry & Karow	**Fax #:**	864/421-9060
	Post Office Box 8359	**Other:**	
	Greenville, South Carolina	**E-mail:**	david@bmllp com

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this cover sheet must be served on the defendant(s) along with the Summons and Complaint.

DOCKETING INFORMATION (*Check all that apply)*

***If Action is Judgment/Settlement do not complete*

- ☒ **JURY TRIAL** demanded in complaint ☐ **NON-JURY TRIAL** demanded in complaint
- ☐ This case is subject to **ARBITRATION** pursuant to the Circuit Court Alternative Dispute Resolution Rules
- ☒ This case is subject to **MEDIATION** pursuant to the Circuit Court Alternative Dispute Resolution Rules
- ☐ This case is exempt from ADR (certificate attached)

NATURE OF ACTION (*Check One Box Below*)

Contracts
- ☐ Constructions (100)
- ☐ Debt Collection (110)
- ☐ Employment (120)
- ☐ General (130)
- ☐ Breach of Contract (140)
- ☐ Other (199)

Torts - Professional Malpractice
- ☐ Dental Malpractice (200)
- ☐ Legal Malpractice (210)
- ☐ Medical Malpractice (220)
- ☐ Other (299)

Torts – Personal Injury
- ☐ Assault/Slander/Libel (300)
- ☐ Conversion (310)
- ☐ Motor Vehicle Accident (320)
- ☐ Premises Liability (330)
- ☐ Products Liability (340)
- ☐ Personal Injury (350)
- ☒ Other (399)

Sexual Abuse

Real Property
- ☐ Claim & Delivery (400)
- ☐ Condemnation (410)
- ☐ Foreclosure (420)
- ☐ Mechanic's Lien (430)
- ☐ Partition (440)
- ☐ Possession (450)
- ☐ Building Code Violation (460)
- ☐ Other (499)

Inmate Petitions
- ☐ PCR (500)
- ☐ Sexual Predator (510)
- ☐ Mandamus (520)
- ☐ Habeas Corpus (530)
- ☐ Other (599)

Judgments/Settlements
- ☐ Death Settlement (700)
- ☐ Foreign Judgment (710)
- ☐ Magistrate's Judgment (720)
- ☐ Minor Settlement (730)
- ☐ Transcript Judgment (740)
- ☐ Lis Pendens (750)
- ☐ Other (799)

Administrative Law/Relief
- ☐ Reinstate Driver's License (800)
- ☐ Judicial Review (810)
- ☐ Relief (820)
- ☐ Permanent Injunction (830)
- ☐ Forfeiture (840)
- ☐ Other (899)

Appeals
- ☐ Arbitration (900)
- ☐ Magistrate-Civil (910)
- ☐ Magistrate-Criminal (920)
- ☐ Municipal (930)
- ☐ Probate Court (940)
- ☐ SCDOT (950)
- ☐ Worker's Comp (960)
- ☐ Zoning Board (970)
- ☐ Administrative Law Judge (980)
- ☐ Public Service Commission (990)
- ☐ Employment Security Comm (991)
- ☐ Other (999)

Special/Complex /Other
- ☐ Environmental (600)
- ☐ Automobile Arb (610)
- ☐ Medical (620)
- ☐ Pharmaceuticals (630)
- ☐ Unfair Trade Practices (640)
- ☐ Other (699)

Submitting Party Signature: _____ **Date:** **November 15, 2007**

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRCP, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S C Code Ann §15-36-10 et seq

FOR MANDATED ADR COUNTIES ONLY

Florence, Horry, Lexington, Richland, Greenville**, and Anderson**

** Contact Respective County Clerk of Court for modified ADR Program Rules

SUPREME COURT RULES REQUIRE THE SUBMISSION OF ALL CIVIL CASES TO AN ALTERNATIVE DISPUTE RESOLUTION PROCESS, UNLESS OTHERWISE EXEMPT

You are required to take the following action(s):

1. The parties shall select a neutral within 210 days of filing of this action, and the Plaintiff shall file a "Stipulation of Neutral Selection" on or before the 224th day after the filing of the action If the parties cannot agree upon the selection of the neutral within 210 days, the Plaintiff shall notify the Court by filing a written "Request for the Appointment of a Neutral" on or before the 224th day after the filing of this action The Court shall then appoint a neutral from the Court-approved mediator/arbitrator list

2 The initial ADR conference must be held within 300 days after the filing of the action

3 Case are exempt from ADR only upon the following grounds

   a Special proceeding, or actions seeking extraordinary relief such as mandamus, habeas corpus, or prohibition;

   b Cases which are appellate in nature such as appeals or writs of certiorari,

   c Post Conviction relief matters;

   d Contempt of Court proceedings;

   e Forfeiture proceedings brought by the State.

   f Cases involving mortgage foreclosures, and

   g Cases that have been submitted to mediation with a certified mediator prior to the filing of this action

4 Motion of a party to be exempt from payment of neutral fees due to indigency should be filed with the Court within ten (10) days after the ADR conference had been concluded

Please Note: **You must comply with the Supreme Court Rules regarding ADR. Failure to do so may affect your case or may result in sanctions.**

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

Jane Doe,)
)
Plaintiff)
)
vs)
)
Charles Smith and Charleston)
County School District,)
)
Defendant)

IN THE COURT OF COMMON PLEAS
C.A. No.: ~~2007-CP-10-~~ 5203
10-CP-10-7099

SUMMONS
JURY TRIAL DEMANDED

FILED
2007 NOV 20 AM 10: 20
JULIE J. ARMSTRONG
CLERK OF COURT

TO: THE DEFENDANT(S) ABOVE-NAMED.

YOU ARE HEREBY SUMMONED and required to answer the Complaint in this action, a copy of which is hereby served upon you, and to serve a copy of your Answer to the said Complaint on the undersigned at their office, located at 1225 S. Church Street, Greenville, South Carolina, 29605, within thirty (30) days after service thereof exclusive of the day of such service, and if you fail to answer the Complaint within the time aforesaid, judgment by default will be rendered against you for the relief demanded in the Complaint.

07-013234

Respectfully Submitted,

MOONEYHAM FLOWERS BERRY & KAROW
David Flowers
Kim Berry
P.O. Box 8359
Greenville, SC 29604
864-421-0036

Attorneys for Plaintiff

November 15, 2007

3d

STATE OF SOUTH CAROLINA	)	
	)	IN THE COURT OF COMMON PLEAS
COUNTY OF CHARLESTON	)	C.A. No : ~~2007-CP-10-~~ 5203
		10-CP-10-7099
Jane Doe,	)	
	)	
Plaintiff	)	
	)	**COMPLAINT**
vs	)	JURY TRIAL DEMANDED
	)	
Charles Smith and Charleston County School District,	)	
	)	
Defendant	)	

FILED
2007 NOV 20 A 11:10:20
JULIE J. ARMSTRONG
CLERK OF COURT

Plaintiff, Jane Doe, respectfully complains of the Defendants and alleges as follows:

1. Jane Doe is a pseudonym for a South Carolina resident who attended high school in Charleston County. She is bringing this action by way of a pseudonym due to the sensitive and private nature of these allegations
2. Defendant Charleston County School District is a public school district located in Charleston County, which used to own, control and operate James Island High School, which is located in Charleston County.

3 Defendant Charles Smith was a teacher at James Island High School during the 1988-1989 school year.

4 Defendant Charles Smith continues to teach at James Island High School today.

5 In the 1988-1989 school year, Jane Doe was a freshman student at James Island High School.

6 Defendant Smith was Jane Doe's geography teacher at James Island High School

7 During the 1988-1989 academic year, Defendant Smith began touching Jane Doe, a minor child, in inappropriate and sexual ways on the premises of James Island High School during school hours.

8 During that same time period, Defendant Smith ingratiated himself with Jane Doe and her mother.

9 During that school year, Defendant Smith began giving Jane Doe rides home from school.

10. During that school year, Defendant Smith began committing a series of sexual assaults on the minor child Jane Doe.

11 The sexual assaults occurred on the premises of James Island High School in Defendant Smith's car, and at other locations where Smith would take the minor child.

12. These assaults caused the minor child Jane Doe to suffer severe emotional distress to the point that she attempted suicide during that academic year.

13. Employees of James Island High School knew of Jane Doe's severe distress and of the time that Defendant Smith was spending with her, but no one attempted to investigate or intervene.

14. Defendant Smith is one of at least two teachers who were sexually assaulting students at James Island High School during that academic year.

15 As a teacher, Defendant Smith held, and unfortunately still holds, a position of authority and trust over the students at James Island High School.

16 Defendant Smith has a duty to not abuse the position of authority and trust that he held, and still holds.

17 Sexual contact between a teacher and a student is always inappropriate.

18 Sexual contact between a teacher and a student is always a breach of the standard of care owed by teachers to students in the State of South Carolina.

19. It is the responsibility of the teacher to see that sexual contact does not occur between that teacher and a student.

20 Defendant Charleston County School District had a duty to train its teachers not to engage in sexual misconduct during the 1988-1989 academic year.

21. Defendant Charleston County School District had a duty to monitor its teachers such that the teachers did not engage in sexual misconduct during the 1988-1989 academic year.

22. Defendant Smith breached his duty to Jane Doe by engaging in sexual contact with her when she was a minor child.

23. Defendant Charleston County School District breached its duty to Jane Doe by not protecting her from the sexual predator, Charles Smith.

24. As a result of the Defendants' breaches, individually and collectively, Plaintiff has suffered damages in an amount to be determined by a jury.

25. Defendants are liable to the Plaintiff jointly and severally

FOR A FIRST CAUSE OF ACTION

BREACH OF FIDUCIARY DUTY

26. All prior allegations are incorporated into this cause of action as if fully set forth.

27. A teacher owes a fiduciary duty to minor children that they teach.

28. A public school owes a fiduciary duty to minor students who attend the school.

29. A public school district owes a fiduciary duty to the students in the school district

30 Each of the Defendants breached their fiduciary duty to Plaintiff by engaging in sexual misconduct with the plaintiff or by permitting the sexual misconduct to occur

31 The Defendants' respective breaches of their fiduciary duty to the Plaintiff have caused damage to Plaintiff.

32. Defendants' breaches were the proximate cause of the damage to Plaintiff and she is therefore entitled to receive actual and punitive damages in an amount to be determined by the jury

FOR A SECOND CAUSE OF ACTION
GROSS NEGLIGENCE

33. All allegations above are incorporated herein as if fully set forth.

34. Charleston County School District officials have been grossly negligent in supervising Charles Smith

35. Charles Smith, on the premises of Charleston County School District, groomed the plaintiff for his own sexual gratification and then sexually assaulted her on a number of occasions.

36. Charleston County School District had the ability to control Charles Smith at the time he harmed plaintiff

37 The gross negligence of Charleston County School District officials is a proximate cause of plaintiff's harm.

38 Plaintiff has been harmed and has incurred damages as a result of the gross negligence of Charleston County School District

39 Plaintiff is entitled to recover damages from Charleston County School District in an amount to be determined by the jury

FOR A THIRD CAUSE OF ACTION
INJUNCTIVE RELIEF

40 All allegations above are incorporated herein as if fully set forth.

41. The Charleston County School District should be enjoined from failing to do the following:

a. To remove Charles Smith from contact with students;

b. To pursue with the State of South Carolina steps necessary to revoke the teaching certification of Charles Smith, and

c. To not retaliate against the plaintiff in any way

REQUEST FOR JURY TRIAL

42. Plaintiff requests jury by trial

WHEREFORE, the Plaintiff prays for the following from the court

a. Damages in an amount to be determined by the jury;

b. Injunctive relief as set forth above;

c. The costs of this action be taxed against the defendants;

d. All factual issues be determined by a jury, and

e. Such other and further relief as the Court deems just and proper

Respectfully Submitted,

MOONEYHAM FLOWERS BERRY & KAROW
David Flowers
Kim Berry
P.O. Box 8359
Greenville, SC 29604
864-421-0036

Attorneys for Plaintiff

Date Nov. 11, 2007

MOONEYHAM FLOWERS BERRY & KAROW, L.L.C.
TRIAL LAWYERS

November 15, 2007

Hon. Julie J. Armstrong
Charleston County Clerk of Court
100 Broad Street, #106
Charleston, SC 29401

RE: *Jane Doe vs Charles Smith and Charleston County School District*
C.A No.: ~~2007-CP-10-5203~~ 10-CP-10-7099
Our File No.: 07-0137

Dear Ms. Armstrong:

Please find the original and four copies of the Summons and Complaint and filing fee in this matter for filing with your office. Please return our copies in the self-addressed stamped envelope provided. Thank you for your assistance in this matter

Sincerely,

MOONEYHAM FLOWERS BERRY & KAROW, L.L.C.

Michelle R. Martinez
Paralegal

Enclosures

Post Office Box 8359 Greenville, South Carolina 29604
864.421.0036 Fax 864.421.9060
EIN: 26-1242624

Code of Laws of South Carolina 1976 Annotated Currentness
Title 15 Civil Remedies and Procedures
Chapter 3. Limitation of Civil Actions
Article 5. Actions Other Than for Recovery of Real Property

§ 15-3-555. Statute of limitations for action based on sexual abuse or incest.

(A) An action to recover damages for injury to a person arising out of an act of sexual abuse or incest must be commenced within six years after the person becomes twenty-one years of age or within three years from the time of discovery by the person of the injury and the causal relationship between the injury and the sexual abuse or incest, whichever occurs later.

(B) Parental immunity is not a defense against claims based on sexual abuse or incest that occurred before, on, or after this section's effective date.

HISTORY: 2001 Act No 102, § 3.

LIBRARY REFERENCES

Westlaw Key Number Searches: 241k31, 285k7(8)
Limitation of Actions 31.
Parent and Child 7(8).
C J.S. Limitations of Actions §§ 68 to 70.
C J.S. Parent and Child § 334.

NOTES OF DECISIONS

In general 1
1. In general

Whether statute of limitations governing sexual abuse actions retroactively applied to former patient's claim that he was abused by physician when he was 14 or 15 years-old was irrelevant in determining whether action against physician was time-barred, where limitations period under previous statute had already expired at time patient filed suit. Doe v. Crooks (S.C. 2005) 364 S.C. 349, 613 S.E 2d 536. Limitation Of Actions 6(1)

Code 1976 § **15-3-555**, SC ST § **15-3-555**

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613 S E.2d 536
364 S C 349, 613 S E.2d 536
(Cite as: 364 S.C. 349, 613 S.E.2d 536)

Doe v. Crooks
S C ,2005.

Supreme Court of South Carolina.
John **DOE**, Appellant,
v
Richard H **CROOKS**, M.D , Respondent.
No. 25987.

Heard April 5, 2005.
Decided May 23, 2005.

Background: Former patient filed action against physician for sexual abuse allegedly committed when patient was 14 or 15 years-old. The Circuit Court, Greenville County, Edward W. Miller, J., entered summary judgment in physician's favor, and patient appealed.

Holdings: The Supreme Court, Pleicones, J., held that:
(1) whether statute of limitations governing sexual abuse actions retroactively applied to patient's suit against physician was irrelevant, and
(2) three-year limitations period governing patient's suit against physician began to run when patient reached age of majority.

Affirmed.

West Headnotes

[1] Limitation of Actions 241 6(1)

241 Limitation of Actions
241I Statutes of Limitation
241I(A) Nature, Validity, and Construction in General
241k6 Retroactive Operation
241k6(1) k. In General. Most Cited Cases

Limitation of Actions 241 6(9)

241 Limitation of Actions
241I Statutes of Limitation
241I(A) Nature, Validity, and Construction in General
241k6 Retroactive Operation
241k6(9) k. Revival of Causes of Action by Amendment or Repeal of Statute. Most Cited Cases
A new statute of limitations applies retroactively; however, it cannot operate to revive an action for which the limitations period has already expired.

[2] Constitutional Law 92 3971

92 Constitutional Law
92XXVII Due Process
92XXVII(E) Civil Actions and Proceedings
92k3971 k. Time for Proceedings, Limitation or Suspension of Remedy. Most Cited Cases
(Formerly 92k253(4))

Limitation of Actions 241 6(1)

241 Limitation of Actions
241I Statutes of Limitation
241I(A) Nature, Validity, and Construction in General
241k6 Retroactive Operation
241k6(1) k. In General. Most Cited Cases
Retroactive application of a new statute of limitations to an action for which the limitations period has already expired would violate the defendant's due process rights under the state constitution Const. Art 1, § 3.

[3] Limitation of Actions 241 6(1)

241 Limitation of Actions
241I Statutes of Limitation
241I(A) Nature, Validity, and Construction in General
241k6 Retroactive Operation
241k6(1) k. In General. Most Cited Cases

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Whether statute of limitations governing sexual abuse actions retroactively applied to former patient's claim that he was abused by physician when he was 14 or 15 years-old was irrelevant in determining whether action against physician was time-barred, where limitations period under previous statute had already expired at time patient filed suit. Code 1976, §§ 15-3-530, 15-3-535, 15-3-555.

[4] Limitation of Actions 241 95(1.5)

241 Limitation of Actions
241II Computation of Period of Limitation
241II(F) Ignorance, Mistake, Trust, Fraud, and Concealment or Discovery of Cause of Action
241k95 Ignorance of Cause of Action
241k95(1.5) k. Knowledge as to Extent of Harm or Damage. Most Cited Cases
Evidence that an injured party may not at the time of the alleged act comprehend the full extent of the damage is immaterial, for purposes of tolling the limitations period under the discovery rule.

[5] Limitation of Actions 241 72(1)

241 Limitation of Actions
241II Computation of Period of Limitation
241II(C) Personal Disabilities and Privileges
241k72 Infancy
241k72(1) k. In General. Most Cited Cases
Three-year limitations period governing former patient's suit against physician for sexual abuse allegedly committed when patient was 14 or 15 years-old began to run when patient reached age of majority. Code 1976, §§ 15-3-530, 15-3-535.

****537 *350** Gregg E. Meyers, of Charleston, and J. David Flowers, of Greenville, for Appellant.
Dewey Oxner and Moffatt McDonald, both of Haynsworth Sinkler, Boyd, of Greenville, for Respondent
J. Graham Sturgis, Jr, of Charleston, for Amicus Curiae, Darkness to Light.
Justice PLEICONES.
In this sexual-abuse action, the circuit court granted summary judgment for Respondent Richard H. Crooks, M.D. (Crooks), holding that the action of Appellant John Doe (Doe) was barred under the statute of limitations. We certified the case pursuant to Rule 204(b), SCACR. We affirm.

***351 FACTS**

This action was commenced in 2002, when Doe was thirty-four years old. He asserts that in 1983, when he was fourteen or fifteen years old, Crooks molested him.

Doe acknowledges that he was aware of the alleged abuse while it was occurring; that he knew at the time that it was wrong; that he immediately began to feel shame; and that he has "dealt with this shame since the first time [the abuse] occurred." Doe claims, however, that he did not realize the full extent of his injuries until 2001, when he was thirty-three years old. Only then, he claims, did he understand that the molestation caused him to be obsessive about cleanliness, over-protective of his children, and distrustful of others.

The circuit court held that under the statute of limitations, the time for Doe to commence his action had expired. The court therefore granted summary judgment for Crooks.

ISSUE

Whether the circuit court erred in holding that Doe's action was barred under the statute of limitations

ANALYSIS

South Carolina Code section 15-3-555,[FN1] the current statute of limitations for sexual-abuse actions, was adopted in 2001. *See* 2001 Act No. 102 (effective August 31, 2001). Prior to 2001, the limitations period was provided by sections 15-3-530(5) [FN2] and 15-3-535 [FN3]

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FN1 S.C Code Ann. § 15-3-555 (Supp.2003)

FN2. S C.Code Ann § 15-3-530(5) (1976 and Supp 2003) (regarding actions arising from injury to the person, among other things).

FN3. S.C.Code Ann. § 15-3-535 (1976 and Supp 2003) (providing the discovery rule for "actions initiated under Section 15-3-530(5)")

**538 [1][2] Ordinarily, a new statute of limitations applies retroactively.[FN4] However, it cannot operate to revive an action for *352 which the limitations period has already expired. Such a result would violate the defendant's rights under the Due Process Clause of the South Carolina Constitution.FN5 *Goff v. Mills,* 279 S.C. 382, 386, 308 S.E 2d 778, 780 (1983); *U.S. Rubber Co. v. McManus,* 211 S.C. 342, 349, 45 S E.2d 335, 338 (1947); *Stoddard v. Owings,* 42 S.C. 88, 92, 20 S.E. 25, 26 (1894).

FN4. Statutes of limitations generally apply retroactively because they are remedial in nature. The General Assembly may, of course, express its intent that a new statute of limitations applies only prospectively. *Jenkins v. Meares,* 302 S.C. 142, 146, 394 S.E.2d 317, 319 (1990); *Goff v. Mills,* 279 S.C. 382, 386, 308 S.E.2d 778, 780 (1983). No such intent is expressed in section 15-3-555.

FN5. S C. Const. art. I, § 5.

[3] The circuit court held that when section 15-3-555 became the statute of limitations governing sexual-abuse cases, Doe's cause of action had already lapsed under sections 15-3-530(5) and 15-3-535. We agree Consequently, whether the action is barred under section 15-3-555 is irrelevant.

[4] Under the discovery rule, the limitations period commences when the plaintiff "kn[o]w[s] or by the exercise of reasonable diligence should [know] that he ha[s] a cause of action."§ 15-3-535. That the injured party may not at that time "comprehend the full extent of the damage is immaterial." *Dean v. Ruscon Corp.,* 321 S C 360, 364, 468 S E 2d 645, 647 (1996).

[5] As stated above, Doe acknowledges that he was aware of the alleged abuse when it occurred, when he was a fifteen-year-old minor; that he knew at the time that it was wrong; that he immediately felt shame; and that he has "dealt with this shame" ever since. Thus, discovery occurred in 1983, when Doe was fifteen years old. *See Doe v R.D.,* 308 S.C 139, 417 S.E.2d 541 (1992) (holding that a plaintiff who was aware of sexual abuse when it was occurring should have known at that time that he had a cause of action).

Under section 15-3-40(1),[FN6] the limitations period was tolled until Doe reached the age of majority, eighteen. Under section 15-3-535, Doe then had six years to file his action.[FN7] In *353 other words, Doe needed to file by the time he turned twenty-four. Because he failed to do so, his cause of action lapsed in 1992, nine years before section 15-3-555 was adopted. We therefore need not address whether the action would be barred under section 15-3-555. The action is barred.

FN6. S.C.Code Ann. § 15-3-40(1) (Supp.2003).

FN7. For actions accruing prior to April 5, 1988, the limitations period is six years in duration. The three-year limitations period now found in the Code applies to actions accruing on or after April 5, 1988 1988 Act No. 432.

CONCLUSION

The statute of limitations prevents Doe from pursuing his action. The circuit court's grant of summary judgment for Crooks is

AFFIRMED.

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46

TOAL, C.J , MOORE, WALLER, and BURNETT, JJ., concur.
S C ,2005.
Doe v. Crooks
364 S.C 349, 613 S.E 2d 536

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534 S E 2d 672
(Cite as: 341 S.C. 320, 534 S.E.2d 672)

H

Supreme Court of South Carolina

Amy Ferrell MORIARTY, Respondent,
v
GARDEN SANCTUARY CHURCH OF GOD, Petitioner

No. 25156.

Heard May 9, 2000
Decided June 26, 2000

Former enrollee of church-operated day care facility sued church for mental and emotional injuries she allegedly sustained as result of being sexually abused while attending facility The Circuit Court, York County, John C Hayes, III, J, entered summary judgment for church on statute of limitations grounds Enrollee appealed The Court of Appeals reversed, 334 S C 150, 511 S E 2d 699 On writ of certiorari, the Supreme Court, Waller, J, held that. (1) causes of action based on repressed memory syndrome are allowed, (2) objectively verifiable evidence is necessary to corroborate repressed memory claim in order to use discovery rule, (3) plaintiff must use expert testimony to establish abuse and fact of repressed memories, and (4) application of discovery rule, as well as existence of corroborating evidence, are questions of fact for jury to determine when parties present conflicting evidence

Court of Appeals' decision affirmed

West Headnotes

[1] Limitation of Actions 95(4 1)
241k95(4 1) Most Cited Cases

Repressed memories of sexual abuse, known as dissociative amnesia, can exist, and a plaintiff may attempt to recover damages when those memories are triggered and remembered

[2] Appeal and Error 842(1)
30k842(1) Most Cited Cases

The Supreme Court is free to decide questions of law with no particular deference to the lower court Const Art 5, §§ 5, 9, Code 1976 §§ 14-3-320, 14-3-330, 14-8-200

[3] Limitation of Actions 95(4 1)
241k95(4 1) Most Cited Cases

The discovery rule may toll the statute of limitations during the period a victim psychologically represses her memory of sexual abuse. Code 1976 §§ 15-3-530(5), 15-3-535

[4] Limitation of Actions 95(2)
241k95(2) Most Cited Cases

For purposes of the discovery rule, the exercise of reasonable diligence means simply that an injured party must act with some promptness where the facts and circumstances of an injury would put a person of common knowledge and experience on notice that some right of his has been invaded or that some claim against another party might exist, the statute of limitations begins to run from this point and not when advice of counsel is sought or a full-blown theory of recovery developed Code 1976, § 15-3-535

[5] Limitation of Actions 95(1)
241k95(1) Most Cited Cases

The important date under the discovery rule is the date that a plaintiff discovers the injury, not the date of the discovery of the identity of the wrongdoer Code 1976, §§ 15-3-530(5), 15-3-535

[6] Limitation of Actions 95(1)
241k95(1) Most Cited Cases

Under the discovery rule, the statute of limitations is triggered not merely by knowledge of an injury but by knowledge of facts, diligently acquired, sufficient to put an injured person on notice of the existence of a cause of action against another Code 1976, §§ 15-3-530(5), 15-3-535

[7] Limitation of Actions 95(4 1)
241k95(4 1) Most Cited Cases

An objective standard is applied when a plaintiff asserts the discovery rule in a case involving repressed memories of sexual abuse, thus, the question is not whether the plaintiff herself was on notice by a certain date, but whether a reasonable person in her circumstances would have been on notice by a certain date Code 1976 §§ 15-3-530(5), 15-3-535

[8] Limitation of Actions 197(2)

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241k197(2) Most Cited Cases
Action

A plaintiff who asserts the discovery rule in a case involving repressed memories of sexual abuse must establish the fact of her repressed memories by expert testimony because the matter lies outside the expertise of the lay person Code 1976, §§ 15-3-530(5), 15-3-535.

[9] Limitation of Actions 95(1)
241k95(1) Most Cited Cases

The discovery rule exists to avoid the harsh and unjust result of closing the courtroom doors to a plaintiff whose "blameless ignorance" resulted in a failure to pursue a cause of action within the limitations period Code 1976, § 15-3-535

[10] Limitation of Actions 1
241k1 Most Cited Cases

The limitations period is intended to run against those who are neglectful of their rights and who fail to exercise reasonable diligence in enforcing their rights, however, it is not the policy of the law to unjustly deprive an injured person of a remedy

[11] Limitation of Actions 197(2)
241k197(2) Most Cited Cases

A plaintiff must present independently verifiable, objective evidence that corroborates a repressed memory claim in order to assert the discovery rule Code 1976, § 15-3-535

[12] Limitation of Actions 197(2)
241k197(2) Most Cited Cases

Expert testimony is required to prove both the abuse and the repressed memory where the plaintiff asserts the discovery rule in a case involving repressed memories of sexual abuse Code 1976, § 15-3-535

[13] Limitation of Actions 197(2)
241k197(2) Most Cited Cases

With respect to the requirement that a plaintiff present independently verifiable, objective evidence that corroborates a repressed memory claim in order to assert the discovery rule in a case involving repressed memories of sexual abuse, the element of "objective verifiability" may be satisfied by corroborating evidence such as (1) an admission by the abuser, (2) a criminal conviction, (3) documented medical history of childhood sexual abuse, (4) contemporaneous records or written statements of the abuser, such as diaries or letters, (5) photographs or recordings of the abuse, (6) an objective eyewitness's account, (7) evidence the abuser had sexually abused others, or (8) proof of a chain of facts and circumstances having sufficient probative force to produce a reasonable and probable conclusion that sexual abuse occurred Code 1976 § 15-3-535

[14] Evidence 587
157k587 Most Cited Cases

"Direct evidence" is the testimony of a person who asserts or claims to have actual knowledge of a fact, such as an eyewitness

[15] Evidence 587
157k587 Most Cited Cases

"Circumstantial evidence" is proof of a chain of facts and circumstances indicating the existence of a fact

[16] Evidence 587
157k587 Most Cited Cases

The law makes absolutely no distinction between the weight or value to be given to either direct or circumstantial evidence

[17] Limitation of Actions 197(2)
241k197(2) Most Cited Cases

There is no distinction between the use of direct or circumstantial evidence in determining the applicability of the discovery rule in a case involving repressed memories of sexual abuse Code 1976 §§ 15-3-530(5), 15-3-535

[18] Limitation of Actions 199(1)
241k199(1) Most Cited Cases

The application of the discovery rule and the existence of corroborating evidence are questions of fact for the jury when the parties present conflicting evidence in a case involving repressed memories of sexual abuse Code 1976, §§ 15-3-530(5), 15-3-535

****673*324** David B Betts of Columbia and Frank A Hirsch, Jr of Charlotte, N C , for petitioner

Gregg E Meyers of Charleston for respondent

WALLER, Justice

This case presents the novel issues of whether a cause of action based on repressed memory syndrome is viable in South Carolina, and whether an adult who

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alleges she repressed memories of childhood sexual abuse may bring a timely cause of action under the "discovery rule" contained in S C Code Ann § 15-3-535 (Supp 1999) after recovering the memories

**674 Amy Ferrell Moriarty sued Garden Sanctuary Church of God (the Church) to recover damages for sexual abuse she allegedly suffered as a young child at a day care center operated by the Church The circuit court granted the Church's motion for summary judgment, ruling the action was time-barred pursuant to S C Code Ann § 15-3-40 (1976) and *Doe v R D*, 308 S C. 139, 417 S E 2d 541 (1992) The Court of Appeals reversed *Moriarty v Garden Sanctuary Church of God,* 334 S C 150, 511 S E 2d 699 (Ct App 1999) We granted the Church's petition for a writ of certiorari to review that decision and now affirm

FACTS

We will briefly outline the facts, which are set forth more fully in the Court of Appeals' opinion Moriarty was born August 26, 1971 She attended the Church's Kiddie Kollege Day Care Center from August 1973, when she was two years old, until May 1976, when she was about 4 1/2 years old During that period, Moriarty became stubborn and unhappy She experienced night terrors and grew apprehensive about attending day care A pediatrician, who was unaware of anything unusual happening at the day care center, told Moriarty's mother not to worry about it

Moriarty continued to have emotional problems and teachers told her mother that Moriarty did not work up to her potential She received mental health counseling during her school years In 1992, Moriarty sought mental health counseling *325 again after she began obsessively counting numbers in her head She became depressed, missed her nursing classes, slept excessively, and began taking Prozac

After studying masturbation in her nursing classes, she became obsessed it was abnormal Her studies and counseling apparently triggered her recovery of the repressed memories She began to see pictures in her mind of a little girl's hand masturbating a male and in late November 1992, she recognized the hand as her own Moriarty remembered wearing a particular yellow dress during an episode of abuse, and an old family film not viewed in years showed her wearing that dress Moriarty recalled particular physical characteristics of the abuser crooked teeth, bushy eyebrows, and frizzy hair She visited each of the locations where she had attended day care and had a "strong reaction" to Kiddie Kollege Upon review of a series of photographs, she had a "strong reaction" to a picture of one individual who had bushy eyebrows and frizzy hair Moriarty recalled her abuser used a particular name to refer to his penis She further remembered her abuser warning her that if she told about the abuse she would be "overtaken by the devil" Moriarty alleged the abuser removed her from supervised rest periods to perform the abusive acts

The complaint that Moriarty, then twenty-six years old, filed in November 1995 alleged causes of action for negligent infliction of severe emotional distress, invasion of privacy, negligent supervision, and breach of warranty Moriarty contended she had sued the Church within three years of recovering specific memories of the alleged abuse in late 1992 and 1993, and her lawsuit was timely under the discovery rule contained in S C Code Ann § 15-3-535 (Supp 1999) [FN1]

FN1 Section 15-3-535 provides
Except as to actions initiated under Section 15-3-545, all actions initiated under Section 15-3-530(5) must be commenced within three years after the person knew or by the exercise of reasonable diligence should have known that he had a cause of action

The Church argued the action accrued, if at all, not later than May 1976 Therefore, Moriarty's action was time-barred because she failed to commence it within one year of her twenty-first birthday or not later than August 26, 1993 *See* *326 S C Code Ann § 15-3-40 (1976) [FN2] The Church further argued the statute of limitations was not tolled under section 15-3- 535

FN2 The reduction in the age of majority from twenty-one to eighteen took effect July 2, 1976, about two months after Moriarty stopped attending the Church's day care center Act No 695, 1976 Acts 1886 Therefore, her case would fall under the twenty-one-year provision

The Court of Appeals rejected the Church's position and reversed the grant of summary judgment to the Church

**675 [1] We affirm without extensive discussion the Court of Appeals' holding that repressed memories of sexual abuse can exist and a plaintiff may attempt to recover damages when those

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memories are triggered and remembered The condition is known as dissociative amnesia A cause of action based on such a theory is valid in South Carolina for the reasons set forth by the Court of Appeals *Moriarty,* 334 S C at 156-62, 511 S E 2d at 702-05

We will address in more detail the Court of Appeals' holdings regarding the use of the discovery rule contained in S C Code Ann § 15-3-535

ISSUES

1 Did the Court of Appeals err in holding that a plaintiff may assert the "discovery rule" contained in S C Code Ann § 15-3-535 in a case involving repressed memory of sexual abuse?

2 Did the Court of Appeals err in holding that a repressed memory plaintiff must provide corroborating evidence of injury as a prerequisite to application of the discovery rule?

3 If corroborating evidence is a prerequisite to application of the discovery rule, did the Court of Appeals err by permitting circumstantial evidence to satisfy that prerequisite?

4 If corroborating evidence is a prerequisite to application of the discovery rule, may application of the rule and the existence of corroborating evidence remain questions of fact for the jury?

**327 STANDARD OF REVIEW*

A trial court may properly grant a motion for summary judgment when "the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law " Rule 56(c) SCRCP Summary judgment is not appropriate when further inquiry into the facts of the case is desirable to clarify the application of the law *Tupper v Dorchester County,* 326 S C 318, 487 S E 2d 187 (1997) Summary judgment should not be granted even when there is no dispute as to evidentiary facts if there is dispute as to the conclusion to be drawn from those facts *Id* In determining whether any triable issues of fact exist, the court must view the evidence and all reasonable inferences that may be drawn from the evidence in the light most favorable to the non-moving party *Manning v Quinn,* 294 S C 383, 365 S E 2d 24 (1988) An appellate court reviews the granting of summary judgment under the same standard applied by the trial court pursuant to Rule 56 SCRCP *Wells v City of Lynchburg,* 331 S C 296, 501 S E 2d 746 (Ct App 1998)

[2] We are free to decide questions of law--in this case whether South Carolina recognizes a certain cause of action and whether the discovery rule may apply when that cause of action is asserted--with no particular deference to the lower court *See* S C Const art V, §§ 5 and 9, S C Code Ann §§ 14-3-320 and -330 (1976 & Supp 1999), S C Code Ann § 14-8-200 (Supp 1999) (granting Supreme Court and Court of Appeals the jurisdiction to correct errors of law in both law and equity actions), http //www westlaw com/Find/Default wl?rs=dfa1 0 &vr=2 0&DB=711&FindType=Y&SerialNum=2000 033243\fs20fldrslt*I'On v Town of Mt Pleasant,* 338 S C 406, 526 S E 2d 716 (2000)

DISCUSSION

1 APPLICATION OF DISCOVERY RULE

[3] The Church contends the Court of Appeals erred in holding that the "discovery rule *may* toll the statute of limitations during the period a victim psychologically represses ***328** her memory of sexual abuse " *Moriarty,* 334 S C at 168, 511 S E 2d at 709 (emphasis in original) [FN3] We disagree

FN3 Cases addressing S C Code Ann § 15-3-535 usually have not described that statute as "tolling" the statute of limitations The cases typically state that the statute of limitations "begins to run" on the date the plaintiff either knew or should have known through the exercise of reasonable diligence that she had a cause of action *See, e g, Doe v Doe* 28 F 3d 404 (4th Cir 1994), *True v Monteith,* 327 S C 116, 489 S E 2d 615 (1997), *Wiggins v Edwards,* 314 S C 126, 442 S E 2d 169 (1994), *Snell v Columbia Gun Exchange, Inc,* 276 S C 301, 278 S E 2d 333 (1981), *Dorman v Campbell,* 331 S C 179, 500 S E 2d 786 (Ct App 1998), *Brown v Pearson,* 326 S C 409, 483 S E 2d 477 *(Ct App 1997), see also Mills v Killian,* 273 S C 66, 254 S E 2d 556 (1979) *(concluding "the accrual upon discovery rule represents the more equitable and rational view" in a case that arose prior to the enactment of section 15-3-535) Section 15-3-535 does not contain any express "tolling" provisions, unlike S C Code Ann § 15-3-40, which we have described as a "tolling statute " See Wiggins, supra* (using "begins to run" language when discussing section 15-3-535 and "tolling" language when discussing section 15-3-40)

Moriarty could have brought her lawsuit under two other statutes of limitation if she had done so in a timely manner the six-year limit of S C Code Ann § 15-3-530(5) that was in effect in 1976 and

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the age of majority statute contained in section 15-3-40 The time periods established in those statutes had expired by the time Moriarty brought her lawsuit in 1995, therefore, one could argue there was no statute of limitations to "toll," i e, "to suspend or stop temporarily " *See Black's Law Dictionary* 1488 (1990) On the other hand, one could conclude, as the Court of Appeals apparently did, that the initial six-year limit or age of majority statute was tolled by Moriarty's repression of the memories.

Distinctions about whether another statute of limitations is "tolled" by section 15-3-535 or whether a cause of action accrues upon discovery, thus causing the limitations period to begin to run under section 15-3-535, appear largely academic *Cf Hearndon v Graham,* 710 So 2d 87, 90-92 (Fla Ct App 1998) *The ultimate question remains the same May a plaintiff assert section 15-3-535 in a repressed memory case in order to maintain a timely cause of action? However, for consistency's sake, we adhere to our analysis in previous cases and avoid use of "tolling" language in discussing section 15-3-535*

***676** *[4] A plaintiff must bring a personal injury action within three years after the plaintiff knew or by the exercise of reasonable diligence should have known that she had a cause of action S C Code Ann § 15-3- 530(5) and -535 (Supp 1999) "The exercise of reasonable diligence means simply that an injured party must act with some promptness where the facts and circumstances of an injury would put a person of common knowledge and experience on notice that some right of his has *329 been invaded or that some claim against another party might exist The statute of limitations begins to run from this point and not when advice of counsel is sought or a full-blown theory of recovery developed " Wiggins v Edwards,* 314 S C 126, 128, 442 S E 2d 169, 170 (1994) *(quoting Snell v Columbia Gun Exchange, Inc,* 276 S C 301, 278 S E 2d 333 (1981))

[5][6] "The important date under the discovery rule is the date that a plaintiff discovers the injury, not the date of the discovery of the identity of [the] wrongdoer " Wiggins, supra However, under section 15-3-535, "the statute of limitations is triggered not merely by knowledge of an injury but by knowledge of facts, diligently acquired, sufficient to put an injured person on notice of the existence of a cause of action against another " *True v Monteith,* 327 S C 116, 118, 489 S E 2d 615, 617 (1997)

Initially, we agree with the Church and the Court of Appeals that the circuit court's reliance on *Doe v R D,* 308 S C 139, 417 S E 2d 541 (1992) was misplaced In *Doe,* the plaintiff was fully aware that he had been sexually abused by his father from age six to sixteen He filed a lawsuit against his parents more than twenty years after the abuse ended and long past the age of majority The plaintiff argued the discovery rule should apply or the majority statute of limitations should be tolled until he discovered the *extent* of his injuries through a diagnosis of delayed stress syndrome

We rejected those arguments, concluding only the Legislature may create such an exception to the statutes of limitation We noted, however, that the plaintiff had not alleged he only recently discovered he was sexually abused by his father, suggesting that might lead to different result. *Id* at 141, 417 S E 2d at 542

We find *Doe* distinguishable because it was not a repressed memory case Moriarty, unlike the plaintiff in *Doe,* did not realize she had been injured by sexual abuse until her studies and counseling allegedly caused her to recover the repressed memories It is not necessary to create any exception to the statute of limitations in Moriarty's case It is necessary only to apply the discovery rule's requirement of reasonable diligence, as this Court and others have done in various cases *See, e g,* ***677*330***Hinson v Owens- Illinois, Inc,* 677 F Supp 406 (D S C 1987) *(asbestos case), True, supra* (legal malpractice action by client), *Rogers v Efird's Exterminating Co,* 284 S C 377, 325 S E 2d 541 (1985) (action by homeowner against termite extermination company), *Brown v Pearson,* 326 S C 409, 483 S E 2d 477 (Ct App 1997) (sexual harassment action by church members against pastor)

Similarly, we conclude the view expressed in *Roe v Doe,* 28 F 3d 404 (4th Cir 1994) is neither dispositive nor at odds with application of the discovery rule in this case In *Roe,* the plaintiff discovered her injury by gradually recovering memories of sexual abuse that she had repressed since the age of four or five The Fourth Circuit Court of Appeals, applying the discovery rule in an objective fashion, concluded the plaintiff sufficiently had regained her memory to discover the injury no later than May 4, 1989 Thus the lawsuit she filed May 5, 1992, did not comply with the three-year limit contained in S C Code Ann § 15-3-535

Roe stands for the proposition that a repressed

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memory plaintiff--like plaintiffs seeking to use the discovery rule in other cases--must bring her action within the required period after the date a reasonable person would have regained sufficient memories to discover her injury Unlike the plaintiff in *Roe,* Moriarty filed her complaint within three years after allegedly discovering her injury by remembering she had been abused at the Church's day care center

Many states have applied the discovery rule by judicial decision or by statute in childhood abuse cases in which memories allegedly were repressed *See* Doe v Roe, 191 Ariz 313, 955 P 2d 951, 960 (1998) *(listing cases), Dalrymple v Brown,* 549 Pa 217, 701 A 2d 164, 170 n 9 (1997) *(listing cases), S V v R V,* 933 S W 2d 1, 20-22 (Tex 1996) *(listing cases and statutes), Moriarty,* 334 S C at 164-165, 511 S E 2d at 707 *(listing cases and statutes), Gregory G Sarno, Annotation, Emotional or Psychological "Blocking" or Repression as Tolling Running of Statute of Limitations,* 11 A L R 5th 588 (1993), *Annotation, Posttraumatic Syndrome as Tolling Running of Statute of Limitations,* 12 A L R 5th 546 (1993), *Michael Krauss, Fundamental Fairness in Child Sexual Abuse Cases,* 8 Stan L & Pol'y Rev , 205 (1997) *[FN4]*

> *FN4 The South Carolina Legislature has considered establishing a statute of limitations containing a discovery rule for civil actions stemming from childhood sexual abuse H 3927, 110th Leg , 1st Sess (S C 1993) The bill would have required a plaintiff to bring an action for sexual abuse or incest within ten years of becoming eighteen or "within four years from the time of discovery by the person of the injury and the causal relationship between the injury and the sexual abuse or incest, whichever occurs later " The bill would not have required any corroborating evidence The bill passed the House, but died in the Senate Judiciary Committee*

***331** *The Church contends the discovery rule should not apply because repression is just another way of describing the normal process of forgetting, and cites courts that have refused to apply the rule in repressed memory cases The Church relies on Doe v Maskell,* 342 Md 684, 679 A 2d 1087 (1996), *in which the Maryland Court of Appeals held that a court-created discovery rule did not apply in a repressed memory case involving high school students sexually abused by a school chaplain The Maryland court explained that adversaries of the concept believe no empirical evidence of repression exists, the psychological community disagrees on the subject, and recovered memories can be manipulated by therapists The court concluded that repressing a memory and forgetting it are indistinguishable scientifically and legally, and observed the legislature could address the matter if it wished Id* at 1091-92

In our view, equating a repressed memory to merely "forgetting" ignores advances in the understanding of the human mind True, it is not a precise science and many matters cannot be determined, for example, with the certainty of an engineering problem or mathematical equation in a products liability lawsuit But the same can be said about many cases involving a "battle of experts," which is why courts and legislatures have developed rules of evidence and principles regarding the admissibility of scientific and technical testimony See State v Council 335 S C 1, 19-21, 515 S E 2d 508, 517- 18 (1999) *(declining* ***678** *to adopt Daubert*[FN5] analysis and explaining procedure trial judge must use under South Carolina Rules of Evidence in deciding whether to admit scientific evidence), Rules 702-705, SCRE, *see also* ***332** Kumho Tire Co Ltd v Carmichael, 526 U S 137, 119 S Ct 1167, 143 L Ed 2d 238 (1999) *(holding that a federal trial judge's gatekeeping obligation under the Federal Rules of Evidence--to ensure that an expert witness' testimony rests on a reliable foundation and is relevant to the task at hand--applies not only to testimony based on scientific knowledge, but also to all expert testimony, including technical and other specialized knowledge)*

> *FN5 Daubert v Merrell Dow Pharmaceuticals, Inc ,* 509 U S 579, 113 S Ct 2786, 125 L Ed 2d 469 (1993)

The Church contends that applying the discovery rule would defeat the purpose of limitations statutes in this setting Even a reasonable three- or four-year-old would recognize such conduct as a battery and so should have only until the age of majority plus one year to file an action, the Church argues The Church cites Lindabury v Lindabury, 552 So 2d 1117 (Fla Ct App 1989) *(incestuous acts damaged child when they occurred and action filed long after reaching age of majority was time-barred) and Tyson v Tyson,* 107 Wash 2d 72, 727 P 2d 226 (1986) *(sharply divided court rejected application of the discovery rule in a case of repressed memories of sexual abuse)*

We reject the Church's argument, Instead, we find the views expressed by the dissenters in Lindabury and *Tyson,* who would have applied the discovery

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rule, more persuasive The *Lindabury* dissenter explained that repression appeared in the literature by the late 1800s and, even though it is one of the many "gray areas" in the field of psychiatry, courts should not mechanically apply the statute of limitations in such cases *Id* at 1118-21 A more recent Florida Court of Appeals from another district criticized *Lindabury,* explaining that the majority of courts have applied the discovery rule in repressed memory cases *Hearndon v Graham,* 710 So 2d 87 (Fla Ct App 1998) The Washington legislature nullified *Tyson* by enacting a discovery rule in such cases, and the *Tyson* majority opinion has not been followed by most courts *See* Wash Rev Code § 4 16 340 (1999)

Our Court of Appeals and the numerous commentators it cites explain that young children may sense something wrong has occurred when they are molested But they are neither mentally nor emotionally prepared to deal with it and so may repress the memory for years Although there is no clear consensus among the psychological, medical, or legal communities ***333** about repressed memory syndrome, we do not believe the law should expect a 4 1/2 -year-old child to recognize an "offensive touching," such that the child should always be bound by the majority statute of limitations

[7][8] We reject the Church's argument that the Court of Appeals established a discovery rule that will be applied in a subjective fashion That court flatly stated that "[a]pplication of the discovery rule is an objective determination [and] [t]he focus is upon the date of discovery of the injury, not the date of discovery of the wrongdoer " *Moriarty,* 334 S C at 163, 511 S E 2d at 706 (citing *Wiggins, supra*) The discovery rule will apply in Moriarty's case if she can prove to the jury that a person of common knowledge and experience would not have been put on notice that she had a claim against the Church until late 1992 and 1993 She will have to establish the fact of her repressed memories by expert testimony because the matter lies outside the expertise of the lay person *Id* at 171-73, 511 S E 2d at 710- 11

The rule under the Court of Appeals' opinion is not whether Moriarty herself was on notice by a certain date (a subjective standard), but whether a reasonable person in her circumstances would have been on notice by a certain date (an objective standard) The statute begins to run on the date that the jury believed the repression ended and the resurfacing memories would have put a reasonable person on sufficient notice

[9][10] In sum, the discovery rule exists to avoid the harsh and unjust result of closing ****679** the courtroom doors to a plaintiff whose "blameless ignorance" resulted in a failure to pursue a cause of action within the limitations period *See Urie v Thompson* 337 U S. 163, 170, 69 S Ct. 1018, 1025, 93 L Ed 1282, 1292 (1949) *The limitations period is intended to run against those who are neglectful of their rights and who fail to exercise reasonable diligence in enforcing their rights However, it is not the policy of the law to unjustly deprive an injuredperson of a remedy See Wiggins, supra, Trine, supra*

An analogy offered by another court applying the discovery rule in a case similar to Moriarty's is enlightening

> ***334** The present case might profitably be compared with a hypothetical one Suppose that the defendant threw acid in a plaintiff's face and blinded her As a result of her blindness, which was caused by the defendant, the plaintiff has become disabled from making an identification, and no other evidence is available Twenty-five years later, however, a new procedure restores the plaintiff's 20 20 eyesight She identifies the defendant as her assailant from a photograph taken of the defendant on the day of the assault To apply the statute of limitations against the plaintiff in such a case to defeat recovery would surely be intolerable, for to do so would permit the assailant to profit from his own wrong
>
> *Farris v Compton,* 652 A 2d 49, 59 (D C 1994)

Accordingly, we affirm the Court of Appeals and hold that a plaintiff may assert the discovery rule contained in S C Code Ann § 15-3-535 in a case involving repressed memories of sexual abuse

2 CORROBORATING EVIDENCE

[11][12] The Court of Appeals, recognizing the "horrific possibility of false accusations," held that a plaintiff must present independently verifiable, objective evidence that corroborates a repressed memory claim in order to assert the discovery rule contained in S C Code Ann § 15-3-535 That court further held that expert testimony is required to prove both the abuse and the repressed memory *Moriarty,* 334 S C at 168- 73, 511 S E 2d at 709-11 The Church urges the Court to embrace the requirement of corroborating evidence

Courts that have not required corroborating evidence reason that a repressed memory case is no different than any other "swearing contest" or "battle of experts " A plaintiff in a repressed memory case will bear a substantial burden of proving a case

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at trial under the controversial theory, and it is not necessary for the court to impose a higher burden in applying the *335 discovery rule or on the merits *See McCollum v D'Arcy* 138 N H 285, 638 A 2d 797, 799 (N H 1994) *(rejecting requirement of corroborating evidence because it is not required in other discovery rule cases and legislature may impose it if it wishes), Logerquist v Danforth,* 188 Ariz 16, 932 P 2d 281 (Ct App 1996) *(stating most courts in applying discovery rule in repressed memory case have not required corroboration, plaintiff must still prove her case andapplication of discovery rule and whether abuse occurred are questions of fact for jury), Phillips v Johnson,* 231 Ill App 3d 890, 174 Ill Dec 458, 599 N E 2d 4, 7 (1992) *(concluding trial court improperly considered the reliability of plaintiff's anticipated evidence in dismissing repressed memory complaint because plaintiff had offered no "verifiable" evidence, psychological evidence is generally admissible, assuming that relevancy and foundational requirements are met, and determination of credibility and weight are matters for jury)*

We recognize that we never have required corroborating evidence in applying the discovery rule in any other setting We also recognize that of at least twenty-four states adopting statutes since the late 1980s expressly allowing use of the discovery rule in actions by adult survivors of child abuse, only two have imposed any special requirements See Cal Civ Proc Code § 340 1 (Supp 2000) (requiring attorney to file "certificate of merit" that he has consulted with at least one licensed mental health practitioner who believes the claim has merit, certificate must be approved by court before a complaint may be served on defendant), Okla Stat Ann tit 12, § 95(6) (1999) (requiring plaintiff to present objective verifiable evidence, which **680 should include both proof that victim had psychologically repressed memory of the facts upon which the claim was predicated and corroborating evidence that sexual abuse actually occurred), *see also S V,* 933 S W 2d at 21-22 *(suggesting that second generation of discovery rule statutes in child sexual abuse cases is likely to require corroborating evidence)*

*Nevertheless, we agree with the Court of Appeals that requiring corroborating evidence appropriately balances the plaintiffs interest in pursuing a valid claim and the defendant's interest in being able to defend a stale or false claim The primary reasons other courts have imposed the requirement are the disagreement among the psychological and medical communities about the validity of repressed memory syndrome, the danger a plaintiff's memories could be faked or implanted during therapy, and the desire that a plaintiff not have the ability to control the running of the statute of limitations solely by allegations whose only support is contained*336 within the plaintiff's mind See Roe v Doe* 28 F 3d at 408-09 *(suggesting that corroborative evidence of abuse and repressed memory should be required) (Hall, J, concurring), Olsen v Hooley,* 865 P 2d 1345, 1349- 50 (Utah 1993) *(requiring corroborating evidence because of concerns about the reliability of memory in general and revived memories in particular, and the difficulty of defending against claims of revived memories of sexual abuse long past), S V,* 933 S W 2d at 7-15 *(discovery rule applies in repressed memory case only when claim is "inherently undiscoverable" and "objectively verifiable" through corroborating evidence, court assumed plaintiff's injury was inherently undiscoverable, but rejected application of discovery rule because she offered no corroborating evidence)*

We find the reasoning of these courts persuasive Accordingly, we affirm the Court of Appeals and hold that a plaintiff must present independently verifiable, objective evidence that corroborates a repressed memory claim in order to assert the discovery rule contained in S C Code Ann § 15-3-535 We further hold that expert testimony is required to prove both the abuse and the repressed memory

3 USE OF CIRCUMSTANTIAL EVIDENCE TO CORROBORATE CLAIM

[13] The Court of Appeals held that the element of "objective verifiability" may be satisfied by corroborating evidence such as (1) an admission by the abuser, (2) a criminal conviction, (3) documented medical history of childhood sexual abuse, (4) contemporaneous records or written statements of the abuser, such as diaries or letters, (5) photographs or recordings of the abuse, (6) an objective eyewitness's account, (7) evidence the abuser had sexually abused others, or (8) proof of a chain of facts and circumstances having sufficient probative force to produce a reasonable and probable conclusion that sexual abuse occurred Moriarty, 334 S C at 171, 511 S E 2d at 710

The Church urges the Court to strike the eighth category, arguing its inclusion effectively nullifies the requirement of corroborating evidence We disagree

**337[14][15][16] "Direct evidence is the testimony of a person who asserts or claims to have actual knowledge of a fact, such as an eyewitness Circumstantial evidence is proof of a chain of facts and circumstances indicating the existence of a fact " State v Needs,* 333 S C 134, 156 n 13, 508 S E 2d

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857, 868 n 13 (1998) *(language drawn from jury instruction in criminal case) "The law makes absolutely no distinction between the weight or value to be given to either direct or circumstantial evidence" Id*

This Court has not distinguished between the two types of evidence in numerous cases *See, e g,* Tiller v Nat'l Health Care Center of Sumter, 334 S C 333, 341, 513 S E 2d 843, 846 (1999) *(proof that workers' compensation claimant sustained an injury may be established by circumstantial or direct evidence), Holtzscheiter v Thomson Newspapers, Inc,* 332 S.C 502, 513, 506 S E 2d 497, 503 (1998) *(directed verdict on liability in civil case is properly denied when there is any evidence, direct or circumstantial, justifying submission of issue to jury), **681State v Kelsey,\fs20fs20* 331 S C 50, 62, 502 S E 2d 63, 69 (1998) *(in considering directed verdict motion in criminal case at trial and on appeal, evidence must be viewed in light most favorable to State, and court must find that the case was properly submitted to the jury when there is any direct evidence or any substantial circumstantial evidence reasonably tending to prove defendant's guilt), Waters v South Carolina Land Resources Conservation Comm'n,* 321 S C 219, 226, 467 S E.2d 913, 917 (1996) *(fact that geologist relied on circumstantial rather than direct evidence in forming his conclusions goes to the weight of the evidence, and may be relied on by administrative agency and court to support a finding of fact), Anders v Anders,* 285 S C. 512, 515, 331 S E 2d 340, 342 (1985) *(either circumstantial or direct evidence, or a combination of the two, may be sufficient to prove adultery as grounds for a divorce), Mahaffey v Ahl,* 264 S C 241, 247, 214 S E 2d 119, 122 (1975) *(it is axiomatic in this State that issues of negligence and proximate cause may be resolved by direct or circumstantial evidence), First Union Nat'l Bank of South Carolina v Soden,* 333 S C 554, 575, 511 S E 2d 372, 383 (Ct App 1998) *(tort of civil conspiracy may be shown by circumstantial as well as direct evidence), *338\fs20cf2Bilton v Best Western Royal Motor Lodge,* 282 S C 634, 642, 321 S E 2d 63, 68 (Ct App 1984) *(circumstantial evidence and inferences drawn therefrom may be relied on to support a finding of fact of an administrative agency) [FN6]*

> *FN6 In Needs,* we also authorized continued use of a circumstantial evidence charge in criminal cases that states a jury may not convict a defendant "unless every circumstance relied upon by the State be proven beyond a reasonable doubt, and all of the circumstances so proven be consistent with each other and taken together, point conclusively to the guilt of the accused to the exclusion of every other reasonable hypothesis" *Needs,* 333 S C at 156 n 13, 508 S E 2d at 868 n 13 This charge indicates circumstantial evidence requires greater scrutiny than direct evidence in a criminal proceeding Regardless, we conclude that circumstantial and direct evidence may be equally valid and convincing in this civil action

[17] We find no reason to draw a distinction between the use of direct or circumstantial evidence in a repressed memory case The other examples of corroborating evidence identified above may consist of direct or circumstantial evidence The focus in this setting is not on whether the corroborating evidence is direct or circumstantial The focus is on whether the evidence is "objectively verifiable," such that it corroborates the plaintiff's recovered memories Accordingly, we affirm the Court of Appeals and hold that corroborating evidence may consist of the various examples, including proof of a chain of facts and circumstances having sufficient probative force to produce a reasonable and probable conclusion that sexual abuse occurred

4 QUESTIONS OF FACT FOR JURY

[18] Given our holding that corroborating evidence is a prerequisite to application of the discovery rule in a repressed memory case, the final issue is whether application of the discovery rule and the existence of corroborating evidence may remain questions of fact for the jury The answer is "yes"

Application of the discovery rule contained in S C Code Ann § 15-3- 535, as well as the determination of the date the statute began to run in a particular case, are questions of fact for the jury when the parties present conflicting evidence *See* Arant v Kressler, 327 S C 225, 229, 489 S E 2d 206, 208 (1997) *(when testimony conflicts regarding time of discovery of *339 a cause of action, it becomes an issue for the jury to decide), http://www.westlaw.com/Find/Default.wl?rs=dfa1.0&vr=2.0&DB=711&FindType=Y&ReferencePositionType=S&SerialNum=1993168801&ReferencePosition=47Johnston v Bowen,* 313 S C 61, 64, 437 S E 2d 45, 47 (1993) *(whether a claimant knew or should have known that they had a cause of action is question for the jury), Santee Portland Cement Co v Daniel Int'l Corp,* 299 S C 269, 274, 384 S E 2d 693, 696 (1989) *(application of discovery rule to a claim is a question of fact for jury), overruled on*

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other grounds by Atlas Food Sys and Servs, Inc v Crane Nat'l Vendors Div of Unidynamics Corp, 319 S C 556, 462 S E 2d 858 (1995), *Brown v Finger*, 240 S C 102, 113, 124 S E 2d 781, 786 (1962) *(when testimony is conflicting upon the statute of limitations, it becomes an issue for jury to decide), Maher v Tietex Corp*, 331 S C 371, 377, 500 S E 2d 204, 207 (Ct App 1998) *(in determining whether statute of limitations begins to run under discovery **682 rule, jury must resolve conflicting evidence as to whether a claimant knew or should have known he had a cause of action)*

In this case, following the Church's motion for a judgment as a matter of law based on the statute of limitations, Moriarty must demonstrate the existence of a genuine issue of material fact regarding the application of the discovery rule She also must present corroborating evidence supporting her claim of alleged abuse The court must consider the evidence and all inferences that may be drawn from it in the light most favorable to Moriarty, the non-moving party See Rule 56, SCRCP; *Manning v Quinn*, 294 S C 383, 365 S E 2d 24 (1988)

If the motion is denied, Moriarty still bears the burden of proving at trial that she repressed memories of the abuse and that corroborating evidence supports her claim If the jury finds for the plaintiff on those issues, the jury must determine when the plaintiff recalled the abuse, such that a person of common knowledge and experience would be on notice that some right of hers has been invaded or that some claim against another party might exist It is on that date the statute of limitations begins to run *See Moriarty* 334 S C at 169, 511 S E 2d at 709 *(citing Olsen*, 865 P 2d at 1349-50) *Application of the discovery rule at summary judgment and at trial is an objective determination' Arant*, 327 S C at 229, 489 S E 2d at 208, **340Kreutner v David*, 320 S C 283, 285, 465 S E 2d 88, 90 (1995), *Wiggins v Edwards*, 314 S C 126, 128-29, 442 S E 2d 169, 170 (1994)

CONCLUSION

We hold that a plaintiff may bring a cause of action based on repressed memory syndrome to recover damages for sexual abuse she allegedly suffered as a child A repressed memory plaintiff may assert the discovery rule contained in S C Code Ann § 15-3-535 (Supp 1999) However, the plaintiff must present--both at the summary judgment stage and at trial--objectively verifiable evidence to corroborate a repressed memory claim in order to use the discovery rule Such corroborating evidence may consist of direct or circumstantial evidence The plaintiff must use expert testimony to establish the abuse and the fact of the repressed memories The application of the discovery rule, as well as the existence of corroborating evidence, are questions of fact for the jury to determine when the parties present conflicting evidence

We express no opinion on the merits of Moriarty's claim or on the validity of repressed memory syndrome as it may apply in her case We reverse the grant of summary judgment to Church and remand this case for further proceedings consistent with this opinion

AFFIRMED

TOAL, C J., BURNETT, PLEICONES, JJ, and Acting Justice McKELLAR, concur

534 S E 2d 672, 341 S C 320

END OF DOCUMENT

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STATE OF SOUTH CAROLINA)
)
COUNTY OF CHSRLESTON)

Jane Doe,)
)
PLAINTIFF,)
)
vs)
)
Charles Smith, Charleston)
County School District and James)
Island High School,)
DEFENDANTS.)
)
)

IN THE COURT OF COMMON PLEAS

10-CP-10-76099

C/A No.: ~~2006-CP-10-5203~~
2007

AMENDED
SUMMONS
JURY TRIAL REQUESTED

2008 FEB -1 AM 10:16
CLERK OF COURT
BY

TO THE DEFENDANT(S) ABOVE-NAMED·

YOU ARE HEREBY SUMMONED and required to answer the Complaint in this action, a copy of which is hereby served upon you, and to serve a copy of your Answer to the said Complaint on the subscribers at their office, located at 1225 S Church Street, Greenville, South Carolina, 29605, within thirty (30) days after service thereof exclusive of the day of such service, and if you fail to answer the Complaint within the time aforesaid, judgment by default will be rendered against you for the relief demanded in the Complaint

MOONEYHAM FLOWERS BERRY & KAROW
David Flowers
Kim Berry
Attorneys for the Plaintiff
Post Office Box 8359
Greenville, South Carolina 29604
864 421.0036 Fax 864 421 9060

Greenville, South Carolina

December 6, 2007

STATE OF SOUTH CAROLINA)	
)	IN THE COURT OF COMMON PLEAS
COUNTY OF CHARLESTON)	C.A. No.. ~~2007-CP-10-5203~~ 10-CP-10-76099
Jane Doe,)	
)	
Plaintiff)	
)	**AMENDED COMPLAINT**
vs)	JURY TRIAL DEMANDED
)	
Charles Smith, Charleston)	
County School District, and James)	
Island High School,)	
)	
Defendant)	

FILED
2008 FEB -1 AM 10: 16
JULIE J. ROBINSON
CLERK OF COURT
BY

Plaintiff, Jane Doe, respectfully complains of the Defendants and alleges as follows

1. Jane Doe is a pseudonym for a South Carolina resident who attended high school in Charleston County. She is bringing this action by way of a pseudonym due to the sensitive and private nature of these allegations.
2 Defendant Charleston County School District is a public school district located in Charleston County, which used to own, control and operate James Island High School, which is located in Charleston County
3. James Island High School is a charter school located in Charleston County which operates separately from the Charleston County School District and is run by it's own Board of Trustees.
4 Defendant Charles Smith was a teacher at James Island High School during the 1988-1989 school year
5 Defendant Charles Smith continues to teach at James Island High School today.
6. In the 1988-1989 school year, Jane Doe was a freshman student at James Island High School

7. Defendant Smith was Jane Doe's geography teacher at James Island High School

8. During the 1988-1989 academic year, Defendant Smith began touching Jane Doe, a minor child, in inappropriate and sexual ways on the premises of James Island High School during school hours.

9. During that same time period, Defendant Smith ingratiated himself with Jane Doe and her mother.

10 During that school year, Defendant Smith began giving Jane Doe rides home from school.

11. During that school year, Defendant Smith began committing a series of sexual assaults on the minor child Jane Doe

12 The sexual assaults occurred on the premises of James Island High School in Defendant Smith's car, and at other locations where Smith would take the minor child.

13. These assaults caused the minor child Jane Doe to suffer severe emotional distress to the point that she attempted suicide during that academic year.

14 Employees of James Island High School knew of Jane Doe's severe distress and of the time that Defendant Smith was spending with her, but no one attempted to investigate or intervene

15. Defendant Smith is one of at least two teachers who were sexually assaulting students at James Island High School during that academic year.

16. As a teacher, Defendant Smith held, and unfortunately still holds, a position of authority and trust over the students at James Island High School.

17 Defendant Smith has a duty to not abuse the position of authority and trust that he held, and still holds.

18. Sexual contact between a teacher and a student is always inappropriate.

19 Sexual contact between a teacher and a student is always a breach of the standard of care owed by teachers to students in the State of South Carolina.

20. It is the responsibility of the teacher to see that sexual contact does not occur between that teacher and a student

21. Defendant Charleston County School District had a duty to train its teachers not to engage in sexual misconduct during the 1988-1989 academic year.

22. Defendant Charleston County School District had a duty to monitor its teachers such that the teachers did not engage in sexual misconduct during the 1988-1989 academic year.

23. Defendant Smith breached his duty to Jane Doe by engaging in sexual contact with her when she was a minor child

24. Defendant Charleston County School District breached its duty to Jane Doe by not protecting her from the sexual predator, Charles Smith.

25. As a result of the Defendants' breaches, individually and collectively, Plaintiff has suffered damages in an amount to be determined by a jury.

26. Defendants are liable to the Plaintiff jointly and severally.

FOR A FIRST CAUSE OF ACTION

BREACH OF FIDUCIARY DUTY

(Against Defendants Smith and Charleston County Schol District)

27. All prior allegations are incorporated into this cause of action as if fully set forth.

28. A teacher owes a fiduciary duty to minor children that they teach.

29 A public school owes a fiduciary duty to minor students who attend the school.

30 A public school district owes a fiduciary duty to the students in the school district

31. Each of the Defendants breached their fiduciary duty to Plaintiff by engaging in sexual misconduct with the plaintiff or by permitting the sexual misconduct to occur.

32. The Defendants' respective breaches of their fiduciary duty to the Plaintiff have caused damage to Plaintiff

33. Defendants' breaches were the proximate cause of the damage to Plaintiff and she is therefore entitled to receive actual and punitive damages in an amount to be determined by the jury

FOR A SECOND CAUSE OF ACTION
GROSS NEGLIGENCE
(Against Defendants Smith and Charleston County Schol District)

34. All allegations above are incorporated herein as if fully set forth

35. Charleston County School District officials have been grossly negligent in supervising Charles Smith.

36. Charles Smith, on the premises of Charleston County School District, groomed the plaintiff for his own sexual gratification and then sexually assaulted her on a number of occasions

37. Charleston County School District had the ability to control Charles Smith at the time he harmed plaintiff

38. The gross negligence of Charleston County School District officials is a proximate cause of plaintiff's harm

39. Plaintiff has been harmed and has incurred damages as a result of the gross negligence of Charleston County School District.

40. Plaintiff is entitled to recover damages from Charleston County School District in an amount to be determined by the jury.

FOR A THIRD CAUSE OF ACTION
INJUNCTIVE RELIEF
(Against Defendant James Island Schol District only)

41. All allegations above are incorporated herein as if fully set forth.

42 James Island High School should be enjoined from failing to do the following:

a. To remove Charles Smith from contact with students,

b. To pursue with the State of South Carolina steps necessary to revoke the teaching certification of Charles Smith; and

c. To not retaliate against the plaintiff in any way.

REQUEST FOR JURY TRIAL

43 Plaintiff requests jury by trial.

WHEREFORE, the Plaintiff prays for the following from the court:

a Damages in an amount to be determined by the jury;

b Injunctive relief as set forth above;

c. The costs of this action be taxed against the defendants;

d All factual issues be determined by a jury; and

e Such other and further relief as the Court deems just and proper.

Respectfully Submitted,

MOONEYHAM FLOWERS BERRY & KAROW
David Flowers
Kim Berry
P O. Box 8359
Greenville, SC 29604
864-421-0036

Attorneys for Plaintiff

Date: 12/05/07

MOONEYHAM FLOWERS BERRY & KAROW, L.L.C.
TRIAL LAWYERS

January 28, 2008

Hon. Julie J. Armstrong
Charleston County Clerk of Court
100 Broad Street, #106
Charleston, SC 29401

RE: *Jane Doe vs Charles Smith and Charleston County School District*
C.A. No : ~~2007-CP-10~~-5203 10-CP-10-7099
Our File No.: 07-0137

Dear Ms. Armstrong.

Please find the original and two copies of the Amended Summons and Amended Complaint for filing with your office. Please return our copies in the self-addressed stamped envelope provided. Thank you for your assistance in this matter.

Sincerely,

MOONEYHAM FLOWERS BERRY & KAROW, L.L.C.

Tonya R. Henderson
Paralegal

Enclosures

Post Office Box 8359 Greenville, South Carolina 29604
864.421.0036 Fax 864.421.9060
EIN: 26-1242624

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STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF CHARLESTON	)	Case No 2010-CP-10-7699
JANE DOE	)	
Plaintiff,	)	**SECOND AMENDED SUMMONS (JURY TRIAL REQUESTED)**
v	)	
CHARLESTON COUNTY SCHOOL DISTRICT, JAMES ISLAND HIGH SCHOOL, AND CHARLES SMITH	)	
Defendants	)	

FILED
2011 MAR 22 PM 1:36
JULIE J. ARMSTRONG
CLERK OF COURT

TO: THE DEFENDANTS ABOVE NAMED

YOU ARE HEREBY SUMMONED and required to answer the amended complaint in this action, a copy of which is herewith served upon you, and to serve a copy of your answer to the complaint upon the subscribers at their offices at 622 Johnnie Dodds Boulevard, Mt Pleasant, South Carolina, 29464, within the time remaining for response to the original pleading or within fifteen (15) days after service hereof, exclusive of the day of such service, whichever period may be longer, and, if you fail to answer the amended complaint within the time aforesaid, the Plaintiff in this action will apply to the court for the relief demanded in the complaint and judgment by default will be rendered against you

THE RICHTER FIRM, LLC

By _____
Lawrence E Richter, Jr
Aaron E, Edwards
622 Johnnie Dodds Blvd
Mt Pleasant, SC 29464
(843) 849-6000
ATTORNEYS FOR PLAINTIFF

3/21, 2011
Mount Pleasant, South Carolina

STATE OF SOUTH CAROLINA COUNTY OF CHARLESTON JANE DOE Plaintiff, v CHARLESTON COUNTY SCHOOL DISTRICT, JAMES ISLAND HIGH SCHOOL, AND CHARLES SMITH Defendants	IN THE COURT OF COMMON PLEAS Case No 2010-CP-10-7699 **SECOND AMENDED COMPLAINT (JURY TRIAL REQUESTED)**

FILED
2011 MAR 22 PM 1:36
JULIE J. ARMSTRONG
CLERK OF COURT

Plaintiff, Jane Doe, respectfully complains of the Defendants and alleges as follow

1 Jane Doe is a pseudonym for a South Carolina resident who attended high school in Charleston County She is bringing this action by way of pseudonym due to the sensitive and private nature of these allegations

2 Defendant Charleston County School District is a public school district located in Charleston County, which used to own, control and operate James Island High School, which is located in Charleston County

3 James Island High School is a charter school located in Charleston County which operates separately from the Charleston County School district and is run by it's own Board of Trustees

4 Defendant Charles Smith was a teacher at James Island High School during the 1988-1989 school year

5 In the 1988-1989 school year, Jane Does was a freshman student at James Island High School

06

6 Defendant Smith was Jane Doe's teacher and/or coach at James Island High School At all times relevant, Defendant Smith was acting within the scope of his employment, agency, and/or apparent agency as originated, tolerated, and/or condoned by the remaining Defendants named herein

7. During the 1988-1989 academic year, Defendant Smith, using his authority as a teacher, employee, agent, and/or representative of the remaining Defendants, began giving Jane Doe rides home from school

8 During that same time period, Defendant Smith, using his authority as a teacher, employee, agent, and/or representative of the remaining Defendants, integrated himself with Jane Doe and her mother

9 During the 1988-1989 academic year, Defendant Smith, using his authority as a teacher, employee, agent, and/or representative of the remaining Defendants, began touching Jane Doe, a minor child, in inappropriate and sexual ways on the premises of James Island High School during school hours

10. During that school year, Defendant Smith, using his authority as a teacher, employee, agent, and/or representative of the remaining Defendants, began a series of sexual assaults on the minor child Jane Doe

11 The sexual assaults occurred on the premises owned, operated, or under the control of Defendant Charleston County School District and/or Defendant James Island High School, among other places

12 The assaults caused the minor child Jane Doe to suffer physical and emotional distress so severe that she repressed the memories of the abuse for many years until her recollection in or around early 2007

13 Defendant Smith is one of at least two teachers who were sexually assaulting student at James Island High School during that academic year.

14 Agents, employees, and/or representatives of James Island High School knew or should have known of the time that Defendant Smith was spending with Plaintiff and the harm that was resulting and/or likely to result to the Plaintiff.

15. Agents, employees, and/or representatives of the Defendants knew or should have known that its teachers, including Defendant Smith, were engaging in inappropriate sexual conduct with students

16. Agents, employees, and/or representatives of the Defendants knew or should have known of Defendant Smith's sexual attraction and/or inappropriate conduct with minors, including the Plaintiff.

17. As a teacher, agent, employee, and/or representatives of the remaining Defendants named herein, Defendant Smith held a position of authority and trust over the student Plaintiff and owed a duty to Plaintiff to act in her best interests Plaintiff reposed trust and confidence in Defendant Smith and expected he would act in her best interests

18 As the employer and/or principal of Defendant Smith, Defendant James Island High School and Defendant Charleston County School District held similar positions of authority and trust over the student Plaintiff and owed similar duties to act with her best interests in mind Plaintiff reposed trust and confidence in these Defendants and expected they would act in her best interests

19 Defendant Smith had a duty to not abuse the position of authority and trust that he held over the Plaintiff, a duty to act in the Plaintiff's best interests, a duty to

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refrain from engaging in sexual conduct with a student, and a duty to properly and adequately safeguard the Plaintiff while she was in his care, among other duties

20 The sexual contact between Defendant Smith and the Plaintiff was inappropriate and a breach of the standard of care owed by teachers to students in the State of South Carolina

21 It is the joint responsibility of the Defendants to ensure that sexual conduct does not occur between a teacher and a student and that the students, including the Plaintiff, are properly and adequately safeguarded, warned, or otherwise protected from such sexual conduct at the hands of a teacher and/or coach

22 Defendant Charleston County School District and Defendant James Island High School has a duty to properly train its teachers not to engage in sexual misconduct during the 1988-1989 academic year, a duty to warn Plaintiff and others of Defendant Smith's propensities, to properly supervise and/or monitor its agents, employees, and/or representatives, including Defendant Smith, a duty to know of or to properly and adequately investigate its teachers interactions with the students, and a duty to properly and adequately safeguard or protect its students including the Plaintiff, from sexual misconduct, among other duties

23 Defendant Charleston County School District and Defendant James Island School District breached the aforementioned and other duties owed to Jane Doe by their acts and/or omissions regarding the Plaintiff and Defendant Smith, by failing and/or refusing to prevent the abuse suffered by the Plaintiff, and by failing and/or refusing to adequately or properly train, investigate, supervise, or otherwise control Defendant Smith, among other grossly negligent acts and/or omissions described herein

24 As the proximate result of the Defendants' breaches, individually and collectively, Plaintiff has suffered damages in an amount to be determined by a jury

25 Defendants are liable to the Plaintiff jointly and severally

FOR A FIRST CAUSE OF ACTION
BREACH OF FIDUCIARY DUTY
(Against all Defendants)

26 All prior allegations are incorporated into this cause of action as if fully set forth

27. By and through the relationships described herein, Defendants entered into a fiduciary relationship with the Plaintiff Additionally, by accepting physical custody of the minor plaintiff, as student at James Island High School, Defendants assumed the duty to act in *loco parentis* with respect to the Plaintiff to, among other things, protect the Plaintiff from known dangers, Smith included. The Defendants undertook a duty to provide a safe environment for Plaintiff, as well as for all children who attended the school A relationship of trust and confidence, and therefore a fiduciary relationship, was formed

28. By entering into a fiduciary relationship with Plaintiff, Defendants were obligated to act only in the best interests of Plaintiff This duty extended to Defendants' agents and employees, Defendant Smith included.

29 Plaintiff reposed trust and confidence in Defendant Smith as her teacher. and counselor. and in Defendant James Island High School and Charleston County School District As a result of the Defendants' acts and/or omissions described above, the Defendants breached the duties owed to the Plaintiff

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30 As a proximate result of the grossly negligent actions, inactions and breaches of fiduciary duties by the Defendants and through agents, Plaintiff was harmed and is entitled to actual, compensatory damages in an amount to be determined by the jury, and punitive damages in an amount sufficient to deter similar conduct by these Defendants and others

FOR A SECOND CAUSE OF ACTION
GROSS NEGLIGENCE
(Against Defendants Charleston County School District and James Island High School)

31 All allegations above are incorporated herein as if fully set forth

32 Charleston County School District and James Island High School owed duties to the Plaintiff, as articulated herein

33 Charles Smith, on the premises of Charleston County School District and James Island High School, groomed the plaintiff and then sexually assaulted her on a number of occasions

34 Charleston County School District and James Island High School knew or should have known that its teachers, including Defendant Smith, were engaging in inappropriate sexual conduct with students during the relevant time periods

35 Charleston County School District and James Island High School knew or should have known of Defendant Smith's sexual attraction and/or inappropriate conduct with minors, including the Plaintiff

36. Charleston County School District and James Island High School had the ability and authority to monitor, supervise, or otherwise control Charles Smith at the time he harmed plaintiff

37 Charleston County School District and James Island High School agents, employees, officials, and/or representatives have been grossly negligent and/or reckless by, among other things, failing and/or refusing to prevent the abuse suffered by the Plaintiff, and by failing and/or refusing to adequately or properly train, investigate, supervise, monitor, retain, or otherwise control Defendant Smith, by allowing Smith to work with alone and unsupervised with the Plaintiff, by failing and/or refusing to shield the Plaintiff from known dangerous conditions, situations and individuals including Smith, by failing and/or refusing to warn the plaintiff and/or her family of Smith's deviant sexual proclivities, by failing and/or refusing to fulfill their duties *in loco parentis* to the Plaintiff, by failing and/ore refusing to educate the Plaintiff and/or her family about the dangers of sexual abuse of minors, by failing and/or refusing to exercise due care for the safety and well-being of the Plaintiff, and by any other act or omission that the evidence may show

38 As a direct and proximate result of the negligent, grossly negligent, reckless, careless, willful, and/or wanton behavior of the Defendants and/or their employees/agents, Plaintiff has been injured and suffered damages Plaintiff is entitled to a judgment against the Defendants for damages to be determined by the trier of fact

FOR A THIRD CAUSE OF ACTION
OUTRAGE
(Against all Defendants)

39 All allegations above are incorporated herein as if fully set forth

40 Charleston County School District and James Island High School knew or should have known that its teachers, including Defendant Smith, were engaging in inappropriate sexual conduct with students during the relevant time periods

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41 The Defendants knew or should have known of Defendant Smith's sexual attraction and/or inappropriate conduct with minors, including the Plaintiff

42 By and through the Defendants knowledge described herein and the failure and/or refusal to take appropriate action, the Defendants knowingly and intentionally inflicted severe emotional distress on Plaintiff or were certain or substantially certain that such distress would result from their conduct Defendants' conduct as alleged above was so extreme and outrageous as to exceed all possible bounds of decency and must be regarded as atrocious and utterly intolerable in a civilized community The actions of defendants caused Plaintiff emotional distress and the emotional distress suffered was severe such that no reasonable woman could be expected to endure it and it had physical manifestations of pain, loss of sleep. nervousness, stress, anxiety and other manifestations

43 As a direct and proximate result of the outrageous conduct of the Defendants, Plaintiff has been injured and suffered damages Plaintiff is entitled to a judgment against the Defendants for actual damages to be determined by the trier of fact, and punitive damages as allowable by law in a sufficient amount to deter such similar conduct by these Defendants or others

REQUEST FOR JURY TRIAL

44. Plaintiff requests jury by trial

WHEREFORE, the Plaintiff prays for the following from the court

a Damages in an amount to be determined by the jury

b The costs of this action be taxed against the defendants;

c All factual issues be determined by a jury, and

d Such other and further relief as the Court deems just and proper

Respectfully Submitted,

THE RICHTER FIRM, LLC

By _____

Lawrence E Richter, Jr
Aaron E Edwards
622 Johnnie Dodds Boulevard
Mt Pleasant, SC 29464
(843) 849-6000

Attorneys for Plaintiff

3/21, 2011
Mt Pleasant, South Carolina

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THE RICHTER FIRM, LLC
Attorneys & Counselors at Law
622 Johnnie Dodds Boulevard
Mount Pleasant South Carolina 29464

Lawrence E Richter Jr
William Bee Ravenel Lewis
Alice Anne Richter Lehrman
Aaron E Edwards

Telephone (843) 849-6000
Telefax (843) 881-1400

March 21, 2011

Julie J Armstrong
Charleston County Clerk of Court
100 Broad Street
Charleston, SC 29401

Re. Jane Doe v Charleston County School District, James Island High School and Charles Smith

Dear Ms Armstrong

Enclosed for filing please find the original and three copies of the Second Amended Summons and Second Amended Complaint in the above referenced matter Please file the original and return the clocked copies to our office in the enclosed envelope

By copy of this letter to all counsel of record, I am advising them of this communication with the Court

Very truly yours,

Joshua T Welch

/jtw
Enclosures

cc Stephanie McDonald
Brian Quisenberry
Jane Doe

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF CHARLESTON	)	NINTH JUDICIAL CIRCUIT
JANE DOE,	)	CASE NO. 2010-CP-10-7699
	)	
PLAINTIFF,	)	**ANSWER ON BEHALF OF DEFENDANTS CHARLESTON COUNTY SCHOOL DISTRICT AND JAMES ISLAND HIGH SCHOOL TO PLAINTIFF'S SECOND AMENDED COMPLAINT**
	)	
vs	)	
	)	
CHARLES SMITH, CHARLESTON COUNTY SCHOOL DISTRICT AND JAMES ISLAND HIGH SCHOOL,	)	
	)	
DEFENDANTS.	)	
	)	

Defendants, Charleston County School District and James Island High School (hereafter "Defendants"), reserving all rights granted under Judge Harrington's March 23, 2011 Order striking Plaintiff's prayer for punitive damages against these Defendants from the Second Amended Complaint, hereby answer the Second Amended Complaint by denying each and every allegation not hereinafter specifically admitted. Defendants further allege and state as follows

1 In response to the allegations contained in Paragraph 1 of Plaintiff's Second Amended Complaint, Defendants admit upon information and belief that Plaintiff attended high school in Charleston County. Defendants also admit that Jane Doe is a pseudonym for the Plaintiff in this action.

2 Defendants admit only so much of the allegations contained in Paragraph 2 of Plaintiff's Second Amended Complaint as allege that James Island High School was previously operated within the Charleston County School District system, but Charleston County School District no longer operates James Island High School

2011 APR 11 PM 2:29
JULIE J ARMSTRONG
CLERK OF COURT
BY _____

3 In response to the allegations contained in Paragraph 3 of Plaintiff's Second Amended Complaint, Defendants admit James Island High School is a charter school located in Charleston County

4 Defendants admit the allegations contained in Paragraph 4 of Plaintiff's Second Amended Complaint.

5. Defendants deny the allegations contained in Paragraph 5 of Plaintiff's Second Amended Complaint.

6 Defendants admit only so much of the allegations contained in Paragraph 6 of Plaintiff's Second Amended Complaint as allege that Defendant Smith was one of Plaintiff's teachers at James Island High School during the relevant period The remaining allegations contained in Paragraph 6 of Plaintiff's Second Amended Complaint constitute conclusions of law requiring no response

7 Defendants deny the allegations contained in Paragraph 7 of Plaintiff's Second Amended Complaint

8 Defendants deny the allegations contained in Paragraph 8 of Plaintiff's Second Amended Complaint.

9 Defendants deny the allegations contained in Paragraph 9 of Plaintiff's Second Amended Complaint

10 Defendants deny the allegations contained in Paragraph 10 of Plaintiff's Second Amended Complaint

11 Defendants deny the allegations contained in Paragraph 11 of Plaintiff's Second Amended Complaint

12 Defendants deny the allegations contained in Paragraph 12 of Plaintiff's Second Amended Complaint

13 Defendants deny the allegations contained in Paragraph 13 of Plaintiff's Second Amended Complaint

14 Defendants deny the allegations contained in Paragraph 14 of Plaintiff's Second Amended Complaint

15 Defendants deny the allegations contained in Paragraph 15 of Plaintiff's Second Amended Complaint

16 Defendants deny the allegations contained in Paragraph 16 of Plaintiff's Second Amended Complaint

17 The allegations contained in Paragraph 17 of Plaintiff's Second Amended Complaint concern parties other than these Defendants and therefore require no response Further the allegations contained in Paragraph 17 of Plaintiff's Second Amended Complaint constitute conclusions of law requiring no response

18 The allegations contained in Paragraph 18 of Plaintiff's Second Amended Complaint constitute conclusions of law requiring no response In further response to Paragraph 18 of Plaintiff's Second Amended Complaint, Defendants state they are without sufficient knowledge or information to either admit or deny the allegations contained in Paragraph 18 regarding Plaintiff's expectations of these Defendants

19 The allegations contained in Paragraph 19 of Plaintiff's Second Amended Complaint constitute conclusions of law requiring no response

20 The allegations contained in Paragraph 20 of Plaintiff's Second Amended Complaint concern parties other than these Defendants and therefore require no response

Further the allegations contained in Paragraph 20 of Plaintiff's Second Amended Complaint constitute conclusions of law requiring no response.

21 In response to the allegations contained in Paragraph 21 of Plaintiff's Second Amended Complaint, Defendants admit that such contact would be inappropriate; however, Defendants deny that any such contact ever occurred

22 The allegations contained in Paragraph 22 of Plaintiff's Second Amended Complaint constitute conclusions of law requiring no response

23 The allegations contained in Paragraph 23 of Plaintiff's Second Amended Complaint constitute conclusions of law requiring no response

24 Defendants deny the allegations contained in Paragraph 24 of Plaintiff's Second Amended Complaint

25 Defendants deny the allegations contained in Paragraph 25 of Plaintiff's Second Amended Complaint

AS TO THE FIRST CAUSE OF ACTION
(Breach of Fiduciary Duty)

26 Defendants respond to Paragraph 26 of the Plaintiff's Second Amended Complaint by restating the foregoing paragraphs of this Answer as fully and completely as if repeated herein verbatim

27 The allegations contained in Paragraph 27 of Plaintiff's Second Amended Complaint constitute conclusions of law requiring no response

28 The allegations contained in Paragraph 28 of Plaintiff's Second Amended Complaint constitute conclusions of law requiring no response

29 Defendants deny the allegations contained in Paragraph 29 of Plaintiff's Second Amended Complaint.

30 Defendants deny the allegations contained in Paragraph 30 of Plaintiff's Second Amended Complaint

AS TO THE SECOND CAUSE OF ACTION
(Gross Negligence)

31. Defendants respond to Paragraph 31 of the Plaintiff's Second Amended Complaint by restating the foregoing paragraphs of this Answer as fully and completely as if repeated herein verbatim.

32 The allegations contained in Paragraph 32 of Plaintiff's Second Amended Complaint constitute conclusions of law requiring no response

33. Defendants deny the allegations contained in Paragraph 33 of Plaintiff's Second Amended Complaint.

34 Defendants deny the allegations contained in Paragraph 34 of Plaintiff's Second Amended Complaint

35 Defendants deny the allegations contained in Paragraph 35 of Plaintiff's Second Amended Complaint.

36 Defendants deny the allegations contained in Paragraph 36 of Plaintiff's Second Amended Complaint

37 Defendants deny the allegations contained in Paragraph 37 of Plaintiff's Second Amended Complaint

38 Defendants deny the allegations contained in Paragraph 38 of Plaintiff's Second Amended Complaint.

AS TO THE THIRD CAUSE OF ACTION
(Outrage)

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39 Defendants respond to Paragraph 39 of the Plaintiff's Second Amended Complaint by restating the foregoing paragraphs of this Answer as fully and completely as if repeated herein verbatim

40 Defendants deny the allegations contained in Paragraph 40 of Plaintiff's Second Amended Complaint

41. Defendants deny the allegations contained in Paragraph 41 of Plaintiff's Second Amended Complaint

42. Defendants deny the allegations contained in Paragraph 42 of Plaintiff's Second Amended Complaint

43 Defendants deny the allegations contained in Paragraph 43 of Plaintiff's Second Amended Complaint

44 The statement contained in Paragraph 44 of Plaintiff's Second Amended Complaint requires no response

FURTHER ANSWERING THE SECOND AMENDED COMPLAINT AND AS A FURTHER DEFENSE THERETO THE DEFENDANTS ALLEGE AND STATE.

45 Plaintiff's Second Amended Complaint fails to state a claim upon which relief can be granted

FURTHER ANSWERING THE SECOND AMENDED COMPLAINT AND AS A FURTHER DEFENSE THERETO THE DEFENDANTS ALLEGE AND STATE:

46 Plaintiff's claims are subject to all applicable statute of limitations, which act as a bar to Plaintiff's claims because the claims arise or accrue outside of the statutory limitations

FURTHER ANSWERING THE SECOND AMENDED COMPLAINT AND AS A FURTHER DEFENSE THERETO THE DEFENDANTS ALLEGE AND STATE:

47 Defendants acted at all times in good faith, and all actions it took were justified and for legitimate purposes

FURTHER ANSWERING THE SECOND AMENDED COMPLAINT AND AS A FURTHER DEFENSE THERETO THE DEFENDANTS ALLEGE AND STATE·

48 The Plaintiff's claims herein, in whole or in part, are barred by the doctrines of waiver and estoppel.

FURTHER ANSWERING THE SECOND AMENDED COMPLAINT AND AS A FURTHER DEFENSE THERETO THE DEFENDANTS ALLEGE AND STATE

49. Whatever injuries or damages were suffered by the Plaintiff, if any, were due to, caused by and/or the direct and proximate result of the sole and/or intervening/ superseding act of individuals other than Defendants Charleston County School District and James Island High School

FURTHER ANSWERING THE SECOND AMENDED COMPLAINT AND AS A FURTHER DEFENSE THERETO THE DEFENDANTS ALLEGE AND STATE

50. The Plaintiff's claims against the Defendants are barred by applicable provisions of the South Carolina Tort Claims Act

FURTHER ANSWERING THE SECOND AMENDED COMPLAINT AND AS A FURTHER DEFENSE THERETO THE DEFENDANTS ALLEGE AND STATE:

51. Pursuant to the provisions of S C. Code § 15-78-60, Defendants retain immunity as to all state law claims contained in Plaintiff's Complaint

FURTHER ANSWERING THE SECOND AMENDED COMPLAINT AND AS A FURTHER DEFENSE THERETO THE DEFENDANTS ALLEGE AND STATE

52. Plaintiff's recovery with regard to all claims is limited pursuant to the liability limits set forth at S C Code § 15-78-120

FURTHER ANSWERING THE SECOND AMENDED COMPLAINT AND AS A FURTHER DEFENSE THERETO THE DEFENDANTS ALLEGE AND STATE.

53. Any and all damages claimed in excess of the applicable statutory cap are barred Defendants are governmental entities and, as such, are not subject to claims for punitive

damages Furthermore, Judge Harrington's March 23, 2011 Order strikes Plaintiff's prayer for punitive damages against these Defendants from the Second Amended Complaint

FURTHER ANSWERING THE SECOND AMENDED COMPLAINT AND AS A FURTHER DEFENSE THERETO THE DEFENDANTS ALLEGE AND STATE

54 The Plaintiff's claims are subject to her duty to mitigate her damages

FURTHER ANSWERING THE SECOND AMENDED COMPLAINT AND AS A FURTHER DEFENSE THERETO THE DEFENDANTS ALLEGE AND STATE

55. The Plaintiff's claims are barred by the doctrine of assumption of the risk

FURTHER ANSWERING THE SECOND AMENDED COMPLAINT AND AS A FURTHER DEFENSE THERETO THE DEFENDANTS ALLEGE AND STATE:

56. South Carolina law recognizes no duty as alleged by the Plaintiff, which acts as a bar to Plaintiff's claims

FURTHER ANSWERING THE SECOND AMENDED COMPLAINT AND AS A FURTHER DEFENSE THERETO THE DEFENDANTS ALLEGE AND STATE

57 Plaintiff's claims are barred by principles of equity including, but not limited to, the requirements of clean hands and of due diligence and the doctrine of laches.

FURTHER ANSWERING THE SECOND AMENDED COMPLAINT AND AS A FURTHER DEFENSE THERETO THE DEFENDANTS ALLEGE AND STATE:

58 Plaintiff's claims against Defendant James Island High School fail as no legal distinction exists between it and Defendant Charleston County School District

FURTHER ANSWERING THE SECOND AMENDED COMPLAINT AND AS A FURTHER DEFENSE THERETO THE DEFENDANTS ALLEGE AND STATE

59 Specifically denying negligence, the Defendants aver that should negligence by the Defendants be found, whatever damages were suffered by the Plaintiff, if any, were due to, were caused by and were the direct and proximate result of comparative negligence of which the Plaintiff was at fault in excess of fifty percent (50%)

FURTHER ANSWERING THE SECOND AMENDED COMPLAINT AND AS A FURTHER DEFENSE THERETO THE DEFENDANTS ALLEGE AND STATE:

60 To the extent that the injuries and damages sustained by Plaintiff were due to and caused or occasioned by the Plaintiff's own acts, omissions and/or acts or omissions of comparative negligence, carelessness, recklessness, heedlessness, willfulness and wantonness, which acts on the part of the Plaintiffs combined and contributed and concurred with any negligence, carelessness, recklessness, heedlessness, willfulness and wantonness on the part of the Defendants, which is denied, without which the alleged incident and resulting alleged damages would not have occurred or have been sustained, Defendants plead such comparative negligence, recklessness, heedlessness, willfulness and wantonness on the part of the Plaintiff as the direct and proximate cause of the injuries and damages sustained by the Plaintiff. Defendants are therefore entitled to a determination as to the percentage with which the Plaintiff's own comparative negligence, carelessness, recklessness, heedlessness, willfulness and wantonness contributed to this incident and the Plaintiff's alleged injuries and damages and to the reduction of any sum awarded to them by an equal amount to the percentage of the Plaintiff's own comparative negligent, careless, reckless, heedless, willful and wanton conduct.

FURTHER ANSWERING THE SECOND AMENDED COMPLAINT AND AS A FURTHER DEFENSE THERETO THE DEFENDANTS ALLEGE AND STATE:

61 Plaintiff's intentional infliction of emotional distress claim is barred against these Defendants because the alleged actions do not rise to the level of extreme conduct required to state a claim

FURTHER ANSWERING THE SECOND AMENDED COMPLAINT AND AS A FURTHER DEFENSE THERETO THE DEFENDANTS ALLEGE AND STATE.

62 Plaintiff's intentional infliction of emotional distress claim is barred because it is based on the same allegations as Plaintiff offers to support her other tort claims against

Defendant, and the tort of intentional infliction of emotional distress was not designed as a replacement for existing tort actions.

FURTHER ANSWERING THE SECOND AMENDED COMPLAINT AND AS A FURTHER DEFENSE THERETO THE DEFENDANTS ALLEGE AND STATE

63 Plaintiff's intentional infliction of emotional distress claim is barred against these Defendants by S C Code 15-78-30(f) and other applicable provisions of the South Carolina Tort Claims Act

FURTHER ANSWERING THE SECOND AMENDED COMPLAINT AND AS A FURTHER DEFENSE THERETO THE DEFENDANTS ALLEGE AND STATE.

64 Defendants hereby give notice that Defendants intend to rely upon such other affirmative defenses as may become available or apparent during the course of discovery and, thus, reserves the right to amend its Answer to assert such defenses

WHEREFORE, having fully answered the Second Amended Complaint herein, Defendants pray for an Order of this Court dismissing the Second Amended Complaint with prejudice, granting judgment to Defendants, requiring Plaintiff to pay all costs of this action, including attorneys fees, and granting such other and further relief as this Court may deem just and proper

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By: _____

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Attorneys for the Defendants Charleston County School District and James Island High School

Charleston, South Carolina

Dated· 4/11/11

CERTIFICATE OF MAILING

I hereby certify that a copy of the foregoing pleading was mailed to all counsel of record in this proceeding this 11 day of April, 2011

Tish Solomon

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF CHARLESTON	)	CASE NO.: 2010-CP-10-7699
JANE DOE,	)	
	)	
Plaintiff,	)	
	)	
v.	)	**DEFENDANT CHARLES SMITH'S ANSWER TO THE SECOND AMENDED COMPLAINT**
	)	
CHARLESTON COUNTY SCHOOL DISTRICT, JAMES ISLAND HIGH SCHOOL, and CHARLES SMITH	)	
	)	
Defendants.	)	
	)	

FILED
2011 APR 29 PM 1:58
JULIE J. ARMSTRONG
CLERK OF COURT

Comes now the defendant, Charles Smith, and hereby answers the Plaintiff's Second Amended Complaint to wit:

FOR A FIRST DEFENSE
(Qualified General Denial)

All not specifically admitted herein should be deemed denied.

1. Admits.

2 Admits

3. Admits

4 Defendant Smith admits that he taught in James Island public schools for thirty-five (35) years until his retirement from James Island Charter High School in June of 2008.

5. Upon information and belief, admits.

6. Admits that Defendant Smith was one of plaintiff's teachers at James Island High School. At the time of any interaction with this plaintiff, all of which was appropriate and within

the scope of his employment as an educator and an athletic coach, defendant was acting within the scope of his employment with the governmental entity.

7. Admits only that defendant Smith gave students rides home from softball or wrestling practice if they were left at the field or if they had no ride home. Admits that he gave plaintiff a ride home from softball practice approximately six (6) times and that they were alone in a car together on only two (2) or three (3) such occasions Defendant emphatically denies that any inappropriate behavior ever occurred on any occasion.

8 Denies.

9 Denies that any sexual conduct ever occurred, at any location.

10. Denies.

11. Denies that any sexual conduct ever occurred, at any location.

12. Denies

13 Defendant Smith denies that he ever assaulted any student at any location, during any academic year. Admits that he has subsequently learned that another teacher was involved in such behavior at that time but denies any connection to or involvement with such.

14. Denies.

15. Denies, as there was no such conduct by Smith.

16 Denies, as there was no such conduct.

17. Admits that the position of teacher is one of authority and trust. Denies that Smith ever abused any position of authority or trust during his time as an educator, or otherwise. Further, this paragraph pleads conclusions of law requiring no response Defendant Smith lacks knowledge as to what plaintiff may have known or expected; however, defendant admits that he

reported certain behavior of plaintiff to the guidance counselor, principal, and assistant principal at James Island High School.

18. Not directed at the answering defendant.

19. Denies that Smith ever abused any position of authority or trust during his time as an educator, or otherwise. Further, this paragraph pleads conclusions of law requiring no response.

20. Admits that such contact would be inappropriate; however, defendant denies that any such contact ever occurred.

21. Again, defendant denies that any such contact ever occurred; the remainder of this paragraph pleads conclusions of law requiring no response.

22. This paragraph is not directed at the answering defendant and pleads conclusions of law requiring no response. Denies that there were any "propensities" about which any such warning would be necessary.

23. Defendant Smith denies any involvement in any such alleged misconduct. The remainder of this paragraph is not addressed to this defendant.

24 Denies.

25. Denies.

26. Requires no response.

27. Pleads conclusions of law requiring no response, however, defendant Smith denies that there has been a breach of any duty owed to plaintiff.

28 Pleads conclusions of law requiring no response; however, defendant Smith denies that there has been a breach of any duty owed to plaintiff.

29. Denies any breach of any duty.

30. Denies.

31. Requires no response.

32. Not directed at the answering defendant.

33. Denies.

34. Denies, as there was no such conduct by defendant Smith.

35. Denies, as there was no such conduct.

36. Not directed at the answering defendant.

37. To the extent that this paragraph is addressed to defendant Smith, defendant denies that he ever assaulted or harmed the plaintiff or any other student or that any such "proclivities" exist.

38. Denies.

39. Requires no response.

40. Denies, as there was no such conduct by defendant Smith.

41. Denies, as there was no such conduct.

42. Denies.

43. Denies.

44. Requires no response.

FOR A SECOND DEFENSE
(Statute of Limitations)

45. This action is barred in its entirety by the applicable statutes of limitations.

FOR A THIRD DEFENSE
(Failure to State a Claim)

46. Plaintiff has failed to state a claim upon which relief may be granted.

FOR A FOURTH DEFENSE
(Sole Negligence/Comparative Negligence)

47 Plaintiff is solely responsible for her distress, or in the alternative, is comparatively negligent

FOR A FIFTH DEFENSE
(South Carolina Tort Claims Act)

48 At the time of any interaction with this plaintiff, all of which was appropriate and within the scope of his employment as an educator and an athletic coach, defendant was acting within the scope of his employment with a governmental entity Thus, defendant would plead any and all applicable sections of the South Carolina Tort Claims Act as defenses to this matter.

FOR A SIXTH DEFENSE
(Failure to Mitigate)

49. Plaintiff has failed to mitigate her alleged damages in failing to seek proper treatment for her emotional issues at the time of and immediately following her suicide attempt during the 1988-1989 school year.

FOR A SEVENTH DEFENSE
(Third-Party Liability)

50. To the extent that plaintiff has suffered any damages, defendant contends that such are the result of the action or inaction of some unidentified third party

FOR AN EIGHTH DEFENSE
(Doctrines of Waiver, Estoppel, and Laches)

51. Plaintiff's claims are barred by the doctrines of waiver, estoppel, and laches

Wherefore, having fully answered the Second Amended Complaint, the answering Defendant hereby prays that the Complaint be dismissed with prejudice, that plaintiff be responsible for all costs associated with defending this action, and for all such further relief as this court deems just and proper.

Respectfully submitted,

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Attorneys for Defendant Charles Smith

April 26, 2011
Charleston, South Carolina

STATE OF SOUTH CAROLINA	) COURT OF COMMON PLEAS
	)
COUNTY OF GREENVILLE	) Case No(s).:07-CP-10-5203
	)
Jane Doe,	)
	)
Plaintiff,	)
	)
-VS-	) TRANSCRIPT OF RECORD
	)
Charles Smith, et al,	)
	)
Defendant.	)
	)

June 10, 2008
Greenville, South Carolina

B E F O R E:

HONORABLE JOHN C. FEW, Judge.

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

J. DAVID FLOWERS, Esquire
Attorney for the Plaintiff

STEPHANIE P. McDONALD, Esquire
Attorney for the Defendant

Teresa B. Johnson
Certified Verbatim Reporter
P O Box 2812
Greenville, S C 29602

Records are taken and produced via



I N D E X

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EXHIBITS PAGE

NO.	DESCRIPTION	ID	EV

PLAINTIFF'S EXHIBITS

(No exhibits offered.)

DEFENSE EXHIBITS

(No exhibits offered.)

COURT'S EXHIBITS

(No exhibits offered.)

P R O C E E D I N G S

THE COURT: All right. We have motions to dismiss?

MRS. McDONALD: That's correct, Your Honor.

THE COURT: And is there anything other than the motions to dismiss?

MR. FLOWERS: Don't think so, Your Honor.

THE COURT: And the basis for the motion to dismiss is the statute of limitations?

MRS. McDONALD: That's correct.

MR. FLOWERS: Correct, Your Honor.

THE COURT: And so you want to argue your, uh, position as to why the -- basically, the alleged events occurred many years ago.

MR. FLOWERS: Yes, sir.

THE COURT: But for some argument that you are about to make the action would be time barred?

MR. FLOWERS: Yes, sir.

THE COURT: Okay. I'm listening.

MR. FLOWERS: The first thing I would point out, Your Honor, is that I have submitted affidavits to the Court on behalf of the Plaintiff, her mother and the Plaintiff's

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therapist which I think would convert this motion into one for summary judgement rather than just a motion to dismiss. The Moriarty case, Your Honor, -- as the Court is aware, I've been dealing with these cases for a long time here in South Carolina. This is only the second repressed memory case I've been involved in my career and actually personally here in South Carolina. I think it fits squarely within the criteria and holding of Moriarty.

What Moriarty held is that the case of action based on repressed memory is allowed under certain circumstances. One is there has to be objectively verifiable evidence that the abuse occurred. And the repression was for such a period of time discovery rules essentially kicks in once the repression goes away for whatever reason, once the memory starts coming back.

The Court goes on and discuss what kind of objectively verifiable evidence their can be of the abuse. They list eight different categories. For example, a criminal conviction of the abuser, an admission by the abuser, a number of complaints. The one we rely on, Your Honor, is actually sort of a catch all. That is proof of

chain of facts and circumstances. Having sufficient probative force to produce a reasonable and probable conclusion that the sexual abuse occurred.

The Plaintiff has referred in her affidavit as alleged in the complaint that she was sexually assaulted by a school teacher in the school year 1988/1989 hear in Greenville County, I mean, here in Charleston County. I'm sorry. She also says she has no recollection of those memories in February of last year. Her mother's affidavit supports that, that her daughter never told her anything about this. She didn't know anything about the memories. But she did know about an event that is related to the abuse. That is, when Jane Doe was 15 years old, she attempted to commit suicide. We have retained the medical record from that suicide attempt.

Your Honor, if I could, I would hand up -- I've shown this to counsel. The copy that is actually attached to Jane Doe's affidavit is a xeroxed copy. It's not as clear. This color copy shows it much more clear. What it says in the medical record when she was at the hospital for this suicide attempt is that she states there are

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problems at school and that she won't discuss it any further.

There is another line that is admittedly ambiguous. It says now states she knows its inappropriate. The reason I say it is ambiguous is because it's not clear whether she means the suicide attempt was inappropriate or the problems at school were inappropriate. But in any event, it's clear that in 1989, she attempted to commit suicide. We think that that hospital record falls within the recognized proof element in Moriarty, a chain of facts and circumstances having sufficient probative force to prove a reasonable and probable conclusion that sexual abuse occurred.

The case also requires, I will be candid with the Court that I put forward expert testimony to prove that the abuse occurred and that the repression occurred. That's in the affidavit of Dr. Zenzo. She doesn't say the abuse occurred. But she does say that Jane Doe actively repressed these memories or actively put these memories out of her mind and it manifested as not having those memories accessible to her, manifested as a lack of recollection of the abuse. She also says that

the abusive events and this sort of grooming activity that Jane Doe has been recovering since February of 2007 is consistent with a sexual abuse type situation.

Now, the Moriarty report then says once the Plaintiff comes forward with expert testimony to prove the abuse and the fact of repressed, memories, the discovery rule whether it applies or not as well as whether the corroborating evidence is sufficient or not are questions of fact for the jury.

I think at a minimum as Rule 56 says the inferences are to be construed in the light most favorable to the non-moving party, we survive this motion. We have come forward, Your Honor, with evidence, expert witness testimony and corroborating evidence under the Moriarty case, I believe both of those questions, the application of the statute as well as the sufficiency of the corroborating evidence are now jury matters. That's our argument.

THE COURT: All right. Hold on while I take a look at this. (Pause).

Okay. Anything further?

MR. FLOWERS: That's it from the Plaintiff.

THE COURT: Sir? That's it?

MR. FLOWERS: That's it from the Plaintiff.

THE COURT: All right.

MRS. McDONALD: Thank you, Your Honor. May it please the Court. If I might approach, I've got a case that's from 2005, Doe versus Crooks and also the statute 15-3-555 which was passed in 2001 which specifically deals with sexual abuse cases. Moriarty versus Garden Sanctuary of God was a case that involved a church day care and a small child. That makes it distinguishable from the circumstances we have here at the outset.

Here, we've got a teenager who is a freshman in high school at James Island back in 1988/89 who under Mr. Flowers theory now has a repressed memory of the abuse that allegedly happened at that time. Your Honor, if you take a look at Doe versus Crooks which I was going to provide Mr. Flowers with a copy and gave it to him but it is his case. He is well familiar with it. What the Supreme Court said, Justice Pleicones spoke for a unanimous court, I believe, that ordinarily, a new statute of limitations such as that that the legislature passed in 2001 in 15-3-555 would

apply retroactively. It can not operate to provide an action that is already time-barred. If the statute of limitations has already expired, it can't revive that already expired statute of limitations. That's what we have here.

What Justice Pleicones said would violate the Defendant's rights under the due process clause of the South Carolina Constitution. Very, very similar facts to what we've got here. What they argued in Doe very cleverly was perhaps he was aware at age 15 that abuse was going on or something inappropriate was happening. But he wasn't aware of the extent of the injury. The Supreme Court said no, you don't get to go back and revive a statute of limitations that has already expired.

Similarly, that's what we have here, Your Honor. We've got abuse that allegedly happened in 1988/89 and here we are in 2008, I believe it was filed in 2007. Even under the discovery rule operating to somehow allow the claim to be timely now, they can't get passed the fact that there was objected evidence back in 1988 when the Plaintiff and her mother were at the emergency room after a suicide attempt mentioning that

something inappropriate happened at school.

At the very bottom of that record, I believe that's the legible copy.

THE COURT: How old was she then?

MRS. McDONALD: 14, I think. Is that right?

MR. FLOWERS: 15, I believe.

MRS. McDONALD: 15, the same as in Doe versus Crooks in this case from 2005. At the very bottom of that record, it mentions that they recommended follow up with Dr. Booths to have some therapy. The mother declined. They didn't have any follow up therapy. No question they knew that something had happened when you got the objective evidence of a suicide attempt.

Even applying the more generous statute of limitations period from 15-3-555, even applying a discovery rule to this, they can not satisfy the statute of limitations period, Your Honor. We are entitled to dismissal or summary judgement if Your Honor were inclined to so interpret the motion that way.

THE COURT: Your, uh, your argument does not really try to take advantage of 15-3-555.

MR. FLOWERS: 555. No. What I was rising to

point out to the Court is 555 incorporates the discovery rule. The only thing 555 changes -- I was involved in some activity to get this statute passed. It changed the objective time in which the Plaintiff testified, the sexual abuse victim of South Carolina now has until age 27 to file an action except with respect to the discovery rule. It kept the discovery rule in there. So it didn't change the discovery rule which was already in effect, which would already apply in this case.

THE COURT: You could argue that it changed the discovery rule but you are not making that argument. It seems to have actually broadened it. It is still three years from the date of discovery however discovery is defined, whether under common law or in the statute.

MR. FLOWERS: Yes, sir. Well, I take the positions as defined under the Moriarty case. It creates, carves out an exception for repressed memory cases.

THE COURT: What -- I think what Mrs. --

MRS. McDONALD: McDonald.

THE COURT: McDonald. I think the argument is that this is not a repressed memory case.

MR. FLOWERS: That's certainly what they can

argue. I don't think it is proper for the court to rule that as a matter of law now. Here is why. Moriarty sets out I got to have corroborating evidence and I've got to have her testimony that it is repressed. The affidavit of Dr. Zenzo is an expert opinion that it is repressed.

The difference between this case and the Crooks case is that the Crooks case, the Court found that the Plaintiff was aware of the injury from the time it happened and knew about the injury from the time it happened. There was never an allegation of repression in the Crooks case. That's why this case is different.

THE COURT: Well, is it? Because your evidence, your objective evidence that it happens, she argues, cuts your legs out from under you because it shows that she knew about it.

MR. FLOWERS: Knew about it but doesn't know she was injured. That's the difference.

THE COURT: Well, you are --

MR. FLOWERS: Crooks says they have to know about it and they have to know about the injury.

THE COURT: What's the injury?

MR. FLOWERS: The injury in the Crooks case

was he felt shame. He knew about the shame ever since it happened.

THE COURT: What's the injury here?

MR. FLOWERS: The injury here is what she's now going through.

THE COURT: Even under your argument, it seems to me that that is the same reason she attempted to commit suicide.

MR. FLOWERS: We don't know why she committed suicide.

THE COURT: Well, you -- then --

MR. FLOWERS: We know she committed suicide related to the abuse or that is at least the allegation. What we don't know is whether she knew the affect that that had on her at the time. She may have been trying to escape it just to get away from it without realizing that --

THE COURT: Let me see if I understand what you are telling me. You have to have two things. One of them is you have to have something that is objective, that's not what she's saying right now that you can point to and that I can look at and the jury can look at that independently of what her testimony is today shows that some abuse occurred.

MR. FLOWERS: Yes, sir.

THE COURT: And in this case, what you are pointing to is the suicide attempt.

MR. FLOWERS: The suicide attempt that says problems at school that she won't discuss further.

THE COURT: And from that statement, problems in school that I won't discuss further, you are asking me to infer and to let the jury infer that that's a sexual assault that she won't discuss.

MR. FLOWERS: I'm arguing to the Court that it's a jury question.

THE COURT: Yeah. I know. But you didn't follow the question. I know you are arguing it's a jury question. But the reason you are telling me it is a jury question is that the jury can infer from her statements to the people at the hospital that the things she won't discuss was in fact the sexual assault.

MR. FLOWERS: Yes, sir. Here's why.

THE COURT: Okay. I will buy that. She's going to let me buy that. She's going to say okay, we'll give you that. But she says that that means she knew she had been injured by the sexual

assault when she went to the hospital that day which would mean, she argue that she knew of the assault and she knew of the injury and the discovery rule starts right then.

MR. FLOWERS: Here is why this 15-year-old girl didn't take herself to the hospital. 15-year-old girl overdoses on Valium. 15-year-old girl is taken to the hospital by her mother. She didn't go there because she thought she had been harmed. Her mother took her there. When they were evaluating her, when they took her in, that's when she said something is going on in school and I'm not going to talk about it.

There is no evidence that she knew she was harmed. She was a kid who was taken to the hospital by her parents. That's it. And it's an argument of counsel --

THE COURT: All right. If there's no evidence that she knew she was harmed, then you undercut your objective evidence said of it. You are using the same, in other words, here is your problem, I think. The piece of evidence that you used to show objective evidence of abuse is the same piece of evidence that proves knowledge of the assault and the injury many years ago which

means the discovery rule kicked in right then just as it did in Doe and this is not a repressed memory case. That is basically the argument, right?

MRS. McDONALD: Yes, Your Honor. There's a little bit more to it even than that. In Doe, the Supreme Court discussed the discovery rule. Right along the lines of what Mr. Flowers tries to argue, they noted that the injured party may not at that time comprehend the full extent of the damage if immaterial. So the argument is immaterial.

She is there. She's 15 years old, just like the Plaintiff in Doe. Knows that there's been some kind of behavior, something inappropriate happened at school. They declined counseling. Just as Your Honor said, the very evidence that he wants to put in front of a jury as objective evidence to somehow stay in court is exactly the thing that shows that she is within the ambit of Doe. There is no way to get around it. We would submit that it is completely on point.

And even if you look at the affidavit of Dr. Zenzo, Jane Doe reported a suicide attempt following the most severe incident which is

consistent with a high level of distress at the time of abuse as well as the high level of distress she reported of the memory. She received medical treatment at the time.

Also paragraph 13 of the Amended Complaint ties the suicide attempt to get over that first hurdle to the abuse. You can't have it both ways, Your Honor, to use that evidence and then to avoid the statute of limitations specifically when somebody at the hospital knew there was something going on and suggest counseling for whatever, because of suicide, because of inappropriate problems at school. They declined. Your Honor, we would submit that under the due clause analysis that the Supreme Court did in 2005 in Doe versus Crooks, that's why this case would be barred just like that one was.

MR. FLOWERS: The difference between Doe and this case is that in Doe, the Plaintiff admitted at the time of the abuse, he knew he was hurt and he recalled ever since. Here, the hospital record shows evidence of abuse. There's nothing in that record that said this little girl knew she was harmed. Nothing. Even if she was, Moriarty, I think, stands for the proposition that if she

thereafter repressed it, the statute of limitations still doesn't run until she recalls it after she reaches the age of adult. But the bottom line is there is no evidence that she knew she was hurt.

THE COURT: Well -- All right. If that's the case, then how are you not sitting there telling me, standing there telling me that there's no objective evidence of abuse?

MR. FLOWERS: I have to show that there's evidence that abuse occurred, not that she was harmed by it at this stage. Only that the abuse occurred. Not that she was harmed or knew about the harm. Only that it occurred. That's what this medical record does of allowable exception --

THE COURT: She's in the hospital. All right. Under your theory, she knows she's been abused but she doesn't know she's been harmed. Her statement to the nurse here or whoever is taking these notes down here statement of something inappropriate is going on at the school, not going to talk about it --

MR. FLOWERS: Right.

THE COURT: -- you are saying is objective evidence of abuse. But she didn't know she been

harmed by the abuse.

MR. FLOWERS: I don't know that. That's not in evidence. I don't know what was going on in her mind at the time.

THE COURT: Let me ask you this. Let me ask you this. If she knew in --

MR. FLOWERS: 1989.

THE COURT: -- 1989 that she had been harmed by the abuse, then the statute would begin to run at that time and you would be out of court?

MR. FLOWERS: I disagree with that, Judge.

THE COURT: Why is that?

MR. FLOWERS: I think once the repression occurs, the Moriarty case kicks in. Even if she knew when she was 15, even if she knew when she was 16, once she represses those memories, the statute does not run until she recovers those memories. The only evidence before the Court is had recovered until February of 2007. She been very candid about that. Also, all the evidence before the Court is between the time she was 15 and the time she had been, in 2007, she had no memory of those.

I think under the Moriarty case, it is a fact

question. Here's why. The Supreme Court said proof of chain of facts and circumstances having sufficient probative force to produce a reasonable and probable conclusion that sexual abuse occurred. Not that harm occurred, just that the abuse occurred. That's all I'm arguing to the Court is that that evidence shows the abuse occurred. The question of whether she was harmed or not is a separate question.

I will argue what you asked me a minute ago. If she knew she was harmed at that time, I will say it again, once the repression kicked in, I think the Moriarty case applies and it does not, the statute does not start to run until she recovers those memories. There's nothing in the medical record that says she knew she was harmed or frankly that she was harmed. I don't remember seeing anything in there that says this little girl has been hurt by this abuse or even this little girl was hurt by the suicide attempt. Certainly, we all agree that a 15-year-old girl attempted to commit suicide is a very traumatic event.

THE COURT: How do we know that the reason she -- how do I know based on these facts that

the reason she attempted to commit suicide is not that her friends were making fun of her because of perhaps she was fat and that -- maybe I shouldn't use that example. But for whatever reason. Maybe she wasn't doing well in school. Maybe her hair got cut short. I mean, when you are 15 years old and in high school, kids are mean to each other.

How do I know and how is that jury going to know that the reason she attempted suicide was not for some other type of, some non-sexual type of torment and that's the thing she wouldn't talk about. That is, I think, Mrs. McDonald's point is that under your theory, the only way that we can know that is because she attempted to commit suicide because of it which is consciousness of harm, she is arguing. Anyway, in any event, how am I to know that it wasn't something nonsexual that she's talking about in these medical records?

MR. FLOWERS: I don't think the Court can make that determination as a matter of law right now. That is a jury question. It will be for discovery to develop that issue. It will be for her to come forward with more evidence that it

was that. That at this stage, that the Court talks in Moriarty about balancing the interest of the Plaintiff who is having a hard time recovering these memories and the ability of the Defendant to defend themselves.

So at this stage, the Court says once I come forward with corroborating evidence of abuse and expert witness testimony that it was repressed, everything is a jury question after that. I understand what the court is asking but I think that goes more to the weight of what the evidence might be than at this stage as a matter of law whether they are entitled to judgement as a matter of law.

THE COURT: Well, obviously, what the Supreme Court was trying to do in both the Moriarty case and in all the cases they have to decide and what I have to do following the rules that they laid out there is to strike a balance between the need to have some reliable proof that what we are talking about here is sexual abuse on the one hand against the understanding that kids who go through this don't always, uh, remember it.

MR. FLOWERS: If I may, Judge, if the

suggestion is that there might be something else involved, that's a genuine issue of material fact that needs to be decided by the --

THE COURT: The suggestion clearly is that it might be something else that caused it. But your response to it has to be evidence that shows that it was sexual assault. The question I pose to you is, you've shown, obviously, that something was bothering that child. There's no doubt about that. A normal child or even an abnormal child don't attempt to commit suicide unless something is bothering her.

But the Court is not going to let you come in and make a sexual abuse charge nine years later simply because the child was being bothered when she was 14 or 15 years old. There has to be something that I can look at and that the jury can look at and say I believe that or I don't believe that. And in believing it or in not believing it decide that it was sexual abuse. The argument is there that there's nothing there that shows that whatever it was that was bothering the child was of a sexual nature.

MR. FLOWERS: Dr. Zenzo's affidavit says the memory she is recovering are consistent with

grooming behavior which would lead to sexual abuse. I understand that's the Plaintiff's memories.

THE COURT: What does the Plaintiff say?

MR. FLOWERS: The Plaintiff says she was sexually assaulted, attempted to commit suicide, does not remember the event.

THE COURT: Does the Plaintiff say that the reason she attempted to commit suicide was because she was sexually assaulted?

MR. FLOWERS: No, sir. But she says --

THE COURT: Well, that's a -- you know, you are at the point where --

MR. FLOWERS: Let me correct my statement I just made to the Court. Paragraph 5 of her affidavit says during that same year I attempted to commit suicide after one of the worse assaults that I could recall so far. So she directly says that suicide attempt was tied to the worse assault that she recalled so far.

And all I need is evidence to corroborate that statement. When she says I attempted suicide after the most serious, after one of the worse assaults I can recall so far, the medical record I submitted to the Court corroborates that

statement. (Pause).

Your Honor, I think the corroborating evidence of Moriarty, she start remembering assaults when she was in her 20s. I think the corroboration was merely looking at the pictures. She remembered. That was the corroboration the Court allowed. I believe that's right. I'll verify by looking at the case.

THE COURT: I don't think they really discuss it all that much. The posture in the case in Moriarty is that they remanded it so that that determination could then be made.

MR. FLOWERS: It says, Your Honor, on page three, lefthand column. She was going to nursing school. After they studied a certain subject, she became obsessed. Her studies triggered her recovery of the repressed memory. She began to see pictures in her mind of a little girl's hand masturbating a male, recognized the hand as her own. She remembered wearing a particular yellow dress.

She remember physical characteristics of the abuser. Crooked teeth, bushy eyebrows. She visited locations. She had a strong reaction to a apar daycare. She looked at photographs. She had

a strong reaction to a picture of one individual. She recalled something else. A graphic detail. Then, they also found a photograph of her wearing that yellow dress.

So the reason for this eighth catchall categories of corroborating evidence, if the Court read the opinion in this aspect, the church in Moriarty, the Garden Church of God said, Court, you can't allow that eighth catchall because it nullifies the need for corroborating evidence. The Supreme Court said we don't need direct evidence of the abuse but you need circumstantial evidence of the abuse. That's what was present in Moriarty.

She remembered the yellow dress. She remembers what the guy looks like to corroborate the memories that she's having of the abuse. What we have here is memories of the abuse, memories of the suicide attempt tied to one of the events of abuse and a medical record that corroborates that suicide attempt. I would submit to you understand the Moriarty rationale that we fall clearly within that corroboration.

THE COURT: Yes, ma'am.

MRS. McDONALD: Yes, Your Honor. Just

to clarify. Doe v. Crooks is a little bit different than as characterized by Mr. Flowers at least in the opinion as the Supreme Court states discussing the harm. It's all right in keynote 5 as stated above. He acknowledges that he is aware of the abuse when it occurred when he was a 15-year-old minor, that he knew it was wrong. He felt shame. He dealt with shame. Thus discovery occurred in 1983 when Doe was 15 years old.

In the parenthetical that Supreme Court cites, Doe versus R.D., it notes that that case holds that a Plaintiff who is aware of sexual abuse when it was occurring should have known at that time that he had a cause of action even if we take a look at the Plaintiff's affidavit, paragraph 5, that Mr. Flowers read to you. During that same year, I attempted to commit suicide after one of the worse assaults that I could recall so far.

Moriarty, again, dealt with a small child in a church daycare. And whether or not the discovery rule could be applied to allow a case of repressed memory syndrome. Obviously, that's allowed now. Moriarty recognized it. The legislature recognized it in 15-3-555. As Mr.

Flowers said, and I agree with them that this is about the application of the discovery rule. And if the Plaintiff knew or reasonably should have known that the abuse was happening back in 1988/89, then the statute of limitations have run and under the due process analysis --

THE COURT: Let me -- I believe that this case is not squarely on point with anything that has been decided so far. The case has presented to me as a motion to dismiss. Mr. Flowers has responded with affidavits. If the complaint is not sufficiently stated to present a repressed memory claim under Moriarty, then he will be allowed to amend it. The motion to dismiss under Rule 12(b) is not going to be granted. So it is converted into a summary judgement motion.

In my view of this, it is not right to be decided right now because you need to take the deposition of this Plaintiff. You need to be able to come in here on the motion for summary judgement hearing and show whoever the judge is evidence of how long after this assault, how long after the attempted suicide was it that she had this in her mind that she had been injured. If it was a matter of a day or so, that's a totally

different situation than if it was six months.

Look at Moriarty. The question of whether or not, uh, -- well, they don't even make it clear in Moriarty which of the eight subcategories the Plaintiff is relying on. Of course, they describe the facts. But then they send the -- they don't say this is enough. They send the case back to the lower court. And they say there will be a motion for summary judgement. If the motion is denied, Moriarty still bears the burden of proving at trial that she repressed memories.

In other words, from a factual standpoint, Moriarty doesn't help us all that much. It tells us what the law is. It doesn't give us an application of the law to specific facts so that we can understand how the Court wants Circuit Judges to apply this rule. And when the decision of whether or not to grant summary judgement is made or if it's denied when the case goes up after a jury verdict, the Court needs a full record. And that includes, at the minimum the deposition of the Plaintiff. It probably includes the deposition of the person at the hospital who took this note. And there are probably a number of other things that your creative minds will

come up with to flush out this record.

I think that, uh, I don't know which way it's going to come down at this point. It's not going to be granted as a 12(b) motion. And in my opinion, -- if you want me to go ahead and -- well, it doesn't make any difference. I mean, if I deny the motion, they can refile it.

MR. FLOWERS: Yes, sir.

THE COURT: After discovery is complete.

MR. FLOWERS: Yes, sir.

MR. JOHNSON: Wilbur Johnson, Your Honor, on behalf of the School District. Our arguments are basically the same as the argument that Mrs. McDonald just made. I think if the Court is inclined to dismiss the, not grant the 12(b)(6) motion, there ought to be a requirement that the Plaintiff amend the complaint to state a status so that we can reply to them or respond to them. So we would ask the Court, if that's the way the Court is inclined to go, to require the Plaintiff to do so within a certain period of time, a specific period of time. Then we can respond in a specific period of time.

MR. FLOWERS: Your Honor, Mr. Johnson and I have talked about this. My response to that is I

plead a case factually that she was abused in 1988/1989. I am not required to anticipate what their affirmative defenses are and plead in opposition to affirmative defenses. I plead the case. It's their obligation to come forward with affirmative defenses and then I respond to affirmative defenses.

THE COURT: That may be true. But when it's, when -- it's no surprise to you that when you alleged in the complaint that the abuse occurs in '88 and '89, that they are going to come along and claim that the statute of limitations has run.

MR. FLOWERS: I understand.

THE COURT: In fact, you don't even present on its face a claim here unless you allege sufficiently in the complaint that this is a repressed memory case. I'm not saying you did or you didn't. But the complaint does have to sufficiently allege a repressed memory case under the criteria set forth in Moriarty or it is a 12(b)(6) motion granted.

MR. FLOWERS: Precisely, Your Honor.

THE COURT: So I will -- I didn't really look at the complaint so far today. I figured

even if I look at it and it's not enough, then I would be required to allow you to amend it.

MR. FLOWERS: I will be happy to amend it, Judge.

THE COURT: If you voluntarily want to amend it and you are satisfied with that, that leaves nothing for me to do other than to move on to the next case. But if I need to read the complaint and order you to amend it, then I will do that. If you agree on it, that would be preferable of course.

MR. FLOWERS: I will be happy to amend it.

THE COURT: Okay.

MR. GARRETT: Your Honor --

THE COURT: Yes, sir.

MR. GARRETT: -- this doesn't have anything to do with the motion but prior to this motion and having the hearing, someone has been circulating copies of this complaint, Jane Doe versus Charles Smith who is a well-known teacher at James Island facility on James Island. It seems to me to be done either by the Plaintiff or somebody on her behalf. I think when Mr. Flowers -- we have had these sort of things going on, Your Honor. I would bring it to Your Honor's

attention. I have not done it by motion. But it seems to me that it is an entirely inappropriate use of the complaint. Somebody has methodically used the Voter Registration list to send them and mailed out copies of this complaint.

MR. FLOWERS: Your Honor, I would --

THE COURT: I don't know what I can do about it. In order for me to do something about it, you obviously have to file some type of specific motion, wouldn't you?

MR. GARRETT: I don't know, Your Honor. I'm just bringing it to the Court's attention.

MR. FLOWERS: I want the record to reflect, Your Honor, I didn't have anything to do with that. My phone has been ringing off the hook from people who are getting those things wondering why they are getting it. I don't have any answer to them.

THE COURT: Did you want to say something?

MRS. McDONALD: Well, if you look at Doe versus Howe which was an issue that went out from Judge Jefferson about whether a Plaintiff was allowed to proceed anonymously in a legal malpractice action that followed a sexual abuse case, it seems to follow that if the Plaintiff is

allowed to proceed anonymously, I don't believe that we challenged that at all, that for somebody to then send the -- I don't have any knowledge of this. Mr. Garrett brought it to my attention.

But it seems like the Court would have power in its judicial discretion to say don't do it anymore or order -- that just seems out of bounds. If somebody is going to proceed anonymously and that's their right to do so and we haven't challenged it, then you shouldn't be able to then use that as a sword against the Defendant.

MR. FLOWERS: If the suggestion is that the Plaintiff is doing it, I think they need to come up with some evidence that the Plaintiff is doing it.

THE COURT: No, I didn't gather that. I think that they are bringing it to my attention that this has happened and this has the potential of unnecessarily and unduly harming the Defendant. They are essentially asking you whether or not you know anything about it. You said no. Asking me if I will make it clear that if I or any other judge ever finds out that the Plaintiff was involved in this, not certainly

Plaintiff's counsel but that's not what I meant but if the Plaintiff is involved in doing this, then there could be and should be consequences that at a minimum would include the lost of the privilege to proceed anonymously. Anything else I can do?

MR. GARRETT: Thank you, Your Honor.

MRS. McDONALD: Thank you, Your Honor.

MR. FLOWERS: Thank you, Judge.

MR. JOHNSON: Thank you, Your Honor. Your Honor, I guess the only other point is whether or not he has to amend in a certain amount of time. Are you going to impose some sort of requirement of time for the amendment?

MR. FLOWERS: I'm sorry.

THE COURT: When are you going to amend? He wants to know when you are going to file the amended complaint.

MR. FLOWERS: I'll be happy to -- 20 days?

MR. JOHNSON: All right. We get 20 days after that to answer or file our amended answer?

THE COURT: Yes. I'll do a, uh, I'll do a Form 4 that puts all that in there.

MR. JOHNSON: Okay.

THE COURT: Can I email the text of it to

you?

MR. FLOWERS: Your Honor, just so I'm clear. You aren't suggesting to put any restrictions on discovery by saying the Plaintiff, hospital employee and maybe the Defendant? We are to go forward with --

THE COURT: No, I'm not putting any restriction on discovery.

MR. FLOWERS: Didn't think so, Your Honor. Thank you, Judge.

MRS. McDONALD: Thank you, Your Honor.

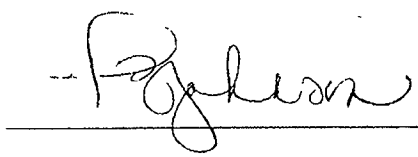
MR. GARRETT: Thank you, Your Honor.

(END OF PROCEEDING)

I, the undersigned, Teresa B. Johnson, 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 of the captioned case, relative to appeal, in the Court of Common Pleas for Greenville, South Carolina, on this 10th day of October, 2009.

I do further certify that I am neither of kin, counsel nor interest to any party hereto.

November 13, 2009



Teresa B. Johnson
Official Court Reporter

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF CHARLESTON	)	NINTH JUDICIAL CIRCUIT
JANE DOE, Plaintiff,	)	
vs.	)	Case No.: 2010-CP-10-7699
CHARLESTON COUNTY SCHOOL DISTRICT, JAMES ISLAND HIGH SCHOOL, and CHARLES SMITH, Defendants.	)	ORIGINAL

TRANSCRIPT OF PROCEEDINGS
HEARING ON MOTIONS
HEARD BEFORE JUDGE W. JEFFREY YOUNG
ON JULY 23, 2012

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(No exhibits were marked during the proceedings.)

The above-styled cause came on for hearing on the 23rd day of July, 2012, at 10:36 a.m., before Judge W. Jeffrey Young, Judge at Large, presiding over the Circuit Court for the County of Charleston, when the following proceedings were had and entered of record, to wit:

PROCEEDINGS

THE COURT: Good morning.

MR. EDWARDS: I apologize for being late.

THE COURT: Do you have any documents that you need to file with me?

MR. EDWARDS: I do, your Honor. I sent an E-mail this morning with this Memorandum attached.

THE COURT: I don't accept E-mails. If you've got a hard copy for me?

MR. EDWARDS: I do. Would you like the original or a copy?

THE COURT: Doesn't matter.

MR. EDWARDS: I'll hold on to the original just for safekeeping.

(Document is handed up to the Judge.)

THE COURT: Thank you.

All right. I believe this was the defense motion; is that correct?

MS. JACKSON: Yes, your Honor.

THE COURT: You may proceed.

MS. JACKSON: Your Honor, my name is Robin Jackson, and I represent Charles Smith, one of the Defendants in this case. And with me today is Brian Quisenberry, who represents James Island High School and the Charleston County School District. We both have motions for summary judgment today, and the motions are based on the same or almost identical arguments.

THE COURT: Who's going to argue those motions?

MS. JACKSON: I'm going to go ahead and argue first, your Honor.

THE COURT: All right.

MS. JACKSON: And the four arguments in Mr. Smith's position are a statute of limitations, which is a two-part argument, and then the position that we are entitled to summary judgment on the outrage claim under the Tort Claims Act, and the position that punitive damages are not permissible against Mr. Smith under the Tort Claims Act.

THE COURT: Okay.

MS. JACKSON: Has your Honor had an opportunity to review the facts, or would you like me to go --

THE COURT: Please give me a briefing on the facts.

MS. JACKSON: All right. Your Honor, this case

goes back to the school year of 1988 to '89, when the Plaintiff alleges that she was a second year ninth grader at James Island High School. She had Mr. Smith as her geography teacher, and Mr. Smith was also the softball coach for the high school. During that school year, she alleges that while she was in his class, he sexually assaulted her on three separate occasions. She also alleges that during that school year, between the time school started and February 12th of 1989, he assaulted her once at some horse stables and forced her to perform oral sex on him in his vehicle after driving her home from either school or softball practice. Thereafter, she attempted suicide by taking caffeine pills in the building of the school on February -- I believe it was February 12th of 1989. She then walked into Mr. Smith's classroom and advised him that she had taken pills. He then called for the school nurse, who came in. They walked her around. An ambulance arrived and transported her to a hospital. She was then absent from school for a certain period of time. She returns to school, finished out the school year that year, '88-'89, she went through the summer, she returned to James Island High School again for the '90-'91 school year -- I'm sorry, the '89-'90 school year -- and after failing ninth grade for the third time, she then dropped

out to attend night school and eventually got her GED.

The Plaintiff claims that at some point she repressed all memories of this abuse, and that those memories were subsequently recovered in 2007. And now she has brought this action against both Mr. Smith and the school and the school district.

This is the second allegation of abuse by the Plaintiff. The first time she had an allegation of abuse was sometime between the ages of four and six, when it is alleged that a babysitter also forced her to perform oral sex on her. That case was never prosecuted, but there is documentation of that, both by the Plaintiff's own testimony and the testimony of her mother.

THE COURT: When did the Plaintiff turn 18?

MS. JACKSON: The Plaintiff, your Honor, turned 18 on May 4th of 1991.

THE COURT: Okay.

MS. JACKSON: And we are here today asserting that the Plaintiff has missed her statute of limitations by filing this action in 2007. And that's based on quite a few different statutes that are intermingled, as well as the fact that, based on Moriarty, she does not meet the requirements for -- for repression.

Your Honor, this case has a three-year statute

of limitations under 15-3-555, which is for assault, battery, or other injury to the person. Because the Plaintiff was a juvenile and she was age 15 at the time that this happened, we agreed that the statute is tolled until she's 18. She then has three years, or until she's 21, in order to file this action. Three years and until she was 21 -- I'm sorry. Yes. -- 21, would have been 1994, would have been when this action -- the statute of limitations expired on this action. Much later, in 2001, the legislature acknowledged that there was this issue for victims of sexual abuse and applied a new statute of limitations. And under Doe versus Crooks, the Court determined that they did not have to -- they had to understand that they were injured but not understand the full extent of their injuries.

The problem with the Plaintiff's argument is that the statute of limitations that was extended in 2001 cannot be used to reactivate a statute of limitations that has already expired. And, therefore, we take the position that her statute of limitations --

THE COURT: Regardless of what the legislature did in 2001 --

MS. JACKSON: Right.

THE COURT: -- the statute of limitations had already run, so, therefore, it would be dead, and not

just in a suspended animation.

MS. JACKSON: Exactly, your Honor. If this had been a case where the Plaintiff was still a juvenile at the time of 2001 when this was passed, it would be a totally different situation. But in this case, she had reached the age of majority in 1991, ten years before the statute was enacted, and her statute had run in 1994, seven years before the statute was enacted; and so, therefore, her statute of limitations period is dead.

We take the position that she did understand that she was injured during the time period in which the alleged abuse was taking place. She testified herself that she was 15 years old; she was in high school; she had reasonably decent grades up until the end of this school year when she attempted suicide. And the Defendants take the position that it's completely illogical and -- that it's completely illogical that the Plaintiff, as a 15-year-old freshman in high school, would claim that she didn't know that a teacher fondling her vagina in a classroom or forcing her to perform oral sex was wrong. She testified that during and after these acts she felt frozen, she felt unclean, she felt uncomfortable, and she was crying. And all of those actions indicate knowledge that this was wrong, and that

she was harmed, and that is all that is required in order to activate that statute.

Your Honor, this statute is objective. It is not whether or not this particular Plaintiff knew whether -- this girl knew -- but whether a person of common knowledge and experience was on notice that some right of theirs had been invaded. If we were talking about a three- or four-year-old child, it would be a totally different situation. But this is a 15-year-old child. This is a person who was getting her driver's license. And it's our position that, clearly, she knew that these acts were wrong, and that she was being harmed as they were going on and in the time period afterwards.

With regard to repression, the leading case on this issue is Moriarty versus Garden Sanctuary Church of God. In that case, the Court decided that you must have objective verifiability, and they set forth eight ways in order to prove this. We do not have 1 or 2, which is an admission by the abuser or a criminal conviction. In this case, Mr. Smith was never charged with the crime. The Plaintiff did report it to the authorities, they did investigate, and he was never charged for the crime. Mr. Smith adamantly denies that any abuse ever took place, so we do not have any admission by the abuser.

Number 3, a documented medical history of childhood sexual abuse. There is no documentation of any sexual abuse during the time period in which [redacted] alleges that she was abused by Mr. Smith. There may be documented history from the babysitter from when she was age four to six, but that has no bearing on whether or not there was abuse when she was 15.

Number 4, we have no contemporaneous records or written statements of the abuser. The Plaintiff is going to point to this exhibit, which is a page from Ms. [redacted] yearbook, which I believe he has submitted. It says "autographs" on it large, and it is a note from Charles Smith. It makes absolutely no reference to any abuse or any inappropriate relationship. It simply tells her that she should let someone else work out her problems, she needs to learn how to set priorities, and that if she wants to join the softball team next year that she better practice or get on a team. It also says that she argues too much. But makes no mention of any sexual relationship or touching or inappropriate relationship. There are no other contemporaneous records or written statements or diaries. Even the Plaintiff cannot produce one.

Number 5 and 6, there are no photographs or

recordings, and there are absolutely no eyewitness accounts.

Number 7, there's no evidence that the abuser had sexually abused others. The Plaintiff has testified on several occasions that she believed that other people would come forward, and, although this case has been going on since 2007, and the Plaintiff has on two occasions sent out letters to the community asking for assistance and if anybody knows of any other victims, there have been absolutely no victims who have come forward, and no people who have come forward to support the Plaintiff's story.

Number 8 is the catch-all -- and seems to be where the Plaintiff is putting her reliance; however, there's no evidence there either -- there is a proof of chain of facts for circumstances having sufficient probative force to produce the reasonable and probable conclusion that the sexual abuse occurred. There's nothing there, your Honor.

The Plaintiff is going to allege that there is a groom -- habit of grooming between Mr. Smith and the Plaintiff. This is simply not true. The evidence shows that there was no behavior that took place between Mr. Smith and [redacted] that didn't also take place with other students. One of the things that

they're going to probably mention is the fact that he would give her rides home after school and softball practice. There's been testimony that now that's not permitted by teachers, to give students a ride home without permission. But this was back in the '80s. And in the '80s, there's testimony from Barbara Dilligard, Dr. Shealy, Shaddrix, and Mr. Smith that this was commonplace; that the teachers and the coaches weren't allowed to leave the students behind. And if they needed a ride home and they didn't have a way to get there, pile in the car, and I'll take you home. [redacted] is not the only student who ever got a ride home from Coach Smith. He testified that he gave rides home to any of his players or students who happened to need a ride home if he was able to.

And, finally, in the Brief, it talks about Mr. Smith's concealment of the Plaintiff's suicide attempt in his classroom. And, your Honor, that's simply not true. The Plaintiff testified that she took these pills; she went into his classroom. Mr. Smith then called for a school nurse who came down, and Charleston County EMS arrived at the scene on the school, brought in the stretcher through the school, and they transported her out to the hospital. There's no concealment of anything that's going on with regard to

Ms [redacted].

Additionally, there's an issue as to whether or not this was an actual suicide attempt or whether it was just a way for [redacted] to try to get Mr. Smith's attention. There's been testimony that she may have had a crush on him at the time and may have been upset by the fact that he had rejected her, and that's why she had attempted suicide. Either way, the Plaintiff, in the statement that she has submitted -- the affidavit of Jane Doe which the Plaintiff has submitted, Paragraph 5 says: I attempted to commit suicide after one of the worst assaults I can recall so far. That again shows knowledge. It shows that she had recall of these events, she knew what was going on, and that there is the discovery that then sets into play the statute of limitations.

Finally, there's testimony from both Tonya Bolton and Dr. Timothy Brewerton that they cannot tell you to a reasonable degree of medical certainty when these memories may have been repressed or when she may have started to recover the memory. And without any evidence of that, it's our position that the statute of limitations runs from the time that she discovered the abuse, which was when she was 15, tolled until she's 18, and then it runs at age 21, which -- and at that time,

she asserts by her own testimony that she did have recall of her life between ages 18 and 21. And our position is that at that point, the statute of limitations should have run, and this case should be barred.

With regard to those other two arguments --

THE COURT: Let me go ahead and hear from Mr. Edwards on this position.

MS. JACKSON: Okay.

THE COURT: Mr. Edwards.

MR. EDWARDS: Thank you, your Honor. What she remembered, when she remembered, and how much she remembered are all questions of fact to be determined by the fact finder. [redacted] says she repressed them after the abuse at some point before she turned 18 and didn't recover them until 2007. Both experts say that's what she said. We don't have anything to suggest otherwise. Their own expert says that he's reviewed all the records, reviewed all the testimony, and he cannot say that she did not recover these memories before early in 2007 --

THE COURT: But the burden is on the Plaintiff, not on the Defense.

MR. EDWARDS: I understand. And she's filed sworn affidavits, sworn statements with the police, here

with the Court, with other counselors, that says: I have not recalled these memories from the time it happened until early 2007. This case was filed in late 2007, within one year after the recall of the memories. Moriarty says nothing about 15-5 or -- -3-555, which is the sexual abuse statute that was passed later. It operates under the discovery rule, which is 535. They're right that the statute is tolled during the time she's a minor. She's abused at age 15, so it's tolled until 18. It doesn't even start. Under the discovery rule, when those the memories are repressed -- whenever they are repressed, it's tolled, or it doesn't even accrue, frankly, is what the case law says, because she didn't know or have reason to know that she was harmed. She hadn't discovered it yet. Fast-forward to 2007 when the memories flash back. That's when the statute of limitations is triggered, right then, because a normal person with reasonable diligence would know something has happened. They've now got these memories of abuse by a teacher that happened when you're a teenager, that's when the statute of limitations starts to run. Moriarty couldn't be more clear on this point. It deals specifically with repression of memories and dissociative amnesia, which is the technical term for it. It's -- it doesn't start to run until the memories

are retrieved.

Now, that's Number 1. That can be proved by testimony of the Plaintiff. Direct evidence, direct testimony. It can also be proved, and there is a requirement, among other things, expert witness testimony. Our expert says: I reviewed her; she suffers from dissociative amnesia; she was abused. Their own expert says: Dissociative amnesia exists. I've got nothing to suggest that she wasn't abused or that she didn't recall these memories until 2007. She says not until 2007. That's a jury question to determine whether or not she did or didn't, when she did, and how much she remembered. Now, as for the --

THE COURT: Ms. Jackson, concerning that issue -- I mean, this is a Motion for Summary Judgment. And if there's any issue in play, don't you think it ought to at least go to a jury on that?

MS. JACKSON: No, your Honor, because the Plaintiff's experts have said they can't tell when she repressed these memories. And it requires objective evidence, and there is no objective evidence in this case. And our position is that because there's --

THE COURT: So isn't that just a battle of the experts at that point?

MS. JACKSON: Well, all the experts say the

same thing: There is no objective way to tell when these memories were repressed, if they were, or when she recovered the memories. And she could have recovered those memories anytime leading up to 2007 when she finally took action. She may have repressed those memories.

The other problem we have is that in 1995, I believe, she claims that she had previously repressed the memories of the earlier abuse and suddenly recovered those memories. So there's nothing to say that she didn't also possibly recover these memories at that time, and none of their experts can say that she didn't. And so we don't believe that they have met their burden to have objective evidence in addition to the expert testimony under the Moriarty requirements for a chain of facts and circumstances.

THE COURT: Okay.

MR. QUISENBERRY: Your Honor, I have additional grounds for the school district and the high school, if I can submit those now?

THE COURT: Yes.

MR. QUISENBERRY: As the -- I represent the school district and the high school. Brian Quisenberry from Young, Clement, Rivers here in Charleston, and we obviously echo the arguments of Attorney Jackson about

the statute, and we believe it's tolled. Just as a note on that, is that this was a difficult claim to litigate because of the age. The principal is deceased, the superintendent at the time is deceased, so that's the purpose of the statute of limitations, is to let the Defendant be able to defend itself and not everyone be dead. So we would echo the arguments of Attorney Jackson on the statute of limitations.

But even if your Honor decides that the claim survives the statute of limitations, as to the district and the high school, they have additional defenses beyond what Smith has, and because of -- because they were the employer of the abuser. And so they have additional defenses. And I'm going to go through briefly of each claim and -- and go over some case law about those defenses.

Second Amended Complaint asserts three causes of action: breach of fiduciary duty; outrage, which is intentional infliction of emotional distress; and gross negligence.

The first, fiduciary duty. The Plaintiff's fiduciary duty claim fails under South Carolina law because it specifically states that the relationship between a school district and a student is not a fiduciary relationship. There's two South Carolina

Supreme Court cases on point. One, Doe versus Greenville County School District. That's a 2007 case. There's a similar allegation of sexual abuse between a teacher and a female student. The South Carolina Supreme Court on a Motion to Dismiss upheld the trial court's dismissal of the cause of breach of fiduciary duty cause of action saying that the only duty that they could find that the district owed to a student was the duty of supervision outlined in the Tort Claims Act. That's a quote from the case.

The next case is Hendricks versus Clemson University. There the South Carolina Supreme Court held as to the fiduciary duty claim: We decline to recognize the relationship between a school and a student as a fiduciary one. They explain: This State has reserved a position of fiduciary duties to legal or business settings often in which one person entrusts money to another, such as with lawyers, brokers, corporate directors, or corporate promoters. So because of two Supreme Court cases on point saying there was no duty, that claim obviously fails as a matter of law.

Outrage. That's the next cause of action. And that claim is specifically barred under the South Carolina Tort Claims Act. There's a specific provision saying that the state entities do not waive sovereign

immunity for intentional infliction of emotional distress. That's South Carolina Code Annotated 15-78-30, Section f, defining law says: bodily injury, disease, death, damage to tangible property, lost wages, economic loss to the person who suffered the injury, disease, or death, pain and suffering, mental anguish, and other elements of actual damages recoverable in actions for negligence, and then real big in bold, but does not include the international infliction of emotional harm. So it's specifically barred by the Tort Claims Act.

So then the final cause of action is gross negligence. As your Honor is aware, gross negligence is a heightened standard under the Tort Claims Act. Gross negligence means failure to exercise even slight care. But here we don't even need to get into the defense of gross negligence because the Plaintiff cannot meet the elements of her claim under a standard burden of proof. As Smith alleged, sexual assaults are clearly outside the scope of his employment. These are acts of sexual in nature, so those were not in furtherance of the employer's interest. Those were -- he was acting in his own interest, and so, therefore, there's no vicarious liability. So the theory here in the Complaint is that the district and high school were grossly negligent in

their supervision of Smith in failing to prevent the abuse. So that's the theory.

And the seminal case on this kind of claim is Degenhart versus Knights of Columbus. That's a 1992 case. And there the South Carolina Supreme Court set out the duty an employer owes to control an employee when that employee is acting outside the scope of their employment, because generally there is no duty to stop someone from harming another except in special circumstances. And in the case, the Supreme Court set out the requirements to bring such a claim. I'm going to read for your Honor a quote, and this quote is also on page 7 and 8 of my Memorandum if you want to review it.

THE COURT: Okay. Yeah.

MR. QUISENBERRY: It says: Under certain circumstances, an employer is under a duty to exercise reasonable care to control an employee acting outside the scope of his employment. An employer may be liable for negligent supervision if the employee intentionally harms another when he, and these are the requirements, one, is upon the premises in the possession of the employer. So that's if he's on the land or a place owned by the employer, or he is using a chattel of the employer. So it's got to meet one of those two

requirements. And then: And the employer, one, knows or has a reason to know that he has the ability to control the employee acting outside the scope, and knows or should know of the necessity and opportunity for exercising such control of an employee acting outside the scope. So these are the requirements in this kind of situation. Have to meet each one.

Now, under this standard, it's not sufficient for a plaintiff to simply show that the employee committed this act on the premises of the employer. That's one of them. But the other two elements, you also have to meet. And that most important element is showing that they had prior notice. There was something that happened that gave them -- that they knew or had reason to know that, hey, this employee has been acting outside the scope, and we've got to do something to stop it. Notice, and I'd say, you know, that's a key requirement of this claim.

So in the Degenhart court there, affirmed summary judgment of the employer because there was no facts in the record showing the employer had prior notice before the incidents at issue that would put them on notice that they needed to stop the employee.

So I'm going to quickly review two key cases on this. One is Brockington versus Pee Dee Medical Health

Center [sic]. Similar allegations in this case. Then that's at page 8 of my Memorandum. And it's on the -- there's a copy of the Opinion in Exhibit 13.

THE COURT: All right.

MR. QUISENBERRY: The plaintiff alleged that he was repeatedly sexually assaulted by the defendant's employee while he was a mental health client at this mental health center. The repeated sexual assaults in this case occurred on the premises of the mental health center while the employee, who was a therapeutic assistant supposed to be providing medical health therapy to the plaintiff, repeatedly abused the plaintiff. The Court of Appeals reversed the verdict in favor of the plaintiff in that case and held that the negligence claim failed as a matter of law because he could not establish prior acts.

The Court put the question this way: Did the defendants know or should know that they have -- that they had knowledge of the necessity, control [sic] over the employee? And then here's the facts they went through to determine that they didn't have that notice. The plaintiff presented no evidence that the defendants had any knowledge whatever that Davis had sexually assaulted the plaintiff. Davis was the employee. Moreover, the -- nothing in the employee's work history,

nothing from the co-workers, nothing in his personal history or work activities alerted the defendants to -- that Davis would engage in predatory homosexual activity or other inappropriate sexual conduct with clients and with the plaintiff in particular.

So, to note, your Honor, that test looks at specific facts about that employee. Not about problems with sexual abuse in general or anything like that. It's got to be notice, and specific facts about that employee that puts the employer on notice.

Now, another case that's even more on point is Moore versus Berkeley County School District, and that's more on point because it is a school district and a teacher/student setting. It's very similar to the case on point. The plaintiff brought a gross negligence claim against the school district based on allegations that a teacher had sexual intercourse with the plaintiff while the plaintiff was a middle school student. The Court of Appeals analyzed the gross negligence claim under the Degenhart versus Knights of Columbus test, that I cited to your Honor earlier, and they held that the claim failed in part because the employer did not have prior notice. This is a quote from that opinion: There is no evidence in this case that the district had notice of improper sexual contact between employee and

any other students prior to the incident involving the plaintiff.

In Moore, the plaintiff, even though her claim failed, it was a much stronger claim than we have in the present case. In that case, there was testimony in the record from other teachers at the school stating that they observed inappropriate actions in the classroom with the teacher. But the -- the school -- the Court there said that that was still insufficient to hold the district liable because of notice because the teachers admitted they didn't report it to the administration. So that's key here. There's no testimony like that whatsoever in this case.

I'm going to go through real quickly the evidence in this case about notice. That's page 10 of my Memorandum if you want to follow along.

THE COURT: Yeah.

MR. QUISENBERRY: Plaintiff admits that she did not tell anyone about the alleged sexual assaults until 2007. If I could read really quickly an excerpt from her testimony.

This is my question: I understand, and clarify me if I'm wrong, but I understand from your testimony yesterday that you didn't tell anyone about any of the incidents that occurred with Mr. Smith until 2007?

Yes, sir.

She didn't tell anyone. Plaintiff admits she did not report the alleged instances to anyone at the school. Did not tell any friends; didn't tell any parents. She didn't tell anybody. And so it was hidden, and she didn't report it.

Also, there are no former students, no former teachers, no former employees, no other witnesses that testified in this case that they suspected Smith with sexual misconduct. There are no witnesses that testified that they suspected Smith had inappropriate actions towards students prior to this incident. At all times at issue, Smith was a full-certified, credentialed teacher with the South Carolina Department of Education, Smith received a score of satisfactory or higher on all of his teacher evaluations, and Smith received no reports of misconduct, no reprimands whatsoever prior to these instances, and it's crucial that it has to be prior to the instances. He did receive some written reprimands long after, you know, in the 2000s, but those are irrelevant because it has to give them notice. So you're only looking at what happened before. And I've got his entire personnel file for your Honor to review at Exhibit 8.

One more point. Plaintiff conceded in her

deposition that she has no evidence to show the school district or the high school had prior notice. I asked her: Do you have any information or knowledge that the school district had any information about Mr. Smith that should have put them on notice prior to these instances?

Prior to 1989?

I said -- and I said: Yes.

And she said: Not at this time.

And then I said: You don't have -- know of any school district official -- teacher, official, or anyone -- that had any knowledge prior to these instances that should have put them on notice?

And then she asked: Prior to 1989?

I said: Yes.

And she said: Not at this time.

So she admitted she didn't have any evidence to show us.

Now, recognizing that they don't have evidence of notice, the Plaintiff has kind of massaged their claim a little bit to now saying that, well, you just are generally negligent because you didn't have policies and procedures regarding training and -- and prevention of sexual misconduct, and so, therefore, you're negligent generally. But that -- the South Carolina Supreme Court has never recognized a duty to adopt or

enforce certain rules and policies against employees when they're acting outside the scope. Of course, there's a duty to enforce your policies and have appropriate policies to control employees inside the scope, but there's no duty to adopt policies to control employees outside the scope. There's not a case on that. And, actually, the Court of Appeals has said -- has held there's no duty regarding policies.

I want to -- this is Brockington again, but I want to -- they tried the same things in that case. They didn't have the notice element so they said, well, the employer is liable for negligence for not enforcing their policies. If they enforced their policies, that would have prevented the act. And there the Court of Appeals rejected the plaintiff's claim and held the employer is only liable for failing to enforce policies with respect to actions within the scope of employment.

I want to read a quote real quick. The Court said: We conclude that the defendants possessed no duty arising out of the internal directives to protect the plaintiff from unreasonable risk resulting from his relationship with the employee in his individual capacity rather than in his capacity as employee.

So there is no duty regarding the policies and procedures. But even if there was, your Honor, the

claim would still fail because the Tort Claims Act says that the school district is immune regarding policies and procedures. This is South Carolina Code 15-78-60, Subsection 4, and that provision says: The government entity is not liable for a loss resulting from adoption, enforcement, compliance, or failure to adopt, enforce, or comply with any charge, provision, ordinance, resolution, rule, regulation, or written policies. So even if there was a duty, it's barred by the Tort Claims Act.

So, your Honor, we ask that you grant summary judgment to the school district and the high school even if you find that the statute of limitations bar doesn't apply.

THE COURT: Okay. Thank you. Mr. Edwards.

MR. EDWARDS: Under the theory espoused by the district, pedophiles would have one free molestation, and the districts and schools would be rewarded by sticking their heads in the sand and not overseeing their teachers. That's not what the law is. That's not what the law says. We are entrusting our children to these schools, and they have a duty. And there's a plethora of South Carolina cases that say that schools and districts have a duty to their students to supervise, oversee, another student and a teacher who is

charged with their responsibility.

THE COURT: Talk to me about these two cases; Moore and Brockington. Tell me how they're wrong in the analysis of this situation.

MR. EDWARDS: Well, Moore is wrong, one, because it's talking about conduct outside the classroom. And the allegations here are talking about conduct inside the classroom. Okay. We -- the allegation is that she was inappropriately touched and assaulted inside his classroom. In addition to that, she attempted to commit suicide on school grounds in Smith's classroom. Smith took her in -- he says he called the nurse, but nobody can identify the nurse. Nobody can produce her as a witness. No record was reported by the nurse, which is required. No investigation performed by the school, which is required. No questions were asked by the school, which is required. No contact made with [redacted] family, which is required. No accommodations provided to her when she comes back. All required. Of course, she then drops out without any discouragement, also against policy. And she goes on, and she lives her life at a reduced level.

Moore talked about outside the classroom. When you were talking about Brockington -- I'd like to -- I'd

like to refer you to one other case before I talk about Brockington. In Greenville Memorial Auditorium versus Martin, 301 S.C. 242, a South Carolina Tort Claims Act case, and it more accurately applies to this case because it held -- it was a similar circumstance, a criminal act by a third party outside the scope of employment. Auditorium said: We're not liable; this is outside the scope; it's a criminal act; we're not liable for criminal acts. Court said: Well, no, you are liable for your own negligence -- in your own grossly negligent discharge of your duties, and the claims that were made were that you were negligent yourself in failing to monitor, control, supervise your own people. Had you done that, we wouldn't be talking about the criminal act of a third party; because if you do your job the right way, you would have had at least discharged your duties in a correct way, and you would have been -- you could have gone out on that point.

The allegations here are not only -- there is an allegation of vicarious liability, but there's also an allegation of direct liability for the school district and for the school. They have their own duty owed to the students that they take in and that they house and that they supervise and that they have entrusted their safety to. They have their own duties

to follow. And if they breach those duties, and they fail -- Smith admitted in his testimony: he took students on rides, according to Plaintiff, from school grounds to practice, to home. He took students to overnight summer camps; he took students out of state for overnight summer camps; he admitted buying students gifts; he admitted spending time with [redacted] outside the school grounds. All of these things are against policy. Now, whether or not --

THE COURT: Was the policy in place at that time?

MR. EDWARDS: I'm sorry?

THE COURT: Was the policy in place at that time?

MR. EDWARDS: There is absolutely no evidence of any policies in place in the late 1980s. But even if it was, it would be a violation. And even if it wasn't, that doesn't mean that the conduct was okay because they didn't have a policy. Maybe they didn't. But they should have.

THE COURT: You're -- you're suing under the Tort Claims Act, which is very specific. You can't just say, you know, shotgun, and hope something sticks. You've got specific requirements on this --

MR. EDWARDS: I understand.

THE COURT: -- that tend to make it difficult for a plaintiff to succeed.

MR. EDWARDS: Sometimes. But there is a clear duty to supervise, monitor, and otherwise control your own employees. And that duty flows from the school to the student and from the district through the school down to the student. And they are liable if they've discharged those duties in a grossly negligent manner. Now, gross negligence is a relative term that means a failure to exercise slight --

THE COURT: Any -- any --

MR. EDWARDS: -- slight care.

THE COURT: How can they do anything if they don't know anything about it?

MR. EDWARDS: They should have known that their own teacher is taking their students off of school grounds in his own vehicle, that a student attempted to commit suicide on school grounds. They don't know that? That goes to my point earlier --

THE COURT: The question was at the time of the act. Not after. Not subsequent to the act.

MR. EDWARDS: The 30(b)(6) deponent for the school district testified that it was common knowledge that teachers sexually assault their students. Okay? And they have these policies to ensure the safety of the

students including transportation, including emergency medical care, including private transportation between teachers and students to protect the students. Now, the fact that they didn't know he was doing that doesn't get them off the hook. All it shows is that they weren't doing their job, and that they exercise their duty to the student to protect her, to ensure that she was transported correctly and under the proper supervision, that she was tended to correctly and under the proper care in an emergency medical situation. They had the duty to do -- to discharge those duties in the right way. Because they didn't know doesn't mean that they're off the hook. It means that they didn't do their job at all. They exercised no care for her well-being and for her safety, which they are obligated to do under a score of South Carolina cases which is cited in my Memorandum.

Now, which brings me back to my point originally. What the district and the school is trying to say to you is, well, if we just kind of look the other way, we close our eyes, we turn a blind eye to a teacher walking out the door with a student, putting them in his own car, and the student -- in the teacher parking lot which is right next to the principal's office, we turn our blind eye to that, and he goes off and molests her, we're off the hook because we didn't

know. That's not it. You are charged with the responsibility of knowing what your teachers are doing with their students, where your students are going after school, what the transportation is to school and from school; and if that's not being followed, you are charged with the responsibility of knowing that and making sure that it is done correctly. That's not what the law says; that you just can stick your head in the sand and not know one way or the other what your teachers and what your students are doing, and that's okay.

At the same time, before this abuse, which was 1988 and 1989, Eddie Fischer was a teacher at James Island High School early in the mid '80s. I think we all -- maybe your Honor doesn't know. But Eddie Fischer abused scores of students. Okay? So James Island High School and the school district can stick their head in the sand about that too, but that doesn't mean that they're not charged with the responsibility of ensuring the safety of their students when they're placing their students with the teachers that they are hiring, that they are overseeing, that they are supervising, and then just let them go. The duty is to monitor and to supervise students and your teachers. And if you have --

THE COURT: But under your theories, the school is an absolute ensurer of students' safety at all times regardless of what comes out and what is portrayed, and --

MR. EDWARDS: That is not --

THE COURT: -- and that's not --

MR. EDWARDS: That is not true. And I agree with that. That that is not the case. They cannot ensure the safety at all times. But what they can do is they can exercise some care. And there is no evidence -- none has been presented to you, none can be presented to you here -- that they exercised any care for the supervision of [redacted] or overseeing Charlie Smith.

THE COURT: But you're asking them to prove a negative at this point in time. They've got to prove that they did something when -- there's -- even she says they didn't know anything was going on.

MR. EDWARDS: She -- well, she didn't say that they didn't know --

THE COURT: Well, in the deposition, she said she had no evidence that -- that they knew anything about it.

MR. EDWARDS: But she doesn't know what they know. So --

THE COURT: Well, so now they've got to prove what they don't know?

MR. EDWARDS: Well, affirmative defense, which is what the Tort Claims Act exceptions to the waiver of immunity are, the burden is on the school district to prove that.

THE COURT: I don't think that's correct. You're going against the Tort Claims Act. You have to prove all the elements.

MR. EDWARDS: That's right. And the element is gross negligence. And what we've proved is that she was abused. That's unopposed -- well, that's a question of fact right there. Mr. Smith said he didn't do it. We've proved that she was taken by -- from school grounds by the teacher, which is against policy. Nobody -- either nobody knew about it or nobody cared enough to watch. They're trying to rely on the fact that they're not grossly negligent without presenting any evidence of the care that they exercised. They can't --

THE COURT: But you show absolutely nothing -- that they knew anything about it. You're assuming that they knew something about it. There's nothing in there that says that they knew in that situation. Ever she says they didn't know. And then no students or anybody

else knew.

MR. EDWARDS: Well, the standard, respectfully, your Honor, as I understand it, is knew or should have known. Okay? Because they didn't know, that's all well and good. That doesn't mean that they shouldn't have known what was going on, that they shouldn't have known that Smith was taking students in his own car, that he was buying them gifts, that he was tending to a student in emergency medical care in his own classroom, calling 911, having the ambulance come on to school property, have the EMS techs rush into the school with a gurney, take her out, pump her stomach --

THE COURT: Well, I thought you said there's no evidence of that -- of that happening, of him calling anybody or --

MR. EDWARDS: Nothing in the district's records because Charlie Smith didn't tell anybody. He didn't report it to the principal; he didn't report it to the superintendent; he didn't report it to anybody, which --

THE COURT: So you mean to tell me that they've got ambulances arriving at the school, coming down the hall, and nobody knows about it?

MR. EDWARDS: Yes. That's exactly right. And Charlie Smith has admitted that in his deposition. So --

THE COURT: All right. I've got everybody's Briefs. Anything else?

MR. QUISENBERRY: If I could briefly respond, your Honor?

THE COURT: Yes.

MR. QUISENBERRY: On -- on an off -- off grounds comment that -- that Smith took them off grounds, that wasn't against policy. And I cited in my Brief testimony from four different witnesses: the deputy superintendent for the district; a football coach; the assistant principal at the time; and Charles Smith, himself. All of them say it was routine; it was commonplace. There was nothing suspicious at all about taking students home after practice or after school if they needed a ride.

He mentioned Eddie Fischer. There's no cites to the record at all. That has not been -- there's no evidence at all about that in the record. That's just superfluous.

In the handling of the suicide, that was after the abuse. Admitted by Plaintiff, there's no abuse after that. So that wouldn't put them on notice to prevent this. It would happen after the abuse. So the handling of the suicide is not relevant. And about --

THE COURT: Attempted suicide.

MR. QUISENBERRY: Yeah. A gentle attempt at suicide. The relevant standard is in Degenhart versus Knights of Columbus. The Court of Appeals in a school district teacher-versus-student case applied that standard. That's the test for whether they have a claim or not. Notice is required. It's not a one free bite. She still has the claim against the teacher, himself; it's just a matter of what the district required.

And then one other point, your Honor. In their Brief, they cite cases that are student-on-student instances or a -- where the student's conduct creates the injury. Those cases are different. They're treated totally different. Different standard. The test is when an employee creates the conduct, it's under the Degenhart versus Knights of Columbus claim.

Thank you.

THE COURT: All right. There's a lot I've got to read here. I will review it. If you want to submit additional information, you may do so within the next ten days. When I make my ruling, I'll let you know. Thank you.

ATTORNEYS IN UNISON: Thank you, your Honor.

(The hearing of this cause concluded at 11:25 a.m., on July 23, 2012.)

Reported by:

REPORTER'S CERTIFICATE

STATE OF SOUTH CAROLINA)
) ss.
COUNTY OF BERKELEY)

I, **ROLAYNE M. VOLPE**, Certified Court Reporter, CCR, and Registered Professional Reporter, RPR, do hereby certify that the transcript of the foregoing proceedings accurately reflects the events that occurred before me to the best of my ability at the time and place set out on the caption hereto, the witnesses having been duly cautioned and sworn, or affirmed, to tell the truth, the whole truth, and nothing but the truth.

I FURTHER CERTIFY that I am neither counsel for, related to, nor employed by any of the parties to the action in which these proceedings were taken or to any attorney or counsel employed by the parties hereto, nor financially interested, directly or indirectly, in the outcome of this action.

CERTIFIED AND SIGNED on this 27th day of September, 2012.

ORIGINAL

ROLAYNE M. VOLPE, CCR, RPR
Certified Court Reporter and
Registered Professional Reporter

ROLAYNE M VOLPE NOTARY PUBLIC SOUTH CAROLINA

Reported by:

STATE OF SOUTH CAROLINA COURT OF COMMON PLEAS

COUNTY OF CHARLESTON

CASE NO.: 2007-CP-10-5203

JANE DOE,

Plaintiff,

V.

CHARLESTON COUNTY SCHOOL DISTRICT, JAMES ISLAND HIGH SCHOOL, AND CHARLES SMITH,

Defendants.

Deposition of [redacted] taken on behalf of the Defendant on Wednesday, September 7, 2011 at 11.00 a.m. at Senn, McDonald & Leinbach, 3 Wesley Drive, Charleston, South Carolina.

REPORTER: Nicole D White

A-P-P-E-A-R-A-N-C-E-S.

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([redacted], having been first duly sworn, testified as follows)

E-X-A-M-I-N-A-T-I-O-N

BY MS JACKSON

Q Ms [redacted], my name is Robin Jackson and I'm the attorney who represents Charles Smith, the Defendant in this action Have you ever given a deposition before?

A. **No, ma'am.**

Q All right Very quickly, this is just a question and answer session. It's not a quiz, it's not a test, it's also not an endurance contest If you need to take a break at any time, you let me know and we'll take a break I do have a stack of documents here that I will show you when I have questions about them and if you need more time to review them before I start asking you questions about them, please let me know and I'll be happy to give you time to review them Are you able to read?

A. **Yes, ma'am.**

Q All right Are you under the influence of any medications today?

A. **Yes.**

Q. What kind of medications?

A. **Zoloft, the generic form of Zoloft.**

Q Okay

A. **I took Ativan last night, Advil and there's a third medicine that I take, but I haven't taken it in a couple days.**

Q Okay And what is it for?

A. **It's for acid reflux type issues and stomach issues.**

Q All right Do you believe that any of those medications will have an affect on your ability to tell the truth today?

A. **No, ma'am.**

Q Do you think that there's any reason that you would not be able to give a truthful deposition here today?

A. **No, ma'am.**

Q All right Under the rules of civil procedure for the attorneys there are a few ground rules for the deposition The first one is that we have a court reporter here taking down every word that gets said in the room, so it's very important that we don't talk over top of one another I will do my best not to cut off your answers, if you will try not to cut off my questions so that she can take down a clear

Record, okay?
A. **Yes, ma'am.**
Q Also, it's very important that you give verbal responses and don't just shake your head or nod your head If you do that or you say uh-huh or huh-uh, as people sometimes do in conversation, then I will prompt you by saying was that a yes or was that a no I don't mean any disrespect, I just want to make sure when we read the Record later, we're very clear on what your answer to the question was
A. **Yes, ma'am.**
Q If at any time you don't understand a question that I'm asking you, please ask me to clarify it or rephrase it, I'll be happy to do so. If you don't understand the question, you need to direct those questions to me, okay?
A. **Yes, ma'am.**
Q Also, for some reason this is a main artery for fire trucks and other emergency vehicles, so if – and the driveway can get kind of loud, too, so if you ever don't hear part of my question, let me know that as well, all right?
A. **Yes, ma'am.**
Q What is your full legal name?

A. [redacted]
Q Your date of birth?
A. [redacted].
Q And your social security number?
A [redacted]
Q And also, even though I'm taking notes, you do not need to talk slowly enough for me to get it down If I miss it, I'll get it from the court reporter later, okay?
A **Yes, ma'am.**
Q What's your current address?
A. [redacted]
29412
Q And how long have you lived there?
A. **Approximately two years**
Q And where did you live before that?
A. **1[redacted]**
Carolina
Q And how long did you live there?
A. **Approximately two years.**
Q Okay Did anybody live there with you?
A. **No, ma'am.**
Q Okay Does anybody live with you at [redacted]?
A. **I live with my mom.**
Q Okay And where did you live before Green

Castle?
A. **At an apartment in Goose Creek. I can't remember what the address was.**
Q Okay And how long did you live there?
A. **I believe six months.**
Q Okay Are you a member of any civic groups or organizations?
A. **Can you be more specific?**
Q Like Rotary, Kiwanis, garden club or book club, anything like that?
A. **No, ma'am.**
Q All right Did anybody live with you in your apartment in Goose Creek?
A. **My cousin.**
Q What's your cousin's name?
A. **Chad Mitchell.**
Q And where is Chad now?
A. **I don't know.**
Q Are you married or engaged?
A. **No, ma'am.**
Q. Have you ever been married?
A. **No, ma'am.**
Q Okay. Are you in a relationship?
A. **No, ma'am.**
Q Okay When was your last relationship?

A. **Approximately 2006.**
Q Okay And who was that with?
A. **Tinnel (ph) Gunter.**
Q And where is Tinnel now?
A. **I don't know.**
Q Where did she live when you were in a relationship with her?
A. **North Charleston. I don't know the address.**
Q Okay How long was the relationship?
A. **Approximately 30 days.**
Q Okay Do you have any children?
A. **No, ma'am.**
Q Family members who live in Charleston County? And the reason I ask is this is a Charleston County case and I don't want to put any family members on the jury
A. **My mom.**
Q Just your mom?
A. **Yes, ma'am.**
Q Okay And her name is Tammy[redacted]
A. **No.**
Q What is her name?
A. [redacted]
Q P[redacted] Okay Were you in the military?

A. **Yes.**
Q What branch?
A. **Army Reserves.**
Q And how long?
A. **Approximately four months**
Q And what was your job?
A. **In '88, November.**
Q What was your job?
A. **Transportation management coordinator**
Q Okay And you were discharged in '88, November or you joined in '88?
A. **I don't know when my discharge date was nor my --**
Q What was -- you said '88, November
A. **That's the job title**
Q Okay. Okay You don't know when you were discharged?
A. **Not off the top of my head, ma'am**
Q Approximately?
A. **1998.**
Q Okay And you were only in for four months?
A. **Yes, ma'am.**
Q Did you enter and leave in '98 or --
A. **Approximately.**
Q Okay All right And what was the reason for

your discharge?
A. **I couldn't do the running.**
Q Okay And so was that a -- what -- do you know what type of discharge you received? Is it a medical discharge, an honorable discharge?
A. **I believe it was a general.**
Q General, okay When you were in, where were you stationed or where were you for training?
A. **Fort Jackson**
Q All right I want to go through your work history Are you currently employed?
A. **Yes, ma'am.**
Q Where?
A. **Charleston County Sheriff's Office Detention Center.**
Q All right And how long have you worked there?
A. **Five years and five days**
Q Okay And are you a detention officer?
A. **Yes, ma'am.**
Q All right Where did you work before the Charleston County Detention Center?
A. **South Carolina Department of Corrections.**
Q All right And did you have a break in your employment between there?
A. **Yes, ma'am**

Q. How long was the break in employment?
A. **Approximately 11 months.**
Q Okay. And were you doing anything during those 11 months?
A. **I did work in between there with the South Carolina Department of Juvenile Justice for a few months.**
Q And what did you do with DJJ?
A. **I was a juvenile detention officer.**
Q Okay At what facility?
A. **I believe it's coastal. It's next to Lieber.**
Q. And why did you only do that for a few months?
A. **I went to work for the Charleston County Sheriff's Office.**
Q Okay So was the break between Department of Corrections and DJJ and then you went straight from DJJ to Charleston County?
A. **Yes, ma'am.**
Q Okay
A. **And before DJJ -- I'm sorry, I'm backing up. I worked for Bermex. It was a meter reading company contracted with SCE&G.**
Q And how long did you do that?
A. **Approximately six months.**
Q Okay And did you leave there to go to DJJ?

A. **Yes, ma'am.**
Q Okay All right When did you work for Department of Corrections?
A. **Approximately 1996 to approximately 2005**
Q Okay And in reviewing your personnel file it looks like you've worked at a number of different institutions
A. **Yes, ma'am**
Q I'm not gonna go through each one individually, but within the institutions were there certain areas that you did not ever work in?
A. **No. I -- I was versatile. I worked everywhere.**
Q Okay Did you work in segregation at Lieber?
A. **Yes, ma'am**
Q So you dealt with inmates who were disciplinary problems?
A. **Yes, ma'am.**
Q Did you deal with inmates who assaulted other inmates?
A. **Yes, ma'am.**
Q Did you deal with sex offenders?
A. **Yes, ma'am.**
Q. And rapists?
A. **Yes, ma'am.**
Q All right And you were terminated from

Department of Corrections?
A. Yes, ma'am.
Q All right Where did you work before Department of Corrections?
A. Trident Security.
Q Okay And what did you do for Trident Security?
A. Security officer.
Q And where were you -- do they provide security to businesses?
A. Yes, ma'am.
Q Okay And did you work at the same business all the time?
A. No, ma'am.
Q Okay How long did you work for Trident Security?
A. Approximately six months.
Q Okay And did you leave Trident Security to go to Department of Corrections?
A. Yes, ma'am.
Q. Okay Where did you work before Trident Security?
A. Kiawah Island Resort.
Q Okay And what did you do for Kiawah?
A. I was a security officer and I worked in the housekeeping department.

Q And why did you leave?
A. I was terminated.
Q Why?
A. I don't recall the exact reason why I was terminated.
Q Okay And you filed an EEOC complaint about that?
A. Yes, ma'am.
Q And what was the result of that?
A. I was given a letter of reference by the managing director.
Q Were you awarded any money?
A. Yes.
Q How much?
A. I am unsure. I believe it was between 1,000 to $2,000.
Q You received a letter of reference from Tommy Vickers?
A. Yes.
Q Okay. Let's go ahead and mark this
(Whereupon, Defendant's Exhibit 1 was marked for identification)
A. When I left, the letter that I received was not the one from Tommy Vickers, but the one from Prem Devadas, the managing director.

Q. Okay
A. This was written much prior to me having left
Q Okay The letter from Tommy Vickers was written prior to your leaving?
A. Yes, ma'am
Q Okay So this was written when you moved from being a security agent to a dispatcher?
A. Yes, ma'am.
Q Okay And Tommy Vickers is the person that you had a sexual relationship with while you were working there?
A. Yes, ma'am.
Q All right. Where did you work before -- did you work anywhere simultaneous to working at Kiawah?
A. I don't believe so.
Q What about James Island Fire?
A. I was a volunteer with James Island Fire Department.
Q Okay From when to when?
A. Approximately age 18 to age 19
Q. Okay I found some records that said from 1991 to 1994, does that sound right?
A No.
Q Were you still volunteering with James Island when you were working at Kiawah?

A. No
Q Okay So did you volunteer at James Island prior to working at Kiawah?
A. Yes. I volunteered with James Island, which led to my employment in Mt. Pleasant Fire Department and I continued to volunteer with James Island for a short period of time while I worked at Mt. Pleasant
Q Okay All right All right Tell me about working at Mt Pleasant
A. Can you be more specific?
Q How long did you work there?
A. Approximately a year and a half
Q Okay And why did you leave?
A. I don't recall.
Q Did you have a sexual relationship with a co-worker while you were there?
A Yes
Q Who was that?
A. Michael Doyon.
Q Can you spell the last name?
A. D-O-Y-O-N.
Q And did that have anything to do with your leaving?
A. I believe so.

Q Was he your supervisor?
A. **Yes, ma'am. He wasn't my immediate supervisor. He was in my chain of command.**
Q Was he married?
A. **Yes.**
Q Do you remember whether you left voluntarily or were terminated?
A. **I believe I was terminated, but I -- I don't remember if it was volunteer or termination.**
Q All right. Where did you work before you volunteered at James Island or did you work -- let me rephrase that Did you work anywhere while you were volunteering at James Island?
A. **Yes.**
Q Where?
A. **The Pantry.**
Q. Okay And what did you do for the Pantry?
A. **I was a cashier.**
Q And why did you leave there?
A. **I don't recall why I left.**
Q Okay And do you remember when you worked there?
A. **Vaguely.**
Q When was that?
A. **Approximately 18 to 19 years of age.**

Q Okay Okay And where did you work before that?
A. **The Piggly Wiggly**
Q Okay And when did you work at Piggly Wiggly?
A. **I don't recall.**
Q Okay What did you do at Piggly Wiggly?
A. **Was a cashier.**
Q You just remember that it was before the Pantry?
A. **Yes, ma'am**
Q Okay Do you remember how old you were?
A. **No, ma'am**
Q Okay Do you actually remember working there or did somebody tell you that you worked there?
A. **I remember working there.**
Q Okay All right. Did you ever work for the Charleston Police Department training cadets?
A. **I volunteered with them.**
Q Okay. And when was that?
A. **1996, 1997.**
Q. Okay And why did you stop doing that?
A. **Because I went to volunteer with the Goose Creek Police Explorers.**
Q Okay And how long did you volunteer with the Goose Creek Explorers?
A. **Until after that year's SCALE competition.**

Goose Creek was hosting the South Carolina Law Enforcement Explorers' yearly competition and I was the competition coordinator
Q Okay And that was a volunteer position?
A. **Yes, ma'am. I did that while I worked at the Department of Corrections.**
Q Okay And so once the competition was over, you left or you stayed and volunteered more?
A. **I was tired by the time the competition was over with, so I stayed with them, but I slowly just stopped doing stuff, because it got to be very tiring working full time and trying to do that full time.**
Q. Okay. All right. Have you ever been treated for any drug or alcohol issues?
A. **No, ma'am.**
Q All right Other than the treatment that you received after 2007 relating to your memories of this case, have you ever received any treatment for mental illness or mental health?
A. **Can you rephrase that?**
Q. Sure It's my understanding that you've received counseling and some medication with regard to the memories of the incident that we're here about today.

A. **Yes, ma'am.**
Q Other than that, have you ever received any treatment for any mental illness or mental health reasons?
A. **I went to see a counselor about an -- an EAP counselor about a stabbing that occurred at Lieber and it was where an inmate was killed and I was depressed at the time. Other than that, I don't recall any.**
Q. Okay Also, just because I know this is gonna be a long day and there's a lot of questions and a lot of different topics, if at any time you remember something or think of something that changes or corrects an answer that we've talked about previously, feel free to stop me and say, I need to go back to when you asked me about this I also remember whatever, okay. Or no, it wasn't six months it was eight months, okay?
A. **(Indicating.) It is extremely warm in here. Is that normal?**
Q Is it warm in here?
(Off-the-Record conversation)
BY MS JACKSON
Q Do you have any siblings?
A. **Yes, ma'am.**

Q How many?
A. Can you be more specific?
Q. How many siblings?
A. Half siblings?
Q. All of them
A. I have one brother.
Q. What is his name?
A. Michael [redacted]
Q. And where does he live?
A. St. George.
Q. Okay
A. I have a half brother, Timothy [redacted]
Q Where does he live?
A. St. George. And I have a half sister, Julie [redacted]
Q. Julie or Julia?
A. Julie.
Q Okay. Where does she live?
A. Pennsylvania.
Q. Okay Any others?
A. No, ma'am.
Q. All right Why did you stop volunteering at James Island?
A. Lack of time.
Q Okay.

A. I was working full time at Mt. Pleasant Fire Department, which was consuming a great deal of time –
Q Okay
A. – because of the shift work.
Q. All right Did you ever have any issues with any other members of the James Island Fire Department?
A. Not that I recall.
Q All right In order to prepare for your deposition today I'm gonna ask you some questions and I want to preface the questions with I do not want to know anything that you and your attorney or any attorney at Mr Edwards' office discussed, okay? So if you spoke with an attorney to prepare for your deposition, I don't want to know about that I'm just gonna ask you some other questions and if any of these relate to a discussion with an attorney, then just say, I met with an attorney, okay? But don't tell me anything that was said with your attorney That's protected You understand?
A. Yes, ma'am.
Q Okay Did you watch any videos about how to give a deposition?

A. No, ma'am.
Q Did you receive any pamphlets or papers about how to testify in a deposition?
MR EDWARDS Other than anything from me
A. No
Q Did you go on the internet and look up anything about how to testify at a deposition?
A. Yes
Q What – where did you go?
A. I don't recall
[redacted] Okay What information did you find?
A. It didn't really make a lot of sense to me, the stuff that I was reading So, I mean, I can't really explain to you what I found because I didn't understand it
Q Okay Did you review any documents?
A. Can you be more specific?
Q Well, you can see from the binder he's got there's been a lot of documents exchanged amongst the parties Did you review any kind of documents whether they be employment records or police reports or records from Heidi Zinzow?
A. No, I reviewed – went over my interrogatories –

Q. Okay
A. – briefly and I didn't even go over them very well.
Q Okay Did you talk to anyone besides your attorney's office about getting ready for this deposition?
A. My mom.
Q Okay And what did you talk to your mom about?
A. Just told her that I was nervous, anxiety.
Q Anyone else?
A. My sister-in-law
Q And what's her name?
A. Tammy.
Q Is she married to Timothy or Michael?
A. Michael and that was a while ago, maybe a month ago.
Q Okay Do you have a best friend?
A. No My dog.
Q Dog will keep your secrets
A. I don't have any secrets.
Q Did your mom know that we were trying to take her deposition, as well?
A. Yes. My mom is vacationing in Pennsylvania
Q Do you know when she's expected back?
A. Sometime this month or October at the latest.

My grandmother's getting older in age and having health issues, so my mom is trying to spend a little bit of time between there and her brothers' and sisters' house visiting.

Q Does your mother work?

A. No, she's retired.

Q Okay Does your brother Michael work?

A. Yes.

Q Where does he work?

A. Construct South Construction.

Q What about Timothy?

A. Construct South Construction.

Q And Julie?

A. I don't know.

Q. Oh, she's in Pennsylvania What about Tammy?

A. Construct South Construction.

Q. Did you talk with any of your counselors or therapists about your deposition?

A. Yes.

Q Who?

A. All of them.

Q Okay Well, who are you seeing now?

A. I'm seeing -- I'm having a moment.

Q That's okay What is the name of the facility?

A. It's a counselor that I see at my attorney's

office and I'm also seeing a therapist through my doctor's office.

Q Okay And which doctor?

A. Dr. Clark's office.

Q There's a therapist at Dr Clark's office?

A. Yes, ma'am.

Q And you don't remember -- is it a man or a woman?

A. Woman

Q And you say there's a therapist at your attorney's office?

A. Yes. And I texted her last night for a little while. Just not remembering names today.

Q Is she just in the same building?

A. No, she's out of Columbia.

Q Okay Tammy Bolton?

A. Yes, Tonya.

Q Tonya, okay

A. I'm sorry.

Q That's okay And that's one of those things if you remember the name later, just stop me and take me back and we'll get it down, okay? And if I have -- when I ask you these questions, if I have information, I'll try to prompt you if I can figure out what you're talking about And

what did y'all talk to the -- what did you talk to the therapists about?

A. Can you be more specific?

Q. Well, did you talk to them just about your nervousness or did you talk to them about the subject matter of the deposition? Did you talk to them about how to go about answering questions?

A. Just the nervousness and how to cope with the nervousness and anxiety.

Q Okay

A. We don't discuss how to answer questions and things like that. That's not our topic of treatment.

Q Okay All right. In going through the records, I found several different areas and so I'm gonna try to go through each one separately and if they start to kind of come together or overlap, then so be it, but I tried to split them up so we could go down a timeline

A. If you find a good place where we could take a few minute break, I would appreciate that.

Q. We can take a break right now. Just so we're clear, while you're taking a --

A. To use the restroom.

Q No, I don't need to know why you're taking a break, but during any break you're welcome to talk with anyone about the weather or what you want to eat for lunch, but not able to talk to anybody about your testimony

A. I have no desire to talk to anybody but my attorney

(Whereupon, there was a short break in the proceedings.)

BY MS JACKSON

Q All right In some of the records I found that there was an assertion by you that you were abused as a baby by a female babysitter

A. Yes, ma'am.

Q. Okay Can you give me some more information about that? Do you know what age you were or who the babysitter was?

A. Can you be specific with each individual question what you want to know?

Q Just tell me what you remember about the abuse from the babysitter

A. Can you rephrase that?

Q How old were you when you were abused by your babysitter?

A. Approximately four or six.

Q And what kind of abuse was it?
A. Sexual abuse.
Q And what was the nature of the sexual abuse?
A. She made me perform oral sex on her.
Q All right And at what point did this become public?
A. Can you be specific as to what you mean by public?
Q When was the first time you told anyone about the abuse?
A. The babysitter went and told my mom. My mom immediately fired the babysitter. And I remember my mom hugging me and crying So my mom has always known about the female babysitter.
Q. Do you know whether that ever turned into criminal charges?
A. I don't believe so.
Q Okay All right. There was also a reference to abuse by a cousin during childhood that you told your grandmother about.
A I'm unclear about that issue.
Q. What do you mean, you're unclear about whether you told your grandmother that?
A. No. My cousins were very mean. I don't recall

there being any sexual abuse.
Q All right This was in a record at the MUSC Institute of Psychiatry that your grandmother's negative reaction to disclosure about a cousin molesting you has caused her -- has caused you not to trust your family
A. That was about the babysitter.
Q Okay The babysitter is referred to in a different time and it says, "History of exposure includes abuse by female babysitter from infancy until nine "
A. I'm sorry, please repeat that.
Q "History of exposure includes she was abused by a female babysitter from infancy until she was nine "
A. That is incorrect.
Q Okay Okay And so are you telling me now that you were never molested by a cousin?
A. No, ma'am.
Q That was a bad question because that called for a negative Were you ever molested by a cousin?
A. No, ma'am.
Q Were you ever physically abused by a cousin?
A. There's many different levels of physical abuse. Being made to eat soap, being hit, yes.

Q Okay. Was there ever a time in your life that you did not recall the sexual abuse by the babysitter?
A. Yes.
Q When?
A. Approximately, and this is just a guesstimation, approximately after it happened until I was working at Trident Security Services.
Q Was there an event that caused you to recall it?
A. All I recall is slowly recalling it and calling my mom and she helped me through it.
Q And you worked for Trident Security in 1996?
A. Approximately.
Q Okay So to your knowledge there was no event that triggered the memories?
A. No, ma'am.
Q Okay And this abuse happened over a period of approximately two years from ages four to six?
A. According to my mother.
Q Okay
A. Time wise, the actual sexual abuse from the babysitter occurred three to six months. You asked me for a time and I said it was approximately. I was approximately four to six. I don't recall exactly what age I was.

Q Okay And is the memory of your mother hugging you and crying something that you remembered in 1996 --
A. Yes, ma'am.
Q -- or is that something your mother had to tell you?
A. No, ma'am, I remember her doing that.
Q Okay. And until -- and I'm using 1996, because that's the time period for Trident Security based on the timeline you gave me earlier. That you worked there for six months before you started at Department of Corrections, which would put it at either the end of 1995 or beginning of 1996
A. Yes, ma'am.
Q Are you saying that you had no recollection of that abuse before that time period 1995/1996?
A. My childhood is a blank to me and I don't remember a lot from the age of birth until about ten.
Q Why not?
A. I don't know. You tell me why I don't remember I don't know.
Q When did you realize that you couldn't remember your life between birth and age ten?

A. I don't know It's just the way that it's always been for me as long as -- as far back as I can remember.
Q. So as far back as you can remember would be age 11?
A. Then I start to pick up the memory of my life and things that you do as a kid. You just remember riding a bicycle.
Q. Okay And in your mind these things were from age 11 on, you don't have memories of ten back?
A. Very, very few. There are a few memories of the sexual abuse from a female babysitter that I remember and just a very few other things.
Q. Okay The very few other things that you remember, were they traumatic experiences?
A. A few things.
Q. Like what?
A. When my dad would hit my mom and there's only a few times that I remember that. And when he broke a fish tank. Other than that, it's happy stuff, playing with my cousin, my favorite cousin. Just a few things, just a few memories.
Q. You remember school?
A. No, ma'am.
Q. You know who any of your teachers were?

A. No, ma'am.
Q. What was your Dad's name?
A. Jim.
Q. Where does he live now?
A. Pennsylvania.
Q. Where in Pennsylvania?
A. Springboro
Q. Do you know his address?
A. No, ma'am. I haven't seen him in a number of years, couple of years, and I rarely see him
Q. When you started remembering this abuse in 1995/1996, do you remember whether you ever got any counseling for that?
A. No, I turned to my mom.
Q. Okay You turned to your mom when you remembered it in '95/'96?
A. (Indicating.) Yes.
Q. Okay Do you know whether you received any counseling back when you were a small child right after the abuse happened?
A. I don't remember. I don't know.
Q. And in developing your memories and talking to your mom, did your mom ever say that you got counseling when you were four to six?
A. No, ma'am.

Q. Tell me what affect it had on you when you started having memories of the abuse from the babysitter?
A. I remember talking to my mom a lot during that time period. I lived by myself and we spent a lot of time together.
Q. Okay. Did you become depressed?
A. Yes.
Q. Did you have nightmares?
A. Not that I recall.
Q. Flash backs?
A. Yes.
Q. Anxiety?
A. I can't say that I had anxiety then, because I've only defined what anxiety is since having PTSD in 2007, so I can't say that I had anxiety then.
Q. Okay Self-esteem issues?
A. Not in my opinion, no.
Q. Was there ever an issue or a time when you told your grandmother about any kind of sexual abuse and her reaction was not what you had expected?
A. I remember telling my grandmother about my cousins and how mean they were and she just brushed it off, so I'm thinking what you're

talking about is what I'm talking about right now. I don't recall ever telling my grandmother about being sexually abused, because I didn't even like my grandmother that much. I didn't trust her. I mean, I still don't like her.
Q. Okay All right When did your parents divorce?
A. Parents? My mom and my dad, my mom and my step dad? Be more specific.
Q. Your mom and your dad
A. When I was young. Young. Before the abuse happened with the babysitter
Q. Okay Have you ever sought out this babysitter?
A. I've thought about finding her and trying to put her in jail, but finding her would be equivalent to finding a needle in a hay stack. She's a white female Her name is Linda and she lives in Pennsylvania I don't think I would have very much luck finding her.
Q. Okay All right And again, in reviewing the records I found several other experiences that I would -- that I have listed as traumatic If you don't consider them traumatic when we go through them, just tell me and we'll move on
A. Okay.

Q I have a witnessing a traffic fatality at age 18 Did you consider that to be a traumatic experience?
A. **No. Because I worked for the fire department, I expected that I believe I was upset by it, naturally.**
Q Okay What about a decapitated body at a crime scene, age 20?
A **That was normal. That's like going to a fatality and going back to the fire station and eating spaghetti, it was just -- it was my job**
Q All right. What about a stabbing at the jail when you were 26?
A **I was upset about it, but again, that's part of my job. Inmates kill inmates.**
Q Is that the incident when you went for counseling?
A. **Yes, ma'am.**
Q Why did you need to go for counseling for the stabbing of an inmate and not for a decapitated body?
A. **Because they made me go. It's an EAP, they made everybody involved go. Department procedure.**
Q What about cleaning -- required to cleanup after a stabbing at age 29?

A. **That's normal in prison. I've cleaned up like many a day in prison.**
Q Sexual harassment by your employer while you were at Kiawah?
A. **That was disturbing.**
Q There was an incident report regarding an inmate masturbating in front of you on May 16th of 2009
A. **I have a very, very difficult time with that.**
Q And what did you do when that happened?
A. **I don't recall. It's happened quite -- happens quite often at the jail.**
Q What is your regular response when it happens?
A. **I get stressed and I call my supervisor and demand that they deal with the individual because I refuse to. Typically my anxiety level goes up and I'm not thinking clearly when it happens.**
Q And I'm not trying to be obtuse, but I need to hear it from your own mouth Why?
A. **Why?**
Q Why does your anxiety level go up and make you stressed and you refuse to deal with those types of inmates?
A. **I didn't have a problem with inmates doing that**

prior to 2007. When the memories of Charlie Smith doing what he did to me began to surface and I was being treated for post traumatic stress disorder, I'm just not able to deal with that type of behavior now.
Q Okay Are you alleging that Mr Smith masturbated in front of you?
A. **I'm alleging and telling you that Mr. Smith made me perform oral sex on him.**
Q Okay But my question was, are you alleging or telling me that Mr Smith ever masturbated in front of you?
A. **He ejaculated in my mouth, so is that considered -- I'm not -- maybe I don't understand your question as far as what you -- define your definition of masturbation to me and then I can better answer your question.**
Q Okay Well, tell me what it is when an inmate masturbates in front of you, what is he doing?
A. **He's not touching me.**
Q. Okay Is he touching himself?
A. **Yes.**
Q Okay. Did Mr Smith ever touch himself in a manner consistent with masturbation without touching you, but in front of you?

A. **No.**
Q Okay
A. **When he did what he did, he touched me**
Q Has there ever been a time that you have blocked out any of the events we just talked about, the traffic fatality, the decapitated body, the stabbing, sexual harassment or any of the incidents of inmates masturbating in front of you?
A. **No.**
Q Did you block those from your mind?
A. **No.**
Q When you were -- when you left Mt Pleasant, did you ever file a complaint with regard to your departure?
A. **I don't recall.**
Q Did you ever file any complaints with the Department of Corrections when you were terminated from there?
A. **Yes**
Q And it's my understanding that you had several physical altercations with your stepfather where the police were involved
A. **Physical altercations are typically between two people and assaults are not, so I would be more**

inclined to describe that as him assaulting me, because it wasn't a two-party thing.
Q Okay And I found three police reports relating to physical violence between you and your stepfather Either he called the police or you called the police And I'm not making any assertions as to what actually happened, the police reports can speak for themselves Are you aware of three incidents where the police had to be called or where the police were called?
A. I know that the police were called How many times, I don't know.
Q Okay Did you ever assert that you were harassed by anyone at the Mt. Pleasant Fire Department?
A. Not that I recall.
Q. Okay All right So you've got an accusation of abuse by a female babysitter, sexual abuse, is that correct?
A. It's not an accusation, it's what happened. I mean, I don't -- you got to understand that my highest level of education is eighth grade having completed, so sometimes whenever you use words I don't understand, I need a dictionary

So define accusation. I know what happened. What's --
Q All right Ms [redacted], you've been through the Criminal Justice Academy, correct?
A. Yes, ma'am.
Q And you understand what an accusation is, don't you?
A. For detention, yes.
Q In criminal context, an accusation is when one person says that somebody else did something, but they haven't proved it in a court of law
A. Okay.
Q That's gonna be our definition for accusation
A. Yes, ma'am.
Q You have accused a female babysitter of sexually abusing you, correct?
A. Yes, ma'am.
Q And you have accused or asserted that you were physically abused by a cousin or more than one cousin?
A. Yes, ma'am.
Q And you have accused Mr Smith of sexual abuse that has not been proven in a court of law, correct?
A. But he did it, yes.

Q And you have accused your stepfather of assaulting you on more than one occasion?
A. Yes.
Q Was he ever convicted of any of those?
A. He does have a simple assault where he hit my cousin. Spent a couple days in jail, I believe.
Q What about with regard to you?
A. No. When the police were called, I believe I was age 15, 16, 17, maybe 18 and they were several -- 25 years ago. I'm just guesstimating.
Q How old were you in October of 1994, 21?
A. I don't know. I don't know.
Q You were born in '73, correct?
A. Okay. Yes, ma'am.
Q And what month?
A. May.
Q May? So in October of '94 you'd be 21
A. Yes, ma'am. I'm not aware of it, but if it happened -- yes, there were occasions where the police were called.
Q Do you know if he was ever convicted of assaulting you?
A. No, ma'am.
Q Okay And you accused Tommy Vickers of sexual

harassment, correct?
A. Yes, ma'am. It was proven within the company, but...
Q But not convicted?
A. No.
Q And you have made accusations about your treatment at South Carolina Department of Corrections, but nobody was ever arrested or charged or disciplined, correct?
A. I don't know about disciplined, but not criminally charged.
Q Okay Who was disciplined?
A. People are disciplined behind closed doors and subordinates don't know about it, ma'am. I can't tell you.
Q So you're not aware of any?
A. No. And I wouldn't be. Wouldn't be normal for me to be aware of such actions.
Q And you filed a complaint against Deputy Avila from the Charleston County Sheriff's Office with regard to her investigation of your claims against Mr Smith?
A. Yes, I did, which went unanswered
Q And you also filed a complaint against another person at the Charleston County Sheriff's Office

when you wrote to the sheriff himself, correct? Somebody higher up Major – drawing a blank Do you remember filing two complaints with the sheriff's office?

A. **Unless – if you know who you're referring to – I don't know what you're referring to.**

Q All right I'll pull that at the break

A. **Thank you.**

Q And did you file a formal complaint with the department – with the Charleston County Detention Center for putting information about your status in their computer?

A. **Yes**

Q All right You began taking antidepressants about a year and a half before you ever recalled this incident, isn't that correct? I show you started taking them from Franklin C Fetter Health Clinic in February of '06

A. **Yes, I did. Yes**

Q. Okay And the memories came forth sometime around August of '07? And I say August of '07, that is when I have the intake to The National Crime Victims

A. **No, ma'am, that's not correct.**

Q Okay When did you first have your memories?

A. **Approximately January of 2007.**

Q Okay

A. **And I say approximately, it could have been into February, maybe March.**

Q All right I'm ready to move into a new topic Do you need another break?

A. **No, let's go.**

(Off-the-Record conversation)

BY MS JACKSON

Q All right Okay I want to talk some about your education

A. **Yes, ma'am.**

Q Where did you go to school before you moved to James Island?

A. **I went to Central Cambria High School in Ebensburg, Pennsylvania.**

Q Do you know how long you went there?

A. **I don't recall**

Q Was it a typical high school like 9 through 12 or did it include a junior high, do you remember?

A. **I don't recall.**

Q Okay And what was the last grade that you completed before you moved to James Island?

A. **Eighth grade.**

Q Had you gone through 9th grade –

A. **Yes**

Q – and not completed?

A **Yes. I did not complete ninth grade.**

Q Okay

MR EDWARDS You talking about the one in Pennsylvania?

MS JACKSON In Pennsylvania

A **I don't recall if I was in eighth grade or if I was in ninth grade, I don't recall.**

Q Okay I'm gonna show you this (indicating), it may or may not help you

(Whereupon, Defendant's Exhibit 2 was marked for identification)

A. **I have looked at this in the past and I don't know what grade that – I mean, it says ninth grade I don't know if I completed an entire year there or if it was a part of a year. I don't remember.**

Q Okay

A. **That would be something that you may have to ask my mother. I don't know.**

Q Okay. Does it say 36 weeks at each subject on page two under, it says, "No. Weeks"?

MR EDWARDS: Where are you

looking? I'm sorry

MS JACKSON Page two, the first column

A. **It does say 36 weeks.**

Q Okay

A. **But it also has a first and a second. Was that a first and second quarter? Was it half of the year, second half of year? Whenever I looked at it, that was my understanding I couldn't determine what it was. I don't know how long I was there, so that is my interpretation of this document. For you to get more clarification, you might need to ask my mother, I don't know, or call the school.**

Q Okay And it appears that you received 2 6 credits I'm looking down where it says total credits

A. **Total credits, but I don't know how the credits were done in Pennsylvania.**

Q Okay But you agree that says 2 6?

A. **Yes, ma'am.**

Q Okay All right If you'll look at page one, it appears that there's some fill-in-the-blanks here and then it says grade point average and then right below that it looks like somebody has

kind of put a computer printout there Do you know who made that handwritten change –
A. **No, ma'am.**
Q – to the '88/'89?
A **No, ma'am.**
Q And do you know who made the handwritten change over here where it appears to now say '87, '88 grades from Central Cambria?
A **No, ma'am, I do not.**
Q Did you make those changes?
A. **No, ma'am, I did not**
Q Okay Did you obtain this document?
A. **I think I did. I think I gave my attorney something and it may have been this document and if I recall correctly, that change was already done. And I remember saying something to my mom about look at this.**
Q Okay
A. **So – but I did not change it.**
Q Okay And so it appears to have grades for grade nine, year '88/'89 and then next to that says, "'87/'88 grades from Central Cambria High School" and then the next block down says, "Grade nine, year '89/'90 "
A. **Yes, ma'am.**

Q Okay
A. **When I went to James Island High School and I had Charlie Smith as my world geography teacher my first year, I don't remember from after my suicide attempt at the high school until I start picking up memories of when I went to Turner Job Core. According to this document it says that I went to school at James Island High School the second year, but I do not remember any of that.**
I do remember going to night school a few times and then I remember going to Turner Job Corps. And I'm telling you this so whenever you go to start asking questions, I mean, I don't want you to get frustrated, because I don't remember that second year. And at first whenever I looked at this, I thought it was a mistake, but it says that I went, so obviously I went
Q Okay So you entered James Island –
A. **Yes, ma'am.**
Q – the first time when you first moved here and you started at James Island, you were in what grade?
A. **Ninth grade.**
Q Okay So does it appear, at least from the

record since you don't have a memory of it, that you attended the ninth grade in '89/'90 and also in '89 – I'm sorry, in '88/'89 and also in '89/'90?
A. **According to these records I did attend at that time.**
Q Okay. And to make sure that I understand, you don't recall whether the grades that we have on this paper from Cambria High School are for the eighth grade or the ninth grade?
A. **I don't recall.**
Q Okay
A. **But if you look – it would have to be the ninth grade because it appears, according to the Central Cambria records, that they're only ninth, tenth, eleventh and twelfth, so it would have to be ninth grade at Central Cambria**
Q Okay
A. **I went to Conneaut Valley High School before Central Cambria and Conneaut Valley High School was grade six to twelve and in Pennsylvania there are some schools that are six to twelve and some schools that are nine to twelve, so..**
Q Right I grew up up north and my school was seven to twelve. That's why I had asked you if

it was a nine to twelve school or if it included junior high.
A. **And I didn't know. And once I looked at this, Central Cambria is nine to twelve school.**
Q And before that you went to Conneaut?
A. **Conneaut Valley High School.**
Q And that was grades sixth through twelve
A. **Yes, ma'am.**
Q And you don't remember what grades you attended at Conneaut?
A. **Most likely, according to this document, probably eighth grade**
Q Okay Would you know whether you completed sixth or seventh grade there?
A. **Oh, yeah. That's the school that I had went to in growing up, Conneaut Valley High School and Conneaut Valley Elementary School.**
Q Okay So sixth – all right So sixth, seventh, eighth at Conneaut Valley Why did you move to Central Cambria?
A **I moved with – I lived with my mom and then we went and lived with my dad for approximately two years and then my mom – we went to live back with my mom and my mom moved to Johnstown. Her job was in Johnstown, which is right outside of**

Ebensburg. So I moved schools because of my mother.
Q Okay So when you went back to live with your mother was when you moved to Central Cambria?
A. Yes, ma'am.
Q Okay And so then you were there for one year, according to the records, before you moved to James Island, South Carolina?
A. I'm not sure if it is a year or if it is a half a year. According to this paperwork you have one and two. I don't know if that's half a year or if it's quarters. I don't know. I don't.
Q All right
A. I can't tell you how long I was there. I don't know.
Q Okay But according to the records you were there for one grade, if Cambria is a nine through twelve school?
A. If that is what you're telling me, yes
Q Okay All right Why did you move from Pennsylvania to James Island?
A. My mom married my stepfather and they relocated to Charleston They had honeymooned down here. They either vacationed together or honeymooned I believe they honeymooned and decided that this

is where they wanted to relocate to.
Q So he wasn't from here?
A. They're both from Pennsylvania.
Q Okay
A. They met in Johnstown, which is where my mom was at.
Q Okay Okay Do you recall the school year '88/'89 up through the suicide attempt?
A. I remember parts of it.
Q Okay What do you remember about starting school at James Island?
A. Be more specific. I mean...
Q Did you like it, did you not like it, did you have friends?
A. I liked the beach. I liked living in Charleston.
Q Okay
A. I'm not from anywhere that has a beach like that, so that was new. I've never been to the ocean, so I was excited to be here.
Q All right Did you have some friends that you made that year?
A. No.
Q You didn't have any friends?
A. No. We went to the beach as a family and just

kind of hung out as a family.
Q What about at school, did you make friends at school?
A. None that I recall. I can't recall any friend's names.
Q Okay I saw it checked off on a list that you were -- played volleyball Do you recall playing volleyball?
A. I don't recall playing volleyball. I think I wanted to play volleyball, but I don't recall actually playing volleyball, other than in gym class.
Q Okay Softball is a spring sport, correct, at the high school level?
A. Yes. Early spring, I believe.
Q Was there a fall league at James Island that you recall?
A. No, ma'am, I don't believe there was.
Q Okay And was it a school league that -- did James Island have a school team?
A. James Island softball team. James Island High School softball team.
Q Do you remember when softball conditioning started?
A. Was there a conditioning or is it just when

softball started?
Q Well --
A. I mean, now-a-days you have all these fancy ways they do this. You know, they condition, they have -- they have summertime ballpark and this was back in '89. We had softball practice.
Q Correct Right The reason that I ask is because I played a spring sport and for those people who didn't play a winter sport, they would start having -- the senior girls would get the younger girls together and they would run
A. Okay. We didn't have any of that
Q Lift weights?
A. I'm sorry I just showed up and we were doing softball.
Q Okay So when the coach says this is our first practice, that was when everybody showed up the first time for practice?
A. Yeah. It was, you know, practice starts on this day, you show up.
Q Okay And when was that approximately, what month did softball start?
A. Approximately middle of January, approximately
Q Was that still during the winter sport season?
A. I don't recall.

Q Did you play any winter sport?
A. **The only sport I played at James Island was softball --**
Q All right
A. **-- that I recall.**
Q Okay
A. **Can we take a few minutes break?**
Q Yes
(Whereupon, there was a short break in the proceedings)
BY MS JACKSON
Q All right So we were talking about the softball team Had you started practices as of the time you had your suicide attempt?
A. **Yes.**
Q Okay Do you know how many practices you had had?
A. **I don't recall.**
Q Did you play on the softball team after your suicide attempt?
A. **I don't believe I did. I don't recall.**
Q Do you recall ever losing your eligibility to play because of your grades?
A. **Yes.**
Q When did that happen?

A. **I never played an actual game where I wore a uniform and at what point I stopped practicing, I don't recall even going back to school after the suicide attempt.**
Q Okay And since you don't have any recollection after the suicide attempt, would it be fair to say that you had been notified that you were ineligible to play because of grades prior to that?
A. **I don't know if we were still in the practice part and not the game part, I don't recall. But I know that I never put a uniform on and I don't believe I ever watched a game where they were all in uniforms.**
Q Okay
A. **I did have a picture that was taken where they were in uniforms, but I don't believe I ever watched a game**
MS JACKSON Okay All right Let's mark this
(Whereupon, Defendant's Exhibit 3 was marked for identification)
Q And if you would, it's about three pages long, go ahead and look through that real quick and let me know when you have looked through it

A. **Okay.**
Q Do you see in there where it says --
A. **I wrote this when I was being treated for post traumatic stress disorder and suicide.**
Q Okay.
A. **So...**
Q Well, is this statement true?
A. **Yes. But there's one little sentence in here or two that was what I was feeling now and not then.**
Q Okay And what is that?
A. **It's on page three.**
Q Okay Where?
A. **"When I attempted suicide at the school I remember thinking that I wanted him to pay for what he did to me. I was too embarrassed to tell anyone." That wasn't what I was thinking at the time. What I was thinking was I wanted to die. What I was thinking in 2007 when all this was happening with the PTSD and the memories coming back was that I wanted Charlie Smith to pay for what he had done to me when I was a minor child in school.**
Q. Okay So the sentence before, what you just read actually says, "I remember wanting to die

after that happened," that's accurate?
A. **Yes**
Q Okay What about the sentence after pay for what he did to me where it says, "I was too embarrassed to tell anyone," is that true?
A. **That's what I was feeling today.**
Q Okay Well, were you feeling that when you attempted suicide?
A. **Too embarrassed to tell anyone whenever I attempted suicide?**
Q Yes
A **No. I just wanted to die. As far as being too embarrassed to tell anyone, that is what I feel. I had a hard time in therapy because I was embarrassed for what happened and I had to understand that it wasn't my fault.**
Q Okay Well, let's go to page two, about half-way down, you see where it says, "January 1989"? Might be on page three
A **I'm on page two. You told me page two.**
Q Oh, it is page two Okay I'm sorry January 1989, down four lines where it starts with, there and then it says, "Always cloudy "
MR EDWARDS That's three lines
Q Sorry "During the sexual abuse my grades began

to drop I became ineligible to play softball, but still went to all the practices and games "

A. I didn't go to any games.

Q Why did you put that in the statement then?

A. That was a -- when I was writing -- you understand this statement is very lengthy and I did not mean to put games on there, because I didn't go to any of the games. I don't recall going to any of the games.

Q Okay So that's not accurate?

A. No, ma'am.

Q Okay All right What about the sentence, "During the sexual abuse my grades began to drop," is that accurate?

A. The sexual abuse was from nearly the beginning of school year until this time, so that would be accurate. My -- if I recall correctly, my grades started out good the first couple of weeks and it may have even been the first month.

Q The first quarter I show that you had a 60 in English, 63 in Spanish, an 80 in geography, an 80 in driver's ed. and a 75 in science Second semester your grade in English went up by five points. Your grade in Spanish went down by three, geography down by ten Driver's ed

remained the same and science went up by three points Third semester was when you would have attempted suicide, correct?

A. I don't know what the third semester is for South Carolina. Is that the third semester in February?

Q You know, I'm gonna leave that to the attorneys for the school district, because I'm not sure either

A. I don't know.

Q But I -- my presumption is, just for the purposes of the deposition, okay, if it turns out that I'm incorrect, then we'll correct it, my presumption is that at the Christmas break that ends second semester and the third semester starts after Christmas break If that is the case, then would your suicide attempt have taken place during the third semester?

A. I believe so.

Q Okay And those were actually your lowest grades of the year, correct, 50 in English, a 50 in Spanish, 68 in world geography and 64 in science?

A. According to the paperwork, yes.

Q Okay And according to this paperwork, you did

not pass ninth grade in '88/'89 school year?

A. That is correct, according to the paper.

Q Okay Based on the records that we have from the school that show that you attended in '89/'90, and I'm only going based on Exhibit 2, have you ever been told by anyone that you played on the softball team during the '89/'90 school year?

A. No, ma'am

Q Okay

A. I don't recall that year at all.

Q Okay But has anybody ever told you, like your mother or another member of the softball team, ever told you that you played softball that following year?

A. No, ma'am.

Q All right The letter of withdrawal from the school is August 21st of 1990. Do you have any reason to doubt that date?

MR EDWARDS I'm sorry, what?

Q The date on the withdrawal letter from school when your mother signed you out

A. Do you have a copy of that letter?

MS JACKSON Brian, do you have a copy of that, mine's upstairs?

MR QUISENBERRY What, I'm sorry?

MS JACKSON Letter of withdrawal from school?

MR QUISENBERRY I can check Hold on

A. I'm sorry, what did you say the date was again?

Q August 21st, 1990 It would have been the beginning of the 1990/1991 school year

MR QUISENBERRY Don't see it in here I know what you're talking about, but I don't see it in here

BY MS JACKSON

Q All right I'll come back to that after the break and I'll go pull it Where did you go to night school?

A. James Island High School.

Q Do you remember going?

A. Yes.

Q Okay Why were you more comfortable going to James Island Night School than regular school?

A. I wasn't. I stopped going. I refused to go

Q And do you remember that?

A. No. I remember not going and telling my mom that I didn't want to go.

Q Okay Why did you tell your mom you didn't want

to go?
A. I don't recall. I just remember telling her that I didn't want to go and we had heard about the Job Corps program.
Q Were there any qualifications that you had to meet in order to attend night school?
A. I don't recall. I don't know.
Q But you did go a couple of times and then stopped going?
A. Yes, ma'am
Q Okay
A. For how long, I don't recall how long I went.
Q Okay Do you recall whether you finished any classes in order to get a grade?
A. I don't recall.
Q Okay When did you join Job Corps?
A Right after I quit night school.
Q All right
MR QUISENBERRY I think this might be what you're looking for Withdrawal form?
BY MS JACKSON
Q Yes Okay Let's go back to that and let's mark this and I'll give this back to him That's Exhibit 4 to your deposition

(Whereupon, Defendant's Exhibit 4 was marked for identification)
Q It appears to be a parental form giving you permission to withdraw from school, is that correct?
A. Yes, ma'am.
Q And what is the date of the signature line?
A. 8/21/90
Q Okay And whose signature is that?
A. It's my signature It appears to be my signature. I don't recall what my signature was in 1990.
Q Okay Do you have any reason to believe that that's not your signature or that somebody forged your name?
A. I think that's mine.
Q Okay
A. Based on the printing up at the top, I print stuff, so that appears to be mine.
Q Okay All right How long were you in Job Corps?
A. Approximately a couple of months.
Q What happened?
A. I obtained my high school equivalency certificate and I came home.

Q And is that why your GED is from Georgia?
A. Yes, ma'am.
Q I thought with Job Corps you had to sign on for a certain time period and learn job skills?
A. I signed on for the high school equivalency GED program.
Q Okay All right And you got your GED and then what did you do?
A. I come home and went to work at the Pantry.
Q And when you went to Job Corps were you – strike that When you refused to go to night school –
A. I didn't want to go to night school
Q Okay. Why didn't you want to go to night school?
A. Because I just didn't want to go. I don't recall why. It was more of a deal that I made with my mom that she would let me go to the Job Corps and it was the only way that I could quit night school. So it wasn't that I just stopped going all together, I had –
Q Why did you quit school to go to night school?
A. I don't recall.
Q But clearly when you made the decision and signed the form, you would have had a reason,

correct?
A. And that reason being to go to night school.
Q Okay. But you didn't want to go to night school, correct?
A. I didn't want to go to day school.
Q But you also didn't want to go to night?
A. So I had to go to night school. I didn't want to go to night school. I didn't have a choice, because I had to go to school.
Q. Okay And you didn't want to go to day school or night school and –
A. I didn't want to, but that didn't mean that I didn't have to.
Q I understand that
A. Okay.
Q But you did not want to go and is it your testimony that you don't remember why you didn't want to go to school?
A. I don't recall. And according to Exhibit 4, the reason for withdrawal was going to night school
Q Okay But you already told me you didn't really want to go to night school, but you just had to go to school?
A. That's correct.
Q And how did you even find out about night

school?
A. **I don't recall.**
Q Somehow you did – you found out about night school and made the decision with your mom presumably –
A. **Yes, presumably.**
Q – that you were going to withdraw from day school and go to night school?
A. **Yes.**
Q Okay And then you went to night school for a period of time, decided you no longer wanted to go to night school, made a deal with your mother that you would go to Job Corps and get your GED?
A. **That's correct.**
Q Okay Is it fair to assume that although it's unknown what the reason was, that you had a reason that you wanted to move from day school to night school?
A. **And according to the paperwork, that reason would be to go to night school. I'm not gonna presume anything, because I don't recall.**
Q But you had a reason, whatever the reason was, and I'm not trying to presume and I'm not saying what the reason was
A. **Well, the reason is – says right here**

(indicating) on the paperwork to go to night school. I was also – I believe I was also working at the time, too.
Q Where were you working?
A. **It was either the Piggly Wiggly or McDonald's, one of the two. I don't recall which one, but I do remember having a job.**
Q Okay
A. **Now, I'm not saying that that was the reason, because I don't recall what the reason was, but according to the paperwork, it said to go to night school.**
Q Okay And then you made the decision for some reason that you didn't want to go to night school anymore and you would just get your GED?
A. **Me and my mother made the decision, yes. You've got to understand, I was a juvenile, minor, I don't believe I could make the decisions like this without having a parent who gave me authorization.**
Q Who signed the form?
A. **Okay. Is there another form that attaches to this for parental, as well? I mean, I don't know if this is the only form. Maybe there's another one I don't know.**

Q Okay Does it say one of two?
A. **It doesn't say one of two.**
Q Does it indicate that there's additional pages?
A. **No, it does not.**
Q Okay What does it say under your signature there, the typed –
A. **Where at?**
Q Under your signature
A. **"Signature of student or guardian."**
Q Okay And you signed that, not your mother, correct?
A. **Yes.**
Q So you withdraw yourself from school, correct, not your mother, based on the documentation in the possession of the school?
A. **Yes.**
Q Okay
A. **But it could also be a possibility that she had been there with me that day. I don't recall. I just find it very hard to believe that the school district just let's somebody withdraw – a minor child withdraw themselves, so there has to be more to this. Maybe she was with me. I don't know. But this is the form that I signed, Exhibit 4. I signed it, but I could have signed**

this in the presence of my mother. I don't recall. Again, I find it very hard to believe that the school district would just let a minor child withdraw themselves from school.
Q You were 17, correct?
A. **I don't know, was I?**
Q Your birthday is in May of '73, correct?
A. **Yes.**
Q This is August of 1990?
A. **Yes.**
Q It's after your birthday in 1990?
A. **Yes.**
Q Ninety minus 73 is –
A. **Seventeen.**
Q Yes
A. **I was 17.**
Q And you did not go back to day school anymore?
A. **No, ma'am.**
Q So clearly this document did allow you to withdraw from school with your signature and not the signature of your mother, correct?
A. **Yes, ma'am.**
Q All right
A. **According to that document.**
Q Could your mother have forced you to continue

going to night school?
A. I believe my mother could have. My mother was a very big influence on my life. When she tells me to do something, I don't typically tell her no. I do what she tells me to, because she's my mother.
Q Well, what was her opinion about you dropping out of school to go to night school?
A. I don't recall. You will have to ask her.
Q What I've got on the list now is a list of witnesses and these are witnesses who were named in your answers to discovery, so what I want to know from you is the information that was given to me and the answers to interrogatories was very vague
A. Do you have a copy that I can refer to?
Q (Document tendered) I'm – I'm just gonna go – I may not have written them down in the same order that you identified them in
A. Now, were these – is this the only interrogatories? I believe I did another copy.
Q This is the set that was sent to me just this week
A. Is this the only set of interrogatories that you received?

Q You answered some to the school district, but these are the ones that you answered for Mr Smith
A. Okay.
Q Okay Is it easier for you to start with the first witness and go down through them or do you want me to go down through them on my list?
A. Ask your questions and I'll answer them to the best of my ability
Q What information do you believe that [redacted] has about this case?
A. I don't know. You're gonna have to ask my mom I mean, I don't know what she's gonna tell you.
Q Have you talked to her about this?
A. Briefly, but it's more about controlling my anxiety, depression and other issues and dealing with PTSD.
Q To your knowledge has she ever suffered from any memory loss in the past?
A. She's getting old. I mean, I don't know. I don't think so.
Q How about Tammy [redacted]
A. I know that my mom wasn't very happy when Charlie Smith showed up at my house after my suicide attempt. But you'll have to ask her

about that. And I know that he had met her on several occasions as he was dropping me off at my house. He spoke with my mother. He befriended my mother.
Q Do you know why she was not happy with Mr Smith when he showed up after your suicide attempt?
A. I don't know. You'll have to ask her
Q. And you said she'll be back in September or October?
A. Roughly, yes.
Q And you'll provide that information to your attorney when she returns, that she's back?
A. I most definitely will.
Q All right.
A But you have to understand that my grandmother is getting up in age and having health issues, so that is her tentative time for being back, but an emergency could come up. I don't know.
Q Well, when your mother returns, you'll notify your attorney that she's back so we can get her deposition scheduled?
A. Most definitely.
Q Tammy [redacted], what does she know about this lawsuit?
A. Tammy [redacted] is my sister-in-law, my brother's

wife, Mike's wife. Tammy has been a part of my life since her and my brother were dating and he was in high school. As far as what she knows, she has seen how I've struggled since 2007 and the issues that I've been through and the rest you're gonna have to ask her
Q Is Michael [redacted] older than you or younger?
A. Older.
Q How much older?
A. I believe a year and two months.
Q What does Michael [redacted] know about this?
A. My brother has been a part of my life for many years and he knows that Charlie Smith kept giving me rides home from school, softball practice and the rest you're gonna have to ask him.
Q Does your father have any information about this, Jim?
A. Can you be more specific? My stepfather or my father.
Q Jim
A. Jim, no.
Q Okay Your stepfather?
A. No, not to my knowledge I don't believe they're on here.

Q They're not. I just have written down their names All right, Katie Hucks?
A. I'm sure the softball team can tell you all the interaction Mr. Smith had with me. You're gonna have to speak with them.
Q Have you spoken with any of the softball team members to find out what they know?
A. No.
Q Do you have any reason to believe that any of these softball members that appears to be Katie Hucks, Lillian Aquino, Nicole Ramsey, Melissa Heaton, Kathryn Hammerlund, Nicole Ramsey, I'm sorry, I just said her Troi Myers and Jacqueline Smalls will support your position?
A. Yes.
Q Who?
A. You asked me if I had any reason to believe, you didn't ask me who.
Q. I'm asking you who now
A. I believe all of them.
Q Okay And what is it that you believe they will say that will support your accusations?
A. They will be able to tell you about the interaction that Charlie Smith had with me.
Q. Okay Did you have a crush on him back then?

A. I looked up to him as a father figure.
Q Did you have a crush on him?
A. No I looked up to him as a father figure.
Q Would you be surprised if several of these members of the softball team said that you had a crush on him?
A. Would I be surprised?
Q Yeah
A. Nothing surprises me.
Q Okay Who is John Russell Price, III?
A He was somebody that I had went to school with.
Q What does he know about this?
A. You'll have to ask him
Q You identified him as a witness, so I want to know what you think he's going to say if he's called as a witness?
A. I don't know what he's gonna say. I know the comment that he made in my high school yearbook, but I don't know what he – you're asking me to speculate what people are gonna say and I can't because I don't know what they're gonna say. Do I think that they're gonna talk about the issues of Charlie Smith's blatant activities, yes, I do believe they will.
Q Okay Like what?

A. Like him giving me a ride home all the time.
Q Okay What else?
A. I don't know what else they're gonna tell you.
Q Well, do you understand that it's – when you name a witness, it's generally because you believe they're going to say something in support of your case at trial?
A. And I believe that they will.
Q Okay
A. Put them on the stand and ask them questions.
Q But you have no idea what they might say, is that what you're telling me?
A. For the most part.
Q Have you spoken with John Russell Price, III since high school?
A. I don't recall if I spoke with him or left him a message.
Q When?
A. Approximately two years ago. I believe I left him a message.
Q Did he return it?
A. I don't believe he did.
Q Did you ever ask him what he meant by the phrase he wrote in your yearbook?
A. No. And what – let me make sure that I'm

correct. What phrase are you referring to?
Q You said he made a comment in your yearbook, so I'm just referring to whatever comment you were referring to
A. I mean, there's a comment in there from him, yes.
Q. And you never asked him what it meant?
A. No.
Q. Okay Doug Wright
A What?
Q Who is he?
A Doug was one of the police explorers and I don't know what Doug will tell you.
Q Have you spoken with him since high school?
A Yes.
Q When?
A. Periodically over the years. He's in law enforcement. I've run into him occasionally here and there.
Q You ever talk to him about this?
A. No. Last time I believe I saw Doug we were looking for an escaped inmate I may have seen him since, but if I did, it was in passing
Q You give his name to the police to corroborate your story?

A. **I did.**
Q Why was that?
A. **Because I believe that he would have said something to support the story.**
Q And do you know whether the police ever spoke with him?
A. **I believe they did.**
Q And do you know what he told them?
A. **I do not.**
Q Would you be surprised if he said you were attracted to Smith and followed him around?
A. **Nothing surprises me.**
Q Sadie Brown, who is she?
A. **English teacher.**
Q. And what is it that you believe she knows about this?
A. **I believe she knows about Charlie Smith's behavior.**
Q With you?
A. **Yes.**
Q Okay. Did you ever tell her about it?
A. **Tell her about...**
Q Any of his behavior with you
A. **Yes.**
Q When?

A. **In 2000 -- I believe in 2008. I met with her.**
Q And what did she say to you in 2008?
A. **She didn't say much. She clammed up, because she was going through some issues with the school district herself.**
Q Troi Myers, who is Troi Myers?
A. **A friend that I played softball with. I wouldn't say a friend. I haven't stayed in touch with any of these people.**
Q Jacqueline Smalls?
A. **Somebody that I played softball with.**
Q Okay Have you stayed in touch with Katie Hucks, Lillian Aquino, Nicole Ramsey, Melissa Heaton or Kathryn Hammerlund?
A. **No.**
Q Other than the people we've already named and gone through, is there anybody else that you believe is a witness or has information that would be important to this case?
A. **Not at this time.**
Q Do you expect to locate additional witnesses?
A. **Possibly. I mean, I don't know what's gonna happen in the future**
Q Are you making an effort to find additional persons?

A. **Not an active effort.**
Q Okay. Did you have a crush on Doug Wright?
A. **I did.**
Q Excuse me?
A. **I did.**
Q. All right. Somebody named Teresa wrote in your yearbook, "Do the world a favor and forget about the ass you met at the beginning of the year."
Do you know who she's referring to?
A. **I have no idea**
Q Do you remember getting your friends or fellow students to sign your yearbook?
A. **Yes.**
Q Yearbooks are given out at the end of the school year?
A. **I don't recall. I don't know.**
Q But you remember having people sign it?
A. **Yes.**
Q Do you remember signing other people's yearbooks?
A. **Not that I recall.**
Q Do you remember asking Charlie Smith to sign your yearbook?
A. **He signed it, so I would assume that I did ask him to sign it.**

Q Okay All right. When did you first become voluntarily sexually active?
MR EDWARDS: Could you repeat that question? I want to make sure I heard you
Q Sure I said, when did you first become voluntarily sexually active? And what I'm saying is – I'm not including the abuse you suffered as a small child or the abuse you allegedly suffered with Mr Smith, but a voluntary sexual encounter
A. **I don't recall. And when I say that, I remember having a relationship with Michael Doyon at the fire department and with a guy that I used to work with at the Pantry, but prior to that, I don't remember. So when I first remember being sexually active voluntarily would be with someone when I worked at the Pantry**
Q Was that a co-worker?
A. **Yes.**
Q All right For the next round of questions I want to talk about the interaction between you and Mr Smith, okay? For the sake of the deposition only, I'm going to preface the next questions with the fact that Mr Smith denies

that there was ever a sexual relationship, sexual activity or sexual touching of any kind between you and so when I ask you about this activity, I'm not making any admissions on behalf of Mr Smith, but so that I don't have to use the words accusations, allegations and denial in every single question, I'm just gonna preface this with that, okay?

A. Yes, ma'am.

Q All right

MR EDWARDS Would you mind if we take a quick break?

MS JACKSON Absolutely No problem

(Whereupon, there was a short break in the proceedings)

BY MS JACKSON

Q Going back to the preface that I made before, now I want to talk to you about the relationship or interactions that you had with Charles Smith starting from the first time that you met him and going up through the last time that you remember, okay?

A. Yes, ma'am.

Q All right How did you first meet him?

A. James Island High School. He was my world geography teacher.

Q Okay And how did it come to pass that you would get into his vehicle?

A. He offered me rides home

Q Okay And was this after an after school event or just after the end of the school day?

A. After the end of the school day.

Q Okay And if he had not offered you a ride home, how would you have gotten home?

A. Either my brother or my mom or my stepfather

Q Okay On the days when he would offer you a ride home, how did your mother, stepfather or brother know not to come get you?

A I don't recall

Q Okay Well, what would make you accept a ride from him as versus waiting for your mother or another family member to come get you?

A. I know that my mom and my step dad worked at the time, so I may not have had the ride -- a ride home. I don't recall I never rode the bus. I don't ever remember riding a bus and I know --

Q Could you have ridden the bus?

A. I don't believe I ever rode the bus. I think my brother had his driver's license

Q Okay Do you know how it came to be that he offered you a ride?

A. The first time he offered me a ride I was standing out front of the high school.

Q Okay

A. And he was my world geography teacher I didn't think anything of it

Q Okay And did anything happen that first time?

A. No, ma'am.

Q Okay When or what was the first thing that happened that you felt to be inappropriate?

A. When this happened I had never been sexually involved with anybody. At the time that this was going on, I couldn't identify what was inappropriate and what wasn't because I didn't understand what was going on

The first time that Charlie Smith touched me was in the classroom. And he leaned over my chair as if he was helping me with some work and he put his right hand on my right breast.

Q Okay And how long did that instance last?

A. I mean, it was -- it was quick. I -- I don't know, five seconds, fifteen seconds.

Q Okay And how did you feel about him after that? Strike that Let me rephrase Were you

uncomfortable around him after that?

A. By that time that that had occurred, I had already become familiar enough with him because he would give me rides home I mean, it wasn't just he took me home one day and then the next day he put his hand on the side of my breast. There had been some time that had passed that made me feel comfortable and trust him.

Q Okay

A. So how I felt was maybe it was an accident, maybe it was inadvertent.

Q Okay But you remember that?

A. I remember that since 2007, yes.

Q And when that happened, when he put his hand on the side of your breast, did it make you uncomfortable?

A I don't recall exactly what my emotions were at that time

Q Okay Did you ever mention it to him?

A I don't recall ever mentioning it to him.

Q Did you enjoy it?

A No

Q Well, how do you know that you didn't enjoy it if you don't know how you felt about it or what you said about it or any of that?

A. Because if I felt like it was an accident, which I've already told you maybe it was an accident on his part, accidents aren't typically something that you enjoy. So based on the feeling that I had with thinking that his actions were maybe an accident, you don't enjoy accidents, I don't believe. So that is what I'm basing that off of. Can I take you to that minute and tell you exactly how I felt, not precisely, I can't

Q Okay What was the next instance?

A. The next instance I believe it was at the horse stables, because when he would take me home, he would also take me by his horse stables

Q Okay.

A Which, you know, somebody would think would be pretty inappropriate, but you know.

Q Did you think it was inappropriate?

A. Now, yes.

Q When you were going did you think it was inappropriate?

A. I was a kid.

Q Did your mom ever say it was inappropriate to you?

A. I don't believe she did.

Q Did you ever tell her that you were going to the horse stables with Mr Smith?

A. I don't know if I did

Q Okay. So what happened at the horse stables?

A. He felt my breast one time at the horse stables and he kissed me at the horse stables.

Q And what did you think about that when it happened?

A. I don't recall what I thought. I mean, I looked up to this man as a father figure. I had a lot of trust and confidence in him. I don't recall what I thought.

Q Okay Did you –

A. I mean, I trusted this man. I trusted Charlie Smith.

Q Okay Was he married at the time?

A. Yes.

Q Okay And did any part of you think it's wrong for him to be kissing me at the horse stables?

A. I don't know what I was thinking at the time. I mean, I don't want to confuse what I might have been thinking back then because I don't recall with what I'm thinking now. And what I'm thinking now is what he did was wrong. What he did to me was wrong. So you're asking me to

think back, you know, 20 years, 23 years and my emotions from what I'm feeling today are playing in there, too. What he did was wrong. What Charlie Smith did to me was wrong So I mean, you're asking me what I felt back then. I can't tell you, I'm not back then. I don't remember. I don't remember. So I mean, whenever you're asking me questions, I don't mean to jump around, but I have some very serious emotions about it now. I tried to put the man in jail, okay? So I mean, you know...

Q So what you're saying is you remember the action that took place, but you have no recollection of how you felt about it?

A. I don't remember how I felt about it.

Q So you don't know whether it was consensual or not?

A. How could I say it was consensual. I don't believe it was consensual. When he held my head and making me –

Q We're not talking about –

A. This is not consensual, okay. I was a kid. I didn't know any difference. I never had any interaction with sex and I trusted him.

Q All right. You were a kid, but you were at

least 16, if you were taking driver's ed that year

A. I was 15 when this issue happened. I was 15. I had just turned 15 that May and I started school what, in September -- August, September. I don't know when school started back then, but it was in August or September.

Q Did you get your driver's license when you were 15?

A. In South Carolina you can get your driver's license at 15 back then, I believe.

Q So you're 15 Did you know right from wrong when you were 15?

A. To sit here and tell you that I know right from wrong, I don't know. Look at the kids now that are 15, do they know right –

Q I'm not asking you to look at the kids now I'm asking you if you, [redacted] when you were 15 years old knew the difference between right and wrong?

A. I thought that I knew the difference between right and wrong, but at 15 maybe I didn't know what was right and what was wrong

Q All right Is kissing a married man when you are not the one who's married to him right or

wrong?
MR EDWARDS Object to the form
Q You can answer
A. The way that he kissed me was a kiss that I would see not only a man and a wife do. You know, for somebody to kiss somebody else, you don't just have to be a man and wife. You can be the very best of friends, you know and did I think what he did at the time was wrong, I don't recall what I thought. Did I think that it was wrong to kiss a married man, the way that he kissed me, I've seen other people kiss each other.
Q When he touched your breast at the stables, did you go back and re-evaluate when he had touched your breast in the classroom and think, well, maybe it wasn't a mistake?
A. I don't recall what I was thinking then.
Q Okay What was your response after the incident at the stables?
A. I was still around him. I don't recall exactly what my response was, but I looked up to him. I didn't have a positive father figure in my life at the time and I looked up to him in that aspect.

Q Did you continue to take rides home from him?
A. I did.
Q. And did you continue to go to the stables?
A. I believe I did.
Q. And sometimes you actually rode your bike over there to see him when you knew he was gonna be there, didn't you?
A. Yes.
Q All right What was the next instance?
A. In his classroom.
Q What happened?
A. I was sitting next to him and he put his hand up underneath my dress. I need to take a break for a few minutes.
Q Okay
(Whereupon, there was a short break in the proceedings)
BY MS JACKSON
Q When we left off we had discussed two instances and you had begun to discuss the third Before we get back to the third, do you have any recollection of the time frame over which these first three instances occurred?
A. No. In numerical order of what instance occurred when, I recall the first time being

when he touched my right breast in the classroom and I recall the last time being the forced oral sex. Now, the other times in between I don't recall which order what happened in
Q Okay All right And in reviewing a lot of the statements and documents, it appears that, at least at some point, you felt that this group of instances occurred between January 1 and February 13th, which is when the suicide attempt was, is that correct, or is it a longer span of time?
A. It would – it was a longer period of time. It was sometime between the beginning of the school year and the time that I attempted the suicide
Q Okay All right. So we're talking about a matter of months instead of a matter of weeks?
A Yes, ma'am.
Q Okay All right With the caveat that these middle instances may or may not be in chronological order, I do have it down just as number three, because it's the third thing you told me about, was sitting next to him and he put his hand under your dress Were you sitting next to him at his desk?
A. Yes.

Q And do you remember why you were at his desk?
A. We were going over some work in the book. I don't recall exactly what it was that we were looking at, but it was in the world geography book
Q Okay And were other students in the classroom?
A. Yes.
Q And what happened?
A. He put his hand up underneath my dress and maneuvered his hand around my underwear and touched my vagina.
Q The outside?
A. Can you be more specific?
Q Did he put his fingers inside of your vagina or just touch the outside skin?
A. The outside skin
Q Okay
A. He didn't penetrate my vagina, but he touched my vagina
Q Okay Right. Okay Do you remember approximately how long that encounter lasted?
A. I don't recall.
Q Okay Did any other students come up to the desk?
A. I don't believe so. We were doing like a study

time. It was quiet time.
Q And did you say anything while he was doing this?
A. I was very, very uncomfortable.
Q Did you say anything?
A. I don't recall saying anything.
Q Did you try to get up out of the chair?
A. I remember just freezing. The way that Charlie Smith's classroom was, his desk area was blocked off to where there were a lot of books and things at the front of his desk and there was a desk beside his desk and it was a long way around the classroom to get to the back of this desk area.
Q Okay And at this point at the very least he had already put his hand on your right breast in the classroom, because you knew that was first?
A. Yes, ma'am.
Q. And he may or may not have already kissed you at the stables?
A. May or may not, yes, ma'am.
Q Okay Did you consider talking to him from across his desk, so that you didn't --
A. I don't recall what put me behind his desk, other than we were reading a book, the world

geography book. We were looking at something in the book and I was sitting down next to him.
Q Okay
A. Now we could go and say did you consider this or did you think about this, that's not what happened. I'm telling you what happened. I don't know what I considered, all right? You asked me what happened, I'm telling you what happened Now you're throwing out what ifs I can't give you what ifs. I don't know about what if this, what if that.
Q Did you ever see any other students up sitting behind his desk with him?
A. He had students around his desk all the time
Q I'm not asking you about around his desk, I'm asking about sitting behind his desk
A. Behind his desk, beside his desk, yes
Q Did you try to push his hand away?
A. I froze.
Q Did you tell anybody afterwards?
A. I don't believe I said anything
Q Do you remember at what point in the day that you had his class?
A. I don't recall.
Q Okay Were there any other instances?

A. I was sitting behind his desk another time and he took my hand and put my hand on his penis through his pants.
Q Did you try to pull your hand away?
A. I froze.
Q Did you tell anyone?
A. I don't believe I did.
Q Okay. Whichever one of these two instances in the classroom happened first, and I understand that you don't recall which one it was, but when the second instance began happening, did you think back to the first instance and what had happened?
A. I don't recall.
Q All right Before we get to the episode of oral sex in the car, were there any other instances?
A. I believe -- I believe I've got everything, I believe.
Q Okay
A. I'm still recovering memories.
Q All right To your recollection have you ever had vaginal intercourse with Mr Smith?
A. No, I don't believe so.
Q To your recollection have you ever had anal intercourse with Mr. Smith?

A. No, ma'am.
Q To your recollection did Mr Smith ever perform oral sex on you?
A. No, ma'am.
Q Other than the one time that we're gonna discuss in just a minute in the Bronco, did you ever perform oral sex on him?
A. Other than that one time, no, ma'am, I don't believe so, but please keep in mind that I'm still recovering memories.
Q All right. Tell me what happened to the best of your recollection the day that resulted in the oral sex in the Bronco?
A. Charlie Smith was giving me a ride home. He pulled over, shut the vehicle off, he pulled his penis out of his shorts and held my head while I performed oral sex on him and he ejaculated in my mouth.
Q. And then what happened?
A. And then he put his penis away and he took me home
Q All right When he pulled over and shut the vehicle off, did you climb onto the center console?
A. I believe I did I was on the center console.

Q You know why you climbed onto the center console?
A. Do I know why I climbed on the center console? No, I don't know why I climbed on the center console. I know now what the result was.
Q Climbing on the center console put you much closer to Mr Smith than if you had remained in your seat, correct?
A. Yes.
Q. Did you see him unzip his shorts?
A. Yes.
Q. Did you say anything when he unzipped them?
A. No. I don't recall saying anything.
Q. Did you attempt to move back over into your seat?
A. I don't recall if I did or not.
Q Did he have a hold of you at that time?
A. At what time, when I was on the center –
Q When he was unzipping his pants
A. It happened so fast, I don't recall if he had a hold on me at that moment or not. I don't recall.
Q Did he say anything?
A. I don't recall him saying anything
Q Did you say anything?

A. I don't recall saying anything.
Q Okay And then you said he held your head while you performed oral sex Did he push your head down to his penis?
A. Yes.
Q And did you try to keep him from doing that?
A. I don't recall if I tried to fight him or not. I don't recall
Q As of that point did you know what oral sex was?
A. No.
Q. You'd never even heard of it?
A. I've heard of it, but I didn't know what it was. I had no sexual experiences.
Q And I'm not talking about first-hand, I'm just talking about people talking at gym class or people talking in study hall about what oral sex is?
A. I'm sure somebody probably talked about it.
Q Okay And you said he ejaculated in your mouth?
A. Yes.
Q Did you spit it out at him
A. I remember choking on it.
Q Did he say anything at that point?
A. I don't recall.
Q Did he make any noises?

A. I remember him moaning, like a moaning or grunting.
Q Did he say anything on the way home?
A. I don't recall.
Q Did you have anything with you that day?
A. I believe I had my book bag, because I always carried my book bag.
Q Okay Did you take it with you when you got out of the car?
A. I'm assuming that I did.
Q Did you say anything to him?
A. I don't recall – I'm sorry
Q Did you say anything to him when you were getting out of the car?
A I didn't say anything.
Q When you got home was there anybody at your house?
A. All I remember is going into my room and closing my door. I don't – I don't recall if anybody was home or not.
Q What was the next time you saw anybody?
A. I don't recall. All I remember is going home and going into my room and laying on my bed with my cat.
Q Your mom never came in to say, hey, welcome home

or –
A. I don't recall. All I remember is going home, going into my room, closing my door and holding onto my cat crying That's all I remember I don't remember if she come in and checked on me I don't remember if I woke up the next morning and went to school. I don't remember. I don't remember what happened
Q So are you now saying that you have no recollection of anything that happened from the time you picked up – laid on your bed with your cat until 2007 on this?
A. No. Because the suicide happened and I believe it was shortly after the oral sex.
Q Okay All right Has anybody that you know of given a written or recorded statement of any kind that supports the allegations that you're making against Mr Smith?
A None that I'm aware of.
Q Do you know for certain if anybody ever saw Mr Smith touching you in a sexual manner, meaning touching your breast, touching your vagina, kissing?
A. Not that I'm aware of.
Q If he was doing these things to you, these – we

have five instances, why didn't you stay away from him?

A. I trusted him and I looked up to him as a father. Why I didn't stay away from him, I don't know why I didn't stay away from him.

Q Didn't he violate your trust when he felt your breasts or when he put his hand under your dress in his classroom?

A. I never had a relationship with my father and I looked up to him You're asking me to answer a question to put myself back whenever I was fifteen. I can't tell you what I was thinking back then as far as did I feel like he violated -- whatever your question was.

Q Violated your trust You said you trusted him, so I asked if he violated your trust by putting his hands on your vagina in his classroom

A. I don't recall how I felt at the time regarding him violating my trust.

MR EDWARDS. Are you asking how she felt then or how she feels now?

MS JACKSON How she felt then I know how she feels now

A. Oh, yes.

Q Did you ever cry when he was touching you on any

of these five instances?

A. I only recall crying when I was laying in bed with my cat after he forced me to perform oral sex on him. I may have cried the other times, but I don't recall. And I recall crying when I was laying in bed after the suicide attempt throwing up charcoal.

Q Okay Do you ever recall telling him to stop?

A. I don't recall.

Q What I'm trying to understand is if you don't know as you sit here today how you felt back in 1989, '88/'89, during these five instances, how can you say they weren't consensual?

A. I'm not saying that I didn't have feelings and what I'm telling you is that my feelings are so strong today, that maybe they're overwhelming what I felt then. I trusted him. And when he held my head down and forced me to perform oral sex on him, how can that possibly be consensual. I am very sure that that was not consensual

Q How are you very sure?

A. Because to this day I have a very, very difficult time, if I ever have, performing oral sex on a man. That is how I know. Coupled with the fact that I was gagging and I'll never -- I

just -- I can still feel it right now as if it was happening then. So I'm positive that that was not consensual.

Q All right What about the other instances? And I'm just trying to figure out if whatever order these things occurred in, the middle three things, was there a build up of -- did there come to a point leading to this oral sex instance where you started saying, you know, maybe something's not right here or did that kind of culminate in the oral sex instance that reduced -- sent you home in tears with your cat that then culminated in the suicide attempt? I'm trying to figure out when -- how we get to the suicide There's a road map and I'm just trying to understand how we get to the end point

A. I'm just answering your questions to the best of my ability. Now, whether or not you understand, I can't help you with that. All I can do is answer your questions and that is what I'm trying to do.

Q Okay My question is, did there ever come a time leading up to the oral sex in the Bronco, that you started to think something is not right

about this relationship with Mr. Smith?

A. I don't recall.

Q Let's talk about the suicide attempt Do you need a break before we go there?

A. No --

Q Okay

A. -- Ma'am.

Q All right It appears from the hospital record that your attorneys produced that the suicide attempt was February 13th of 1989

A Do you have the document?

Q I didn't bring it down, but if you want me to go get it, I can

A. Please

Q Hold on one second

(Whereupon, there was a short break in the proceedings)

(Whereupon, Defendant's Exhibit 5 was marked for identification)

BY MS JACKSON

Q I'm gonna show you what's been marked as Exhibit 5 to your deposition It's an affidavit of Jane Doe that is two pages long and then it appeared to me that the -- based on the affidavit that the medical records were attached to it Were

you able to locate a date on those records? I can help you if you need --

A. Yes, if you don't mind.

Q Okay The second page of the record Go to the next page, there's a date right here in the corner (indicating)

A. Okay.

Q And then if you go to the EMS run report, excuse me, EMS run report itself, there (indicating)

A. Okay.

Q And what date is on those documents?

A. 2/13/89.

Q Okay Does that help refresh your recollection as to the date of the suicide attempt?

A. Yes.

Q Okay. All right And do you remember what type of medication you took in an attempt to commit suicide?

A. Bivarin.

Q Okay Do you --

A. Vivarin.

Q Vivann?

A. Yeah. I'm not real sure of the spelling. If it's with a V or B.

Q I think it's with a V

A. Yes. Right here (indicating).

Q Do you know why you took those?

A. Because I wanted to die.

Q. Okay Bad question Do you know why you chose that pill over something else?

A. I don't know why.

Q Okay And those are caffeine pills like No Doz?

A. Yes, ma'am.

Q Okay Do you remember how many you took?

A. I don't recall how many I took, but this paperwork says that I took 16.

Q And you were trying to commit suicide because of what had happened with Coach Smith?

A. All I recall is that I wanted to die

Q. Okay Why did you want to die?

A. I don't recall.

Q How long had you been considering suicide as an option before the 13th?

A. I don't recall.

Q Did you think suicide would make you feel better?

A. All I wanted to do was die.

Q. All right After any of these instances did you feel ashamed?

A. All I recall is feeling very sick and puking charcoal for a very long time.

Q Okay I'm talking about any of the instances with Coach Smith, any of the five?

A. Did I feel ashamed?

Q Yes

A. I don't recall how I felt.

Q Okay. When this was going on, did you ever consider telling anyone?

A. I don't recall. I mean, you're asking me questions of something that happened 20 some years ago and how I felt then. I know that I wanted to die after the suicide. I'm pretty sure that I didn't tell anybody, but I may have, but I don't recall telling anybody.

Q Ms [redacted] understand that, but you're the one who's brought the lawsuit 20 years later, okay It would have been fantastic if we could have asked you these questions two or three years after the fact?

A. And I think it would have been fantastic, too had I remembered, so we're in the same boat.

Q Well, that's fine, but you're the one who lived through this, has the memories I have nothing, so I have to ask you these questions and I have to find out what I can find out and I have to go

about it in various ways to see if I can't help you remember or jog a certain fact that you may not think that you know when I ask it one way that you may know when I ask it another way So I would appreciate it if you would just do me the courtesy of going down through and answering the questions the best that you can

A I am answering them to the best of my ability.

Q What happened when your mother showed up at the hospital?

A. I don't even remember seeing my mom at the hospital. What I do recall is puking up charcoal.

Q And they gave you charcoal because you had taken an overdose, correct?

A. Yes

Q Do you have any recollection of what you were thinking as you were puking up charcoal?

A. It was crunchy and it was nasty tasting

Q All right When you took the pills, where were you in the school?

A. At the water fountain.

Q And where did you go?

A. I recall walking down the hallway from the water fountain and then I don't recall where I went.

I remember being in the back of the EMS.
Q Do you ever recall seeing Charlie Smith after you took the pills and before the EMS showed up?
A. I don't recall.
Q Do you remember telling anyone that you had taken an overdose?
A I remember falling I don't remember saying anything.
Q All right Sometime after you attempted suicide you went back to school, but you don't remember it; is that correct?
A. Yes, ma'am.
Q Okay And sometime after that on or about August 21st of 1989, based on the records, is when you withdraw from school?
A. Was it 1989? According to your records, if you say so, yes.
Q Well, you know what, let's double check We've got it as an exhibit I'm sorry, August 21st of 1990
A. According to Exhibit 4, yes
(Off-the-Record conversation.)
BY MS JACKSON.
Q Do you ever remember seeing Mr Smith again from the time that you committed suicide?

A. Attempted suicide.
Q Attempted suicide, I apologize, to the time that you withdrew from school?
A. I remember seeing him one day when I was in my police cadet uniform, but I don't recall what – when that was, I mean, if it was before or after
Q In reviewing the documents and reading things, have you come to realize that you stayed in his class for the rest of the year?
A. I don't recall that.
Q Do you have any specific recollections of anything that happened between the time that you attempted suicide and the time that you withdraw from school?
A. I have memories of stuff, but I don't know the order in which they go in. I don't know if maybe it's a memory that I'm having from after the suicide attempt or if it's something that I'm having prior to the suicide attempt. I guess you can say the numeric order stuff I'm sort of – I'm losing the numeric order of stuff I don't know when what happened
Q Okay Do you have any specific school memories that might be able to be related based on what

classes you took which year?
A. I remember the biology area, the biology classroom –
Q Okay And that was –
A. – and the teacher.
Q That was a class you took in the '89/'90 school year, correct?
A. Yes, ma'am.
Q What about algebra or phys ed ?
A. I remember my physical education teacher. I don't remember my math teacher and of course, I remember my English teacher, Sadie Brown.
MS. JACKSON All right Let's mark those two things
(Whereupon, Defendant's Exhibits 6 and 7 were marked for identification.)
BY MS JACKSON
Q These are documents I believe were produced by the Department of Corrections in response to a subpoena The first one is a resume that says [redacted] at the top And the second one is an employment application stamped received recruiting branch March 11 of 1996 Let me know – have you had a chance to look at both of these?

A. Yes, ma'am. I've looked at 6, Exhibit 6 and Exhibit 7.
Q All right
A. Glanced over it.
Q On Exhibit 7 it says last grade completed and year and you marked ten for the grade and '91 for the year, is that correct?
A. Yes.
Q But you didn't complete the tenth grade, did you?
A. No, I did not.
Q You actually didn't complete the 9th grade, did you?
A. No, I did not.
Q So that's not correct?
A. No, it is not.
Q And did you fill out this application?
A. Yes, I did. I could have been pencil whip and stuff at the time, because as you can see, the application is really long, so I took a bestimate (sic) guess based on not having any information at the time in front of me. If my memory is correct, I filled this out at Lieber Correction Institute with nothing in front of me except my resume, because you can't take

anything into the prison, so I probably didn't have all the information in front of me and I did the best estimated guess at the time in filling out an application.

Q And in 1996 you couldn't remember that you hadn't passed the ninth grade?

A. I just guessed. Look at the amount of information that's on here.

Q Okay This is on page one, right?

A. I understand that's on page one. And I put down ten, that's fine. I'm not denying that I didn't put ten down.

Q Okay. And that's not correct?

A. That is not correct.

Q Okay In 1996 what kind of a recollection did you have of the time period between 1989 and 1992?

A. 1992?

Q Or – let me rephrase What time period – as of 1996 when you filled out this application, did you still have a memory block for a period of time in your teenage years?

A. I vaguely remember working at the Piggly Wiggly as I've already told you. And I'm not looking at this, your exhibits, I'm going by what I

remember. After I attempted suicide I don't remember anything up until I started working at the Pantry, but I do recall working at the Piggly Wiggly sometime in there. I don't know when it was. I can't recall And I'm not looking at your exhibits whenever I say that.

Now, in 1996, whenever I filled this out, I had a resume in front of me, which I haven't seen for many years and I was going by some of the things that I remember from the Piggly Wiggly and the other employment jobs that I held from the Pantry. And from the volunteer fire department, James Island and for Mt. Pleasant Fire Department and from Kiawah Island Resort. And I never told you about that I didn't remember those employers or that time period. What I have told you is that I don't remember from the time of the suicide attempt up until working at the Pantry except a few small things.

Q Earlier when I asked you to go through those few small things with me, you never mentioned the Piggly Wiggly

A. I think that we have mentioned the Piggly Wiggly. I could be incorrect, but I think I told you that I worked at the Piggly Wiggly.

Q I'm talking about though, when I specifically said during the time period after the suicide, what else do you remember

A. I don't know if I worked at the Piggly Wiggly before the suicide or if I worked after the suicide But if you would like me to look at documents, which is Exhibit 7 –

Q Well, do you even know if those dates are correct?

A. I'm not sure if they're correct

Q Well, so how helpful are they if you don't even know if they're correct?

A. It says on here that I worked at the Piggly from May '89 to August of '90 and that – that would probably be correct. So that would make it – when was the suicide attempt, again?

Q February of '90?

A. So that would make it during the suicide attempt that I worked there.

MR. EDWARDS The medical records say February of '89

Q I'm sorry, February of '89

A. So I worked at the Piggly Wiggly after the suicide attempt. And I vaguely remember working at the Piggly Wiggly I remember putting

mushrooms up on the shelf at the Piggly Wiggly one day as a stocker and a cashier, but my job was a cashier, because the mushrooms fell down off the shelf.

Q And if Piggly Wiggly's records don't show you working there from May of 1989 to August of 1990?

A. When I filled this out, that is what I recall. That is what I recall. I mean, I –

Q Do you remember when Hugo hit?

A. I wasn't here when Hugo hit, I was in Pennsylvania. I do remember that. Once again, I told you that I don't remember a lot from the time I attempted suicide until I started working at the Pantry. So I mean, I'll tell you the best I can about the Piggly Wiggly, but that's in that time period that I don't recall very much.

Q Why were you in Pennsylvania when Hugo hit?

A. I believe I went to Pennsylvania because of the storm.

Q All right I believe I saw in your records that you saw Mr Smith in a store at about 1992?

A. Yes.

Q Tell me about what happened then

A. I went to get my hair cut at the Fantastic Sams where I've always gotten my hair cut and there was – I was put on a waiting list and I had some time to kill, so I was walking around and I went into a sports store next to there and that's when I seen Charlie Smith. I bought some baseball cards and didn't think anything of it.
Q Did you talk to him?
A. I believe I did.
Q Had no ill feelings at that time?
A. I don't recall any.
Q Do you remember when all the allegations by the students at Porter Gaud and James Island came out against Eddie Fischer?
A. I recall that when my – one of my past attorneys and I had discussed it. When those allegations came out I was working up in Greenville, I believe. Well, up near Greenville I was working at – I believe I was working at Tiger River, which is up near Spartanburg. But I never followed that. I – I think I was up there whenever that – but you know what, that...
Q Late eighties?
A. That's not possible because I remember seeing

Eddie Fischer at Lieber Correction Institute in the pill line. So if he was already locked up by that time, no, that had to have happened earlier, whenever I was with the fire department maybe and I didn't follow it.
Q The newspaper articles that I found were in the late nineties, early 2000
A. In the late nineties I was in transition, early 2000, I was in transition to Columbia. And all I remember – I remember running into Mr. Fischer at the prison he was in.
Q Did that trigger anything?
A. No, ma'am, it did not.
Q Did you know why he was there?
A. No, ma'am, I did not. With the Department of Corrections we don't have access, as an officer, to any charges that the inmates have, so I didn't pay attention to any charges, because I didn't have access to it and didn't really care.
Q Well, but if it was something highly covered in the newspaper, you could have seen it there or heard it in the news
A. I didn't read the paper whenever I was in my twenties or my teens. I just recently started reading the paper in the last five, six, seven

years and now I sometimes don't even read it, because I see inmates in there all the time.
Q All right
A. So I wasn't at Tiger River when the Eddie Fischer case was filed there. I was still at Lieber in transition to Columbia.
(Whereupon, Defendant's Exhibit 8 was marked for identification.)
Q I'm going to let you look at the color copy just because it's easier to see and for the Record, this is a stack of photos bate stamped Richter 200 through Richter 241.
A. If you don't mind, may I please look at the exhibit copy instead?
Q Just want you to go through and tell me what these pictures are of and if you can just designate as the page number and the top and then bottom
A. Page number 200, top and bottom is [redacted], which is where I currently live; [redacted] 202 is [redacted] both top and bottom. 203 is where we originally lived when we first moved down here at [redacted], top and bottom. 204 where we lived [redacted], top and bottom. 205 is where we had moved after we

moved from [redacted]. We moved to – no, no, I'm sorry, 205 is Troi's house. That's where she lived at the time These photos were taken for when I was going through therapy with National Crime Research and Treatment Center as part of my therapy and I gave a copy to my attorney and evidently they produced it. So this is all stuff that I went over with my therapist and what was specifically spoken about with my therapist, so. .
Q Okay Well, what was the purpose of taking the picture of Troi's house?
A. To help eliminate stress. This whole issue right here was to help eliminate anxiety and stress and help me get through the PTSD. And we were sitting here talking about stuff in therapy that I went through with my therapist and I gave a copy to my attorney I didn't think it would be given to you, but it was used in therapy as a therapy tool.
Q Okay
A. So do you want me to keep telling you what this stuff is?
Q Well, I need to know what these are pictures of and I also need to understand why they are?

A. Everything in this packet, this entire packet was taken and me and my therapist went through it as a way to reduce my anxiety overall. So to sit here and tell you each individual thing and what each individual thing created any part of anxiety for me, I don't think that's fair to me, but if that's what you want me to do, I'll do that, because this whole packet was for to help treat PTSD.

Q I understand that

A. Okay.

Q But in all of the however many thousands of pages of documents that I have read in this case –

A. Uh-huh.

Q – not one time did I see the roller rink Hot Wheels mentioned and then I flip through these pictures –

A. It's a landmark to where Troi's house was. It's a landmark.

Q. That's fine These are the things to understand I don't want to get into trial and have it turn out that you're gonna say, oh, yeah, we were right here where that red truck is when he made me perform oral sex on him

A. Well, we weren't –

Q I need to understand what the purpose of you taking these pictures was

A. Okay. Now you know the purpose. Now I'll explain to you –

Q I need to understand why you took this particular picture.

A. These are all landmarks and things to help eliminate the stress.

Q All right Well, then all I need you to tell me page 207 what is the 990?

A. That's Deahl's (ph) Bluff. That's where the horse stables are. 207, I think these are out of order 1523, I don't know what that is because, like I said, I think this is some of the stuff is out of order I don't know what 1523 is It might be the numeric address for the Hot Wheels Center, I'm not sure.

Q What is the West Chester sign?

A. That is Troi's neighborhood directly across from the Hot Wheels 209 and 10, 209 top and bottom is softball field.

Q Says 1014 on the mailbox and Seaside on the road sign

A. I don't know what the 1014 is. The Seaside is

the road that Charlie Smith would take me down to go to the horse stables. It's the cut through to get to the horse stables. 211, the top is the Seaside – the beginning of Seaside. That is also where Charlie Smith pulled his Bronco over and I performed oral sex on him.

Q Okay And we can see that spot in this picture on 211?

A. Yes, ma'am. But it was different then. There were more woods in that area back then.

Q Okay And on this picture take this pink highlighter and on page 211 I want you to put a rectangle where the Bronco was

A. Rectangle?

Q That's a triangle

A. How about a circle?

Q Fine

A. Okay. (Complying.)

Q Okay But where along the road?

A. This was different back then. There were trees. I don't know how far out the trees extended and this area's been cleared. This area is different than what it used to be back then.

Q Is the road the same?

A. Yeah. The road is the same and I circled the

area. It was right in this area right in here (indicating). Now, it was different because there were trees there. The building has always been there, but this area right here (indicating) was more brushy and had more trees.

Q So we're talking closer to the building than the curve?

A. I would say closer to the curve than the building, because there was brush in that area.

Q Okay Can you make a smaller circle then, because it seems to me that you circled the entire area.

A. It would be right in this area and I'll help you out in coloring with yellow, okay?

Q Okay So you pulled off the side of the road?

A. Yes, ma'am.

Q All right

A. James Island High School is the bottom of 211. I don't know what 212 and 213 – 212 is. 213 is the same as 211, the top of 211, just different angles beside the building. And 213 is the same as 211, I believe. Yeah. It's the same picture. I think it's the same picture. 214 is the high school football area. 214 bottom is the softball area. 215, softball area. 216 is

the front entrance of the James Island High School, top and bottom. 217 top and bottom is the softball field.

Keep in mind, this stuff was different back then, too. The -- you know, some, like this trailer thing wasn't here and you know, this batting cage wasn't over there. But keep in mind the purpose of why these pictures were taken were to be used in therapy.

218 top and bottom is the softball field. 219 is the road next to softball field. 219 top and bottom same thing. 220 top and bottom is James Island High School. 221 is James Island High School top. 221 bottom is Fort Johnson Road right outside the James Island High School. 222 is -- was Charlie Smith's classroom, I believe The 222 bottom, I believe, is where Charlie Smith's parking spot was. I'm not 100 percent sure because the clarity of the picture. 223 top is the front of James Island High School. 223 bottom is the same. 224 top and bottom is the softball field. And I don't believe these bleachers -- these are new bleachers, I believe. Whether they were there in '89 there was a little bit of shelter then.

225 top is Charlie Smith's parking spot, I believe. If the clarity -- I believe that is what it is, I think. Let me see your color copy. I can't be 100 percent sure. 225 is the high school, part of the high school. I don't even know what part of it, it is. 226 is the softball field and 227 softball field area, I believe. 228 was Trafalgar Drive. That's the house that we lived in after we moved out of Rivercrest. 229 is Folly Road. I'm sorry, Fort Johnson Road and 229 bottom is the high school.

230 is where Steve Shadnch (ph) lives and that is where Charlie Smith took me one day, as well. Steve Shadnch is one of his friends who owns a painting company. He used to paint for Steve Shadrich.

231 is, I believe, the softball field area. 232, is that Steve Shadrich's house? I'm not sure what 232 is. 233 -- 232, I believe he had a paint -- Charlie Smith had a paint job there 233, I believe that's -- was Steve Shadrich's house. Yes, 233 is Steve Shadrich's house. 234 was another place that Charlie Smith had taken me by. It was a place that he painted. 234. 235, the names of the places. 236, the top of

236 is part of 235, which I believe is one of the places that he painted at.

236 was Creekside Painting and Charlie Smith had taken me by there one day. Might have been a couple days he took me there. He had to pick some stuff up.

237, Creekside Painting, both top and bottom. 238, Creekside Painting. 239, Creekside Painting. 240, James Island High School. 240 bottom, ducks in a pond and I don't know why it's in there. 241, Creekside Painting. I think we put the ducks in the pond as a way to try to relax me in therapy.

Q Okay Of the pictures that we just went through, Creekside Painting, did anything sexual ever happen between you and Charlie Smith at Creekside Painting?

A. I don't recall, but keep in mind, I'm still recovering memories.

Q Do you recall anything sexual happening between you and Charlie Smith at the Shadrich's home?

A. I don't recall. I'm still recovering memories and I get a bad feeling inside when I think about the Shadrich's home.

Q. Okay Do you recall anything sexual happening

between you and Charlie Smith at any of the painting jobs that he took you by that you had pictures of in this packet?

A. I don't believe so.

Q. All right You need a break?

A. No, ma'am.

MR QUISENBERRY Can I take a break for a second?

THE DEPONENT. Uh-huh

(Whereupon, there was a short break in the proceedings)

(Whereupon, Defendant's Exhibit 9 was marked for identification)

BY MS JACKSON

Q All right And would you also pull out Exhibit 3 Do you still have -- what number is this, nine?

A. Nine.

Q All right Is Exhibit 3 a statement that you typed yourself?

A. Yes

Q Okay And what was the purpose of typing the statement that's been marked as Exhibit 3?

A. This was the original filing with the sheriff's office.

Q Okay And I understand that you gave it to the sheriff's office. Did you type it for the purpose of giving it to the sheriff's office or did you type it as part of therapy and then use it?
A. No. I typed it for the purpose of giving it to the sheriff's office.
Q Okay. And then Exhibit 9, which says, "Charleston County Sheriff's Office Statement," at the top
A. That was an additional follow-up, yes, ma'am.
Q Did you type that yourself or did somebody type that for you?
A. That was -- I typed it. That was an -- I believe that was an additional statement that I gave to Detective Avilla regarding more information. I want to say possibly for the solicitor's office.
Q Okay But you typed this yourself --
A. Yes, ma'am.
Q -- Exhibit 9 Okay And just so that the Record is clear, somebody looks at the exhibits, the Richter 106 and Richter 107 appear to be an addendum that just got stuck in the middle of the typed statement; is that correct?

A. Yes. And I don't believe that they go with 105, 108 and 9, 10 and 11. I don't think I submitted them during the same time that I submitted the statement 105. I'm thinking that it may be part of 98, but I'm not 100 percent sure.
Q 98, which is Exhibit 3?
A. Yes, ma'am.
Q Okay
A. And I'm not 100 percent sure when this one, 106 and 107 was submitted.
MR EDWARDS Yeah Having looked through this, I doubt this was even supposed to be produced, to be quite honest with you It looks like something that we got -- it looks like something that we would have got between attorney/client and I don't know why it would have been inserted in there
A. This is attorney/client stuff This is stuff that I've given you.
Q This is not something -- this document that says at the top '88/'89 softball players, Richter 106 and 107, is an attorney/client privilege document, is that what you're telling me? You prepared this document solely to give to your attorney or did you provide this to the sheriff's office, too?
A. I'm unsure. I can't say 100 percent either way.
MR EDWARDS: Y'all subpoenaed the sheriff's office, or somebody has, I believe, for criminal records and this I'm fairly certain was not in there
THE DEPONENT That would have been investigation file stuff
MR EDWARDS If it's in there, then it's in there, then there's no problem.
MS JACKSON If it's not, let me know, then we will redact it from the Record and I will remove it. And just send me something in its place that just says pages 106 and 107 are attorney/client privileged and I will send you a certification of destruction
MR EDWARDS Okay
MS JACKSON Well, then for today what we'll do is we'll not refer to pages 106 and 107, okay? We'll just refer to the actual formal typed statement on the sheriff's office

statement form, okay?
THE DEPONENT Yes, ma'am
BY MS JACKSON
Q Okay. All right. With that caveat, what I want to do is talk to you about the September 11, 2007 statement and the December 7, 2007 statement
A. What is a caveat?
Q With that being -- with that agreement --
A. Okay.
Q -- that we'll not talk about these pages We'll just pretend like they're not there
A. Yes, ma'am.
Q We'll talk about these (indicating) two statements
A. Yes, ma'am.
Q Okay Sorry Thank you for asking me to clarify that
A. I gave both of these statements when I was in therapy with the National Crime Victims Research and Treatment Center and I was being treated for PTSD at the time and also suicidal thoughts, so just wanted to advise you of that.
Q Okay Are you still being treated for PTSD?
A. No, ma'am.

Q Okay All right. In the September 11 statement it says in the first paragraph, "I had a fellow co-worker come to me in conversation and stated that he found out that the inmate was raping his cell mate while he was at CCDC."
A. Yes. Where's it at?
Q. (Indicating) "I" – see right there, "I had a fellow "
A. Yes, ma'am.
Q "I had a fellow " Then it says, "The cell mate had enough confidence in the officer to tell him that he had been repeatedly raped by this particular inmate Something inside of me snapped and I began to have nightmares of Charlie Smith standing over me laughing " Is that how you remember it occurring?
A. When I began to have memories come back to me, is that what you're responding?
Q Yes
A. Yes, ma'am.
Q All right. Now, we have to tread very softly in the next set of questions because it deals with an attorney and again, I don't want to know what you said to this attorney, nor do I want to know what the attorney said to you. I only want to

know what your thoughts or plans were, okay?
A. Okay.
Q It says, "I realized I needed to get some help in dealing with the nightmares I did not know where to go, so I went to see an attorney " Why didn't you go to a doctor?
A. Because of my job. I didn't want to involve my job.
Q Why would going to a doctor involve your job?
A. It's -- would be on my medical insurance. You have to understand, in 2007 I didn't understand anything about legal stuff. I didn't understand -- I understood how to go to work and do my job I didn't want any repercussions from work and I didn't want any issues. I felt like I needed to protect myself. That was what I did. Is it right or wrong, I don't know, but that's what I did.
Q Okay At that point were you only having dreams that Charlie Smith was standing over you laughing?
A. Coupled with the waking up, the sweats, not being able to sleep I mean, I was having a bunch of things going on, but that's what I first began to remember.

Q Okay. Now, to your knowledge with the memory that you have recovered, did Charlie Smith ever actually stand over you and laugh?
A. He -- he was always laughing and he was taller than me then, so I remember him standing over me laughing.
Q Was it in a way that you recall it actually happening that it was frightening?
A Yes. When I had the nightmares it was frightening
Q I'm talking about in reality
A. I don't recall being frightened
Q. Okay All right So at that point you went to see Doctor, is it Zinzow, at the National Crime Victims, is that how you pronounce it?
A. To go back on something that you were just talking about, I recall Charlie Smith, the time that he touched my breast he had a smile on his face and the times that he was doing stuff, the sexual stuff, he was smiling. I do recall him smiling.
Q Have you reviewed the December 7th statement today?
A. You just gave it to me, yes. You gave it to me.
Q Is it still true and correct to the best of your

knowledge?
A. You're referring to Exhibit 9, correct?
Q Yes
A. 1[redacted] is no longer on the market. It's been taken off the market. My mom and my stepfather have divorced. My stepfather currently resides at the lake house in Eutawville and I reside with my mom at [redacted] so that part is not correct currently today. I did get my driver's license and I believe it was after the start of the school year. I did -- my mom did purchase me a car, but I can't remember when she purchased that car.
You asked me in a previous question how I felt when Charlie Smith had put his hand on my breast in the classroom Here in the statement it explains how I felt.
Q Are you talking about the second paragraph where it says, "I remember the anxiety"?
A. Yes. Now, keep in mind this was written in 2007 and I was going through therapy. I have been out of therapy with MUSC for now, maybe three years I don't want to remember this stuff and I don't want to continue to remember it. So

when I wrote this in 2007, you asked me now what I felt then, well, this is some of what I felt then.

Q All right And that's why I wanted to make sure that this statement is still true and correct to the best of your knowledge

A. To the best of my knowledge when I wrote this in 2007 if I was feeling the nervousness and anxiety, then yes, that is true. And you asked me about the time that he put my hand on his leg and it, again, explains how I felt. When I was in therapy we focused on this stuff. And there's techniques that my therapist and I used and I remembered feelings from then. Today, three years later, I don't care about feeling anything and I hope that after today I never see Charlie Smith again or you, no disrespect intended.

And if I do by chance see anybody in this room, I'll be courteous and not say anything and move on with my business, but this is three years later and you're asking me today how I felt when I was fifteen and I don't recall, because I don't recall. Ask me in 2007 whenever I'm going through therapy working on these

issues, this is how I felt I don't know if that will help you understand any of this, but that is the way that I feel That those were the things that I feel

Q Why did you ride your bicycle to the stables when he was there?

A. To see the horses

Q Why didn't you go when he wasn't there?

A. It's somebody's property. I don't – you just don't go on somebody's property without somebody being there that you know. I always wanted a horse whenever I was younger and just excited to see horses.

All right, I've glanced over Exhibit 9 What are your questions?

Q Is it true and correct to the best of your knowledge, except for what we talked about, about moving the house?

A. Everything that I just said is true and correct to the best of my knowledge

Q You mean everything in this statement is true and correct to the best of your knowledge with the exceptions that you've given me?

A. Let me read the last part because I just glanced over it. We spoke about the – the conditioning

that you were talking about.

Q Yeah

A. Evidently there was try-outs.

(Whereupon, there was a short break in the proceedings.)

BY MS JACKSON

Q. Have you now had a chance to review the five-page statement that has been marked as Exhibit 9?

A. Yes, ma'am.

Q And is it true and correct to the best of your knowledge?

A. Like I have already stated to you, in referring to this last paragraph on page 111, second to last paragraph, my feelings were so strong at the time in 2007 that I'm unsure if that was what I was feeling at the time or if that's what I was feeling in 2007.

Q Is it possible that that's what you were feeling at the time?

A. It's possible that that's what I was feeling at the time and it's also possible that that's what I wasn't feeling at the time and that's what I was feeling in 2007.

Q Okay. And 2007 did you feel that everyone at

the school was unapproachable?

A. Yes.

Q Did you feel that way – do you know whether you felt that way in 1989?

A. I'm not sure if I felt that way or if I didn't feel that way I'm not 100 percent sure either way.

Q Okay

A. I had a very, very difficult time with the school district in 2007

Q All right Let's go back to the September statement and on page two –

A. Exhibit 3?

Q Yes Page two, the third sentence that says, "I have, for the most part, stayed off of the island except to visit my parents who live there "

A. And I wrote this in 2007

Q Yes Why did you stay off the island?

A. Because I didn't have any reason to go over there unless I was seeing my mom or my step dad. I just didn't – I mean, I didn't have any reason to go there

Q Okay Let's look at the context of that sentence The context says, "I tried not to

think about him, so I may not remember much now" Is the him in that sentence Charlie Smith?

A. Where's that at?

Q The very first sentence

A. Yes, this was -- whenever I wrote this in September of 2007, because I was struggling in therapy.

Q Okay And then you said, "I have not seen him since 1992 when he operated a sports memorabilia shop on James Island" And the him in that sentence is Charlie Smith?

A. Yes. And I wrote this in 2007

Q Right

A. And I believe I already told you I saw him in a sports memorabilia shop, right?

Q All right The next sentence is the one about staying off the island The next sentence says, "He is from somewhere up north, I believe Illinois, and he served in the military" Are the hes in that sentence Charlie Smith?

A. Yes.

Q And the next sentence is, "He has a wife and a daughter whose name I believe is Kim" Is the "he" Charlie Smith?

A. Yes. If you go onto the sentence after that, two sentences after that, the him would also be he, Charlie Smith

Q Okay. Because of the placement of the sentence, "I have for the most part stayed off the island except to visit my parents who live there," in the context of the paragraph it talks repeatedly about Coach Smith Is Coach Smith one of the reasons you stayed off the island --

A. No.

Q -- so you didn't have to run into him?

A. No I just didn't have any business there. You have to keep in mind that I've only finished the eighth grade. I write the best that I can and my sentences are run on and they're probably repeats, but I do the best that I can.

Q You've also completed the criminal justice academy and the fire academy?

A. The detention portion, specializing in those areas.

Q And you have to complete incident reports for the detention center, don't you?

A. And they're written on a very low grade level, yes.

Q And you also had to complete incident reports

when you worked at the Department of Corrections?

A. Yes. I don't believe I did very many, but yes.

Q And you typed the September 11, 2007 statement and the December 7, 2007 statement all by yourself, right?

A. I pecked at it. I'm not a very good typer.

Q But you did do these all by yourself, nobody told you what to say?

A. No. No one told me what to say.

Q All right Let's go to page three The last sentence of the paragraph before the heading, "other memories," it says, "It got harder and harder to go back into that building" I guess we should back up. The sentence before that says, "I ended up quitting James Island High all together It got harder and harder to go back into that building"

A. Again, I don't know if that is what I felt in 2007 or if that is what I felt when I was 15. In 2007 I didn't want to be anywhere near that building, thus the reason for the photos. So I'm taking pictures of the photos and it was hard enough to go near the building to take the pictures in 2007 and I also wrote this in 2007.

So do they cross, I don't know. Could I have felt that, possibly. Could I have meant it in 2007, possibly.

Q So you wrote this and you don't even know what you meant?

A. I know that it was harder and harder to go back into that building. Now, was it when I was taking these pictures, yes. That's the reason for the pictures. That's why we went through this portion of the therapy. That's why you have the high school pictures on there.

Q But this sentence comes after, "I ended up quitting James Island High all together It got harder and harder to go into that building"

A. Okay This is a play on sentences and I'm now telling you what I'm meaning. What I'm meaning is that in 2007 I had a problem going near the building. I couldn't even go into the building. I couldn't even get out of my vehicle to walk into the front of the building in 2007 and I wrote this in 2007. So that is what I mean Now, could I have felt this way in 2000 or in whenever I was 15, it's a possibility.

Q But you have no idea?

A. I don't recall if I meant that. But I know in

2007 I couldn't walk anywhere near the building. I couldn't get out of my vehicle to go into the front of the building just as an exercise for therapy. You got to understand, I was being treated for PTSD and a severe case of it.

Q And so the same thing is about the portion of your December 7 statement about the suicide where you said, "I was scared and tired of the abuse"?

A. The same thing for that.

Q You don't know whether you were feeling that way in 1989 or not?

A. I don't know. I know as a reasonable person in 2007 this shouldn't have happened. I know that it would be normal for any child to be in this situation for them to be scared.

Q But you don't know whether you were?

A. I'm not 100 percent sure to say if I was or wasn't.

Q When you first started having these memories, who's the first person you told?

A. I told my mom.

Q Who was the second person you told?

A. I believe my mom and I went to see an attorney or I went to see an attorney and she may have

went with me.

Q Who is the third person you told?

A. I don't know

Q How many people did you tell before you finally went to the police?

A. I told my mom, I told an attorney, I talked to my counselor, my therapist, Dr Zinzow. I talked to the police department sometime in there I had a meeting with my chief and I advised my chief that I was gonna need some time off, supervisors, having to get the time off Dr Best, I spoke with her. Dr. Zinzow, and I could be missing somebody, but off the top of my head, that is what I recall.

Q What about the media?

A. Did I talk to anybody with the media? I do have a connection with the media Did I actually -- I can't recall if I actually told him that I was sexually abused

Q Was there a situation where you had feelings of romantic attraction for your therapist?

A. Yes.

Q What happened with that?

A. We talked about it and that was it. That she had advised me that sometimes in therapy that

happens. I mean, now we're talking about things that happened between me and my therapist. I. .

Q Did you mail out letters to other potential victims?

A. Yes.

Q Who did you mail those letters to?

A. A boatload of people.

Q Like who?

A. Just anybody that I came up with a name.

Q Do you have copies of those letters?

A. It wasn't a letter, it was the summons and complaint, I believe You already have a copy somewhere, I think.

Q I have the summons and complaint, but the note from the --

A. That was what was mailed.

Q -- from the hospital says, "You have been mailing out letters to potential victims and others have come forward to accuse him, too "

A. Summons and complaint. I mailed out the summons and complaint. I didn't mail out a letter.

Q Who else came forward?

A. You would have to ask my attorney that I fired.

Q And what's the name of that attorney?

A. David Flowers.

Q Do you know those names?

A I do not If I should ever come across that name in my inactive search, I will advise you

Q And it's your understanding that more than one person came forward and accused Charlie Smith of sexual abuse?

A. That is my understanding And now you're talking about information that was discussed between me and my attorney and that is information that my attorney has advised me of, so now -- I mean, I don't know.

Q Well, what I want to know is what did you learn as a result of you mailing out --

A I learned --

Q Let me finish my question

A I'm sorry.

Q Copies of the summons and complaint to "potential victims"?

A I learned what my attorney told me.

MR EDWARDS If you learned something from your attorney, then that's protected by attorney/client privilege

A Then that information is protected by attorney/client privilege

Q Did any of those potential victims contact you directly?
A. **No.**
Q Did the letter go with anything with your name on it, other than the Jane Doe on the summons and complaint?
A. **No, ma'am.**
Q Did you put your return address on the envelope?
A. **I'm not sure if I did or not. I put my return address on something.**
Q And did you give those potential victims your attorney's contact information?
A. **It was in the summons and complaint. I didn't – I mailed the summons and complaint out.**
Q There was no note on it or no reason why you were sending it?
A. **No, ma'am. No, ma'am.**
Q Where did you get the list of names to mail the summons and complaint out?
A. **Just a list that I compiled through the yearbook.**
Q To your knowledge has anybody else filed suit against Charles Smith?
A. **Not to my knowledge.**
Q How many people is a boatload?

A. **(Indicating.)**
Q Approximately
A. **I didn't keep track. I didn't keep count.**
Q Well, you did the mailing I wasn't there I need to know what your best approximation is on how many of these –
A. **A bunch of books of stamps.**
Q Have you done anything else to disseminate the allegations that you've made against Mr Smith or to tell people about your allegations against Mr. Smith?
A. **Outside of the mailings, no.**
Q Did you ever play softball between '89 and 2007?
A. **Can you be a little bit more specific with that question? I mean, pick the ball up and throw it or play on a team?**
Q Not just pass a ball, but play a game of softball, whether it be a pick up game or an organized game with uniforms or a league?
A. **I think I may have played at a family reunion. I don't recall ever playing in a league after that In fact, I now don't even like softball as I sit here and tell you today.**
Q Is the reason that you're living with your mother is because your condo was foreclosed on?

A. **Yes.**
Q How many times have you been suspended from work at the Charleston County Detention Center?
A. **I'm not sure of exactly how many times.**
Q Has it been at least three?
A. **I believe so.**
Q Why did you get an HIV test in 2006?
A. **Standard. I – where did I get it done at? I mean –**
Q It appears from the records it was done at Franklin C Fetter
A. **That is a nonprofit clinic and it may have been standard for them to do it on everybody**
Q You were convicted of a fraudulent check charge in Berkeley County in 1998?
A. **That was expunged.**
Q Why did you refuse a Pap smear in July of 2007?
A. **With what doctor?**
Q Franklin C Fetter?
A. **I don't know why. I just didn't – I just didn't get one.**
Q All right The note says, "Refused Pap smear Going to go for counseling for sexual abuse, old " Did your refusal of the Pap smear have to do with recalling memories of sexual abuse?

A. **I haven't had a Pap smear in many, many, many years. In fact, I don't even like doctors. I don't like people to touch me. So when they asked for me to have a Pap smear, at the time I may have said, no, I don't want one. That would be a typical response from me.**
Q In your answers to interrogatories when I asked about injuries, it said that you were claiming debilitating physical injuries
A. **Can you – can I read the paperwork?**
Q That's the answer to, I think 15
(Off-the-Record conversation)
A. **Okay. What is your question again, I'm sorry?**
Q It lists debilitating physical injuries
A. **Can you please define, "debilitating," because I don't know what that means?**
Q Generally, debilitating means that they hamper your ability to act in a normal way Is that – and let me actually ask at this point I will allow your attorney to speak, because he used the word debilitating on your behalf If you think that I did not define it well, feel free.
MR EDWARDS For fear of making Mr Webster upset, I would say from a broad brush perspective almost like

something that would cause a disability, either physically or mentally

A. In the way that I'm reading this says and/or debilitating physical and/or mental injuries. So what is your question again, I'm sorry?

Q Are you suffering from any debilitating physical injuries as a result of the claims you have made against Charlie Smith?

A. I don't clearly understand debilitating.

Q Okay Let's take debilitating out and just go with are you suffering from any physical injuries, injuries to your body itself, physical, like a cut, a scrape, a bruise, a broken bone?

A. I don't have any cuts, scrapes, bruises or broken bones from Charlie Smith.

Q Do you have any kind of physical damage to your body as a result of what happened with Charlie Smith?

MR EDWARDS Do you consider the taste that she had in her mouth earlier a physical ailment?

MS JACKSON I'm leaving that up to her to tell me

A. In that case, there would be, yes.

Q Okay And other than the taste or the act of having a person ejaculate in your mouth, do you have any other physical injuries or damages to you?

A. I have a smell issue with some cologne that he used to wear. I don't -- outside of taste and smell, I don't believe I have any other physical injuries.

Q All right.

A. Would you like your --

Q Go ahead and keep it because I'm going into the next part, which also comes from that same answer What are the psychological or emotional injuries that you are claiming from the incidents that you allege with Mr Smith?

A. Psychological, mental issues?

Q Yes

A. After the repressed memories come back, began to come back in 2007, my life has changed drastically. I have headaches a lot I can't focus I have a very, very, extremely difficult time doing my job in being around inmates with sexual misconduct charges of minors. I'm depressed a lot I have a great deal of anxiety. I don't trust anybody in an

authoritative figure over me. I absolutely refuse to be in a sexual relationship with a man, because I don't trust them.

Q Do you think that these issues that you had not developed at the time had anything to do with the reason you had sexual relationships with more than one of your supervisors?

MR EDWARDS Object to the form I don't think I followed that I might have missed something though

A. Can you --

Q You said that you don't trust authority figures and that you don't have relationships with men because you don't trust them. But that this is all as of when you have come up with these memories in 2007 that these issues have arisen, is that correct?

A. This is the stuff that I'm talking about since 2007.

Q Right So my question is, do you think that having those memories repressed contributed to your having a sexual relationship with several of your supervisors on different jobs who were both men and authority figures?

A. I don't know.

Q Okay Have you addressed that with your counselor?

A. No

Q Okay Go ahead

A. I don't believe we spoke about it, but we've spoke about many things, so we could have touched on it.

Q Do you have problems with your self-worth?

A. No, I love myself.

Q Okay I believe that's --

A. I'm sorry.

Q I am certainly not trying to say that you should have problems with self-worth, but if you look at the response to number 15, it says, self-worth issues and self-esteem issues

A. I do have self-esteem issues. My self-esteem issues are the part of me that closes myself off from other people. And the self-worth issues in that context is the part of me that closes myself off from other people. Outwardly I can go out and be the most confident, self-worthy person in the world. But deep inside I can't -- I just -- I find flaws in myself. Self-esteem issues, outwardly I can have all the self-esteem in the world, but inside, I may find flaws in

myself. I don't talk or communicate my feelings to people.
Q Wouldn't you agree that a lot of people are like that?
A. I don't know. I'm speaking for myself and not a lot of people. I don't spend time trying to figure out what the other people are thinking, so if you don't just ask me what I'm thinking.
Q Did you think of the current counselor's name now?
A. We went over there. Tonya – Tanya.
Q But then you also mentioned another one at Dr Clark's office?
A. Her father owns the place, Machado. I'm not exactly sure how to spell it. It starts with an 'M'. I think it's M-A-C-H-A-D-O or something along those lines. But she's a counselor there and I've seen her once.
Q Okay And when was the last time you saw Tonya Bolton?
A. I haven't saw Tonya for a while, but I texted her last night and we text back and forth for a little bit. It was kind of late and I'm supposed to call her today. I was gonna call her after I left here.

Q Okay Do you have any appointment scheduled with her?
A. We're gonna probably get together next week if I don't drive to Columbia. And I was planning on possibly driving to Columbia and seeing her tomorrow, but that is in the very near future, if not Friday.
Q Okay What about the therapist at Machado?
A. Machado, I've set her up and I've spoken with her about this, but I have her in place as a back-up in the event that I need somebody to talk to immediately.
Q Okay
A. And Tonya, I can pretty much get Tonya on the phone whenever I need to speak with her.
Q All right During the time that you were at James Island from when you started James Island in the fall of '88 until the suicide attempt, February of '89 –
A. Yes, ma'am.
Q – was there anything else negative or traumatic or troublesome going on in your life, other than the incidents that you were having with Mr Charlie Smith?
A. And my stepfather, us having issues, no.

Q Okay.
A. Not that I can recall.
Q And the first police report that I show between you and your stepfather is October of 1990 So I'm not saying you weren't having troubles between then, but at least it hadn't gotten to the point of police involvement, is that your recollection?
A. Just because a police officer shows up doesn't mean that he does a report. So if you're going based off of police reports solely, I want to say that there was another occasion or two where the police officers may have come to the house. When, I'm not sure.
Q Do you know the policy of the Charleston City Police Department about whether or not they have to file a report if they show up at the scene of a call for domestic violence?
A. Do I know what the Charleston Police Department's policy was in 1987, 1988, 1989, no, I do not.
Q Okay
A. I don't know. If you have it, can I please see it?
Q I'm sure I've got it somewhere All right. But

as of the records that we have from the police department, the earliest call was 1990 Do you recall physical abuse against you by your stepfather during that school year 1988/1989?
A. I don't recall if it happened during that time or if it was after that time.
Q Okay Do you recall any other troubling or traumatic events or occurrences happening during the 1988/1989 school year?
A. I don't recall anything off the top of my head.
Q Okay Just that we have these instances going on with Charlie Smith and that you and your stepfather are not getting along?
A. That's all I recall.
Q Okay
A. I'm not saying there couldn't have been other things, but off the top of my head as we sit here today, I don't recall anything else.
Q All right. Let's go off the Record Let me look through my notes. I may be – should be close to done, but then it's his turn
(Whereupon, there was a short break in the proceedings)
MS JACKSON All right. I have maybe another 30 minutes or so And I

don't know what Brian has, he may have another 30 minutes or so, but I can't stay that late I know you don't want to come back tomorrow, but are you able to come back tomorrow?

MR EDWARDS How much time are you looking at?

(Off-the-Record conversation)

(This deposition was adjourned at 5 00 o'clock p m)

(Signature waived.)

CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

I, Nicole D White, the officer before whom the foregoing deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn by me, that the testimony of said witness was taken by me to the best of my ability and thereafter reduced to typewriting under my direction, that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken, and further, that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action

_____ Date _____
Nicole D White
Notary Public in and for the
County of Charleston
State of South Carolina

My Commission expires September 11, 2017

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ERRATA SHEET

RE: Jane Doe -vs- Charleston County School District

DEPOSITION OF: [redacted]

Please read this original deposition with care, and if you find any corrections or changes you wish made, list them by page and line number below. DO NOT WRITE IN THE DEPOSITION ITSELF. Return the deposition to this office after it is signed. We would appreciate your prompt attention to this matter.

To assist you in making any such corrections, please use the form below. If supplemental or additional pages are necessary, please furnish same and attach them to this errata sheet.

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SIGNATURE OF WITNESS

SUBSCRIBED and SWORN TO before me this _____ day of _____, 2011

_____

NOTARY PUBLIC

My Commission expires: _____

STATE OF SOUTH CAROLINA COURT OF COMMON PLEAS

COUNTY OF CHARLESTON

CASE NO.: 2007-CP-10-5203

JANE DOE,

Plaintiff, VOLUME II

V.

CHARLESTON COUNTY SCHOOL DISTRICT, JAMES ISLAND HIGH SCHOOL, AND CHARLES SMITH,

Defendants.

Deposition of [redacted] taken on behalf of the Defendants on Thursday, September 8, 2011 at 10:15 a.m. at Senn, McDonald & Leinbach, 3 Wesley Drive, Charleston, South Carolina

REPORTER: Nicole D. White

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EXHIBITS

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([redacted] who having been previously duly sworn, testified as follows)

E-X-A-M-I-N-A-T-I-O-N

BY MS JACKSON

Q Ms [redacted], it is Thursday morning at about 10 15 You remained under oath last night. Did you talk to anybody about your deposition last night?

A. No.

Q Okay This morning – 10 15 20

A. I've spoke to my mom regarding anxiety and stress that I was feeling from the deposition, but we didn't talk about what was discussed in the deposition.

Q Okay And this morning you were talking to your attorney outside Were you talking at all about your deposition this morning? 10 15 33

A. We were talking about the tree out there and what kind of tree that was, because I was wanting to put one in my yard. 10 15 44

Q I can probably find out for you if you need to know

A. That's fine I'll find out. Thank you.

Q Okay And are you prepared to proceed this morning? 10 15 57

A. Yes

Q Okay I know I asked you yesterday, but is there any reason you believe that you can not continue this morning with a truthful deposition? 10 16 05

A. No, ma'am

Q All right.

A. I do have something that I would like to say

Q Okay

A. Yesterday evening I spoke with my stepfather and he informed me that you, Ms. Jackson, or somebody from your law firm had stated to him that I made allegations that he sexually abused me and I don't know if you or anybody from your law firm had stated that, but I would appreciate you not saying things like that to my stepfather in the future when I did not say that. 10 16 08 10.16 28

Q I believe that what my office said during the discussion with him was that there had been an allegation of physical abuse, not an allegation of sexual abuse And if he mistook that because I was very clear when I told my staff that there was an allegation of physical abuse and that it ultimately resulted in some police reports being issued, that if that was misstated then I will 10 16 44 10 17 03

certainly apologize to him this afternoon and I can make sure that that is made very clear to him that it was physical abuse that was alleged and not sexual abuse?

A. **Evidently you did not make yourself clear enough to him and I spent several minutes, several -- many, many minutes apologizing to him for your law firm yesterday** 10:17:15

Q Well, I will address that with him this afternoon 10 17 31

A. **Thank you**

Q All right. Yesterday when we broke we had been discussing your damages and I want to go through several elements of damages to just to make sure that I understand what types of damages that we're talking about in this lawsuit. 10 17 51

A. **You have to understand that right now, currently I'm on 100 milligrams of the generic brand of Zoloft. It makes me feel much different being on the Zoloft as not being on the Zoloft. So if I tell you that I don't have self-esteem problems, I don't feel like I have self-esteem problems being on the Zoloft. Take me off of it and I may feel like I have self-esteem problems I just want you to know that. That's how I** 10:18:07 10:18:25

feel. The Zoloft is doing me a tremendous amount of good and I am taking 100 milligrams of it.

Q Okay Have you ever self-mutilated? Do you know what that means? 10 18 41

A. **Can you be more specific?**

Q Have you ever cut yourself?

A. **No, ma'am.**

Q Have you ever --

A. **Not intentionally cut myself** 10 18:50

Q Have you ever intentionally caused yourself physical harm as a means of feeling better?

A. **No, ma'am. It hurts when you cut yourself Being accidentally cut, I mean, it hurts I wouldn't want to do that purposely** 10 19 11

Q Okay Have you had any suicidal tendencies since the suicide attempt in 1989?

A. **Yes**

Q Okay

A. **Tendencies, do you mean thoughts or do you mean attempts? Attempts, no.** 10 19 22

Q Both

A. **Thoughts, yes.**

Q Have you had any sexual dysfunction, meaning that when you were attempting to perform a 10 19 44

sexual act you were not able to?

MR EDWARDS Object to the form

Go ahead and answer if you can

A. **I don't even consider sex a part of my life I have no desire to have sex** 10:19:59

Q Okay But since this occurred in 1989, since the suicide attempt, which was to my understanding a conclusion of the situation with Mr Smith, you have had sexual relationships, correct? 10 20 16

A **Yes.**

Q Okay And you've had sexual relationships with men?

A. **And women, yes**

Q And in any of those sexual relationships did you have any issues in your sexual relations? 10 20 21

A Yes

Q Like what?

A. **I just didn't want to have sex. I would disassociate myself.** 10 20 46

Q What do you mean disassociated yourself?

A **I'm just not interested in having sex. I mean, there are times in the relationships that I've been in, very few, that I had sex, but the end result was I just didn't want to have sex** 10:21:17

Q Okay Did you have sex with Michael Doyon?

A. **Yes**

Q Okay Did you have sex with Tommy Vickers?

A. **Yes**

Q Did you have sex with the supervisor that you had the relationship with at the Pantry? 10 21 31

A **Yes.**

Q And whether or not it was pleasurable, did you have any physical issues with that?

A **I wouldn't say that it was pleasurable. With the physical part comes the emotional part and if you don't have the emotional part, it's hard to have the physical part. And whenever I say I disassociated myself, I didn't have -- it was very difficult for me to have sex** 10:21:51 10 22 34

Q Okay Why?

A. **I -- toward the end of the relationships I just couldn't have sex I just didn't want anything to do with having sex**

Q Okay And did you ever examine why? 10 22 51

A. **No, ma'am**

Q Okay Was that a reason for ending these relationships?

A. **No, I just -- I just disassociated myself from the relationship. You're gonna have to be more** 10 23.16

specific in your questioning, because I don't understand exactly what you are – what your questions are.
Q When you say that you would disassociate yourself, was that during the sexual acts or just because you had a lack of interest in sex, you eventually withdraw yourself from the relationship? 10 23 51
A. I had a lack of interest in sex and I didn't feel safe around – being by whomever I was with. 10.24 12
Q In general or during sex?
A. During sex and in general
Q Okay And did you ever wonder or try to figure out why you didn't feel safe during sex? 10 24 41
A. No, it is what it is That's the way I felt about it. It just – I realized that I was more comfortable being by myself and that is why I'm by myself today.
Q Okay Have you ever been hypnotized? 10 25 00
A. No, ma'am
Q All right Yesterday we talked about the fact that you did not recall most of your first ten years and then you said you had some vague memories of your childhood What is it about 10 25 27

when you turned 11 or what is it –
A. I said in that time frame It's not a specific night at ten years old.
Q Okay So – and that's what I'm trying to get at, is I'm trying to figure out how we have this time frame What is it that all of a sudden you start having good memories about? And I don't mean good as in happy, I mean good as in solid able to recall, I did this when I was this age? 10 25 46
A. Just having memories of playing with my brother and that's when the memories start to pick up, just the closeness with my brother, riding our bicycles together and you know, being on innertube going down a snowy slope in the road. 10 26.08
Q Okay And those were when you were about 11? 10 26 36
A. I believe I was in the – it was between nine and 11, somewhere in there. I don't know exactly what age.
Q All right After the suicide attempt, all right, you said in 1992 you saw Mr Smith in a sports memorabilia shop when you went in there? 10 27 00
A. Yes, ma'am.
Q And you bought some baseball cards and no big deal When you went in there did you recognize – 10 27 15

A. I may have bought some football cards, too, I don't remember exactly what kind
Q Okay You made a purchase and you saw Mr Smith, did you recognize him when you saw him? 10 27 25
A. Yes
Q Okay And did you recognize that he had been a teacher of yours?
A. Yes
Q And did you recognize that he had been your geography teacher? 10 27 30
A. I know that he was a teacher of mine. I didn't think whether he was a geography teacher or science teacher. That was 25 years ago I'm not real sure exactly what I was thinking at that moment I did recognize him 10.27:57
Q But you did recognize him?
A. Yes
Q At that point when you recognized him or any point between the suicide attempt and 2007, did you recall anything about that school year? 10 28:09
A. I didn't think about it. It didn't occur to me to think about school. I mean, I was working, trying to survive in the world, pay bills. I bought some cards, said hello. 10 28.28

Q You had your yearbook?
A. I did have my yearbook.
Q Okay
A. And I believe it was in a box somewhere until I had to dig it up in 2007. 10.28 40
Q Okay What I'm trying to find out is with regard to your repressed memory claim, assertion, allegation however we want to frame it, I'm trying to figure out exactly what it is that was repressed and what was not repressed about that time period in your life from when you started James Island in the fall of '88 'til when you attempted suicide in February of '89 Is it just the instances, the five instances that we've talked about with Mr Smith, is it everything that occurred in those nine or so months, is it just school things, is it just softball related things, what is it that was repressed until 2007? I mean, if somebody had come up to you in 2002 and said did you play softball at James Island, would you have said I don't remember anything about that or would you have said yeah, I played with Katie and Lillian and Troi? 10 29 05 10 29 23 10 29 43
A. I don't know how I would have answered it. 10 29 56

Nobody ever come up to me and asked me if I played softball I mean, I -- I distanced myself from James Island

Q But you went back to visit your family there?

A I did, but I went to 1128 [redacted] visited my 10:30 17 family, may have went to the store and left But a very big time in my life I lived out of town.

Q Okay But just with regard to the time from when you started James Island to when you 10 30 36 attempted suicide, even if you didn't actively think about it, it seems that if that was a complete hole, that you would have realized that there was a big hole in your memory that lasts almost a year that where you have no 10 31 02 recollection, but clearly you had some recollection because when you saw Mr Smith at the sports memorabilia store you recognized him and you wouldn't have recognized him if you didn't remember something about the '88/'89 10 31 15 school year Do you see what I'm saying?

A. I understand.

Q Okay So we know that you at least remember him during this time period?

A. (Indicating.) 10:31:31

Q But according to you, you don't remember the oral sex incident in the truck Do you remember any of the other incidents with him when you see him in the sports memorabilia store?

A. No. I bought some cards 10:31.49

Q Well, I understand that you bought some cards, but you're saying when you saw him there was absolutely nothing about, oh, that's a -- that's that teacher who touched my boob, or that's the guy that kissed me in the stables, or -- 10 32 14

A I was by myself waiting to get my hair cut. I was thinking probably about my hair cut. I bought some cards I recognized him. I said hello. And I talked to a lot of people on the street. I'm always saying hello or waiving to 10:32 31 people even if I don't know you You're asking me if I remember the sexual abuse then, no Had I remembered, he would probably be in jail.

Q Okay But at that point you recognized him and you recognized him as a former teacher? 10 32 53

A Yes.

Q Okay When you started having your memories come back in 2007, did you have a sudden realization that he was your geography teacher? What is it that came back to you starting in 10 33 25

2007 that you suddenly realized that you didn't know before?

A. This is very, very difficult for me to explain, because I don't understand what happened When I began to have nightmares of Charlie Smith 10:34 19 standing over top of me laughing, the nightmares got worse and got more frequent, which is why I sought out help. It's hard to explain how this just come back to me

Q When the memories of the sexual abuse came back 10 34 48 to you, did you ever doubt them?

A. No, I did not doubt them.

Q Why?

A. Because at that point I started to remember the sexual abuse. 10:35 34

Q Okay And these are daytime memories or does it come back to you in dreams? How did it come back to you?

A. The best way that I can explain it after I began to have the nightmare of Charlie Smith standing 10.36 03 over top of me laughing, it's like something inside of me snapped and I remembered that he forced me to perform oral sex on him. And then I started to remember all of the bad things that he had done that he shouldn't have done that I 10:36.19

know now that he shouldn't have done

Now, if you're asking me to explain how I go from having the nightmares to it snapping and me remembering this stuff, I don't know how. Let's talk to a doctor and see if they can fill 10 36.34 you in on how this stuff happens. I don't know

Q And what I'm asking you is --

A. I'm only telling you the way that it happened to me Now, you're asking me, okay, what memory did you remember and how did this start to 10 36.48 happen, you know what, it snapped and it come back and I remembered the stuff, okay Now, you keep asking me questions that I don't know how to answer I don't know what the answers are.

Q Did they come back to you in dreams? 10 37 05

A. See, we're back to that, were they dreams, it snapped, okay?

Q And you were just standing there and all of a sudden --

A And I become suicidal and I wanted to die and 10 37 18 it's not a matter of it just -- you're asking me questions that I can't answer I wanted to kill myself then. I didn't. I didn't try it, but that is how it happened

Q Do you remember where you were when you 10 37 35

remembered?
A I don't recall where I was.
Q All right And you, at that point, remembered all five of these instances that we've been talking about? 10 37 47
A I didn't remember all five. It started to come back to me and then as we were going through the exercises in therapy with whatever the doctor was doing, it started to come back to me. I would relax and I would take myself to those moments in my mind 10 37 59
Q To those moments of these incidents?
A. Where Charlie Smith would -- we worked on the memories that caused me the most stress of the -- at first it was his vehicle And now we're getting into therapy stuff You're gonna have to ask my therapist 10:38:19
Q No, I'm gonna ask you I want to know from your side
A. Okay Ask me. 10:38:29
Q You're in therapy?
A. You got to understand, I also had posttraumatic stress disorder. That is very, very hard to deal with in itself
Q I understand that 10 38 39

A. And I am not completely healed from this stuff. I am not nowhere near completely healed from this stuff I still have issues with it. I still have issues where I'm scared just to be alone, just to breathe, I'm just scared 10.38 50
Q The only way that I can understand this is for you to tell me the best you can
A. And I'm trying to do it the best that I can.
Q All right So when you developed the memories of the incidents -- 10:39 15
A. When I remembered --
Q -- of abuse?
A. -- the memory, yes
Q Okay I'm sorry, I thought you used the word developing As you were going through 10 39 25 counseling and you started to remember these incidents, were you also starting to remember other things during that time period or were you focusing only on these incidences of abuse?
A. We focused on the things that stressed me and caused me the most anxiety 10:39 40
Q Okay Like his vehicle?
A. Like his vehicle to begin with.
Q What else?
A. The oral sex. 10 39 49

Q Okay What else?
A The pictures that I took dealing with the anxiety from the school.
Q Okay
A. And different places that we had been. 10 40.02
Q All right When you first had the nightmare before the memories came back, okay, the first whatever, however many days you had the nightmare of him standing over you laughing, when you woke up, did you know what the nightmare was about? 10 40 22
A I remembered Charlie Smith standing over me laughing.
Q Okay And when you woke up -- and I presume in the dream you saw his face? 10:40 39
A. I would presume, too, otherwise I wouldn't have known it was Charlie Smith.
Q So when you woke up in the morning, you knew that was Charlie Smith standing over me laughing, it was frightening? 10 40 52
A Yes.
Q Okay And did you say that was Charlie Smith, he was one of my, you know, weird --
A I didn't say anything
Q -- he was one of my teachers? But did you 10 41 03

recall that was Charlie Smith and that he -- you knew him because he had been one of your teachers? Or did you say that's Charlie Smith, but I have no idea --
A. I didn't say anything 10:41 18
Q Okay Did you say to yourself --
A. I woke up crying, shaking, laying in my bed sweating and knowing that I just had this nightmare of this man, Charlie Smith, standing over me laughing. 10 41.30
Q And did you remember who Charlie Smith was?
A Yes.
Q Did you remember that he was -- had been your teacher?
MR EDWARDS Objection Asked and answered. Go ahead and answer again 10 41 44
Q That's not -- just for the Record, that's not a proper objection
A I don't recall if the very first time I had the nightmare if I knew that it was him or not. 10 42 06
Q What do you mean, if you knew if it was him or not?
A. I did know that it was him, because as I'm sitting here today I'm telling you that I woke up after having a nightmare of Charlie Smith 10 42 34

standing over me laughing
Q I understand that.
A. And I was very distressed and I understand that, that you understand that, but you're asking me the same question 10.42.52
Q My question is did you understand who Charlie Smith was to you?
A. I had to of, yes, yes.
Q I'm just trying to figure out what we can associate back to your memory from '88/'89, 10 43 00 because that was the only contact you had with him, correct, as a teacher and a coach?
A. I had to have known him. I knew him at the sporting goods store. Did I associate him as my geography teacher, I don't know I went in 10:43.14 there, bought some cards, said hello I knew him.
Q And if somebody had looked at you and said, how do you know that guy –
A. Nobody looked at me. You're asking me what ifs 10 43 25 I don't know.
Q And you have said in 1992 that he was your teacher?
A. I don't know. We're back to the what ifs I recognized him, yes I mean, if you get away 10 43:39

from asking me the what ifs and ask me something other than your what ifs, I can answer you, but I recognized him. I bought cards from him.
Q Okay Now I'm talking about when you had the nightmare about him 10 43 52
A. I did recognize him.
Q Okay I'm trying to figure out how you had managed to function through your life with this massive set of memory losses
A. I don't know. I have functioned. That is what 10 44.02 I have done, I have functioned
Q And so how is it that you realize all of a sudden at these different points in your life that you have no memory of these other points in your life? 10 44 15
A. I never –
MR EDWARDS Object to the form
Q You can answer
MR EDWARDS If you understand the question 10 44 23
A. Please rephrase the question so that I can understand.
Q I need you to explain to me how it is that at certain points in your life you have realized that you have these huge pockets of time that 10 44 33

you have no memory, when you told me over and over again –
A I don't understand –
Q Let me finish
A – why this happens 10 44 43
Q You've told me over and over again, well, I just didn't think about that Well, if you didn't think about it, then how do you know that you have a blank memory? How do you know that it wasn't just, okay, well, now that I'm trying to 10 45 00 think about it, now I'm remembering?
A. It's not about now that I can try and think about it and remember. It's that I don't remember I don't remember I don't know. I can't explain to you why this happens. I don't 10 45 14 know why it happens
Q Do you have memory of your other classes that year '88/'89?
A I have a memory of Sadie Brown, my English teacher I don't know what year it was 10:45 37 According to the – one of the exhibits I had her for both years, I believe.
Q Okay Anything else?
A No
Q Have you ever had a neurological exam? 10 45 47

A. No.
(Whereupon, Defendant's Exhibit 10 was marked for identification.)
Q I'm gonna show you what's been marked as Exhibit 10 to your deposition This is a photocopy of a 10 46 03 postcard that was mailed out Did you mail this postcard?
A. Yes, I did mail this postcard.
Q And whose phone number is that at the bottom?
A. That is a hotline that I set up. 10 46.14
Q Is that your phone number?
A. The phone number is listed under me, but it's a hotline I set up. It's not my phone number.
Q And how many calls did you receive to that hotline? 10 46 29
A. A few.
Q Did anybody leave their name?
A. No.
Q Did anybody give you any information?
A. No 10.46:39
Q Then what did the people who called tell you?
A. They just didn't say anything. I had their number on caller ID
Q And did you call them back?
A. No 10:46:54

Q How many of these postcards did you send out?
A. **A bundle. Not as many as I had intended to send out.**
Q And you sent these postcards after this lawsuit had been commenced? 10 47 29
A. **I believe so. Yes. Yes.**
Q Do you have any plans to send out any further mailings?
A. **I have many plans.**
Q All right. Yesterday we – 10 47 52
A. **All legal, of course. All my plans are legal.**
Q. Maybe criminally
A. **No, ma'am.**
Q You ever heard of defamation?
A. **I have. 10.48:31**
Q Okay
A. **And since this stuff is true, I don't see how it would be defamation.**
Q Okay When we talked about the five instances yesterday, you said that the first one at your 10 48 44 desk you weren't certain whether that was accidental or intentional, correct?
A. **Yes**
Q Okay All right So I'm going to skip that one We'll go to the three incidents in the 10 49 01

middle I'm going to take them in no particular order since we don't seem to have a date order that they occurred in If we go to the kiss in the horse stables, describe to me how he felt your breast? 10 49 26
A. **He felt my breast with his hand.**
Q Okay This is January or February?
A **I don't recall. We established a timeline for this stuff yesterday.**
Q Were you wearing a coat? 10 49 51
A. **I don't recall**
Q Did he put his hand on your shirt?
A. **I'm sorry?**
Q Did he put his hand under your shirt?
A. **He didn't touch my skin directly. 10:50:01**
Q Did he grab it and squeeze, did he rub it, how did he touch your breast?
A. **I don't recall exactly how he touched my breast, whether he rubbed it, squeezed it, I don't recall 10:50:32**
Q And describe the kiss
A. **I felt his mustache.**
Q Okay And was it open mouth?
A **No, ma'am.**
Q So it was lips to lips? 10 50 54

A. **Yes.**
Q Okay And you did not push him away?
A. **I recall freezing.**
Q And you don't recall how you felt, is that correct? 10 51 17
A. **I don't recall how I felt. I know how I feel now.**
Q Did you know when you were 15 years old that a teacher shouldn't kiss a student?
A. **I don't know what I was thinking at 15. 10:51:42**
Q I'm just asking you what you may have known?
A. **I know now that a teacher shouldn't kiss a student.**
Q Okay Did you have learning disabilities when you were 15? 10 52 00
A. **No, ma'am.**
Q Did you have any mental disabilities when you were 15?
A. **No, ma'am, not that I know of.**
Q Were you a typical 15-year-old? 10 52 08
A. **I don't know what you would describe as a typical 15-year-old. I didn't drink, I didn't smoke, I didn't take drugs. I don't know. Typical 15-year-olds now-a-days get in all kinds of stuff. I don't know what your description 10:52:28**

may be.
Q You hadn't had sex at 15?
A. **No, ma'am.**
Q Had you ever had sexual touching with a boy at 15? 10 52 55
A. **I don't recall there being a boy that I was interested in. I don't recall there being a boy in my life at 15. I don't –**
Q Or before that?
A. **I don't believe so 10:53:27**
Q Had you ever kissed a boy before that?
A. **I don't recall kissing a boy before that.**
Q And you were in driver's ed that semester, so you were in the process of getting your driver's license, correct? 10 54.16
A. **Yes, according to Exhibit 2.**
Q Did you consider yourself to be a person with common sense when you were a teenager?
A. **Common sense? Define common sense**
Q You're a detention officer You've been a 10 54 57 prison guard You know what common sense means
MR EDWARDS Object to the form
If you have a question for her, she'll answer
Q I asked my question 10 55 12

MR EDWARDS She asked for clanfication

A **Can you please repeat your question?**

Q When you were a teenager, did you consider yourself to have common sense? 10 55 24

MR EDWARDS Object to the form

A **You're asking me if I thought that I had common sense 25 or so years ago and I'm basing my answer on my feelings now and I don't think most kids in having dealings with youthful offenders 10:56:01 and juveniles even have common sense. So for me to say that I had common sense back then, I can't answer that based on what I see now. I don't know if I had common sense or not. And that's based on what I see now in dealing with 10.56:19 youthful offenders and juveniles**

Q And I think we established yesterday that before this happened you had at least heard about oral sex?

A **Yes, ma'am. 10.56:35**

Q And you had at least heard about sex?

A. **I don't believe we talked about sex I don't think we –**

Q I'm asking you now, had you at least heard about what sex was by the time you were 15? 10 56 47

A. **I know I hadn't had sex by that age**

Q I understand that.

A. **So I don't know if I heard about it. I can't answer that. I don't know.**

Q You went to public school, correct? 10 56 59

A. **Yes, ma'am.**

Q And you had an older brother, correct?

A. **Yes, ma'am.**

Q Do you think it's reasonable to believe that by the age of 15 you had heard something about sex? 10 57 26

A. **You're asking me –**

MR EDWARDS Object to the form.

Q I'm asking you if you think it's reasonable?

A. **I don't know I don't have kids. I don't know if that's something they – that they hear I 10.57:38 don't know. If I had kids I could probably most likely answer that question.**

Q Did you seek out Mr Smith when you were 15?

A. **He was my geography teacher. I believe I was put in his class 10:58:11**

Q Did you seek him out for sexual purposes?

A. **No, ma'am**

Q Did you kiss him?

A. **No, ma'am**

Q When he kissed you, did you kiss him back? 10 58 19

A **No, ma'am**

Q When he unzipped his pants, did you ever make any move or word to reject him?

A **I was a kid and I was scared**

Q That was not my question 10 58 50

A **That is my answer.**

Q My question was, did you ever move to reject him or speak to reject him?

A **And my answer is I was a kid and I was scared. That is my answer. 10:59 02**

Q So is the answer no?

A. **Now you're answering for me**

Q I'm asking you a yes or no question and I want a yes or no answer And the question is, did you ever make a move or verbalize a rejection of him 10 59 12 when he pulled his penis out of his pants in his vehicle?

A **And my answer is I was a kid and I was scared.**

Q That's not an answer to the question

MR EDWARDS If you answer yes or 10 59 24 no you can explain your answer however you need to explain it But if you can, answer yes or no

Q You're welcome to give an explanation, but I want a yes or no to the question 10 59 36

A. **You didn't say that I could give an explanation, you just said answer yes or no, so please ask your question**

Q It's the same question Please read it back

(A read-back in the proceedings) 11 00 09

A. **No, I don't believe I did, because I was a kid and I was scared.**

Q When you were sitting in his classroom with a room full of other students present and he put his hand in your pants, did you ever speak up to 11 00 24 tell him to stop or to bring attention to what he was doing?

A. **No Because I was a kid and again, I was very scared and I trusted him.**

Q Did you consider him putting his hand in your 11 00 42 pants in his classroom a violation of your trust?

A. **We went through this yesterday, I believe. You're asking me as a kid who was 15 about violations of trust and I'm not real sure how to 11.01 22 answer that, because I trusted him I trusted him**

Q. Am I correct that we don't have an exact date on the oral sex incident?

A. **I believe we don't have an exact date on any of 11 02:10**

them.
Q Okay
A. **But we have a time frame.**
Q Right I just wanted to make sure that we didn't have an exact date All right Give me just one minute and I think I'm done 11 02 20
(Whereupon, there was a short break in the proceedings)
MS JACKSON Ms [redacted] don't [redacted] have any further questions at this time I may have some follow-ups when Mr Quisenberry's done, but he has some questions for you 11 07 11
E-X-A-M-I-N-A-T-I-O-N
BY MR QUISENBERRY 11 07 15
Q All right. You ready?
A. **Yes.**
Q Ms[redacted]m Brian Quisenberry I'm an attorney for the school district I've got some questions They should be really straight forward I don't want to be here all day, but the way you've been answering some of the questions, we're gonna be here forever, so if you can give me a direct response, just give me a direct response, okay? 11 07 23 11 07 32

A. **Yes, sir**
Q Thank you All right I understand, and clarify me if I'm wrong, but I understand from your testimony yesterday that you didn't tell anyone about any of the incidents that occurred with Mr Smith until 2007?
A. **Yes, sir**
Q All right Now, I'm gonna clarify that to make sure that this is accurate, you didn't tell anyone at the district about any of the incidents with Mr Smith, correct? 11 07 41 11 07 54
A **The school district?**
Q Yeah
A **Correct**
Q You didn't tell anyone at the school about the incidents with Mr Smith? 11 08 01
A **Correct**
Q Now, one thing, about your knowledge and your evidence and that sort of thing, when I say that, I'm talking about what you have, documents, or your own mind, or any facts that you have, okay, do you understand that? 11 08 17
A **Yes, sir**
Q Okay Do you have any evidence or knowledge that any of the school officials knew about the 11 08 26

incidents with Mr Smith?
MR. EDWARDS Object to the form
A. **How could they not have known He was that blatant.**
Q You can give me a direct answer and then you can explain Do you have any evidence or knowledge that any school official knew about any of the incidents with Mr Smith? 11 08 39
MR. EDWARDS Object to the form
A **I believe that Mr. Hyatt (ph) the principal had knowledge of it.** 11.08:50
Q Okay Tell me why do you believe that? Did he tell you that he had knowledge of it?
A. **No. But his office was right there within view of Charlie Smith's vehicle.** 11.09:10
Q So you're saying that because his office was located in a certain position, that therefore he should have known about the incidents with Mr Smith, is that what your testimony is?
MR EDWARDS Same objection 11 09 23
Q I'm just reiterating back what you just testified
A. **All right. I'm thinking If you'll please give me a minute.**
Q You've just testified that it's your belief that 11 09 35

because of the principal's office location, that he should have known about the incidents with Mr Smith, correct?
A. **Yes**
Q Okay Anything else? Any other facts you have as to why the principal should have known? If you don't have anything, just say no 11 09 43
A. **I don't have anything at this moment.**
Q Would you know it now more than you would know at trial? 11 10 09
MR. EDWARDS Object to the form
A. **I'm still recovering memories. I don't know what I'm gonna know at trial. I mean, as time it will go**
Q So you're saying at a later point you may have more facts than you do now? 11 10 19
A. **I'm saying at a later point, yes, I may.**
Q. But at this point you have no other facts except the location of the office of the principal as to why he would know about this, correct? 11 10 32
A. **Yes.**
MR. EDWARDS Object to the form
Q And same question, do you have any evidence or knowledge that any district official should know or did know about the incidents with Mr Smith? 11 10 41

MR EDWARDS Object to the form
A. I believe Sadie Brown knew about the issue.
Q All right And Sadie Brown is who?
A. Was my English teacher.
Q Is she a district official? 11 10 57
MR EDWARDS Object to the form
A. I don't know.
Q She's a teacher at the high school, correct?
A. Yes
Q All right Tell me why you think Sadie Brown 11 11 06
knew
A. I just get the feeling that she knew I don't know how to pinpoint it.
Q Give me specific facts What happened that
makes you think that she knew about the 11 11 27
instance?
A. I can't give you specifics.
Q So you have no facts, correct?
MR EDWARDS Object to the form.
Q You have no facts, it's just a feeling, correct? 11 11 36
MR EDWARDS Same objection
Q I'm trying to clarify your testimony You're
testifying that it's your opinion that she knew,
correct?
MR EDWARDS Object to the form 11 11 45

That's not what she said
Q. You can answer Please answer
MR EDWARDS What is the question,
please?
MR QUISENBERRY I'm trying to 11 11 52
clarify her testimony
Q You said that it's your opinion that Sadie Brown
knew about the incidences, correct?
MR EDWARDS Object to the form
A. I believe Sadie Brown knew what Charlie Smith 11 12 02
was doing.
Q Okay And how do you believe that? What facts
do you have to support that belief?
MR EDWARDS Same objection
A. It's a feeling that I have 11.12.18
Q And you have no facts to support that belief,
correct?
MR EDWARDS Object to the form
A. It's a feeling that I have Those are facts to
me 11 12.38
Q Those aren't facts I'm going to ask you a
question and you're gonna answer it Do you
have any facts, yes or no?
MR EDWARDS Object to the form
What is a fact? 11 12.47

MR QUISENBERRY What is a fact?
Something that happened
A. My feeling to me is a fact.
Q Okay Give me the support for that
MR QUISENBERRY And don't do any 11 12 53
speaking objections, please, all right?
That's improper
BY MR QUISENBERRY
Q Tell me the facts that –
MR EDWARDS She doesn't 11 12.57
understand your questions You're
asking her loaded questions
MR QUISENBERRY Stop with the
speaking objections
MR EDWARDS You're asking her was 11 13 02
she a district official when she doesn't
know what a district official is
MR QUISENBERRY You can't coach
her, I'm sorry You can't coach her,
okay 11 13 12
MR EDWARDS I'm not coaching
MS JACKSON You are coaching If
she doesn't understand the question, she
needs to say that No more speaking
objections 11 13.19

BY MR QUISENBERRY
Q All right I'm not trying to be rude I'm here
because you brought a lawsuit and it's my right
to find out what evidence you have to support
it So tell me the evidence and the facts that 11 13 28
you have to support your allegation that Sadie
Brown knew about these incidences Lay it out
MR EDWARDS Object to the form
A. I have a feeling that she knew about it and
that, to me, is a fact It's my fact. 11 13 55
Q And so all you have is your feeling?
MR EDWARDS Same objection
Q You going to answer my question?
A. Restate your question, please
Q You said you have a feeling that she knew? 11 14 19
A. Yes.
Q And you have offered me no evidence to support
that feeling, correct?
MR. EDWARDS Object to the form
Answer if you understand 11 14 34
A. I don't really understand what you're saying
Q Okay You just testified with the principal
that when I asked you what evidence you had, you
said, well, his office was close by With
Ms Brown you have offered me no facts What 11 14 47

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facts do you have to support your feeling that
Ms Brown knew about the incidents?
A. I just feel like she knew about it.
Q So you have no facts?
MR. EDWARDS Object to the form 11 15 01
Q Do you have any facts or not? You're under oath
to testify --
A I am under oath and I'm testifying to the best of my ability.
Q Okay Do you have any facts to support your 11 15 09
feeling that she knew about the incidents?
A. I feel like she knew about it.
Q And do you have any fact to support that
feeling? I feel like Tennessee is gonna beat
Cincinnati on Saturday when they play football, 11 15 20
but I don't have any facts to support that
Tell me your facts
A. I don't really follow football, so you're giving me some --
MR. EDWARDS Object to the form 11 15 26
Q Just explain to me if you have any facts to
support your belief If you don't, that's fine
A. I feel like she knew.
Q Okay And why?
A. I just feel like she knew. 11:15:36

Q So you don't have any facts to support that?
A. We're going back -- right back around.
Q You won't answer the question
A. I answered it to the best of my ability
Q You have to answer what supports your feeling 11 15 54
A. I feel like she -- she has knowledge of it.
Q All right. And what do you have to show that
you -- that there's any support for that
feeling?
A. It's a feeling that I have 11:16 04
Q And so you have no support for the feeling?
MR. EDWARDS Object to the form
Q We're gonna be here all day because this is my
option
A. That's okay 11 16 17
Q This is my only opportunity to find out what you
have, so you're gonna tell me what evidence you
have because at trial you might say, oh, well,
here's what I have Sadie Brown told me X, Y
and Z Well, you need to lay it out now This 11 16 27
is your chance, because this is your opportunity
to prove your case This is your one chance
You have to lay it out now or your case is gonna
be gone So you need to lay out what you've
got What facts do you have to support your 11 16 38

belief that Sadie Brown knew about it?
MR EDWARDS Object to the form
A. I feel like she knew about it.
Q And what facts do you have to support that
feeling? 11 16 53
A. I'm still recovering memories.
Q You don't have anything at this point?
A. Something gives me a feeling that she knew about it.
Q But you can't identify what that something is at 11 17 01
this point?
A. That is correct
Q Okay
A. I cannot identify what it is at this point.
Q All right Do you have any -- well, you don't 11 17 10
have any knowledge about any incidents with
Mr Smith prior to you with someone else, do
you?
A. Prior to me?
Q Uh-huh 11 17 35
A. Regarding conversations with the attorney that I fired, there --
MR EDWARDS (Indicating)
Q And those are the ones you spoke about
yesterday, right? 11 18 02

A. Yes.
Q Anything else?
MR EDWARDS Just to clarify
MR QUISENBERRY Object to the
form of the question or don't say 11 18 14
anything
MR EDWARDS Look man, what is
your problem You don't --
MR QUISENBERRY Just don't coach
MR EDWARDS You need to just 11 18 19
relax
MR QUISENBERRY That's like my
biggest pet peeve when you're coaching
your witness
MR EDWARDS Good for you 11 18 21
MR QUISENBERRY That's like
lawyer 101, all right Don't coach your
witness
MR EDWARDS All right Lawyer
101 is a civility oath You want me to 11 18 25
get you a copy so you can read it?
MR QUISENBERRY I'm very civil
Just please don't coach your witness
MR EDWARDS You aren't being
civil, you're yelling at the witness, 11 18 32

you're shouting at me You're sitting up at the table getting in my face
MR QUISENBERRY I'm not getting in your face I'm way back
MR EDWARDS Sit back and relax 11 18 37
There's an attorney/client issue that needs to be addressed
BY MR QUISENBERRY
Q I don't want you to testify about anything with your attorney, okay? This is my deposition -- 11 18 43
A. Well, that is where there's an issue because --
Q Please don't Don't --
A. -- the information is between me and my ex-attorney. Why are you asking me about that?
Q I said is there anything else You testified 11 18 51 about that yesterday
A. There's some information between me and my ex-attorney.
Q I don't want to know about that
A But you're prying to get to the information and 11 19 00 that is through my attorney.
Q No, no Do you know about anything -- I asked you a question about if you knew about any prior incidents with Mr Smith with someone else?
A I've had conversations with my attorney 11 19 10

Q Besides your attorney, anything else?
A. Outside of the conversations that I had with my attorney, which were many conversations, no
Q Okay
A. And I don't recall if I spoke with somebody with 11 19 36 the department of education I think I did, but I can't recall
Q What -- about what?
A. About Charlie Smith.
Q When was this conversation? 11 20 07
A. I don't recall. It has been since 2007
Q So this would be a conversation you had with the department of education about Mr Smith?
A. My attorney's involved in all that stuff, so we're borderline 11 20:32
Q You're talking about your conversation with the department of education, correct?
A. Yes
Q Okay What was said?
A. I believe I may have just gotten a direction for 11 20 41 a complaint.
Q So they gave you information on how to lodge a complaint?
A. I believe so
Q You don't recall anything else? 11 21 22

A. Not at this time, sir.
Q Okay You don't -- let me clarify again what I understand your testimony to be You don't have any information that the district or the school would have had that would have put them on 11 21 45 notice that Mr Smith would do something like this?
MR EDWARDS Object to the form
A. Why would the school district not dig into the fact of the suicide attempt? 11.22:03
Q I'm talking about before this happened
A. Oh
Q Anything they knew about before it happened? Do you know of anything the school district knew before this happened that should have put them 11 22 12 on alert for this?
A. I'm not sure how to answer that because --
Q If you don't have anything --
A. Listen to what my answer --
Q -- it's easy to just say you don't. 11 22 43
A. Will you please listen to what my answer --
MR EDWARDS Don't interrupt her
MR QUISENBERRY I've asked her a yes or no question
MR EDWARDS Let her answer the 11 22 49

question
BY MR QUISENBERRY
Q Please answer
A. Are you gonna let me answer the way I want to answer? 11 22 55
Q You can't do that This is my deposition I ask the questions and you answer them, then you can clarify I asked you a yes or no question
A. That's not a yes or no question
Q Do you have information, that was the question 11 23 02
MR. EDWARDS Object to the form
Answer the question as best you can
A. Can you please re-answer -- re-ask the question?
Q Do you have any information or knowledge that the school district had any information about 11 23 22 Mr Smith that should have put them on notice prior to these incidents?
A. Prior to 19 --
Q Prior
A. -- '89? 11 23:32
Q Uh-huh
A. Not at this time
Q Okay You don't know of any school district official or teacher official or anyone, that had any knowledge prior to the instances that should 11 23 53

have put them on notice?
A. Prior to 1989?
Q (Indicating)
A. Not at this time.
Q All right Now, was – I understand from your testimony yesterday, clarify if I'm wrong, but that when you first started getting rides with Mr Smith you said that you didn't think anything of it at first, correct? 11 24 07
MR EDWARDS I'm sorry, what was the question? 11 24 33
MR. QUISENBERRY I'm trying to clarify her testimony Yesterday when she was describing the rides with Mr Smith she said I didn't think anything of it when I got in the car with him to get a ride home from practice 11 24 41
Q Is that correct?
A. From school. 11:24:47
Q Okay So it's from school?
A. And practice.
Q And you didn't think anything of it?
A. No. By that point he had already befriended my mother. I mean, my mother knew of him. 11:24.59

Q Go ahead
A. My mother knew him and had met him by that point.
Q And your mom knew he was giving you rides?
A I can't speak for her I believe so, but you'll have to ask her 11 25:11
Q You believe that she knew?
A Yes.
Q And there's nothing improper or wrong about a couch giving a student a ride home from practice? 11 25 21
A How about a geography student, a geography teacher giving a student a ride home from school?
Q With the mother's knowledge, there's nothing – I mean, there's nothing wrong with that, is there? 11 25 32
MR EDWARDS Object to the form
Q That alone, nothing else?
A I don't think they allow that now-a-days I don't know. I don't know. 11:25:41
Q In your opinion, is there anything wrong with that?
A. In my opinion today –
Q No 11 25 48

A. – yes, I do think there's something wrong with it.
Q Even with a parent's permission?
MR. EDWARDS Object to the form
A. At what point did my mother give permission, I don't know You ask her. 11 25.57
Q I said, if your mom did give permission, is there anything wrong with that?
A. Today, yes, I believe teachers should not give students a ride home, period That's what I feel. But again, I don't have children. If I did have children, they wouldn't be riding home with teachers or coaches. 11:26·08
Q. All right. I want to ask you about – I noticed in some of these documents there was something from the National Crime Victims Center referred to something about that you kept a planner Do you remember that? Did you keep a planner? 11 26 27
A. Can I see what you're referring to?
Q This is a letter Did you keep a planner? 11 26 40
A. Repeat your question
Q Did you keep a planner?
MR. EDWARDS Do you have the document you're talking about?
Q No, I don't, not in front of me I'm asking 11 26 52

you, did you keep a planner?
A. From when?
Q Ever?
A. A planner as in what my schedule is?
Q Yes 11 27 00
A. I have a planner right now, my work schedule.
Q Did you keep a planner back when you were in school?
A. I don't recall.
Q You don't recall? Did you ever give a planner to the crime victims' unit? 11 27 05
A. Define planner
Q What you were just talking about
A. A schedule?
Q Yes Did you – 11 27 29
A. A work schedule?
Q No, not a work schedule
A. I may have given my doctor my work schedule.
Q Okay You gave them a planner, right?
A. I don't know if that's a planner Define planner. Planner can be 50 million things. What – a work schedule? 11 27 37
Q Are you serious? A planner A memo, something that you kept notes, your own personal notes in Did you keep that? These are simple questions 11 27 52

You're being evasive and it's not proper
A. **I'm not being evasive**
MR. EDWARDS You're harassing her
MR. QUISENBERRY I'm asking her if she had a planner 11:28:09
A. **I'm answering to the best of my ability I'm not being evasive.**
Q Tell me if you kept anything of your own personal –
A. **I kept a calendar.** **11:28:17**
Q You kept a calendar? Anything else that you kept like that, notes, a diary?
A. **I never kept a diary.**
Q Okay Now do you?
A. **Now, I don't know, maybe you consider a diary a planner. I don't know what your definition of a planner is. Let's get the dictionary and look it up.** **11:28:25**
Q Doesn't have to be a dictionary, just your understanding We're both trying to come to a – 11:28:37
A. **I've almost always kept a work schedule of some sort because of my work, because my work schedule is crazy.**
Q So you kept a work schedule? Did you keep 11:28:44

anything with dates on it that you took notes of what happened during the day?
A. **Regarding work, regarding –**
Q At all?
A. **At all?** **11:28:56**
Q Uh-huh
A. **Periodically, from time to time I take notes Work notes or notes at work because of different inmate issues, to remember them**
Q Okay Anything about your own personal life, notes that you took? 11:29:07
A **I may have taken some notes going through therapy.**
Q Okay
A **To make progress in therapy** **11:29:20**
Q And you gave those to your doctor, right?
A **I don't recall if I did.**
Q You kept those?
A. **I don't recall I'm saying that I may have.**
Q Okay 11:29:30
A **I mean, I –**
Q Well, I want – I'm asking, because I asked you for – to produce all of your notes and personal notes and I didn't get those back I didn't get those from you, so if they exist, you need to 11:29:44

give them to me
A. **Are you talking about notes that I kept for purpose –**
Q Any notes, planners, about your day, about anything that you did, that sort of thing 11:29:54
A. **About my work schedules on Microsoft Excel on a calendar and I worked nights that day, days that day.**
Q And you said that there was some things you might have given to your doctor, right? 11:30:08
A. **I may have given her something in the form of a worksheet, but if that was the case, I don't keep that stuff. And if I did have a copy, I've given everything that I have to my attorney.**
Q Okay Thank you 11:30:32
A. **Is that what you're trying to get to?**
Q Yes
A. **Why didn't you just ask?**
Q I did
A. **No, you didn't.** **11:30:37**
Q You just – you made me define planner for you before we could get there
A. **So your question would have been, did I give everything to my attorney that I had, then my response is yes.** **11:30:49**

Q Then that would define everything and I wanted to know if you had a planner You might not have thought that was relevant
All right. You've alleged in this case that you've oppressed your memory and that you lost it for almost 20 years Now, you have to understand that is a – that's a very rare allegation and it's something that makes it very difficult to defend a lawsuit and it's also very hard to believe So you – this is your chance and your opportunity to prove that that is the truth, all right? So I want – I want to understand what it is that was repressed, when it was repressed, how long it was repressed You need to lay that out for me now, because this is your chance to prove – 11:31:01 11:31:18 11:31:36
MR EDWARDS Object to the form
A. **Have you been listening?**
MR EDWARDS She went through that for two days with Robin Jackson 11:31:43
Q Very unclear
A. **Is there any way that we can have the court reporter read back everything over the last two days so that you can –**
Q No, no, no I'm gonna go over what you 11:31:57

testified and make sure I understand it and then we'll fill in the holes I understand that some of the incidents with Mr Smith were repressed and then that they were recalled in 2007, correct? 11 32 14

A. All of the sexual incidents with Mr. Smith were repressed.

Q Okay I'm just trying to summarize first

A. I just want you to understand, not some, it's all. 11:32:26

Q All All right That's important That's what I'm trying to figure out

A. Well, you were trying to slide some in there.

Q Well, that's what I want to clarify

A. Okay. 11.32:34

Q I'm not trying to trick you I'm just trying to understand your testimony

A. I think you are.

Q Well, that's probably why this is taking so long I really just want to lay out what you 11 32 42 have, that's it This is your chance to lay it out Just lay it out for me, so I know what your testimony is, that's it.

All right So you -- you're alleging that the incidents with Mr Smith, and we'll go over 11 32 52

what that is defined as, but were repressed from '89 until 2007, right?

A. I have a question. Is there any way that you can change chairs with her, so that you're closer so that we're not -- 11:33:06

Q Can you hear me?

A. There may be -- maybe that's part of the problem is that you're talking very loudly and maybe I'm taking that to be a bad thing

Q All right I'll try to be -- 11 33 16

A. So if you get closer to me, maybe we won't have this. I mean, if you would like me to move down there, I don't have a problem.

(Off-the-Record conversation.)

(Whereupon, there was a short break in the proceedings.) 11:33:31

BY MR QUISENBERRY

Q All right. Ms. [redacted]e moved closer to you so hopefully we can talk quieter

A Thank you. 11:39:28

Q All right Basically I'm just trying to clarify what you've already testified about, because it's been in pieces and that sort of thing and it's my job to understand what your testimony is That's all I'm trying to do You know, I 11 39 39

got to know what you're gonna say, that's all I want to know your story And like I said before, this is your chance to prove your case And repressed memory is pretty odd thing, so I want you to prove it to me, that's it So I'm 11 39 52 gonna walk through, make sure I understand what your testimony is

Generally I understand that these incidents were repressed from 1989 to 2007, correct, in a general sense? That's just kind of to start us 11 40 11 out and make sure

A. In a general sense.

Q Yes Okay And what I want to clarify is exactly what was repressed first. I know you've gone over that some, but you know, it's very -- 11 40 35 this is a very peculiar allegation and I just want to make sure that I understand how it affected you So you've said that you repressed the Bronco incident, correct? I'm gonna go through each one and you tell me whether it was 11 40 58 repressed.

MR EDWARDS She's already done that

MR QUISENBERRY I'm gonna do it twice 11 41 03

MR. EDWARDS She isn't going to answer again

MR QUISENBERRY Yes, she is going to answer my questions

MS JACKSON She's going to answer 11 41 06 as many times as he asks a question

MR QUISENBERRY This is my chance to take the deposition She's already gone I'm a different party

MR. EDWARDS You can ask for 11 41 10 clarification She's testified to those things yesterday and again today

MR. QUISENBERRY I'm a different party I'm gonna ask my questions

MR EDWARDS You sat here 11 41 16 yesterday and listened to all the questions and all the answers --

MR QUISENBERRY I'm gonna ask my questions

MR EDWARDS And you sat here this 11 41 17 morning You can ask her to clarify her testimony

MR QUISENBERRY It wasn't clear on the Record

MR EDWARDS Can you please let me 11 41 21

talk You're killing the court
reporter You heard all the questions
yesterday, you heard all the answers
yesterday You heard all the questions
this morning, you heard all the answers 11 41 29
this morning
MR QUISENBERRY They weren't
clear
MR EDWARDS You can ask for
clarification 11 41 35
MR QUISENBERRY That's what I'm
doing
MR EDWARDS But she's already
testified what was repressed We're not
gonna be here all day so you can ask her 11 41 40
14 more times
MR QUISENBERRY I'm gonna ask her
until she gives me the answer
THE DEPONENT That you want
You're gonna ask me until I give you the 11 41 45
answer that you want
MR QUISENBERRY Until you answer
the question
THE DEPONENT I'm giving you the
answers that I have 11 41 50

BY MR QUISENBERRY
Q Let's go through it If it's easy, we'll go through it real quick, okay Just tell me what was repressed and what wasn't.
A. I've already answered that question. 11 41.58
Q Well, you're gonna answer it for me You've answered it for her You're gonna answer it for me, all right? Okay?
A. So we're gonna be here for another two days
Q No, we're not 11 42 08
A. Because that's what it's gonna take to answer all these questions again
Q You don't remember what you repressed?
MR EDWARDS Hold on Are you asking her to testify again as to things 11 42 13
she testified about to Ms Jackson?
MR QUISENBERRY That are unclear
to me
MR EDWARDS Which things are
unclear? 11 42 20
MS JACKSON These are improper
speaking objections
MR EDWARDS I'm trying to limit
the deposition here
MS JACKSON You don't get to 11 42 26

limit the deposition It's not your
deposition This is a discovery
deposition and we're both entitled to
ask any question we want to ask that's
not protected by a privilege 11 42 33
MR EDWARDS That is right
MS JACKSON If you want to state
an objection to the form, you can, but
you can not limit our deposition
MR EDWARDS Sure I can You 11 42 39
don't have carte-blanche to ask her 50
different times the same question
MR QUISENBERRY Yes, we do I
can pull you the case that says --
MS JACKSON We most certainly do 11 42 46
when her answers are different
MR EDWARDS Is that what you
intend to do?
MR QUISENBERRY I will If you
want to file for a protective order, we 11 42 49
can go ahead
MR EDWARDS Ask for
clarification
MR QUISENBERRY Okay You're not
filing for protective order is what I'm 11 42 54

saying? I want to make sure that's on
the Record
MR EDWARDS I want you to ask
your questions
MR QUISENBERRY So you're not 11 43 00
filing for a protective order?
MR EDWARDS I don't know what
you've done yet Come here and ask her
the questions If you are gonna be
unduly repetitive and harass her -- 11 43 07
MR QUISENBERRY Unduly repetitive
is not a proper objection, so you take
that to the court and we'll see what
happens
BY MR QUISENBERRY 11 43 15
Q I'm not trying to be rude to you, I'm sorry I just want to understand I didn't understand before, okay?
A I have my -- my thought is that you haven't been listening for these two days And I noticed 11:43:25 that you had your head down and maybe you were taking a nap whenever you had your head down and maybe you didn't listen, but you maybe should have been listening.
Q No, I wasn't taking a nap 11 43 33

A So please ask your question.
Q Do I look like I was taking a nap or that I'm tired?
A. I thought you were tired earlier You weren't paying attention. 11 43 42
Q Why were you focused on me during your testimony?
A Looked over your way. I glanced over your way You know, in law enforcement they teach us to try and be familiar with your surroundings. In 11 43 50 this case you laying your head down got my attention.
Q I don't remember laying my head down, but okay Let's just walk through it. I swear it won't take long if you just testify Just tell me 11 44 02 what you have What's your evidence? This is your case Your lawsuit, okay I'm gonna walk through the incidents that allegedly occurred and you tell me whether they were repressed or not Should be easy The Bronco incident, was 11 44 16 that repressed?
A. Would you please be more specific.
Q The incident in the Bronco, do you remember that?
A. Would you please be more specific 11 44 24

Q Okay The oral sex incident in the Bronco, do you remember that incident?
A That was repressed, yes.
Q Okay That was repressed Okay Was the incident where you went to the stables where you 11 44 36 kissed Mr Smith, was that repressed?
A Yes.
Q Okay What about that incident was repressed, the whole thing or just the kiss?
A. The whole thing 11:44:50
Q The whole day?
A. I don't recall that day.
Q Okay
A. I recall an incident.
Q You didn't recall it during the time period – 11 44 58
A. That issue was repressed until 2007
Q Okay And I'm gonna try to define "issue", that word, "issue" You said that issue was repressed, so I'm gonna define what "issue" was So was it, do you remember riding on horses that 11 45 14 day, did you remember in 1992 or 1991 that you rode horses at one point on James Island?
A I recall seeing the horses each time I went to the stables, but again, seeing the horses was repressed until 2007. 11 45 31

Q Okay I'm gonna ask and let me clarify, because I think you might have been testifying about what you remembered after 2007 and I'm not asking you about that. None of these questions -- I'm not asking you about after 2007 11 45 44 what you remembered I'm asking you what you remembered from the period of '89 to 2007 During the repressed time what did you remember that – do you understand that?
A. No, I don't. 11 45 57
Q Okay I'm trying to eliminate the things that weren't repressed, so I'm gonna ask you about things and you tell me whether they were repressed or not. So that's dealing with the time period between '89 and 2007, do you 11 46 09 understand?
A. Such as what the weather was like that day?
Q. Such as –
A. That was repressed, because I don't remember.
Q Okay So the weather and the whole day about 11 46 18 the riding, being there with the horses and all that was repressed?
A. Yes.
Q. Okay And even the weather, like you said?
MR EDWARDS Is that a question? 11 46 31

MR. QUISENBERRY I'm just clarifying
A. Are you asking me what the weather was like that day? Please ask me what the whether was like.
Q I'm asking you if that was repressed, even what 11 46 39 the weather was like that day?
A. I don't recall what the weather was like, so evidently it is still repressed, because I don't recall
Q Okay So that never came back? 11 46 51
A. Not at this point.
Q And did you ever go back to James Island at all and go by the stables or near there in this time period between '89 and 2007?
A. It's not very far from my parents' house I 11:47 14 would imagine that I've driven by it.
Q And had you ever – did you remember going by those stables at all?
A. It never occurred to me that that even had a meaning to me. 11 47.36
Q Okay That helps Okay So during that time period you drove by, you didn't even recognize that you had ever been there?
A. Yes
Q Yes, that's correct, what I just said? Just 11 47 49

trying to clarify
A. **Can you please say it again, what you said?**
Q So during this time period of '89 to 2007 when you drove by the stables, you didn't even recall ever having been there? 11 48 03
A. **I'm not sure if I recalled having been there I don't -- I mean, we're talking about memory repression I don't know how to answer you, I don't.**
Q I understand that, but this is your case 11 48 35
A. **You keep reminding me that, sir. I understand that.**
Q So it's your burden to prove this
A. **Okay So ask the question, I'll answer it.**
Q Uh-huh. I'm asking you, I need to know to what 11 48 44 extent you repressed facts that happened in your life So did you just repress the actual physical incidents or did you repress the whole day and being at the stables so when you drove by, you didn't even recognize being there? 11 49 02 That's what I'm trying to get at. So you said that you drove by because it was near your parents' house When you drove by it, did you recognize it?
A. **I said I may have driven by it. I don't recall 11:49 12**

specifically going there or going by it. I just...
Q Did you remember ever being there, I mean, did you ever during this period?
A. **Prior to 2007? 11:49:24**
Q Yeah
A. **No.**
Q So you thought you had just never even been there?
A. **Please ask your question again. 11:49 29**
Q I'm just trying to understand You said that you didn't remember ever being there So I'm trying to understand You just thought, hey, I've never been there, just like I've never been in that house over there That's what I think 11 49 53 now But so you had never -- you thought you'd never been to the horse stables on James Island, is that correct?
A. **I don't recall remembering the horse stables.**
Q Okay You don't -- you don't recall ever 11 50 12 remembering being there at all?
A. **I don't recall having been at the horse stables.**
Q I'm trying to be nice, but that was a yes or no answer, so I just -- you don't recall ever being at the horse stable during this time period from 11 50 38

1989 to 2007? During that time period you -- let me restate During that time period between '89 and 2007 you never remembered being at the horse stables?
A. **That is correct. 11 50-51**
Q Okay And so then the next incident that I have on my list here is from yesterday Is -- or these actually you didn't remember the order necessarily of the middle incidents, but I have an incident in the classroom where you were on 11 51 12 the desk or behind the desk, that incident
A. **You weren't listening I don't believe I said I was on the desk.**
Q You said behind the desk. I clarified it just now I said behind the desk 11 51 25
A. **Okay.**
Q That incident. You know the one I'm talking about?
A. **So what is your question?**
Q Was that repressed during this period between 11 51 31 '89 and 2007?
A. **I didn't remember it.**
Q Okay Did you remember ever sitting behind Mr Smith's desk?
A. **From when? 11-51 45**

Q From '89 to 2007, during that period did you remember ever sitting behind his desk?
A **I didn't remember him I didn't remember the desk.**
Q That's helpful Then -- okay, so that helps 11 52 23 I'm just trying to understand
A **Ask your question, please**
Q So you didn't remember Mr Smith at all, is that your testimony?
MR EDWARDS Object to the form 11 52 36
A. **That's not true.**
Q That's what you just said
A **I remembered him in the store, the sporting goods store. See, now you're twisting the words and I'm not trying to understand you're trying 11.52 48 to twist everything around**
Q I just want -- can you read back the last answer?
(Whereupon, there was a read-back in the proceedings) 11 53 05
Q You didn't remember him?
A **I remembered him in the sporting goods store I bought cards from him I said hello**
Q Just now you testified you didn't remember him at all 11 53 13

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A. I didn't say I didn't remember him at all. I said that I didn't remember the desk.
Q. Okay. You did say you didn't remember him
A. I recognized him at the sporting goods store. Recognizing and remembering, I don't know the difference. You tell me. 11:53.26
Q. Okay.
A. I recognized --
Q. It's obviously not clear, right? It's not clear, so let's go through it. 11:53:35
A. All right.
Q. There you said you didn't remember ever sitting behind his desk, correct?
A. When?
Q. During this period between '89 and 2007. 11:53:46
A. I'm sorry, what were the periods again?
Q. '89, 2007, the repressed period, you didn't remember ever sitting behind Mr. Smith's desk?
A. I didn't remember anything that had happened at the school, so other than -- 11:54.12
Q. So it's broader? You didn't remember ever even being in the school during '89 to 2007?
A. No, I remembered being in the school.
Q. Okay. Did you remember being in Mr. Smith's geography class? 11:54:28

A. I don't recall.
Q. You don't recall? So you didn't remember being in Mr. Smith's geography class?
A. See you're asking me questions of what I remember now and what I remember then. 11:54:44
Q. I'm asking you what you remembered then.
A. I don't remember what I don't remember then. That is the whole point of this.
Q. So how you gonna prove your case, if you don't remember what you remember? 11:54:55
A. I remember what I remember now since 2007. What would you like me to tell you about that?
Q. I'm telling you you're asking 12 jurors to believe that you have this repressed memory syndrome, but you can't tell me what you remembered and what you didn't. It's your job to prove it, so I'm just trying to give you that opportunity. 11:55:07
A. How can I tell you what I don't remember when I don't remember it? 11:55:16
Q. Okay. Well, that's your choice.
A. But I remember now.
Q. If you don't remember it, we'll see what the jury thinks.
A. All right. And we will. We're continuously 11:55:23

going around in circles and you keep asking the same questions.
Q. Let me clarify your testimony. You don't recall whether you remembered during '89 to 2007 if you were in his class? 11:55:34
A. I didn't remember it.
Q. So you -- so between '89 and 2007 you didn't remember being in his class at all?
A. I don't remember what I don't remember between 1989 and 2007, because that is when I repressed the stuff. So you're asking me to remember something in that time period that I don't remember, but I remember it now. 11:55:54
Q. But you remember the incidents, so, I mean, it's pretty convenient that you remember those. 11:56:06
A. I remember them now.
Q. So let's talk about what you didn't remember.
A. How about --
Q. Okay. Let's go through it. Do you see how that might not be credible, that you only can identify those incidents? 11:56:14
A. I'm not here to --
Q. I'm trying to help you.
MR. EDWARDS: Let him ask you a question. Object to the form. You're 11:56:22

not being helpful and you're not asking a question.
BY MR. QUISENBERRY
Q. All right. Just try to answer and if you need clarification, let me know, but otherwise, we're going to go in circles. I'm trying to get to whether you remember being in his class at all during that repressed time, if you remembered it, okay? That's -- so tell me from '89 to 2007 did you remember being in his class at James Island High School? 11:56:29 11:56:47
A. I remember now having been in his class then.
Q. Okay. That's not my question.
A. That's the only answer I can give you, because I don't remember that period. So you're asking me to remember something in that period about him that I don't remember. So we're gonna go around all day and we're gonna be here all day. 11:56:59
Q. No.
A. Okay. 11:57:13
Q. You're going to tell me whether you remembered during the repressed period being in his classroom.
MR. EDWARDS: Object to the form.
A. I don't recall what I remembered. 11:57:21

MR EDWARDS What do you mean, "being in his classroom"?
MR QUISENBERRY Did she remember having his geography class?
BY MR QUISENBERRY 11 57 27
Q Do you remember having Mr Smith in geography class from '89 to 2007? Do you remember being in that class?
A. I remember today being in his class I don't remember what I remember from that time period about Mr Smith. 11 57:38
Q So I think I understand what you're saying and that's fine What you're saying is right now you don't remember whether during '89 to 2007 you remembered being in his class? 11 57 52
A. I think that is correct.
Q Okay
A. Would you please restate that so I can make sure that we're correct.
Q Okay Right now today you don't remember whether between '89 and 2007 you remember being in his class? 11 58 00
A. I didn't remember being in his class.
Q So we're gonna have to do it again So from '89 to 2007 you didn't remember being in his class? 11 58 18

A. I remember today being in his class between that time period.
Q Okay I'm not asking you that I'm asking you during this time period of repression, did you remember being in his class? 11 58 39
A. I don't remember what I don't remember in that time period
Q Okay
A. But I know now that I was -- I remember that I was in his class. 11.58 56
Q I'm not trying to disagree with that I'm not trying to disprove that I know you do Right now you remember being in his class Okay I'm not going there I'm not touching that
A But you're asking what I remember in a time that I don't remember 11 59 06
Q So that's fine That's what I think your --
A So that was my answer
Q I was trying to clarify that Right now you don't remember whether you remembered from '89 to 2007 being in his class, correct? 11 59 15
A. I don't remember whether I was in his class I don't remember that time period I don't remember him in that time period, other than I recognized him 11.59 47

Q During your repression point you didn't remember him?
A. Yes
Q But you did recognize him?
A. I did recognize him 11:59:51
Q But that's the only time you thought about him during that time period?
A. I don't recall giving him any thought.
Q So you didn't -- when you saw him --
A. But you would have to remember something to think about it. 12 00:04
Q So when you saw him, you knew you knew him, but you didn't know how you knew him?
A. I knew I knew him from the high school
Q So you knew you knew him from the high school Did you know he was your teacher? 12 00:14
A. I remembered him, Charlie Smith, like I remembered Mr Fischer.
Q Can you --
A. I'm trying to answer your question I remembered Charlie Smith like I remembered Mr Fischer when I seen him at Lieber I just recognized him and since I'm a friendly person, I say hello to everybody 12:00:38
Q But you didn't think that's my teacher? You 12 00 53

didn't remember that that was your teacher?
MR EDWARDS Object to the form
A. I don't recall getting happy to see him
Q These are the same questions that your doctor would ask you to try to diagnose you with repressed memory, so I'm trying to decide whether what you remembered and what you didn't, okay? That's what anyone would do 12 01 07
A And I am telling you what I remember and what I didn't remember, but my answers aren't good enough for you, because you keep asking me 12.01 19
Q No, you're contradicting yourself, that's why You're contradicting You say one thing and you say something else and it's unclear I want to clarify what your position is, that's it. You can say whatever you want I just want to have it clear on the Record so it's not both ways, all right? So -- 12 01 30
A. That was very unclear to me what you just said. But that's okay 12:01 42
Q Good We're exchanging it I didn't mean to be --
MR. EDWARDS It's 12 00 o'clock now
A. It's not funny. I don't know why you're 12 01:48

laughing and you think it's funny Go ahead
MR EDWARDS It's 12 00 o'clock now I have -- frankly, I thought we'd be done by now based on what y'all told me yesterday 12 01 59
MR. QUISENBERRY I was hoping to be
MR. EDWARDS But it looks like we're going to be here much longer than that 12 02 07
MR QUISENBERRY I don't think so
MR. EDWARDS I have other appointments that I need to go to now, so why don't we take --
MR. QUISENBERRY I thought we had 12 02 13 a deposition at 12 00?
MS JACKSON 1 00 o'clock
MR. EDWARDS We had one at 1 00
MR. QUISENBERRY I thought we were planning on staying here through that? 12 02 20
MR. EDWARDS You might have I don't know what y'all planned Y'all got some kind of plan of attack here
MR. QUISENBERRY I thought you were here yesterday when we talked about 12 02 28

this?
MR EDWARDS We were gonna start at 10 00 o'clock
MR QUISENBERRY And go through to the next deposition 12 02 33
THE DEPONENT We were gonna take a break in there was also my understanding because I made a note that I was gonna go get some lunch somewhere
MR EDWARDS In any event, I got 12 02 41 to run right now So we can come back after lunch and you can push Mr Moore back or not.
MS JACKSON We can do that
MR QUISENBERRY That's fine I 12 02 54 didn't know you had anything This is the first I heard of it
MR EDWARDS I thought it was gonna be a half hour this morning
MR QUISENBERRY Half hour? 12 03 01
THE DEPONENT That's what you said yesterday, sir
MR QUISENBERRY That was a misunderstanding then
MR EDWARDS So we'll meet back 12 03 06

here
MS JACKSON At 1 00 o'clock
MR. EDWARDS 1 30, please
THE DEPONENT I would like to go get some lunch, please So can we maybe 12 03 14 do it at 1 30?
MR. EDWARDS Okay with you?
MR QUISENBERRY I guess Yeah, 1 30? We have a deposition noticed for 1 00, don't we? 12 03 25
THE DEPONENT Well, I mean, you guys have cancelled before on my step dad at the last minute You've already inconvenienced him So 30 minutes --
MS JACKSON Ms [redacted] the 12 03 33 attitude is really not necessary today, okay We're all trying to make accommodations here
MR EDWARDS Do y'all mind contacting Mr Moore and seeing if he is 12 03 42 willing to delay his deposition?
MS JACKSON I will contact him
MR. EDWARDS Did you expect to be done in an hour?
MR QUISENBERRY Right now I was 12 03 54

hoping to be done in like ten minutes Right now I mean, like from this point forward
MR EDWARDS Do that ten minutes at 1 30, because I've got to go 12 04 04
MR. QUISENBERRY Go ahead
(Whereupon, there was a lunch break in the proceedings at 12 04 p m. to 2 10 p m)
BY MR QUISENBERRY
Q All right We're back on the Record We were 12 04 15 going over your repressed memory and you were explaining to me what was repressed and what wasn't We were talking about the allegation or the repression of the incident in the classroom where you were sitting behind Mr Smith's desk 14 10 17 I was going over your testimony during the break and it looked like you had testified that you remembered after 2007 that this was quiet time when this incident occurred and that you were going over a book, is that correct? 14 10 36
A. **Yes, sir, a world geography book**
Q And you said that he often times kept a lot of books on his desk and you remembered that?
A. **There were books on his desk, yes**
Q And so during the period of repression, I know 14 10 53

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you remember this after 2007, but during the period of repression from '89 to '07 did you recall reading a geography book with Mr Smith?
A. **I don't recall.**
Q Okay You don't? 14 11 09
A. **No, sir**
Q You didn't recall that?
A. **I don't recall.**
Q You don't recall whether you recalled that during that time? 14 11 17
A. **Yes, sir. I don't recall whether I recalled that.**
Q And you don't recall whether you were in his classroom at all, is that correct? You don't recall whether you recalled during that time 14 11 29 period whether you were in his classroom?
A. **I didn't remember –**
Q Uh-huh
A. **– during that period**
Q Okay You didn't remember being in his class? 14 11 39
A. **I don't recall what I recalled during that period**
Q But you do recall that you – during that period you didn't remember the incidents?
A. **That is correct.** 14:12:04

Q So is that the only things that you can identify that you repressed, the actual physical touching? Let me strike that That's a confusing question I think I understand what you're saying, I just – I'm still a little 14 12 31 unclear, because you just testified that you don't remember whether you remembered reading the geography book So I'm – I'm trying to understand if you remember being in Mr Smith's class at all during the repression period? 14 12 44
A. **I'm sorry. I didn't recall Charlie Smith, but it didn't mean that when I saw him I didn't recognize him.**
Q Yeah And you said you remembered that day when you saw him, right? 14 13 12
A. **I recognized him –**
Q Now you remember?
A. **– that day.**
Q And do you remember at all how you recognized him? 14 13 22
A. **I just recognized him as somebody that I may have known.**
Q Okay But you didn't recognize him as a teacher or you don't remember recognizing him as a teacher? 14 13 36

A **I don't recall.**
Q Okay Now, there's another incident, it's the – I think it's the first incident, the one in the classroom where you were sitting in the back and the right hand and the right breast, 14 13.55 that incident
A. **Yes, sir**
Q Okay Was that repressed also during the period of '89 to '07?
A **Yes, sir** 14:14:08
Q Okay Was the – I think there's one more incident, the incident with the hand on Mr Smith's pants where you felt his penis Did that – was that repressed?
A **Yes, sir. Between that – the time period that we had spoke about.** 14:14:31
Q Yeah, '89 to '07?
A **Yes, sir.**
Q You said something about that you purposely distanced yourself from James Island during that 14 14 55 period And why did you do that?
A. **Can we have that read back, too, because I don't –**
Q I had it on my notes that you said that you distanced yourself from James Island during that 14 15 15

period
A. **During what period?**
Q During the '89 to '07, you distanced yourself That's the language I have down that you used I'm just asking you to clarify what you meant by 14 15 26 that?
A. **I didn't have a reason to go there other than to see my parents, my mom and my stepfather and I didn't see them often.**
Q Well, I just – when you said the word, 14 15 36 "distanced", I didn't know what you meant by that It almost seemed like you purposely tried to stay away Is that what you meant?
A. **No It was I didn't have a reason to go there, so I distanced myself, because I didn't have a reason to go there.** 14 15 50
Q All right So your –
A. **I went to see my parents. I didn't go and hang out on James Island.**
Q But your testimony is that it wasn't purposeful, 14 15 59 you weren't trying to avoid James Island?
A. **I just didn't have a reason to be there other than to see my parents**
Q My next question is about when exactly these incidents went blank in your mind? Do you know 14 16 27

when those went blank, when they were repressed?
A I don't recall anything after the suicide attempt So I would think that –
Q But you recalled the rest of '89 and '90
A. That's not what I said. I said after the 14 16.43
suicide attempt I didn't remember after that, other than whenever I picked up going to Turner Job Corps, whatever the time period was in there
Q So you're saying that you've repressed all that? 14 16 59
A. Yes.
Q Anything that happened –
A. Yes
Q – in your life between suicide and the Job Corps? 14 17 06
A Yes I recall the suicide attempt and then my memories pick up where I was going to Job Corps.
Q Between those two points, you don't remember anything?
A No, sir I'm not saying that something won't 14 17 25
come as time goes.
Q I understand, but right now you don't?
A I know that I remember being in Sadie Brown's class I don't know if that was after the suicide attempt or if it was before There are 14 17 58

a few things, but I don't know in what order they were in
Q Uh-huh
A. So if I tell you that I don't remember anything and I did remember being in her class and it was 14 18.13
later, I don't remember what the time
Q. You just don't remember the time when you were in her class, but you do have a memory of being in her class?
A. Yes, sir 14 18 25
Q Okay So I think what you're saying is you don't remember the exact time when these memories were repressed, but you just know that during that time you didn't recall them?
A. Can you please repeat that? 14 18 42
Q You can't identify a time when, okay, at this point the memories went away?
A. After the suicide attempt.
Q That's when they went away?
A That's when I don't remember So, I mean – 14 18 55
Q I think it's just – it's just a confusing thing to ask about, but what I'm not asking about is when the – what you can remember today What I'm asking is at what point did you stop remembering the incidents with Mr Smith? 14 19 17

A. I don't know. I don't know how to answer that.
Q You just can't identify the point?
A. Yeah.
Q I didn't think so, but I just thought I'd ask Now, the last thing I want to ask you about is 14 19 36
the trigger, what caused you to remember these instances? I think you said it was a nightmare –
A. Yes
Q – that you had You were sleeping during the 14 19 45
nightmare?
A. Yes.
Q And you woke up and then that's when you remembered these or they came out slowly?
A. Slowly came out. 14.19:56
Q What was the first memory you had after the nightmare that was from the period of repression?
A. I don't recall It was – it's – I just slowly started remembering stuff I can't tell you 14 20:08
what order everything come in, because everything come in pieces and then I started remembering the whole memory, so I don't know exactly how to answer that.
Q Well, I understand it's hard to bring everything 14 20:25

back, but just from my point of view, trying to understand your repression, it's important to know how it came back to you as best you can remember So I know that you had this nightmare and you woke up and then you – you – and I'm 14 20 44
unclear from there Maybe you can explain What did you think when you – after you woke up from this nightmare, what were you thinking that made you think it was just anything but another nightmare? 14.20 58
A. I was just scared I was just scared.
Q But you've had nightmares before where you've woke up and been scared, right?
A. No I don't have very many nightmares. I just – I don't dream. I mean, I don't – it's 14 21:12
not –
Q. So it was unusual for you to have a dream?
A. It was unusual for me to dream/nightmare, any of that.
Q All right. So when you woke up and you thought 14 21 25
this is unusual, all you thought of was – all you remembered was Mr Smith standing over you in the nightmare, but you didn't remember any of the other instances at that point?
A. No And he was smiling, because he was standing 14.21 42

over me.
Q And then the rest of the memories came out during therapy; is that right?
A. No From that point on into therapy. I mean, there was several months that had passed from 14 21 58 that point.
Q Until you went to therapy?
A. Until I started therapy I'm not sure exactly what the date was that I started therapy
Q Yeah 14 22 08
A. But it was the -- maybe in the later summer, fall time
Q From -- when you went to therapy had you basically remembered all the instances at that point or were there some that came out only in 14 22 19 therapy?
A. No I remembered them, but I was having a problem dealing with them
Q I understand that. So you had remembered them all by the time you went to therapy to help deal 14 22 36 with them?
A. I may have recovered something in therapy through talking in exposure exercises that I did with my therapist, stuff that I pointed out
Q Well, I guess I'm just -- I'm trying to put 14 23 07

myself in your shoes so I can understand it and try to figure out how it would come back to me
A. Is it possible to put you in my shoes?
Q I'm trying to think of just my memory, losing my memory and trying to figure out how it would 14 23 30 come back, so I'm trying to understand Where I lose you is, okay, you wake up and you have a nightmare about Mr. Smith, when did the specific detail of these instances, you know, like the books were on the desk, we were reading 14 23 45 geography, when did all that come back to you?
A Here's the thing and this may be why we're having an issue with these questions. You're asking me to explain something to you that I don't understand myself. 14 23.57
Q I'm not asking you to explain how did it happen, I'm asking you when did you remember it That's something you should be able to tell me Was it immediate, boom, you woke up and you remembered all this detail or was it, okay, I remember this 14 24 14 fact and then I remember a little bit more and then a little bit more, or how did -- and if it was that way, explain that to me and how did it happen?
A. It was after the nightmare and I woke up, I 14 24:25

would remember a little bit more and then I would remember a little bit more.
Q What was the first incident?
A And it would cause a lot of anxiety and I didn't know how to cope and deal with it. 14.24-43
Q I understand
A. And then I was so overwhelmed, because I was trying to function
Q Okay And you just testified that you remember a little bit more, then a little bit more Do 14 25 00 you remember what the first thing you recovered was? What was the first wrongful thing that Mr Smith did to you that you recovered?
A. I don't remember in what order I recovered the stuff. 14 25 14
Q Okay
A The --
Q You don't remember what order you recovered them in? All right Let's see, just a couple clarifications and I'm just about done You 14 25 31 know we had the discussion with Sadie Brown She never said anything to you about suspecting Mr Smith of anything, did she?
A I can't remember exactly what the conservation is that we had a couple of years ago, but when I 14 25 57

advised her that I was sexually abused by Charlie Smith, she didn't at all seem surprised
Q What did she say I'm gonna have to ask you what she said?
A. I don't recall exactly what she said 14 26:15
Q Uh-huh
A. But I do recall her response not being surprised.
Q But she didn't say -- you don't remember any words that she said? 14 26 24
A. I don't recall exactly what she said.
Q Do you remember generalities of what she said?
A I remember her having a smirky grin on her face and not being surprised That's what I remember I don't remember exactly what she 14 26 47 said
Q You remember a smirky grin, but you don't remember what she said?
A. I don't remember exactly what she said
Q You're using the word, "exactly", but you're not 14 26 56 giving me any --
A I don't remember what she said because --
Q That's fine
A. -- it was during a time I was in treatment I don't remember. I had a lot on my plate at the 14.27 06

time, sir, meaning in dealing with the PTSD.
Q Understand All right.
MR QUISENBERRY Robin, do you have anything else?
MS JACKSON I just have like two more questions 14 27 28
MR QUISENBERRY Okay Go ahead
MS JACKSON Do you have any questions?
MR EDWARDS (Indicating) 14 27 34
THE DEPONENT Can you please move up here so you're closer?
MS JACKSON Sure
R-E-E-X-A-M-I-N-A-T-I-O-N
BY MS JACKSON 14 27 43
Q You have mentioned several times that – while – answered questions by saying this was while I was in treatment for PTSD Does that mean that you were no longer treating for PTSD?
A. I'm not in treatment with MUSC for PTSD 14.28:18
Q Okay And you've also said several times that you don't remember, but you may remember or – are you doing anything now with any counselor, doctor, therapist, in order to help you continue to develop memories? 14 28 45

MR EDWARDS Object to the form
A. I am currently working with Tonya Bolton, but I have a very difficult time going back into therapy, because it was so hard for me while I was in therapy to deal with the issues that I 14.29:17 was having with PTSD and some of the issues that I'm still having.
Q Okay But in the therapy that you're having with Tonya Bolton are you dealing with the feelings and memories that have already surfaced 14 29 36 or are you trying to develop additional or trying to recall additional memories?
A. She's trying to help me figure out how to put my life back together. That's –
Q I'm sorry 14 30 05
A. That's my answer
Q Okay Are you trying to do anything to try to recall additional memories?
A. I continuously find myself struggling to control the anxiety that I feel multiple times 14 30 31 throughout a day And I am struggling just to do that. I'm sorry, what was your question, again?
Q My question is are you trying to do anything to help yourself recover additional memories? 14 31 07

A. Not currently at this time. But I need to go back into therapy and I recognize it, but I don't want to
Q Okay And do you feel that you need to go into therapy to deal with the things that have 14 31 34 already come up since 2007 or do you want to go into therapy or do you feel the need to go into therapy in order to try to recover additional memories of that time period?
A. I need to go into therapy – back into therapy 14 31:53 to continue to be able to function and if that means going into deal with the memories again, then that's what I need to do
Q When was the most recent time that you recovered a new memory of the time period between '88 and 14 32 26 February of '89?
A. I don't recall And the reason that I don't recall recovering new memories is because now I currently live on James Island and I'm remembering so much from if I ride around on my 14.32 48 mom's golf cart and I'm seeing things that are familiar and that I remember, so I would have to say that's probably happening all the time to me, because I'm in a familiar area that I'm seeing things that I now remember. 14 33:10

Q Okay Have you been back inside the James Island High School?
A. Actually into the building itself?
Q Yes
A. No But I've spent a lot of time around the 14:33:41 building to help deal with the anxiety that it created for me.
Q Right And we saw those photographs I just didn't know if you had been inside the building?
A. I have been inside the building I was in the 14 34:03 library.
Q When?
A. Within the last three years since this lawsuit's been filed
Q Why were you in the library? 14 34 23
A. To look at old yearbooks. I was in there with permission
Q On the damages front, I just want to make sure that I understand the categories of damages I know we've talked about the physical injury 14 35 00 damage and the emotional injury damage Are there any other kinds of damages? Are there any tangible damages and by tangible I mean something for which you have a receipt like you had to go and buy – for example, somebody in a 14 35 22

car accident may have to go buy a neck brace
Is there anything with regard to this situation
that you have had to go and get, for which there
would be either a tangible item or receipt or
something like that? 14 35 40
A I'm currently still on medication, so those
receipts continue to come in
Q And have you provided those receipts to your
attorney?
A. I can't provide future receipts to my attorney, 14:35:47
I don't think
Q Have you been on Zoloft?
A I've been on Zoloft for a while.
Q And have you provided those receipts to your
attorney? 14 35 58
A. I don't believe I went to Wal-Mart and got a
printout of the medication.
Q How much do you pay for your prescriptions?
A With my insurance, $8 a month for the Zoloft,
the generic brand. And I can't recall how much 14 36 20
I paid for the Ativan or the one for my stomach
Q Okay And you were taking the Zoloft prior to
2007, you were taking that prior to the
development of these memories, correct?
A. I took it, I want to say, because the doctor 14 36 45

told me to take it prior to 2007, but I didn't
take it very long, I don't believe, from
Franklin C. Fetter
Q Okay And do you think that your doctor would
tell you to take something that you didn't need? 14 37 26
A. I don't know
Q Well, would you take a medication if you thought
you did not need it?
A. If the doctor told me to take it, I most likely
would There was a time that I stopped taking 14 37 45
it between the time I was at Franklin C
Fetter's and the time I believe I went to Sherry
Viduya next.
Q Where is she?
A I think she's in -- she's in Goose Creek, but 14 38 24
I'm thinking that was what her name was I need
to refer to the records
Q Would that be Palmetto Primary Care?
A In Goose Creek?
Q (Indicating) 14 38 44
A Yes, ma'am
Q Okay And I'm sorry, did you say that you
thought you had stopped taking it sometime
before you had these recollections?
A I stopped taking it for a short period of time, 14 39 05

sometime between those two facilities, I
believe
Q Okay
A. And like I said, I need to refer back to the
records because I'm not 100 percent sure in 14.39:24
there It's been five years.
Q Okay Did you ever apply for a position as a
police officer anywhere?
A. Yes.
Q Where? 14 39 36
A I don't recall. I've applied various places
over the last 25 years.
Q Okay Were you ever hired?
A. No, ma'am.
Q Why not? 14 39 52
A I don't know
Q Did you ever ask?
A. I don't believe I ever followed up with it after
I received a letter.
Q Do you remember if you applied to be a law 14 40 08
enforcement officer with any of the agencies in
Charleston County, which would include the City
of Charleston Police Department, the City of
North Charleston Police Department, or the
Charleston County Sheriff's Office for a law 14 40 22

enforcement position?
A. I currently have a law enforcement position, so
can you please rephrase that?
Q Let me clarify Not as a detention officer, but
as a police officer or sheriff's deputy with 14 40 36
full arrest powers?
A. I may have Like I said, I have applied at
several. I did apply at North Charleston
Q And at what stage in the application process did
you get? 14 40 56
A. To the physical agility test and I didn't show
up, so I don't know if you call that a denial
I just didn't proceed with the position
Q Why not?
A Because I have 15 years in detention and 14 41 08
corrections. I'm very comfortable in my job and
I just don't really want to be a police officer.
I have nine years until I retire.
Q So why did you apply?
A I don't know, I just did 14 41 25
Q When was that?
A I think I applied because there were so many
people at the detention center who were leaving
to go to North Charleston and I just fell in
with the crew of applying 14 41 49

Q So you didn't want the job?
A. **I wasn't sure if I wanted it**
Q You just told me you didn't want to be a police officer
A. **Well, then I made the decision I didn't want to be a police officer and I like what I was doing. So I guess I had to -- I put in for it and then decide if I really, really wanted to change jobs.** 14 42 01
Q When was that? 14 42 10
A. **Within the last two years, maybe**
Q Do you remember if you applied at the City of Charleston Police Department?
A **I don't recall I did work with the explorers, but I don't know if I ever put in with them, because I think you have to have a bachelor's degree or associates degree, so I don't recall if I did.** 14:42:36
Q Okay Do you recall whether you were given a polygraph at North Charleston? 14 42 47
A **No, I wasn't given a polygraph at North Charleston**
Q Was the physical fitness part of the application process, was that at the beginning?
A **Yes, ma'am.** 14:43.00

Q Are there any other law enforcement agencies that you recall applying?
A **Not off the top of my head. I've applied at many over the years I don't --**
Q Do you think that North Charleston is the most recent one that you've applied for? 14 43 16
A. **Yes, ma'am**
Q What is your rank at the detention center?
A. **DFC detention, first class**
Q Are you a field training officer? 14 43 40
A. **I was**
Q Why are you no longer?
A **I decided that I didn't want to be a field training officer any longer**
MS JACKSON All right Let's take a five minute break and I think I'm done I think we're all done 14 44 28
(Whereupon, there was a short break in the proceedings)
MS JACKSON All right, 14 54 16
Ms [redacted] don't have any further questions I thank you for your time We will hold the deposition open on behalf of my client solely for the purpose of if it is -- if we are told 14 54 35

that you have recovered additional memories, then I would hold the deposition open to be able to question you about any new additional memories that you may recover from this day forward Is that agreeable? 14 54 51
MR EDWARDS I don't have a problem with that
THE DEPONENT Yes, ma'am
MS JACKSON Do you have anything else? 14 55 00
MR. QUISENBERRY No, that's it
MS JACKSON You have the right to read and sign your deposition or you can waive it. Reading and signing means that the court reporter is gonna type it up She'll put it in a booklet, she'll give it to you You can't change your answers, but what you do is you review it to make sure that she typed up correctly what you said And usually the things that get corrected are things like maybe the spelling of a name is wrong or like when Trafalgar when you were talking about maybe she misheard 14 55 07 14 55 17 14 55 28

you or something It's very rarely do people find mistakes, but occasionally they do There's a sheet for you to make corrections or you can waive it It's totally your choice and nobody could tell you what you want to do You just tell the court reporter and if you want to review it, then you and your attorney can decide whether you want the court reporter to send it to your attorney and he'll forward it to you or if you want the court reporter to send it directly to you. It will come with instructions if that's what you want to do 14 55 42 14 55 52 14 56 02
THE DEPONENT I want to review and sign it, but please send it to my attorney who will forward it to me
MS JACKSON All right Thank you very much 14 56 09
(This deposition concluded at 2 56 p m)

(Signature reserved)

CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

I, Nicole D White, the officer before whom the foregoing deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn by me, that the testimony of said witness was taken by me to the best of my ability and thereafter reduced to typewriting under my direction, that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken, and further, that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action

_____ Date _____
Nicole D White
Notary Public in and for the
County of Charleston
State of South Carolina

My Commission expires September 11, 2017

ERRATA SHEET

RE Jane Doe -vs- Charleston County School District

DEPOSITION OF [redacted]

Please read this original deposition with care, and if you find any corrections or changes you wish made, list them by page and line number below DO NOT WRITE IN THE DEPOSITION ITSELF Return the deposition to this office after it is signed We would appreciate your prompt attention to this matter

To assist you in making any such corrections, please use the form below If supplemental or additional pages are necessary, please furnish same and attach them to this errata sheet

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89 13·13 14:20 22:10 24:18 49:20 59 2 68:7,15 69 14 70:3 72:3,21 73·1 74:15,17 74:22 76:4,7 77 9 78:7,14 78:21,24 79:20 86:2 88:9,17 89:3 90:4 100:16

9

90 90·4

Kiawah Island
RESORT

To whom it may concern,

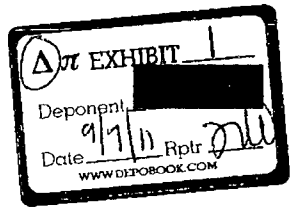
[redacted] has worked for me for the past year in the position of security agent and dispatcher. During that time she has proven herself to be a dedicated, enthusiastic energetic employee.

[redacted] has taken the position of dispatcher and made it into a professional position. By continually looking for ways to improve the dispatch operations, [redacted] has helped to make great organizational and economic strides. Her eagerness to find new and inventive ways to complete her daily tasks has led to her nomination as employee of the month of the Security Department.

I would be sorry to see [redacted] leave the position that she currently holds, however I know that she would be an asset to any position that she attempts.

Sincerely,

Tommy S. Vickers
Director of Security/Housekeeping
Kiawah Island Resort



Post Office Box 12357, Charleston, SC 29422-2357, Telephone 803/768-2121

HIGH SCHOOL RECORD

James Island High School
1000 Fort Johnson Road
Charleston County Schools
Charleston, South Carolina 29412

Merger in 1983-84 of Fort Johnson and James Island High Schools

Accredited by South Carolina Dept. of Education

Name [redacted] Place of Birth MEADVILLE, PA Date of Birth [redacted]

Parent [redacted] Address. [redacted] hone·

Date Entered: 8-24-89 Was (Will be) graduated·

Grade Point Average Rank in class Number ___ in class of ___

[redacted] L 008830113 Gr 9 Yr 88-89

		1st	2nd	Sem	3rd	4th	Sem	Fin		
English 1	BROWN S	60	65	70	50	63	62	66	0	0.0
Spanish 1	ROCKHOLD T	63	60	62	50				0	0.0
STUDY HALL	BAKER E									
World Geography	SMITH C	80	70	72	68	72	66	70	1	2.0
DRIVER ED	GIST O	80	80	80				80	½	-
LUNCH										
Prac Phy Science	DERCOLA N	75	78	75	64	70	67	71	1	1.1
9TH CD HOMEROOM	FITCHETT J									

88-89 Grades From Central Cambria HS Ebenburg, Pa.

					units	
World History	75	65	70	70	1	2.0
English I	75	65	65	65	0	0.0
Alg. I	70	70	70	65	0	0.0
G. Science	75	65	65	65	0	0.0
Spanish I	75	70	70	65	1	2.0
Computers	75	65			½	-

2½

2½

[redacted] 008830113 Gr 9 Yr 89-90

		IST	2ND	SEM	3RD	4TH	SEM	FIN
ALGEBRA	RICHARDSON	74	67	71	65	10	35	40
GENERAL ENGLISH I	BROWN B	64	72	75	50	64	67	71
GENERAL MATH I	BROWN K	80	81	81	62	67	65	77
PHYSICAL ED I	BERRIER J	70	92	82	87	85	84	83
GENERAL BIOLOGY	DERCOLA N	75	77	76	64	66	67	72

4

Grade Year	1st Sem	2nd Sem	Avg.	UNITS

Days Absent Total Units

SUMMER SCHOOL WORK

Tests, Activities, Honors

Charleston County School District
SEP 29 2008
Records Office

Principal or Counselor

EXHIBIT 2
Deponent [redacted]
Date 9/1/11 Rptr
WWW.DEPOBOOK.COM

Richter 0082

Charleston County School District
JCB
SEP 29 2008
Staff Rec.
Records Office

4=A
3 B
2 C
1 D
0 F

CENTRAL CAMBRIA HIGH SCHOOL 814-472-8860 EBENSBURG, PA 15931

GRADING KEY 4 A 3 B 2-C 1 D 0-F

NINTH

19 19

	NO WEEKS	1st	2nd	AVE.	CR
ENGLISH 9	36	2/0	0/0	.5	0
W CULTURE 1	36	2/0	1/1	1.0	1.0
Alg. I	36	1/1	1/0	.75	0
G. SCIENCE	36	2/0	0/0	.5	0
Span. I	36	2/1	1/0	1.0	1.0
Comp. I	18	2/0		1.0	.5
HEALTH ED.	18		2/2	2.0	.1
PHYS. ED.	36	F?F	F/F		0
TOTAL CREDITS					2.6
ABSENCE					14.5
TARDY					6
GPA					.773
RANK IN CLASS - EXACTLY					194/200

TENTH

19 19

	NO WEEKS	1st	2nd	AVE	CR
ENGLISH 10					
W. CULTURE 2					
BIOLOGY					
VO TECH					
HEALTH ED.					
PHYS. ED					
TOTAL CREDITS					
ABSENCE					
TARDY					
GPA					
RANK IN CLASS - EXACTLY					

ELEVENTH

19 19

	NO WEEKS	1st	2nd	AVE.	CR
ENGLISH 11					
VO-TECH					
HEALTH ED					
PHYS ED.					
TOTAL CREDITS					
ABSENCE					
TARDY					
GPA					
RANK IN CLASS - EXACTLY					

TWELFTH

19 19

	NO WEEKS	1st	2nd	AVE	CR
ENGLISH 12					
VO-TECH					
HEALTH ED.					
PHYS. ED					
TOTAL CREDITS					
ABSENCE					
TARDY					
GPA					
RANK IN CLASS - EXACTLY					

MAJOR SUBJECTS ONLY ☐ ALL STUDENTS ☐

DATE GRADUATED

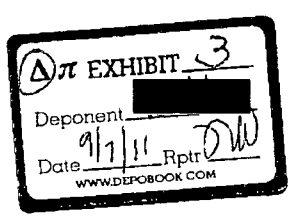
LAST NAME [redacted] FIRST NAME [redacted] ADDRESS 408 W. Horner St., Ebg. PHONE

Richter 0083

ROA0285

287

STATEMENT GIVEN TO DETECTIVE AVILA CHARLESTON COUNTY SHERRIF'S OFFICE ON SEPTEMBER 11, 2007



Statement Given By [redacted] on September 11, 2007 Regarding the Sexual Abuse By Charles Smith (James Island High School Teacher) Between the Beginning of the School Year 1988 until About February 1989

I am very slowly getting my memory back and am beginning to remember things that happed regarding the sexual abuse from Charlie Smith. He was my Geography Teacher at James Island High School. The sexual abuse happened between the beginning of school year 1988 until I attempted suicide at James Island High School in February 1989. On May 4, 1988 I turned 15 I have not gotten much of my memory back as to what occurred after the suicide attempt because I blocked it all out of my mind.
I have had repressed memories all these years. I currently work at the Charleston County Detention Center About December 2006/January 2007 I was dealing with a particular inmate who was one of my inmate workers in Housing Unit 1-B. He was white and very tall. He was a very good worker but was in jail on sexual charges regarding a juvenile I do not know the details of his case and never spoke to him about them. After He was charged and sent to South Carolina Department of Corrections, I had a fellow co-worker come to me in conversation and stated that he found out that the inmate was raping his cellmate while he was at CCDC. The cellmate had enough confidence in the officer to tell him that he had been repeatedly raped by this particular inmate. Something inside of me snapped and I began to have nightmares of Charlie Smith standing over me laughing I would wake up in a sweat and had many sleepless nights. I was exhausted and needed some rest. I realized that I needed to get some help in dealing with the nightmares I did not know where to go so I went to see an attorney I did not want to get my job involved and am ashamed of what happened and did not know where to turn. The attorney told me about a place called "The National Crime Victims Research & Treatment Center". I met with Dr. Best who assigned me with Dr. Zinzow. I am currently in treatment with Dr. Zinzow.

My parents (Stepfather-[redacted]
My Mom, my brother and I are very close I just recently within the last few months told my mom of the sexual abuse. My stepfather and I are not so close. He was somewhat violent after they got married in 1988. Over the years he has matured and has for the most part grown out of it. My mom says it's because he did a lot of drugs when he was younger and his father was violent toward him.
They are currently selling their house on James Island. They made this decision about a month ago. They also have a house in Eutawville that they have been staying at on and off for the last six years or so. This is where they plan to retire. We had three homes between July 88 to February 89. My parents were going to buy a house, they just were not sure where they wanted to buy it at on James Island Our first house was on Rivercrest Drive (July-September?). The second house was on Trafager (sp) Drive (maybe Sept-Jan). The third house was on Landsowne Drive (which is the house they own today) My mom recently told me Charlie Smith showed up at my house after I attempted Suicide. You'll have to get more details from her.

What I remember about Charlie Smith

I have tried not to think about him so I may not remember much now. I have not seen him since 1992 when he operated a sports memorabilia shop on James Island I have for the most part stayed off of the Island except to visit my parents who lived there. He is from somewhere up north, I believe Illinois and he served in the military. He has a wife and daughter who's name I believe is Kim She was very young. I remember him having her at softball practice once When I first began to attend James Island High School, he did not coach anything but everyone called him Coach Smith. I think he coached sports prior to me attending the school. He had a horse that he borded at [redacted] with other horses. I don't remember why, but prior to softball season and after I first began attending James Island High, he would give me a ride home. One day he took me to where his horse was at I remember him saying that he had to feed it I remember him taking me home at all three of the houses I lived in. He came inside of the Rivercrest home. Nothing happened at my home, I do remember showing him around. He drove a big old yellow Bronco. I used to think that Bronco was cool. It had big tires I loved Softball. I was a pitcher. He made the decision to coach softball when it began in (I think) January 1989. I started the school year off with very good grades. Despite a few bumps in the road at home, I was very happy and excited about school and starting all over in the South. The weather was very different in Pennsylvania. Most of the time it was dreary there. Always cloudy. During the sexual abuse, my grades began to drop I became ineligible to play softball, but still went to all the practices and games I don't remember if I started the season playing or not. He took me buy his house one day, I waited in his Bronco. I remember him running inside to get something, then we went to feed his horses again. I remember feeding the horses a lot with him. His classroom- It was near the main entrance of the high school. The main door was near the front of the room. If you walked into the room and looked directly across you would see his desk. If you looked right, you would see the big green chalk board. If you looked left you would see all the desk.. If you walked in the door and looked down the wall the door was on you would see another green chalk board and a row of desk next to the chalk board His desk area was concealed to where you could almost not see behind it. It was like two huge desks together with books and other things blocking views He also painted houses on the side after school. I remember going to some sites where he painted houses He painted part time for Shaddrix Painting(?) across from Captain D's on James Island. Lynn Shaddrix was a secretary at the school and a very good friend. Lynn's husband's name is Steve

Sexual Abuse Memories

I remember when I first went to the classroom, I sat up front in the middle. I was very eager to learn and have always liked school. I eventually moved from the front to sitting next to the chalkboard that was on the same wall the door was on near the back. I remember him answering a question one day and him putting his right hand on the back of my chair and slowly moving his hand to the right side of my right breast. He slid his hand around as if he was leaning on the chair I don't remember if this was after he began giving me a ride home. I don't remember what came upon him giving me a ride home in

the first place. I remember riding around with him a lot To the horse stables, to my houses, to his house (but I never went inside his house), and to his paint sites I used to wear dresses and dress clothes to school I remember me sitting behind his desk with him and him putting his hand on my leg. Over a period of time he did put his hand all the way under my dress and touched my vagina I remember him smelling his fingers between turning pages as he was reading One day before he took me home after softball practice he pulled the bronco over. I remember it being sunny that day. It was next to the school. The little grocery store. It had to be around 5pm I think. It was sort of warm out Maybe it was getting ready to be dark. I'm still not sure of all the details. He pulled over and shut the Bronco off. The next thing I remember is him unzipping his polyester sport shorts and pulling out his penis and me giving him oral sex I remember being able to clearly see his penis and that his short were a dark shade. I don't remember what was said I remember him ejaculating in my mouth. I remember him holding my head when I was performing oral sex on him I remember having a hard time and nearly choking because his penis was short but large. He then took me home that evening. Then everything goes dark in my mind When we were at the horse stables he would grab on me but in a gentle way not to hurt me. He got rid of his Bronco and got a Camaro The sexual abuse happened when he had his Bronco. I remember wanting to die after that happened. When I attempted suicide at the school I remember thinking that I wanted him to pay for what he did to me I was to embarrassed to tell anyone I was a person who never had sex and really did not understand what happened. I ended up quitting day school and started night school. I then ended up quitting James Island High all together. It got harder and harder to go back into that building.

Other Memories

I went to school with Doug Wright (Summerville Police) I did at some point join the Charleston Police Explorers. I don't remember when it was. I did it because I had the biggest crush on Doug I was very competitive in school and Doug was a County Explorer We were in math class together and sat next to each other Doug might have suspected something was not right I think I joined the Police Explorers before the Suicide and after the sexual abuse These time periods are blurry to me This was all a very short period of time I remember wearing my Explorer uniform to school one day and Charlie Smith Ignoring me that day.

Mrs Saddie Brown (my English Teacher) I thought a lot of her then. I think she had her suspicions about him giving me a ride home. She may have even said something I'm not sure I think she stopped teaching at James Island at the end of the 1988 school year and began teaching at another school

CC: Dr Zinzow

8-21-90

GUIDANCE DEPARTMENT
WITHDRAWAL FORM

James Island High School
1000 Fort Johnson Road
Charleston, S.C. 29412

STUDENT' NAME [redacted] GRADE & SECTION 9TH

ADDRESS [redacted] DATE OF BIRTH [redacted]

PARENT/GUARDIAN [redacted] PHONE [redacted]

I am officially withdrawing from James Island High School for the reason given below. I certify that my parents or guardian have knowledge of my withdrawal. I understand that if I am not cleared properly by all teachers and school agencies concerned, my records cannot be sent to any other school of outside agency.

REASON FOR WITHDRAWAL: GOING TO NIGHT SCHOOL.

DATE: 08-21-90 [redacted]
Signature of student or guardian

TEACHERS: Please indicate by your initials below if the student has cleared with you to withdraw from James Island High School. Mark the appropriate column to show whether a student has returned his/her book, or paid any appropriate fees that were due.*

TEACHER	SUBJECT	Room	INITIALS	Book Returned	Grades
HOMEROOM					
1st Period					
2nd Period					
3rd Period					
4th Period					
5th Period					
6th Period					
7th Period					

*Example: Student withdraws, but has lost his/her textbook. Mark NO in the Book Returned column and the price of the book (if not paid for) in the Fee Owed column.

*Example: Student transfers, returns his/her book but had neglected to pay the department fee, i.e. math fee, -$4.00. Mark YES in the Book Returned column and the math fee owed, $4.00 in the Fee Owed column.

LIBRARY _____ OFFICE _____ ATTENDANCE _____

GUIDANCE _____ Removed from all rolls DATE _____

BOOKROOM AGENT _____

Charleston County School District
MAR 1 6 2006
Student Services Staff Dev. Office

EXHIBIT 4
Deponent [redacted]
Date 9/7/11 Rptr
WWW.DEPOBOOK.COM

STATE OF SOUTH CAROLINA COUNTY OF CHARLESTON	)	IN THE FAMILY COURT FOR THE NINTH JUDICIAL CIRCUIT
JANE DOE, Plaintiff, vs. CHARLES SMITH AND CHARLESTON COUNTY SCHOOL DISTRICT Defendant.	)	C.A. NO.: 2007-CP-10-5203 AFFIDAVIT OF JANE DOE

FILED
2008 JUN -6 AM 10: 17
JULIE J. ARMSTRONG
CLERK OF COURT
BY _____

PERSONALLY APPEARED BEFORE ME, Jane Doe, who after first being duly sworn testifies:

1. I am over the age of 21 and I make the statements contained herein of my own free will.
2. In the academic year 1988-89, I was a freshman at James Island High School.
3. The Defendant Charles Smith was one of my teachers that year
4. During that year, when I was 15 years old, the Defendant Charles Smith sexually assaulted me on several occasions.
5. During that same year, I attempted to commit suicide after one of the worst assaults that I can recall so far
6. From the time I was 15 until last year, 2007, I had no memory of those assaults.
7. I am employed in law enforcement
8. In January and February of 2007, as a result of a situation in my occupation, specifically the sexual assault of a minor by one of the inmates that I was



supervising, I began having a lot of anxiety and depression that was not normal for me.

9 Gradually, memories of Charles Smith assaulting me began to return to me. The memories also included nonsexual activities that he would engage in with me.

10. The memories were causing me a very difficult time and I sought treatment at MUSC.

11. In therapy, I am recovering more memories, and that process continues today.

12. Attached to this Affidavit are medical records that I recently obtained from Roper-St. Francis Hospital in Charleston that evidence my suicide attempt in 1989.

FURTHER THE AFFIANT SAYETH NOT.

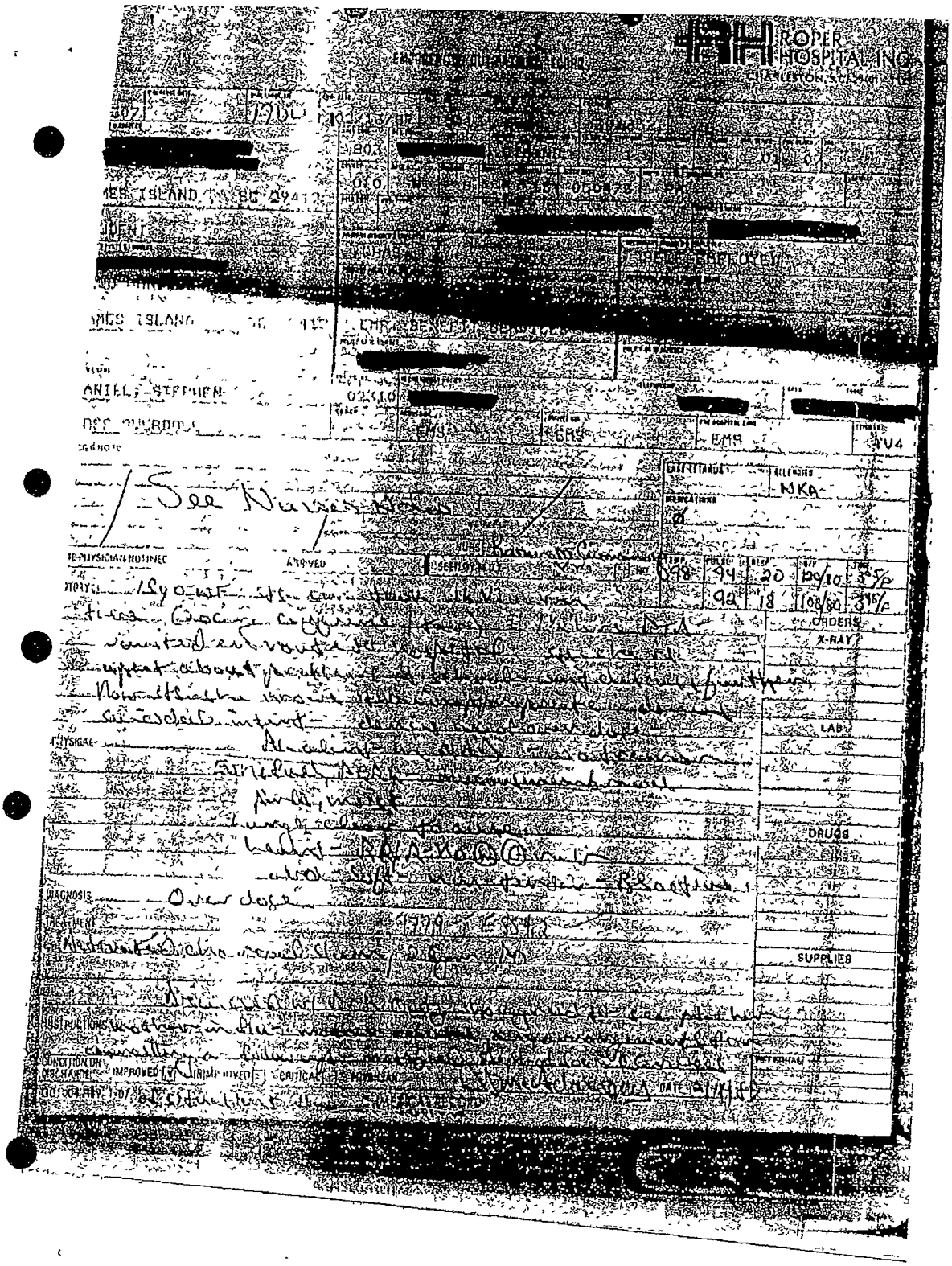
Jane Doe

Jane Doe

Sworn to before me this 2ND day of JUNE, 2008

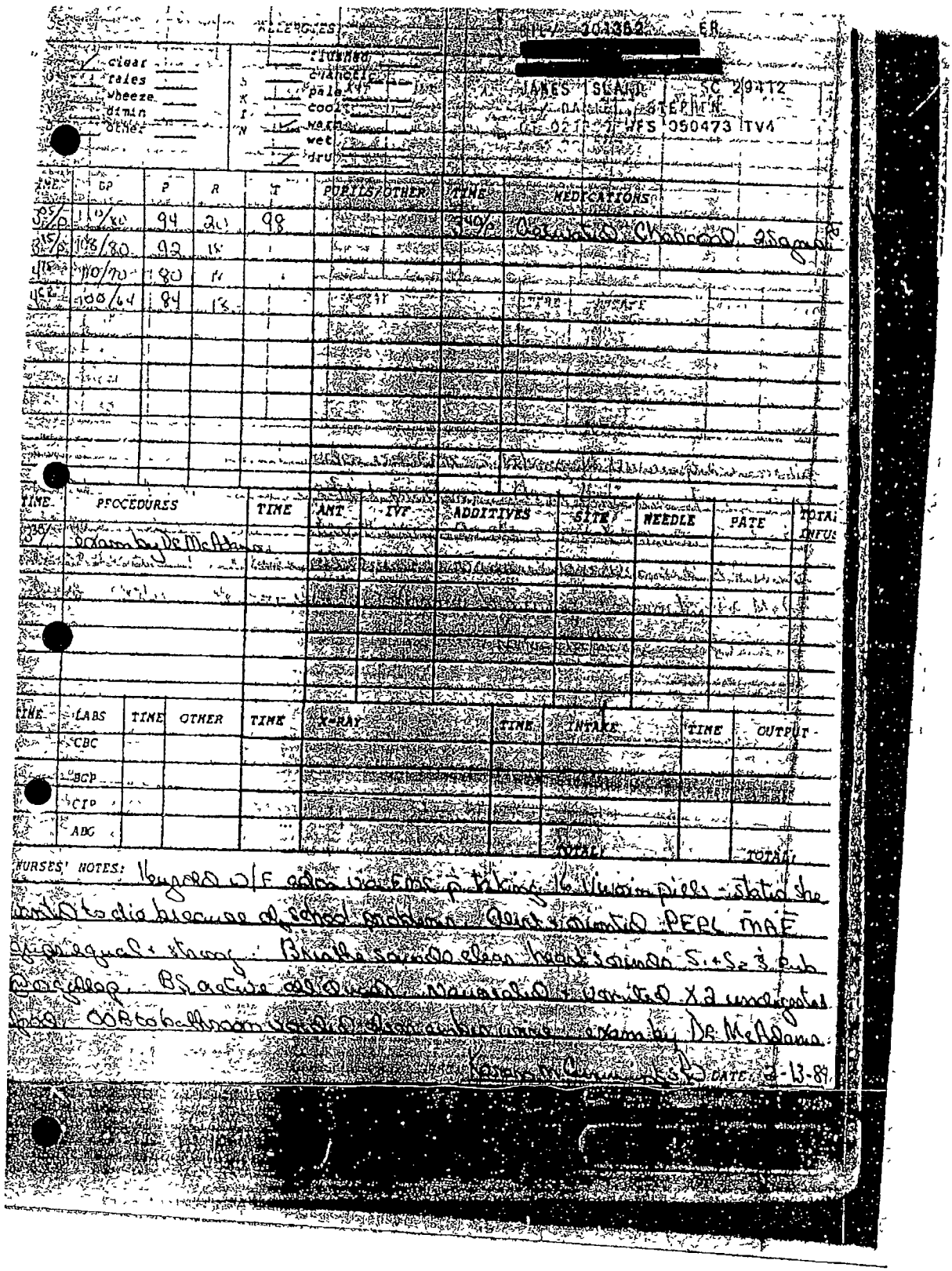
SP4 [illegible]

Notary Public for South Carolina
My commission expires. 1/23/2017



Richter 0139

295



ALLERGIES

Clear
Pales
Wheeze
Diamin
Other

Flushed
Cyanotic
Pale
Cool
Warm
Wet
Dry

SITE: 104362 ER

[redacted]

JANES SLAIR SC 29412
DOB 021[illegible] SEX F
DOS 050473 TV4

TIME	BP	P	R	T	PUPILS/OTHER
0525	110/80	94	20	98	
0615	108/80	92	18		
0715	110/70	80	14		
0815	100/64	84	18		

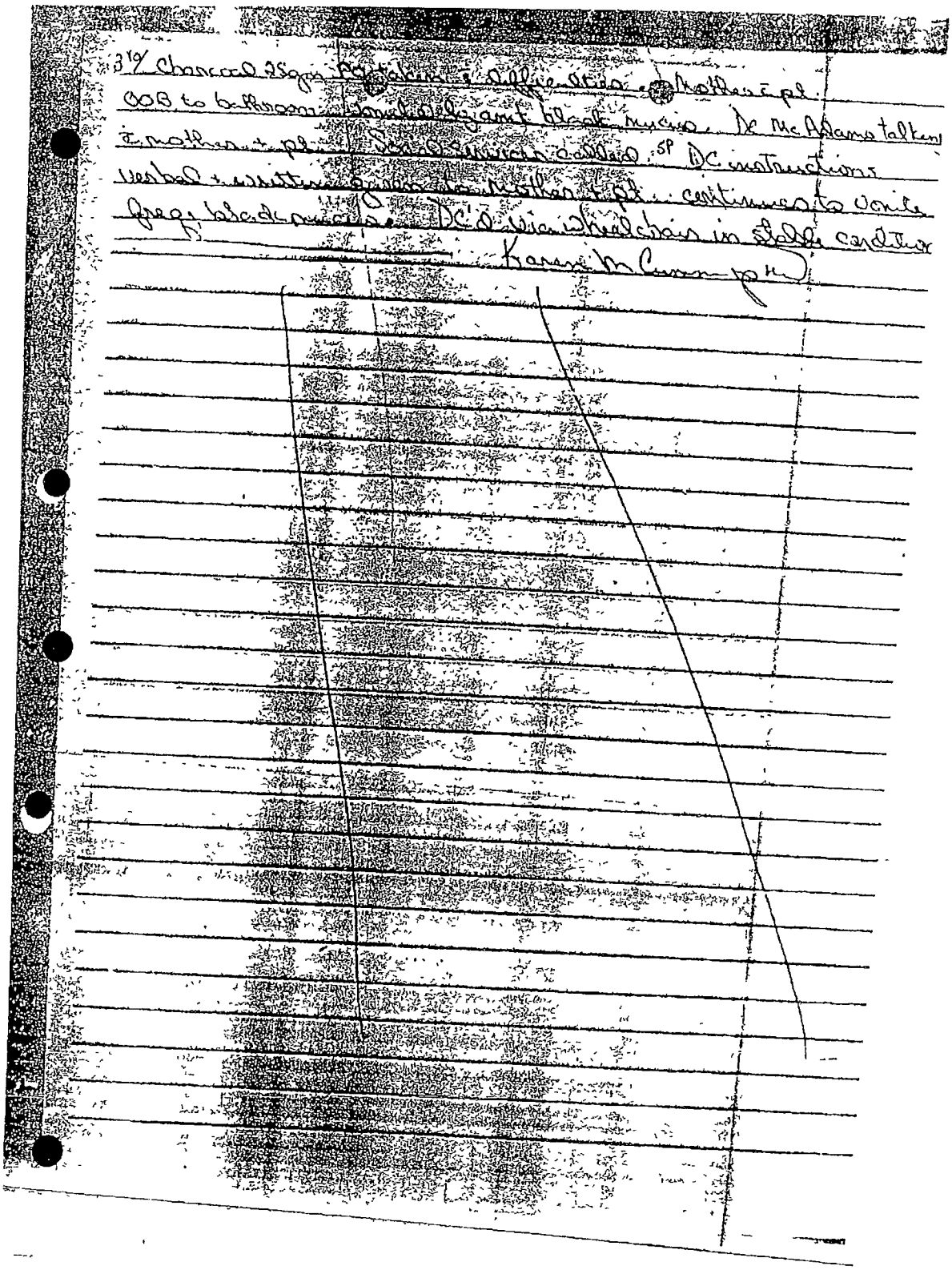
TIME	MEDICATIONS
0540	Demerol 75mg + Phenergan 25mg IM

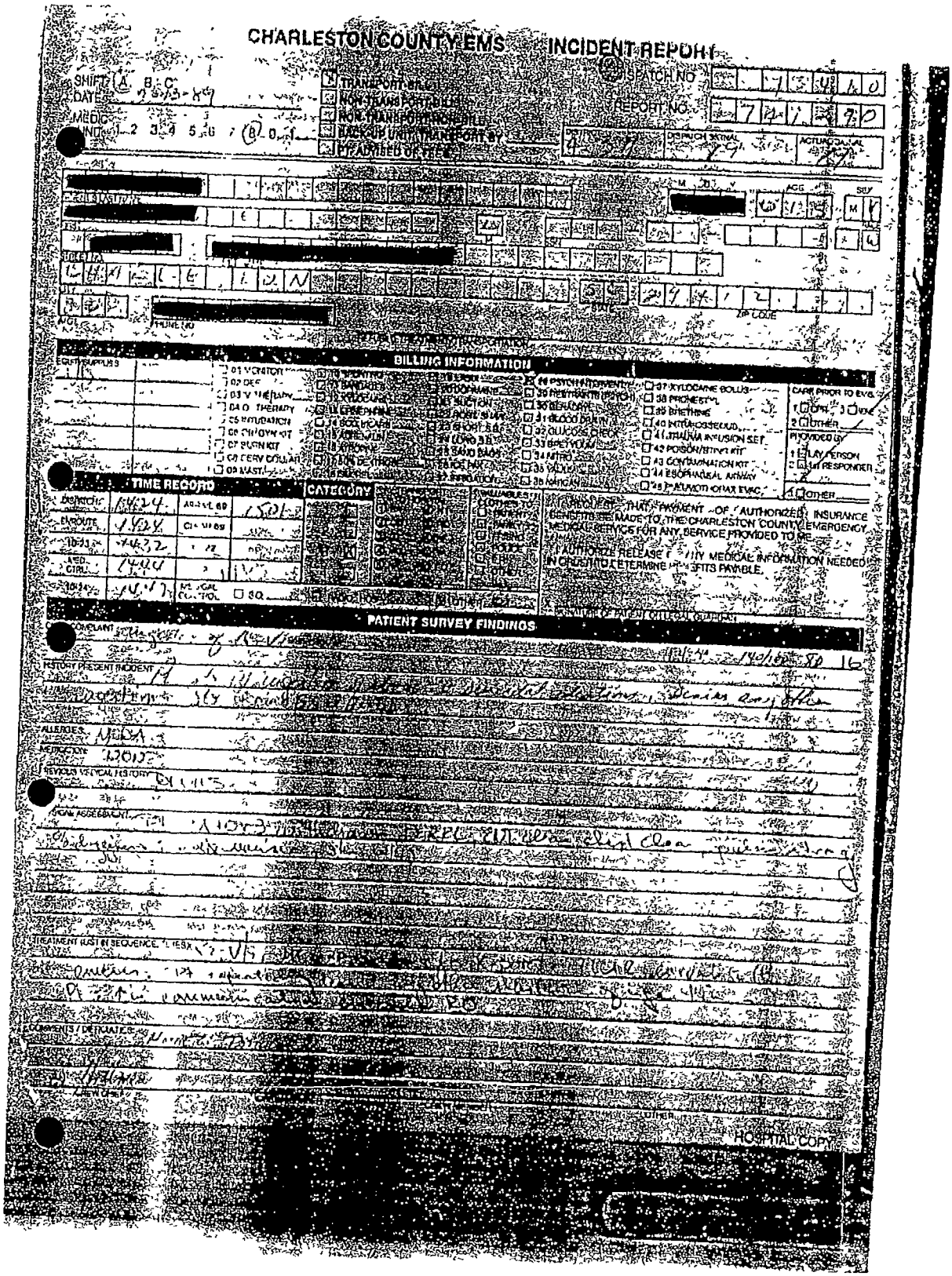
TIME	PROCEDURES
0540	exam by Dr McAdams

TIME	ANT	IVF	ADDITIVES	SITE	NEEDLE	RATE	TOTAL INFUS

TIME	LABS	TIME	OTHER	TIME	X-RAY	TIME	INTAKE	TIME	OUTPUT
	CBC								
	BCP								
	CTP								
	ABG						TOTAL		TOTAL

NURSES' NOTES: Ingested c/f adm w/ ENDS & thinks he ruptured his membranes at school this morning. Denies vaginal bleeding. Reports good fetal movement. Brought to exam room via W/C. VSS. Denies any other complaints. Pelvic exam by Dr McAdams. Vaginal exam by Dr McAdams. Vaginal exam by Dr McAdams. Vaginal





CHARLESTON COUNTY EMS INCIDENT REPORT

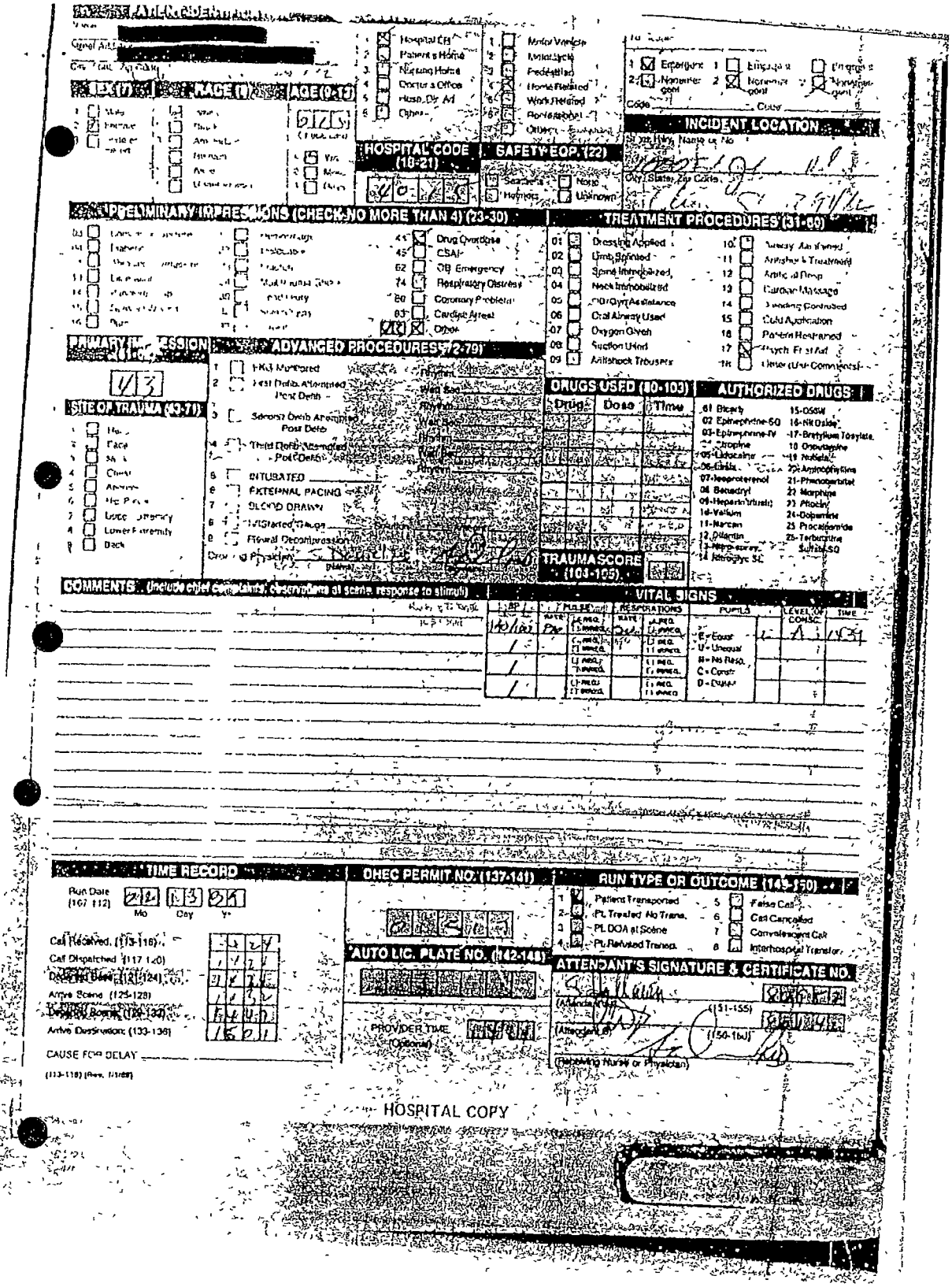
BILLING INFORMATION

TIME RECORD

CATEGORY

PATIENT SURVEY FINDINGS

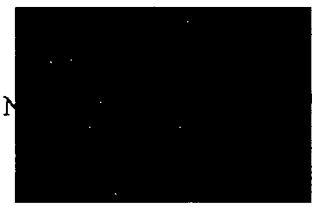
HOSPITAL COPY



Richter 0143

ROA0297

299



PROFESSIONAL OBJECTIVE

To become a Law Enforcement Officer

EDUCATION South Carolina Criminal Justice Academy
Arson Investigation Certification, 1992

South Carolina Fire Academy
Interior Structural Firefighter Certification, 1992

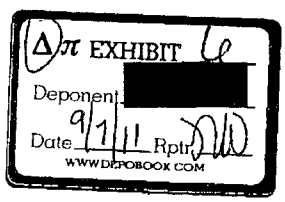
SPECIALIZED TRAINING: Fire Investigations Hazardous Materials...Pump Operations...Auto Extrication.. Emergency Vehicle Driving

PROFESSIONAL WORK HISTORY

1995-Present Trident Security Services, Charleston, South Carolina
Security Officer
* Enforcement of Federal, State, and Local Laws
* Protection of Trident Properties
* Keeping various logs

1993-1995 Kiawah Island Resort, Kiawah Island, South Carolina
Security/Housekeeping Dispatcher
Security Agent
* Enforcement of Federal, State, and Local Laws
* Operated multi-phoneline system including resort emergency lines
* Various secretarial Duties

1992-1993 Town of Mt. Pleasant, Mt. Pleasant, South Carolina
Firefighter
911 Dispatcher
* Adapted immediately to changing circumstances in Police, Fire, and Medical Emergencies
* Set Emergency priorities and constantly reevaluated them
* Suppressed fires, Salvage, and Overhaul
* Worked twenty-four hour shifts



VOLUNTEER WORK HISTORY

1995-Present — Charleston Police Department, Charleston, South Carolina
Explorer Associate Advisor
* Organize training to prepare cadets to enter Law Enforcement
* Schedule Public Relations and Fundraising Events
* Organize training for yearly S C.A.L.E Competition
* Various bookkeeping and secretarial Duties

1991-1994 — James Island Fire Department, James Island, South Carolina
Assistant Fire Investigator
Firefighter
* Assisted with fire investigations
* Fire Suppression, Salvage, and Overhaul
* Participated in public relations events

RECEIVED
MAR 11 11 1996
RECRUITING BRANCH

3/8/96

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

P O. Box 21787/4330 Broad River Road
Columbia, South Carolina 29221-1787

LIEBER CORRECTIONAL INSTITUTION
MAR 8 1996
HUMAN RESOURCES

PLEASE TYPE OR PRINT NEATLY

EMPLOYMENT APPLICATION

Application Date	Social Security Number	Minimum Pay Amount	Date Available
03 - 08 - 96	[redacted]	$15500	03 - 08 - 96

Name: Last [redacted] Suffix MS First [redacted] Middle [redacted] Maiden Name

Address: Street/Route PO Box [redacted] Apt. # City [redacted] State SC

County* [redacted] Zip [redacted] - [redacted]

(*Use County Code listed on page 5)

Are you a S C. Resident? Yes ☒ No ☐
Are you a US Citizen? Yes ☒ No ☐
If no, Type of Visa and Number
Visa Number

Telephone Number
H [redacted]
W [redacted]

Are you 21 years of age or older? Yes ☒ No ☐

Current SCDC Employee? Yes ☐ No ☒

Check the Source which led you to apply at South Carolina Department of Corrections

01 ☐ College Recruitment	09 ☐ Rehire, Not from Leave	17 ☐ Transfer from another State Agency
02 ☐ State Job Service	10 ☐ Newspaper Ad	18 ☐ Elected or Appointed
03 ☐ Employment Agency	11 ☐ Radio Ad	19 ☐ RIF - Rehire
04 ☐ Employee	12 ☐ Television Ad	20 ☐ Voluntary Transfer
05 ☐ Division of Human Resource Management	13 ☐ Trade Journal Ad	21 ☐ Involuntary Transfer
06 ☐ Unsolicited Application	14 ☐ Field Recruiting	22 ☐ Military Referral Services
07 ☐ Return from Leave	15 ☐ Unknown	23 ☐ Dial A Job
08 ☐ Return from Military	16 ☐ Referred from Voc. Rehab.	24 ☒ Private Employment Agency

Name of Last High School Attended	Last Grade Completed and Year	Graduate / Diploma / Certificate
JAMES ISLAND HIGH SCHOOL	Grade 10 Year 91	Graduate Yes ☒ No ☐ Diploma ☐ G.E.D. ☒ Certificate ☐

Address of Last High School Attended Street/P.O Box: FT. JOHNSON ROAD — City: JAMES ISLAND — State: SC — Zip: 29412

Name of First College	Graduate? / No. Years Completed / Last Year Attended	Degree / Date Rec'd.	Major / Minor
	Graduate? Yes ☐ No ☐		

Address of First College: Street/P O. Box — City — State — Zip

Name of Last College. (N/A if same as above)	Graduate? / No. Years Completed / Last Year Attended	Degree / Date Rec'd.	Major / Minor
	Graduate? Yes ☐ No ☐		

Address of Last College Street/P.O. Box — City — State — Zip

Name of Other Schools (Technical, Commercial, Business, etc.)	Graduate? / No Years Completed / Last Year Attended	Degree / Date Rec'd.	Major / Minor
SOUTH CAROLINA FIRE ACADEMY	Graduate? Yes ☒ No ☐	Degree: WILDLAND STRUCTURAL FIREFIGHTING Date Rec'd. 05 04 92	

Address of Other Schools Street/P O Box — City: COLUMBIA — State: SC

EXHIBIT [redacted] Date 9/7/11 Rptr. WWW.DEPOBOOK.COM

8CDC 16-9 (Rev October 1992)

EQUAL OPPORTUNITY EMPLOYER

YCR 00534

302

Name: [redacted] **Social Security No.:** [redacted]

Please list all periods of employment, including summer or part-time jobs. Start with your most recent job and continue back to your first job. Include each position held and major responsibilities. Show dates from the present to the time you left school. All periods of unemployment should be clearly shown or indicated. Include full addresses.

Complete Work History Is Required

If More Space Is Needed, Request Supplemental Sheet

1 Current or Most Recent Employer	(May We Contact?)	From. Month/Year	To Month/Year	Weekly Hours F/T / P/T
TRIDENT SECURITY SERVICES	Yes X No ☐	09/95	PRESENT	37.50 /

Address	Position	Last Salary (Annual)
4568 DORCHESTER ROAD	SECURITY OFFICER	$4.25 HOUR
No/Route Street	Department	Supervisor
		FIREMAN TAYLOR - OLDMER
City State Zip	Description of Duties.	
NORTH CHARLESTON SC 29419	ENFORCEMENT OF FEDERAL, STATE, AND LOCAL LAWS. PROTECTION OF TRIDENT PROPERTIES.	
REASON FOR LEAVING: N/A	CODE:	

2. Previous Employer	From. Month/Year	To. Month/Year	Weekly Hours F/T / P/T
KIAWAH ISLAND RESORT	10/93	05/95	40+ /

Address	Position	Last Salary (Annual)
12 KIAWAH BEACH DRIVE	DISPATCHER SECURITY AGENT / HOUSEKEEPING	6.80 HOUR
No/Route Street	Department	Supervisor
	HOUSEKEEPING	TIMOTHY VICKERS
City State Zip	Description of Duties HANDLED ALL COMMUNICATIONS FOR SECURITY AND HOUSEKEEPING, CONTROL OF ALL LOCKS, LOST AND FOUND FOR RESORT AND ANSWERED ALL GUEST EMERGENCY CALLS.	
KIAWAH SC 29455		
REASON FOR LEAVING: CONFLICT WITH SUPERVISOR	CODE: 3 5	

3. Previous Employer	From. Month/Year	To. Month/Year	Weekly Hours F/T / P/T
TOWN OF MT. PLEASANT	05/92	10/93	72+ /

Address	Position	Last Salary (Annual)
100 ALAN EDWARDS BLVD	FIREFIGHTER / 911 DISPATCHER	18,700 YEAR
No/Route Street	Department	Supervisor
	FIRE DEPARTMENT	CHIEF HERB WILLIAMS
City State Zip	Description of Duties	
MT. PLEASANT SC	FIRE SUPPRESSION, CLEAN AND MAINTENANCE OF FIRE TRUCK AND STATION. SALVAGE AND OVERHAUL. PUBLIC RELATIONS	
REASON FOR LEAVING: PERSONAL REASONS	CODE: 8 0 5	

Are you willing to work in an institution? Yes ☑ No ☐

Are you interested in full-time or part-time employment or both? FULL TIME

Circle the shift(s) you can work: **A** (All Shifts)

1 (First Shift)	**2 (Second Shift)**	**3 (Third Shift)**	**4 (Fourth Shift)**
(7 am - 3 pm) (8 30 am - 4 30 pm) (8 am - 4 pm) (9 am - 5 pm)	(3 pm - 11 pm) (4 pm - 12 am)	(11 pm - 7 am) (12 pm - 8 am)	(10 am - 6 pm)

Can you work all days of the week? Yes ☒ No ☐ If no, explain _____

YCR 00535

303

Name: [redacted] **Social Security #:** [redacted]

Please list all periods of employment, including summer and part-time jobs. Start with your most recent job and continue back to your first job. Include each position held and major responsibilities. Show dates from the present to the time you left school. All periods of unemployment should be clearly shown or indicated. Include full addresses.

4 Previous Employer: THE Kroger Inc	From Month/Year: 7/87	To Month/Year: 05/92	Weekly Hours F/T: ____ Weekly Hours P/T: 30 HOURS
Address: 906 Folly Road	Position: CASHIER / ASSISTANT MGR TRAINEE		Last Salary (Annual): 8000.00
No/Route: Street:	Department:		Supervisor: GENE PROPHATER
City: JAMES ISLAND State: SC Zip: 29412	Description of Duties: OPERATED CASH REGISTER, HANDLED CASH, AMOUNTS OF MONEY, PAPERWORK, HELPED OTHER STAFF		
REASON FOR LEAVING: ACCEPTED PERMANENT F.T. JOB	CODE: 105		
5 Previous Employer: THE PIGGLY WIGGLY #14	From Month/Year: 05/89	To Month/Year: 08/90	Weekly Hours F/T: 15 HOURS Weekly Hours P/T: ____
Address: MAYBANK HWY	Position: CASHIER		Last Salary (Annual): 3000.00 YR
No/Route: Street:	Department:		Supervisor: JACK PARKER - MANAGER
City: JAMES ISLAND State: SC Zip: 29412	Description of Duties:		
REASON FOR LEAVING: ATTENDED SCHOOL	CODE: 045		
6 Previous Employer:	From Month/Year:	To Month/Year:	Weekly Hours F/T: ____ Weekly Hours P/T: ____
Address:	Position:		Last Salary (Annual):
No/Route: Street:	Department:		Supervisor:
City: State: Zip:	Description of Duties:		
REASON FOR LEAVING:	CODE:		
7 Previous Employer:	From Month/Year:	To Month/Year:	Weekly Hours F/T: ____ Weekly Hours P/T: ____
Address:	Position:		Last Salary (Annual):
No/Route: Street:	Department:		Supervisor:
City: State: Zip:	Description of Duties:		
REASON FOR LEAVING:	CODE:		

Read the following and place yo[illegible]nitials in either the "Yes" or "No"[illegible]ce. If you leave it blank, it will delay the processing of your application.

	Yes	No
Have you ever been arrested?	☐	☑
Have you ever been charged with a crime?	☐	☑
Have you ever been convicted of a crime?	☐	☑

Read the following and place your initials at the end

Examples of crimes, other than minor traffic violations, that must be reported are: Driving under the influence of intoxicating beverages or other drugs, fraudulent or bad checks, disturbing the peace, leaving the scene of an accident. You must list arrest(s) and conviction(s) even if you were pardoned, paroled, had a suspended sentence/probation, or the charges were dropped or dismissed. This information may not disqualify you, but it must be listed regardless of date or type of offense. Please be advised that if you were convicted of a crime with a maximum allowable sentence of over one year or a fine of $1,000 we may not employ you as a Correctional Officer. An arrest or being charged with a crime includes being fingerprinted or simply having had a warrant issued. Regarding disclosure of arrest record, Pre-trial intervention program participants who have received an Order of Expungement from a court of competent jurisdiction are not required to list/report such arrests. Background checks will be made to include an FBI check. Please ask the Personnel representative for clarification if you are unsure if you were arrested.

I HAVE READ AND UNDERSTAND THE ABOVE MB

ANY FALSE STATEMENT OR OMISSION OF FACTS, MAY BE CAUSE FOR TERMINATION.

Charge	Arresting Authority and Location (City & State)	Disposition	Disposition Date (Month/Year)	Convicted (Yes or No)

Have you ever been fingerprinted? Yes ☐ No ☐ If yes, please give approximate date(s) and reason. TO OBTAIN A SLED CARD FOR AN UNARMED SECURITY OFFICER POSITION.

Have you or any relative ever been an inmate in a SCDC Institution? Yes ☐ No ☒ If yes, who, relationship, charge, dates, where and type of sentence:

Do you have a relative working for this agency? Yes ☐ No ☒ If yes, who, relationship (to include degree of cousin) and where

Have you or any member of your family ever been a victim of a crime committed by an inmate who is incarcerated at SCDC? Yes ☐ No ☒ If yes, name of inmate, dates and location of crime

Have you or any member of your immediate family ever testified in a case involving an inmate incarcerated at SCDC? Yes ☐ No ☒ If yes, name of inmate, dates and location of trial

If presently employed by the state, do you plan to continue working for another agency in addition to the Department of Corrections? Yes ☐ No ☒ If yes, a Dual Employment Agreement is required before employment can be committed.

Have you ever been denied employment by this agency or any other employer? Yes ☐ No ☒

If yes, explain

MILITARY SERVICE — VETERANS MUST INCLUDE COPY(S) OF DD214 INDICATING ALL MILITARY SERVICE.

Branch of Service	Date of Entry	Date of Discharge	Rank

Type of Discharge Honorable ☐ Under Honorable Conditions ☐ Other ☐

If other than honorable, explain (will not necessarily disqualify)

National Guard/Active Reserve Are you a member? Yes ☐ No ☐ Give specifics. Unit.

YCR 00537

305

Drivers License Number: [redacted] State Issued: SC

Circle Class if Applicable: A B C D E F M CDL
I II III IV V

The Code of Laws of SC now provides, in **Section 59-111-50**, that no person who has defaulted on any of several specified government loans shall be employed by the State until all defaults are cured and loan payments made current The law provides for an exception in the event that the person in default voluntarily agrees after default to repay the debt to the lender, and the lender confirms this agreement in writing with the state agency before employment. Such loans are: **National Direct Student Loan, National Defense Student Loan, Guaranteed Federally Insured Student Loan, Nursing Student Loan, Health Professional Student Loan, and Law Enforcement Educational Loan.**

Have you ever received a loan under any program listed above? Yes ☒ No ☐ If the answer is yes, have you satisfied the loan payments? Yes ☒ No ☐
If yes, how was the loan satisfied? IT IS BEING DEFERRED UNTIL APRIL 1996.

If you have not satisfied the loan completely, are you currently in compliance with the repayment schedule and loan guidelines? Yes ☒ No ☐ Date satisfaction will occur. _____

County Work Preference: (Use code(s) listed below.)

10	18	08	23						

List of Code Numbers of SC Counties

01	Abbeville	13	Chesterfield	25	Hampton	37	Oconee
*02	Aiken	*14	Clarendon	26	Horry	38	Orangeburg
*03	Allendale	15	Colleton	*27	Jasper	39	Pickens
04	Anderson	16	Darlington	28	Kershaw	*40	Richland
05	Bamberg	17	Dillon	*29	Lancaster	41	Saluda
06	Barnwell	*18	Dorchester	30	Laurens	*42	Spartanburg
07	Beaufort	*19	Edgefield	*31	Lee	*43	Sumter
*08	Berkeley	20	Fairfield	32	Lexington	44	Union
09	Calhoun	*21	Florence	*33	McCormick	45	Williamsburg
*10	Charleston	22	Georgetown	34	Marion	*46	York
11	Cherokee	*23	Greenville	*35	Marlboro		
12	Chester	*24	Greenwood	36	Newberry		

*Indicates location of existing or proposed facilities

You may list up to four (4) preferences or indicate preference for all locations.
You also may identify one (1) location exclusion.

(Location Code information will be provided, please use it to complete this section.)

LOCATION PREFERENCE	33421	33422	31152	31191
LOCATION EXCLUSION				

APPLICANT SKILLS INVENTORY

After reviewing the Applicant Skills Inventory listing, please indicate in the space below those skills you possess. Please Print.

TYPING WORDS PER MINUTE: 25 wpm **SHORTHAND WORDS PER MINUTE:** _____

Skills Code (4 digits)	Experience Years/Months	Skills Name	Job Group	Date Certified
Example 1011	3/2	Teller	1000	
1501	10 years	Office Machine	1500	
1506	6 years	Office Machine	1500	
1508	7 years	Office Machine	1500	
1510	3 years	Office Machine	1500	
1516	3 years	Office Machine	1500	
1517	3 years	Office Machine	1500	
2001	2 years	Micro Computers	2000	
2012	6 months	Micro Computers	2000	
2017	1 year	Micro Computers	2000	
5519	4 years	Protective Services	5500	
5523	3 years	Protective Services	5500	
5512	6 months	Protective Services	5500	
6518	1 year	Administration	6500	

APPLICANT SKILLS INVENTORY (cont'd)

Skills Code (4 digits)	Experience Years/Months	Skills Name	Job Group	Date Certified

If additional space is needed, request supplemental sheet.

JOB PREFERENCE(S)

After reviewing the South Carolina Department of Corrections Job Opportunities Book, please indicate those jobs for which you are qualified in the space below. Please print.

Job Class	Job Title
Example 0512	Administrative Specialist B
7304	OFFICER I OK
7301	OFFICER II OK

Through the Family Independence Act of 1995, state agencies are actively recruiting welfare and food stamp recipients
Are you currently receiving AFDC benefits or food stamps? ____ yes __X__ no

Evaluator: _____ **Date:** 3/11/96

READ THE FOLLOWING CONDITIONS ... EMPLOYMENT AND CHECK ALL BLOCKS ... O INDICATE YOUR UNDERSTANDING OF THE CONDITIONS SET FORTH.

SECURITY AND NON-SECURITY EMPLOYEES:

1. ✓ I agree that as a condition of employment, I will voluntarily consent for myself and personal vehicle to be thoroughly searched on a random basis to insure compliance with South Carolina Law 24-3-950 of the South Carolina Code of Laws, amended 1976. If employed, I understand that any employee furnishing any inmate with contraband will be prosecuted. A list of contraband items is conspicuously posted in every institution. Personal possession or possession of contraband in a personal vehicle on state property shall be grounds for termination. Any employee refusing to submit to such searches shall be terminated.

2. ✓ I agree that as a condition of employment, I will report to the Director of Personnel any and all arrests within five (5) work days of the occurrence. Minor traffic violations need not be reported; however, offenses such as driving under the influence of alcohol or drugs are not considered minor violations and therefore must be reported.

3. ✓ I agree that anything issued to me by the South Carolina Department of Corrections must be returned before a final paycheck is received at time of separation from the agency.

4. ✓ In accepting employment, I understand that I will be working in a prison setting. I further understand that potential hazards and a degree of personal risk will be involved. It is understood the South Carolina Department of Corrections will provide, as a new employee, an orientation to this correctional setting and will provide continuous supervision of its inmates. It cannot absolutely guarantee my personal safety and that I may possibly experience personal hazards. I indicate my willingness to work under said conditions by affixing my signature to this application.

5. ✓ As a new employee, I understand that I may be required to attend an orientation class the first week of employment. If a waiver is granted I understand that I must attend orientation within 90 days from my hire date.

6. ✓ I agree to take a physical examination and I understand that I must pass it as a condition of employment.

7. ✓ I understand and further authorize a complete background check as a condition of employment.

8. ✓ As a new employee, I understand that the agency has a policy regarding the work related effects of substance abuse by employees and as a condition of employment, I agree to abide by the guidelines established therein.

9. ✓ I understand that I will accept an initial duty assignment (post, duties, tasks) and workdays/shift assignments (days off/hours of work) required by my job description as may be needed to accomplish the mission of the Department of Corrections. During my new-hire six month probationary period both my duty and workday/shift assignment may be frequently changed to meet training needs and evaluation requirements. Upon obtaining permanent status, the institution/division head may approve involuntary changes in my workday/shift assignment with written notice of the impending change at least 14 calendar days prior to the change (ref: SCDC Policies 200.16 and 200.07).

10. ✓ I affirm, agree and/or understand that all information entered on the Applicant Skills Inventory are true and accurate; any misrepresentation or omission of facts may result in my being disqualified or, if employed by the South Carolina Department of Corrections, may be cause for termination.

SECURITY POSITIONS ONLY:

1. ✓ I understand that as a condition of employment in a security position, I must provide evidence of a working telephone at my residence.

2. ✓ If applying for a security position and certain designated non-security positions, I agree that during the first six months of my employment I shall attend a four-week training certification program to be completed at the SCDC Training Academy when scheduled to attend. I realize that failure to complete the program, which includes unarmed Defense Training, will be grounds for termination.

ATTENTION APPLICANT:

Required documents (applicant must furnish original and notarized true copies) High School Diploma, GED certificate, DD214, and College/Technical College Transcripts, Teacher Certification, Nursing License, (if applicable).

All statements on this employment application are true and correct to the best of my knowledge and belief. I understand, if employed by the Agency that I must update my application to reflect any and all arrests or charges that may be brought against me after filing this application. I further understand complete background checks will be made; and, if employed, any false statements or omissions of facts on this application or employment physical examination may be cause for termination.

APPLICANT'S SIGNATURE [redacted] **DATE** March 8, 1996

(Application Will Not Be Processed Without Signature)

EEO REPORTING AND PERSONNEL RESEARCH **Social Security No.** [redacted]

This information is **not** referred to selecting officials or used in **any** selection process. It is required for EEO reporting and personnel research only.

Race (Circle one): (W) White, (B) Black, (O) Hispanic, (C) Asian or Pacific Islander, (I) American Indian or Alaskan Native

Sex (Circle one): M, (F)

NCIC: Clear
SCDL: Clear

Date of Birth [redacted] 3 Jun 96

Place of Birth Mendenhall, PA. (City, State)

Marital Status (Circle one): (Single), Married

Height 5'7 1/2 Weight: 165



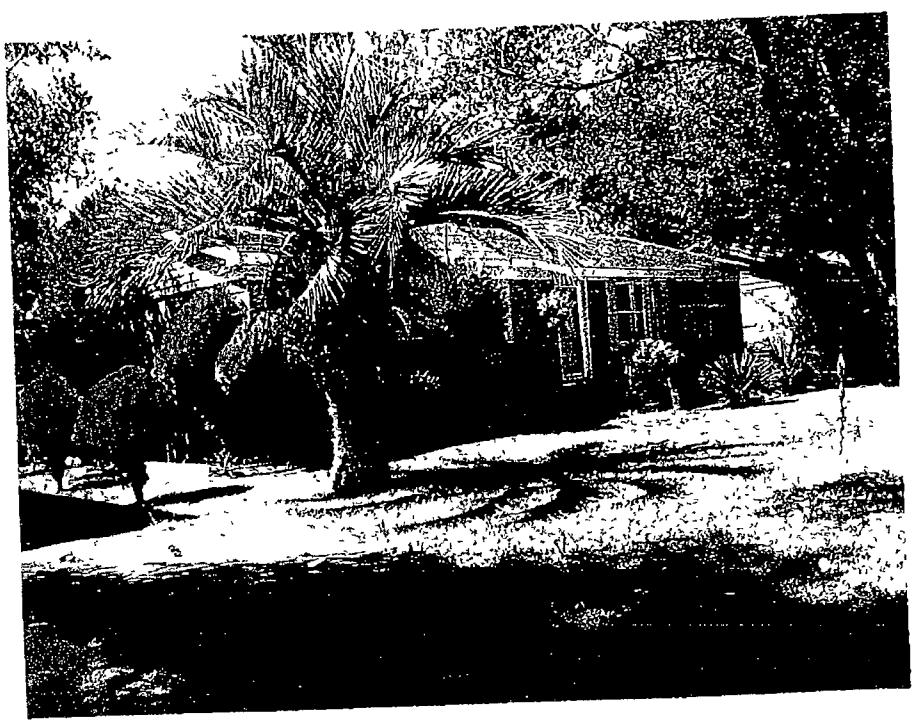
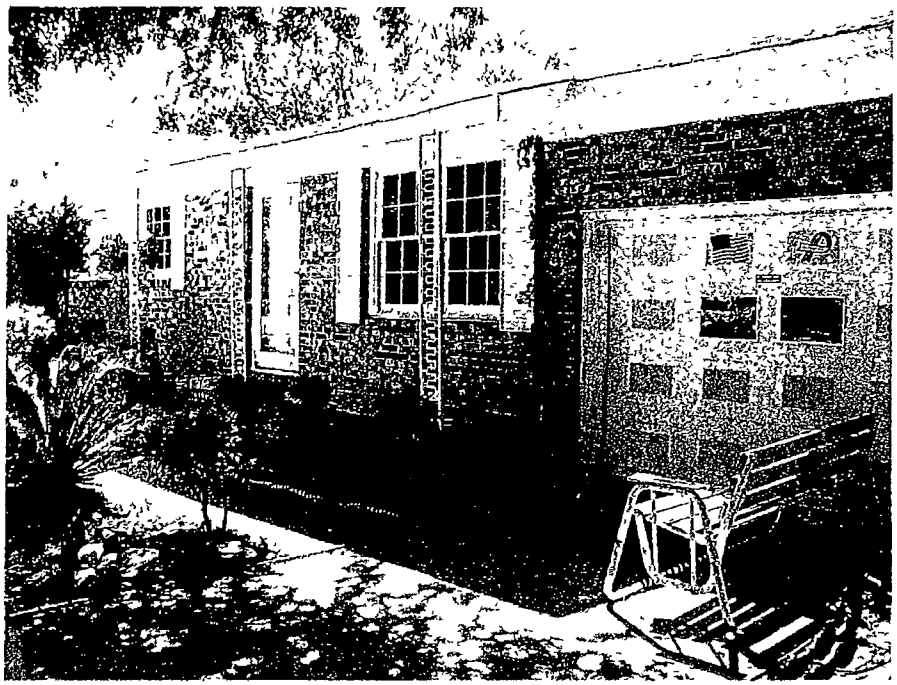
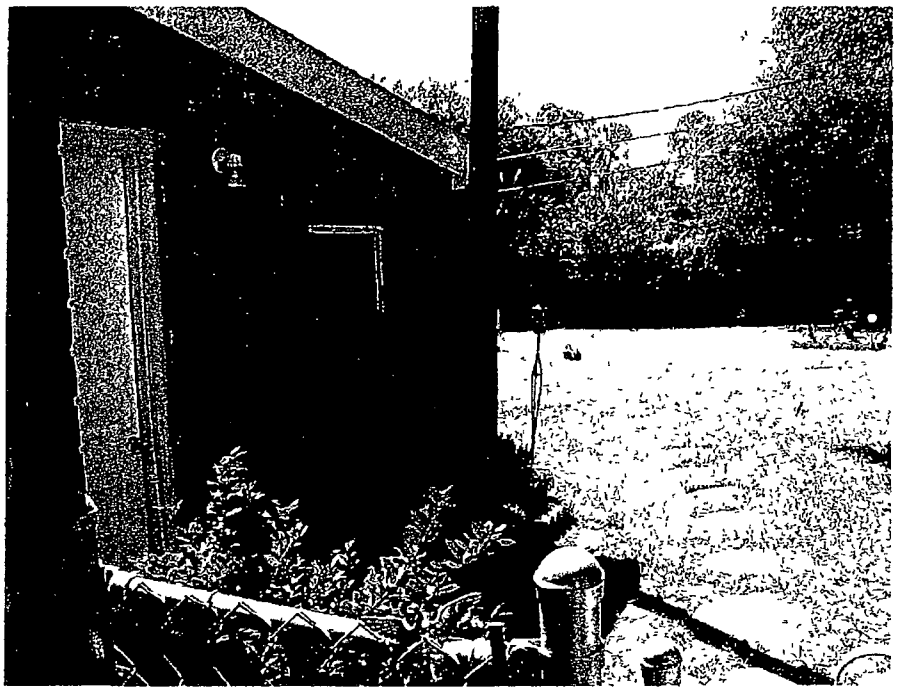
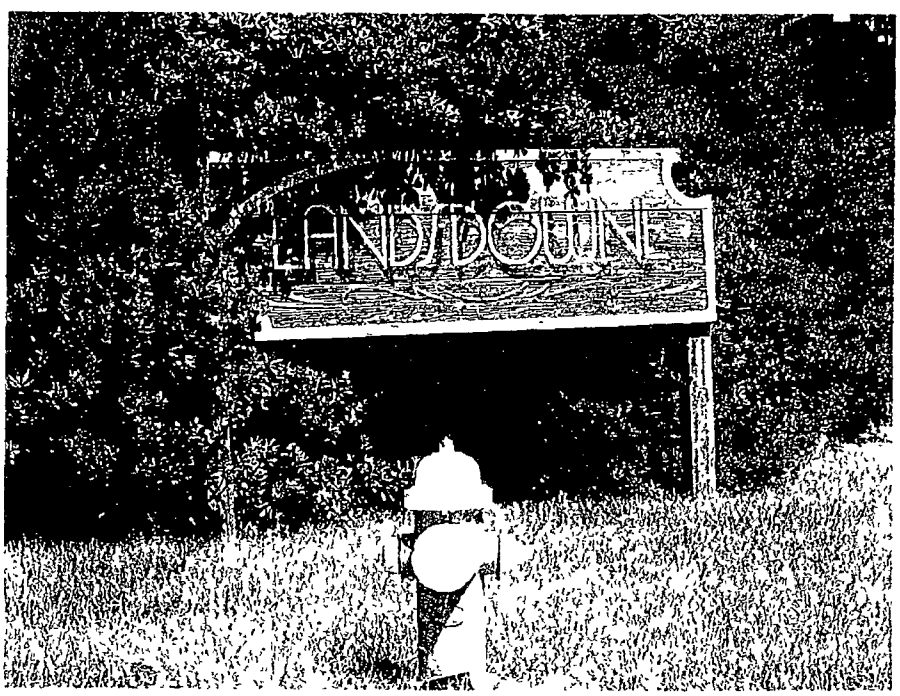


EXHIBIT 8
Deponent
Date 9/1/11 Rptr
WWW.DEPOBOOK.COM



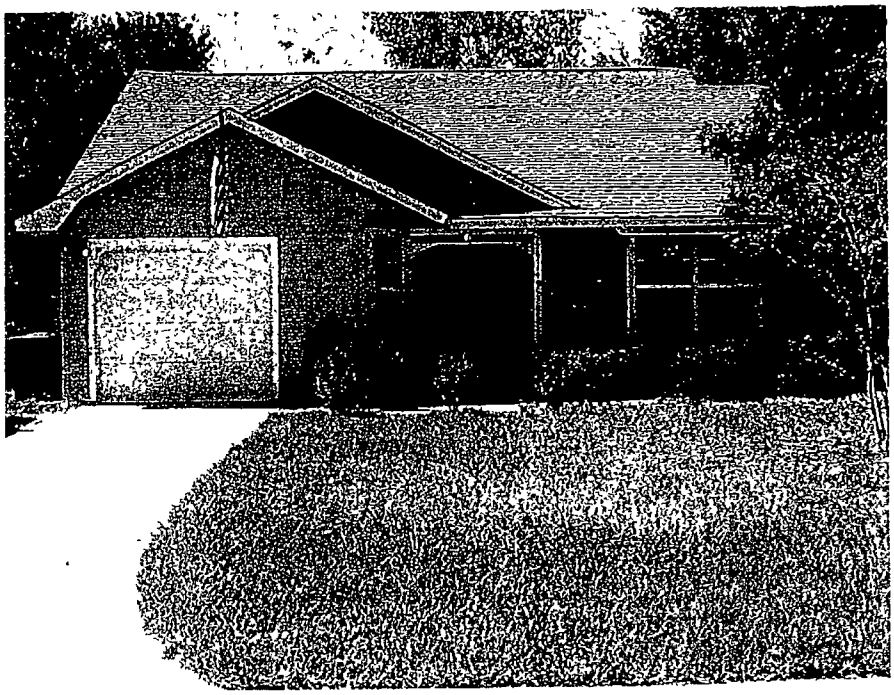


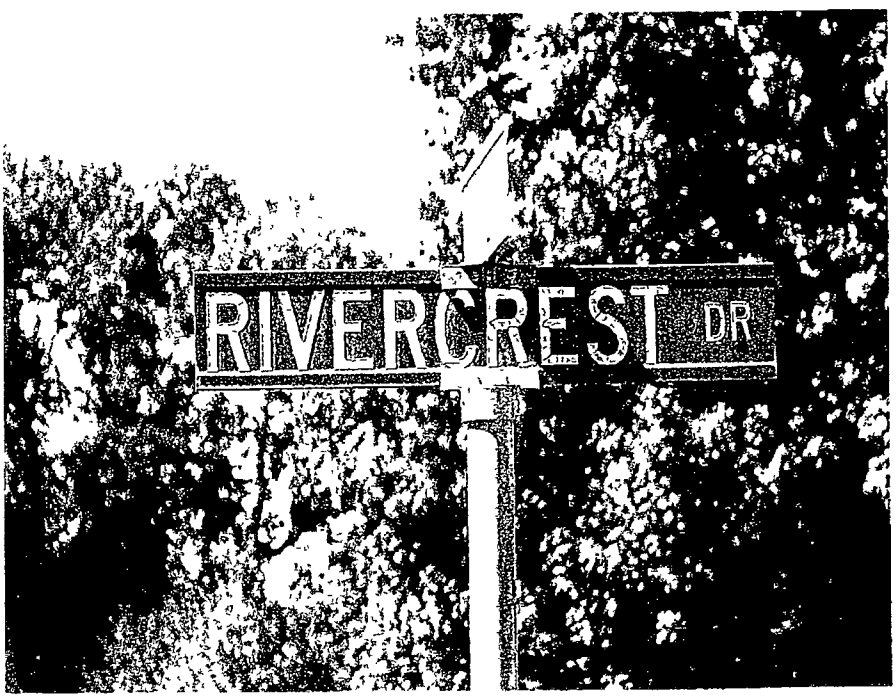


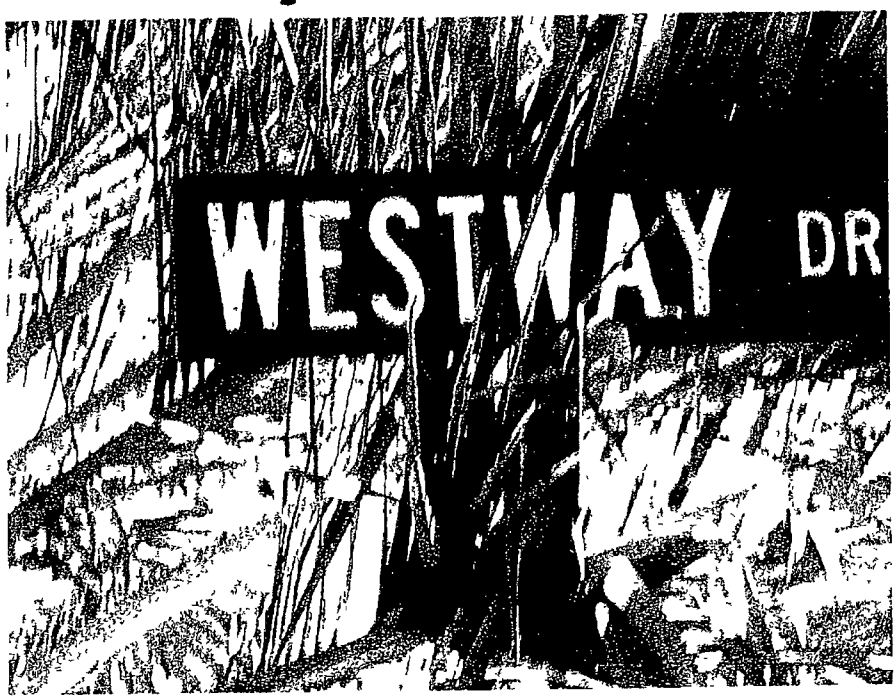

LANDLOUNGE


RIVERCREST DR

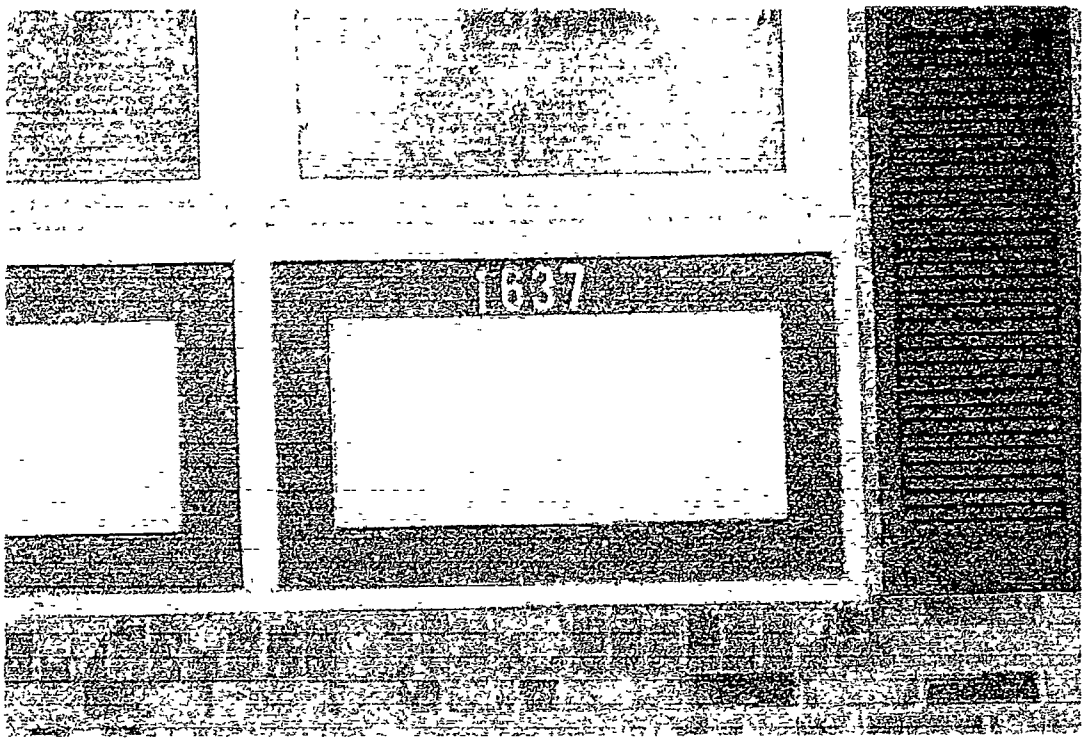


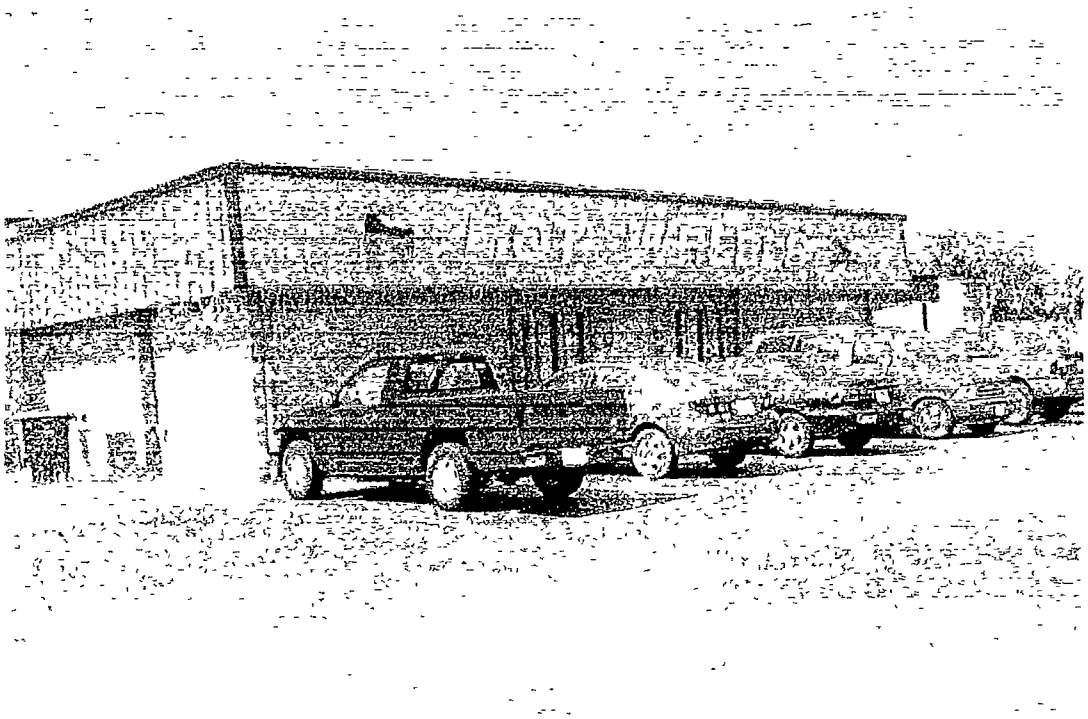


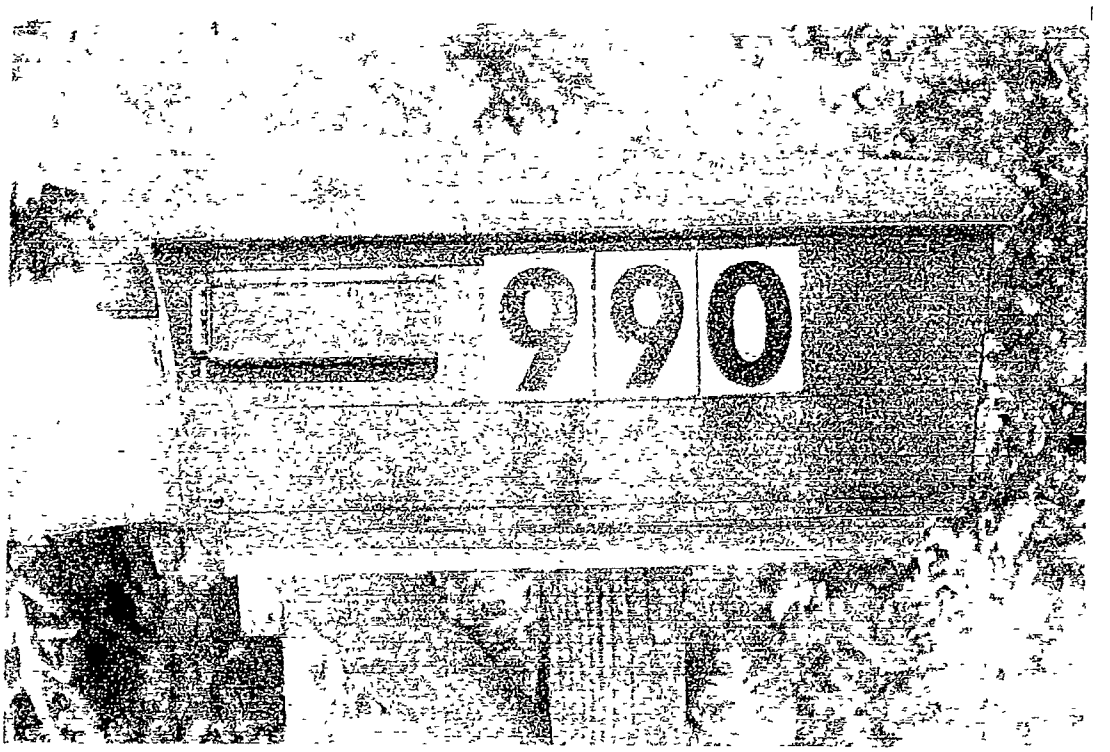

RIVERCREST DR


WESTWAY DR

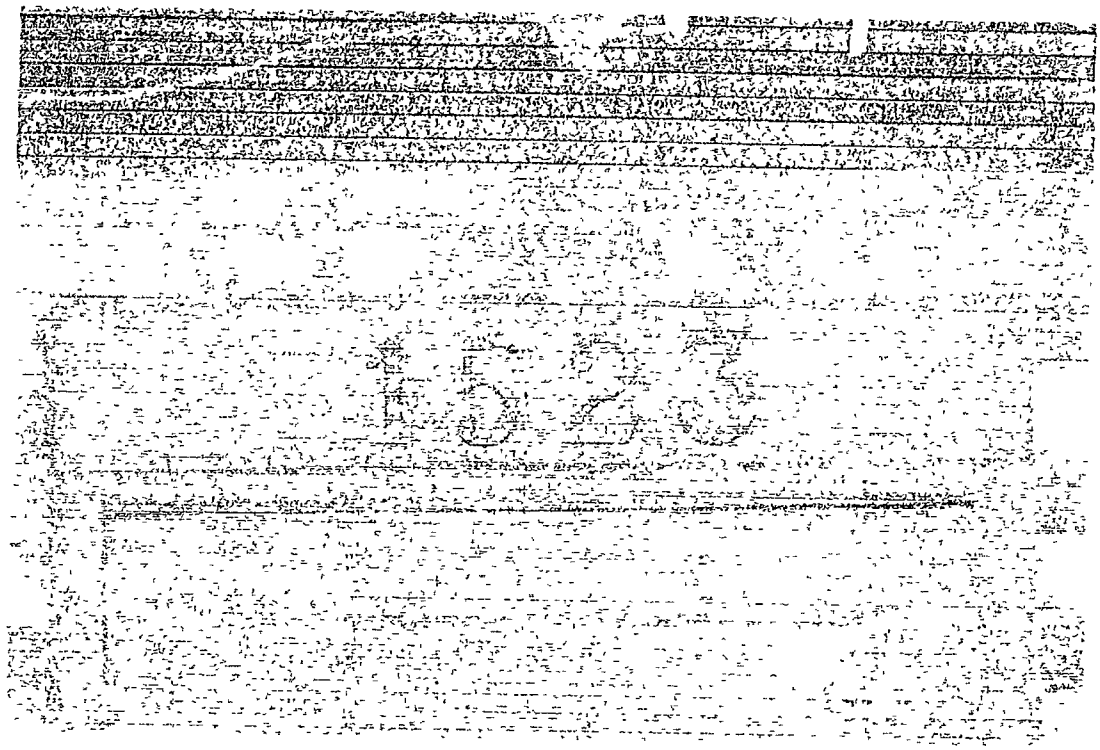


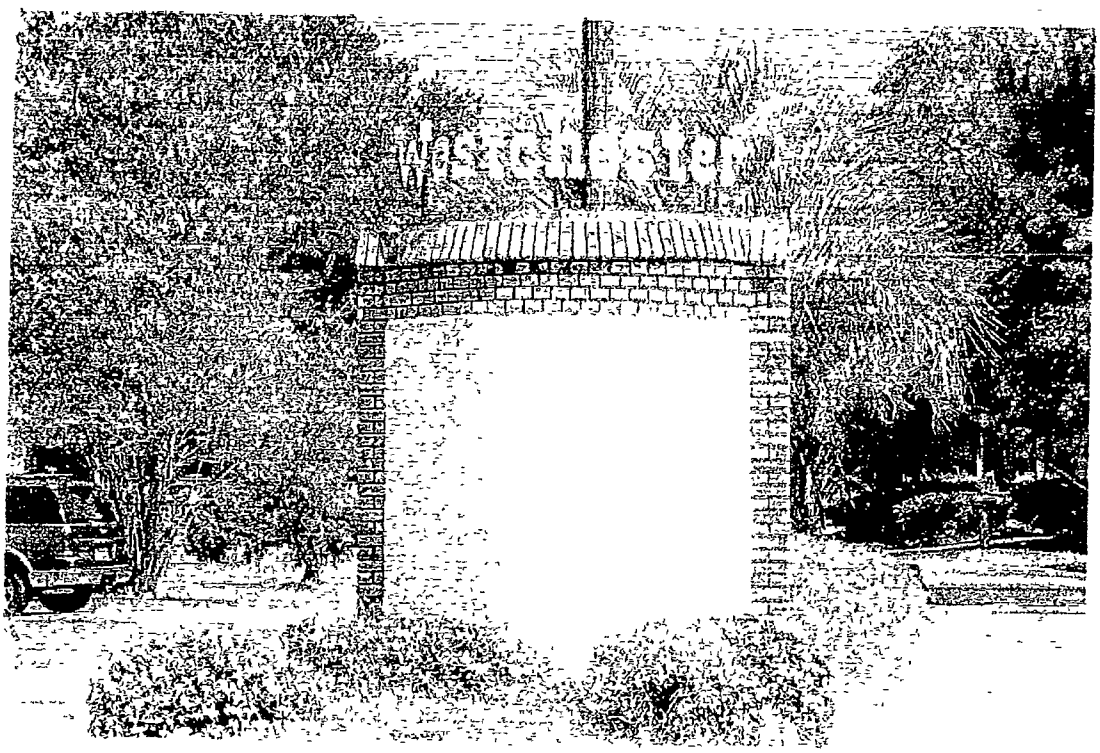

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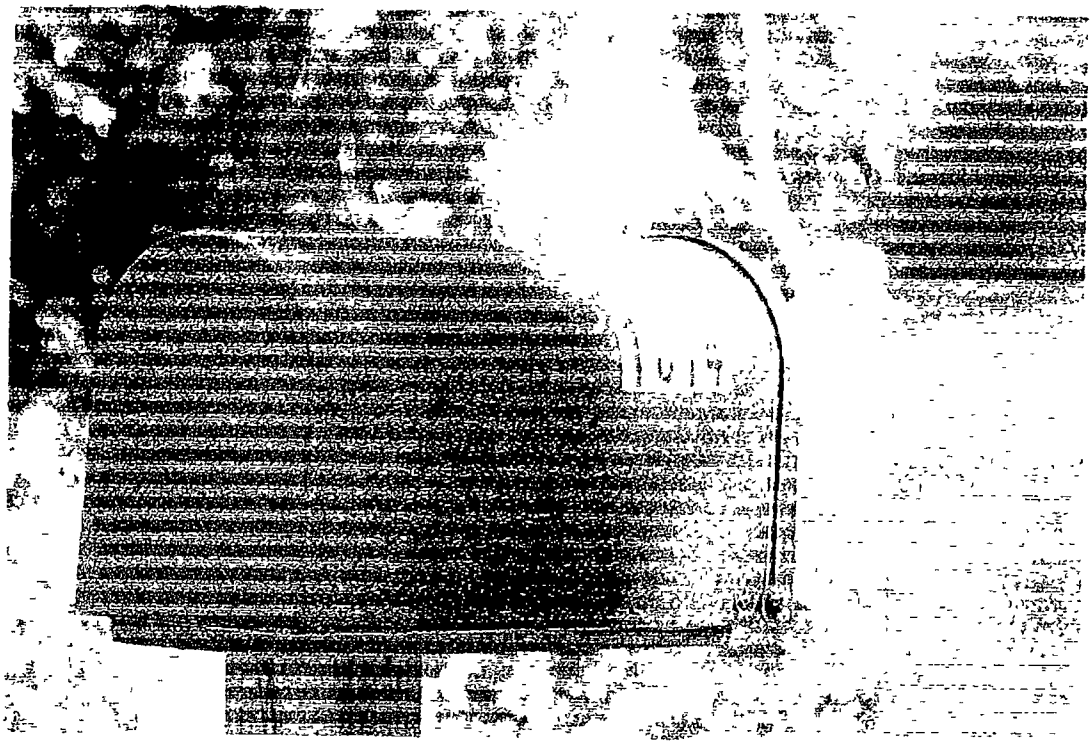


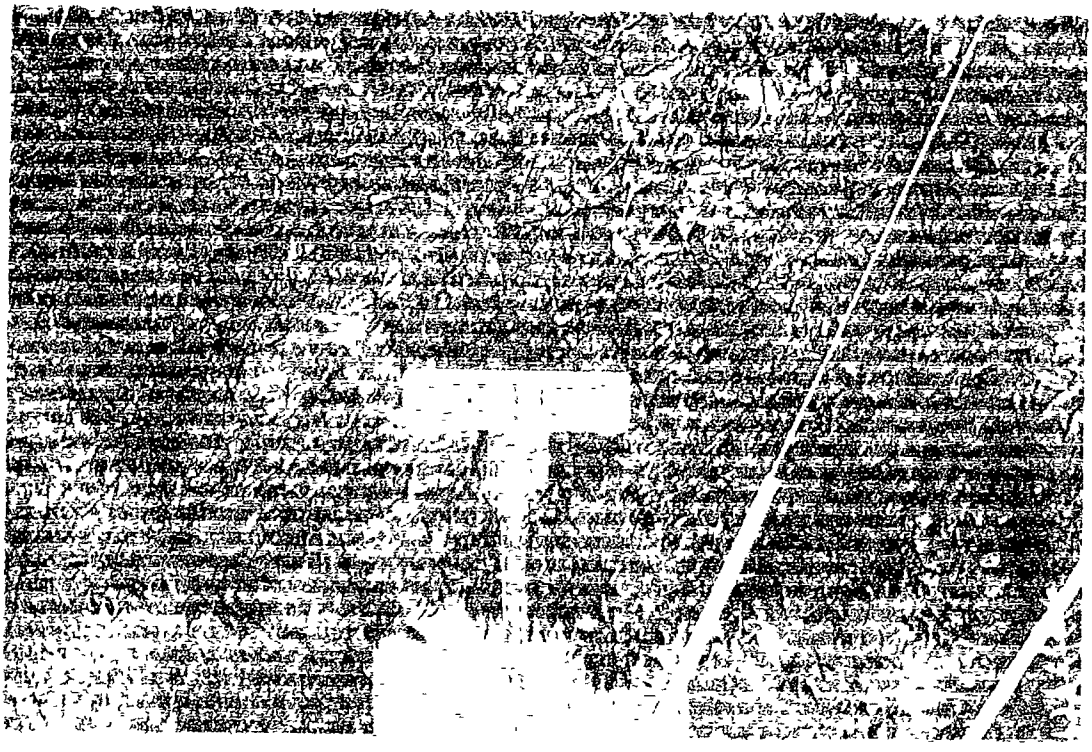


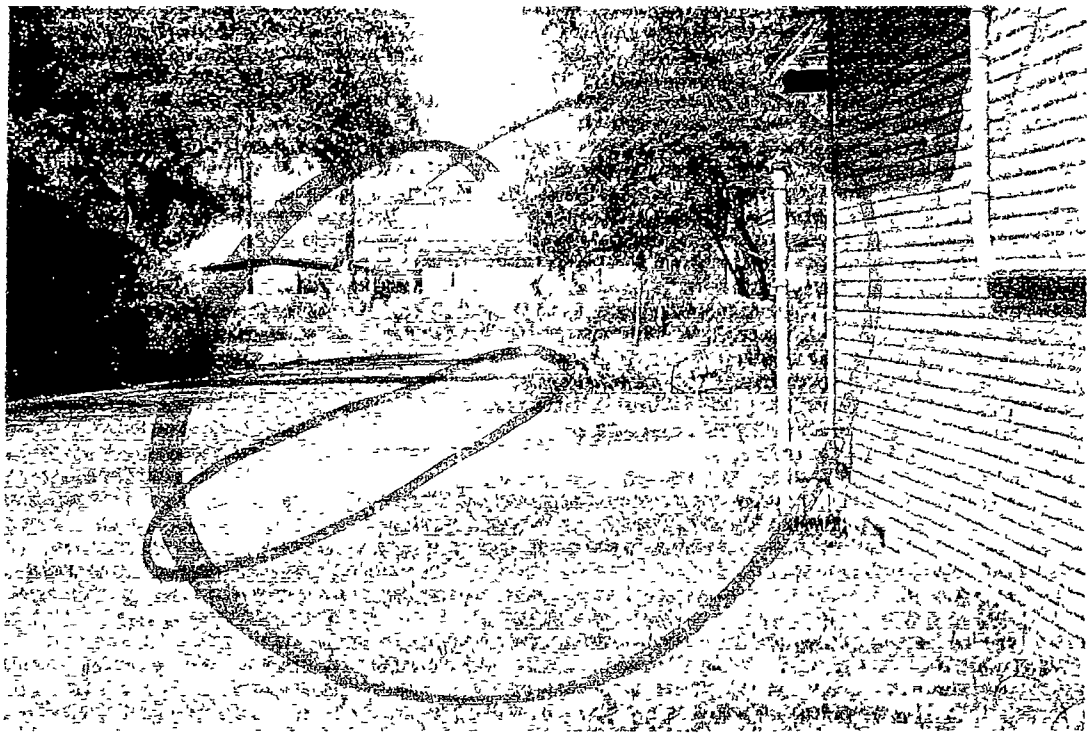


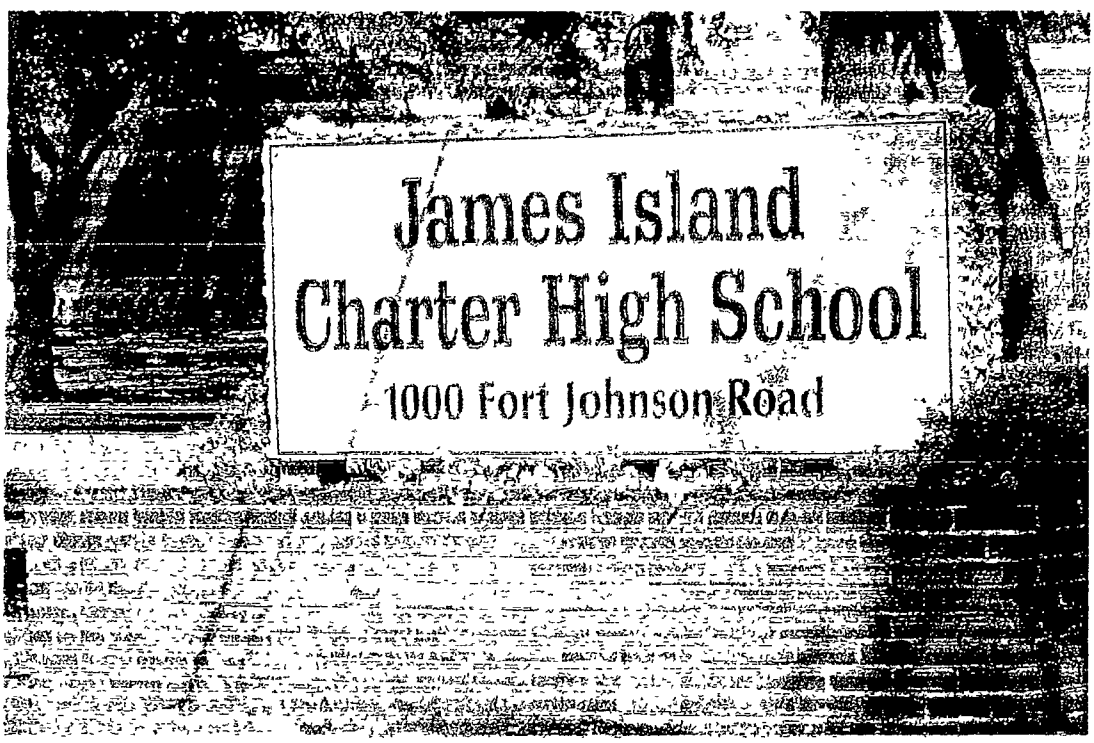
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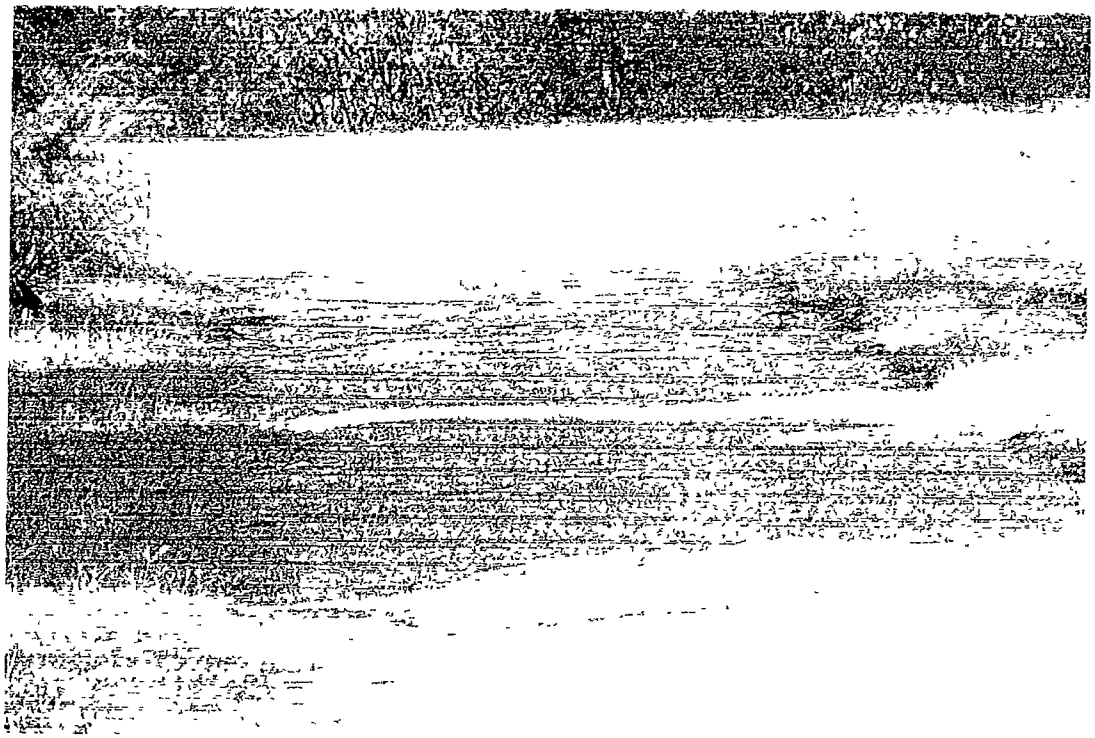
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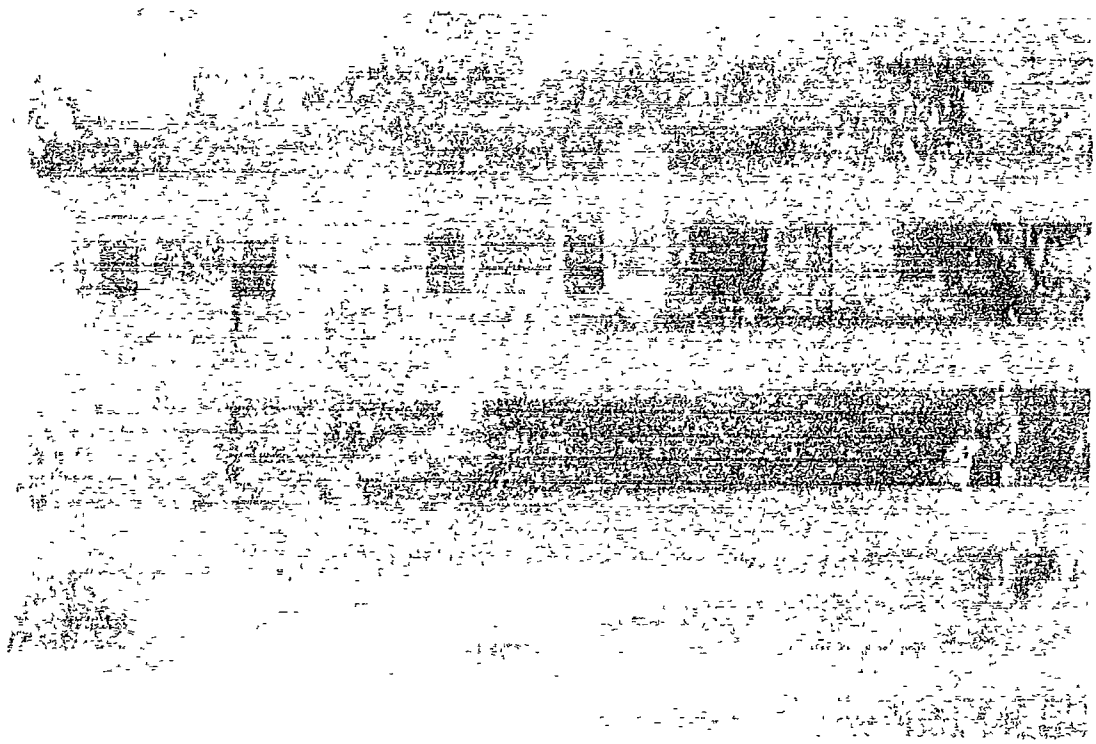







James Island
Charter High School
1000 Fort Johnson Road



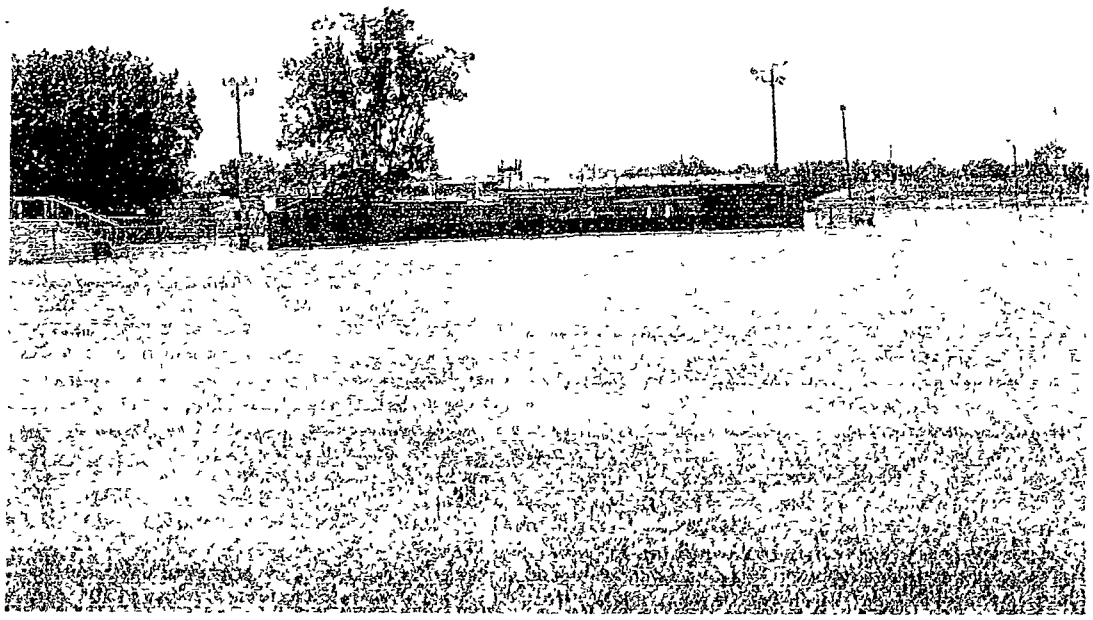


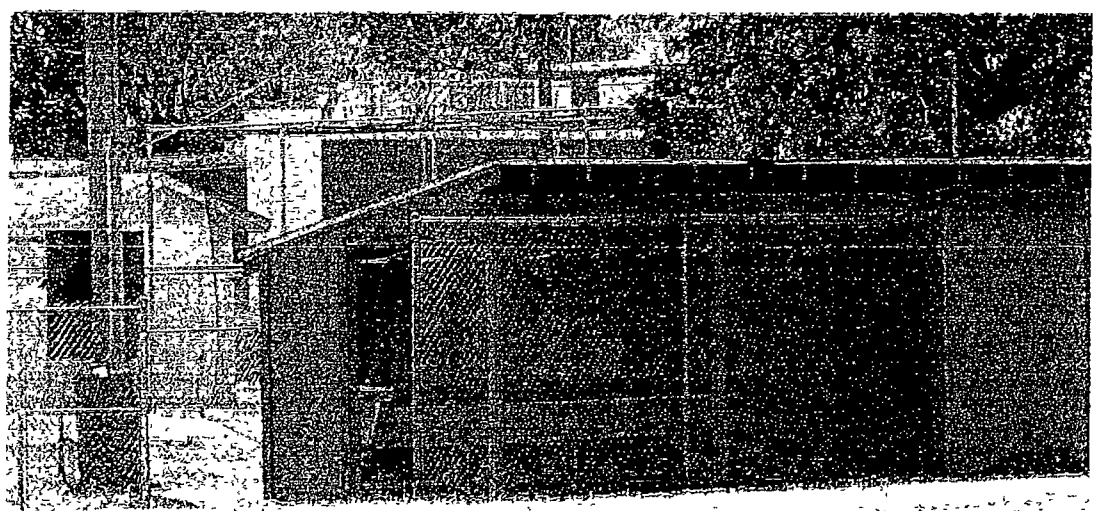


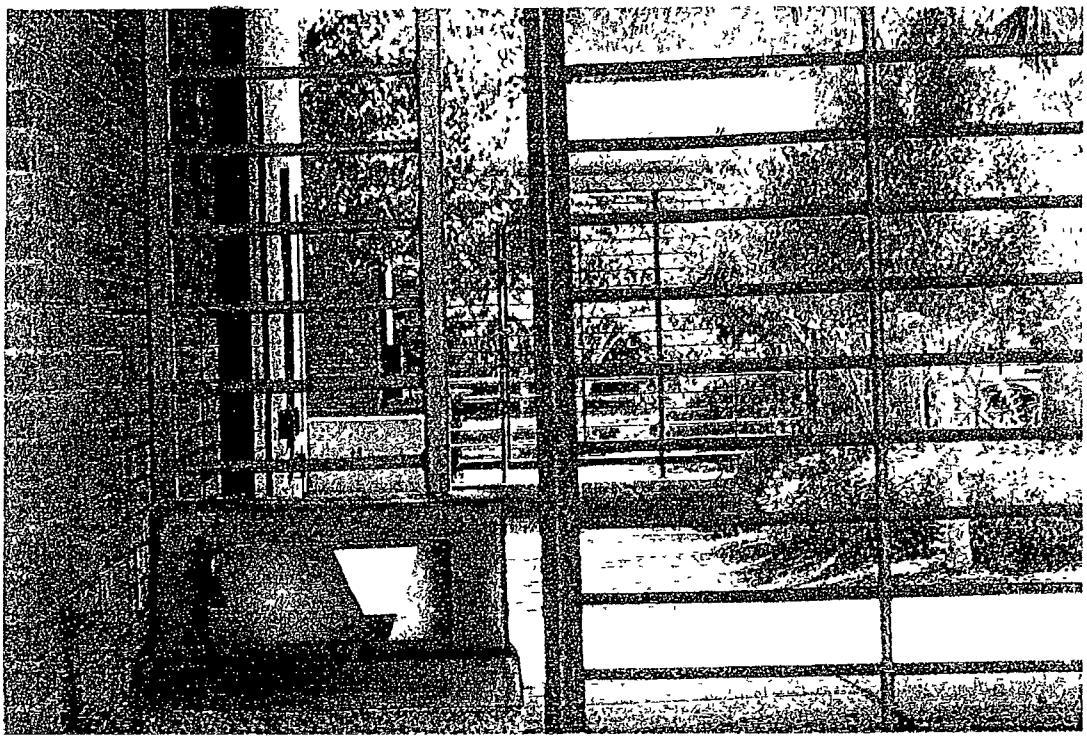


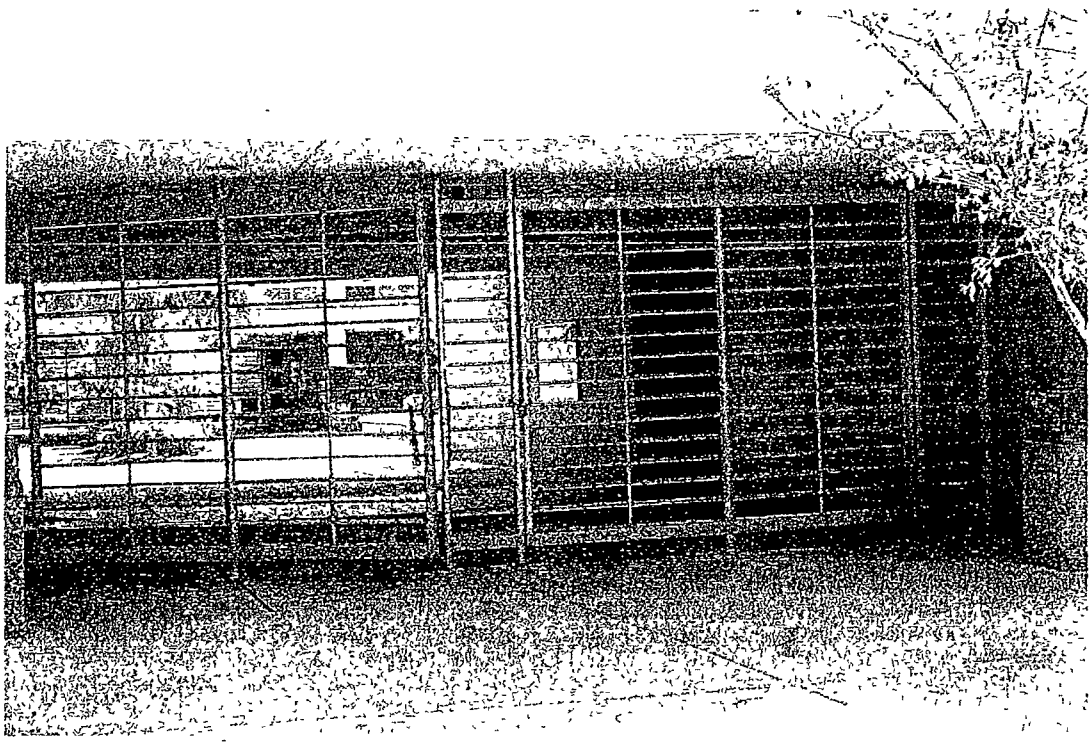






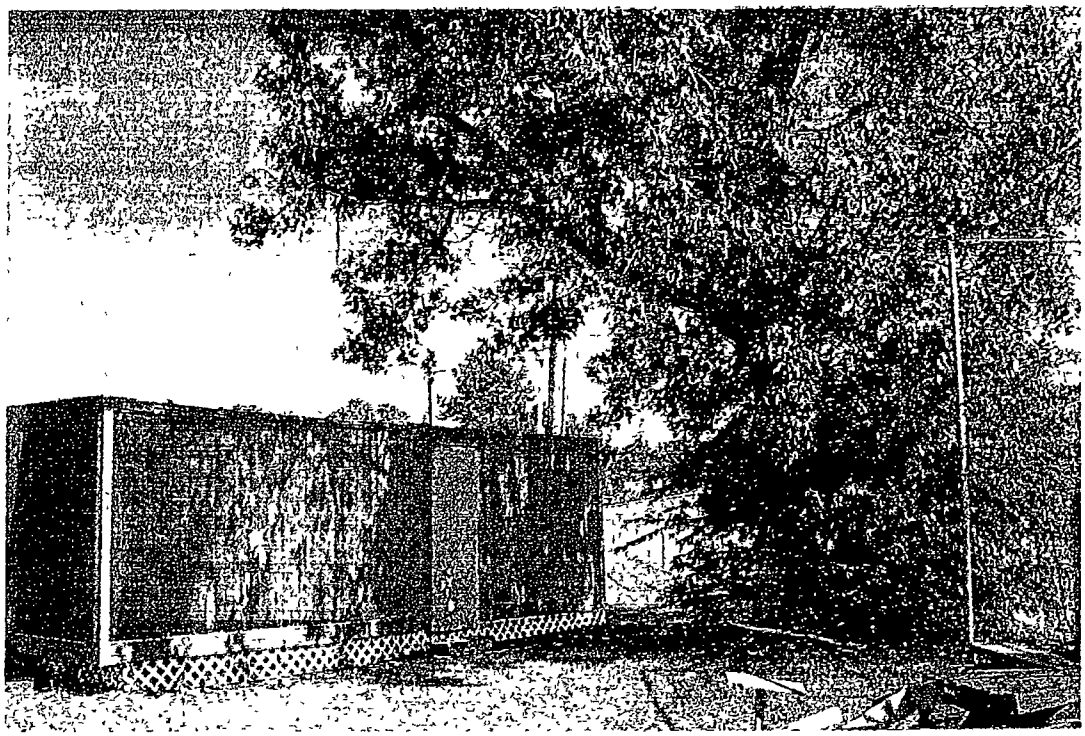


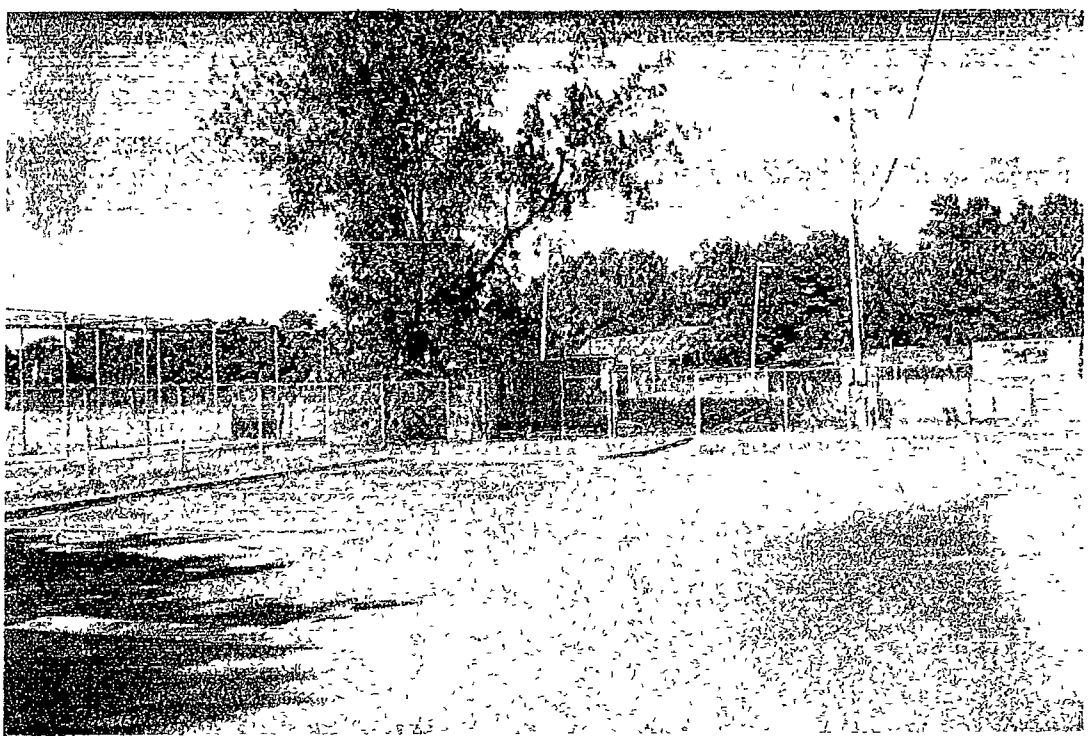


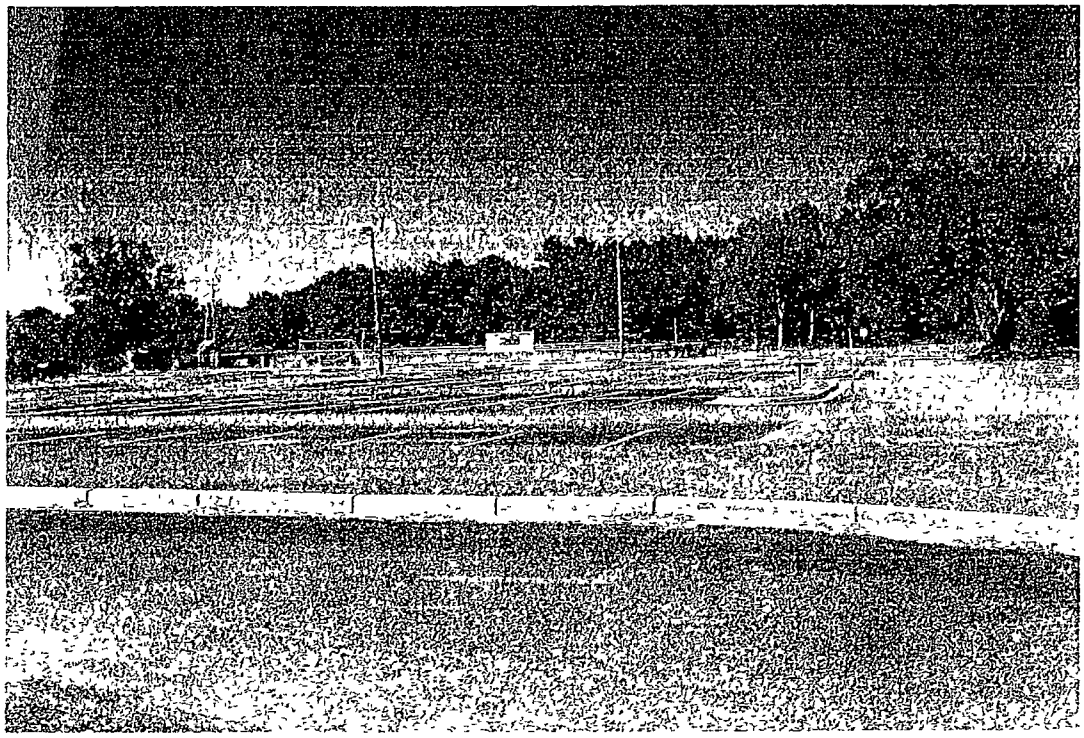


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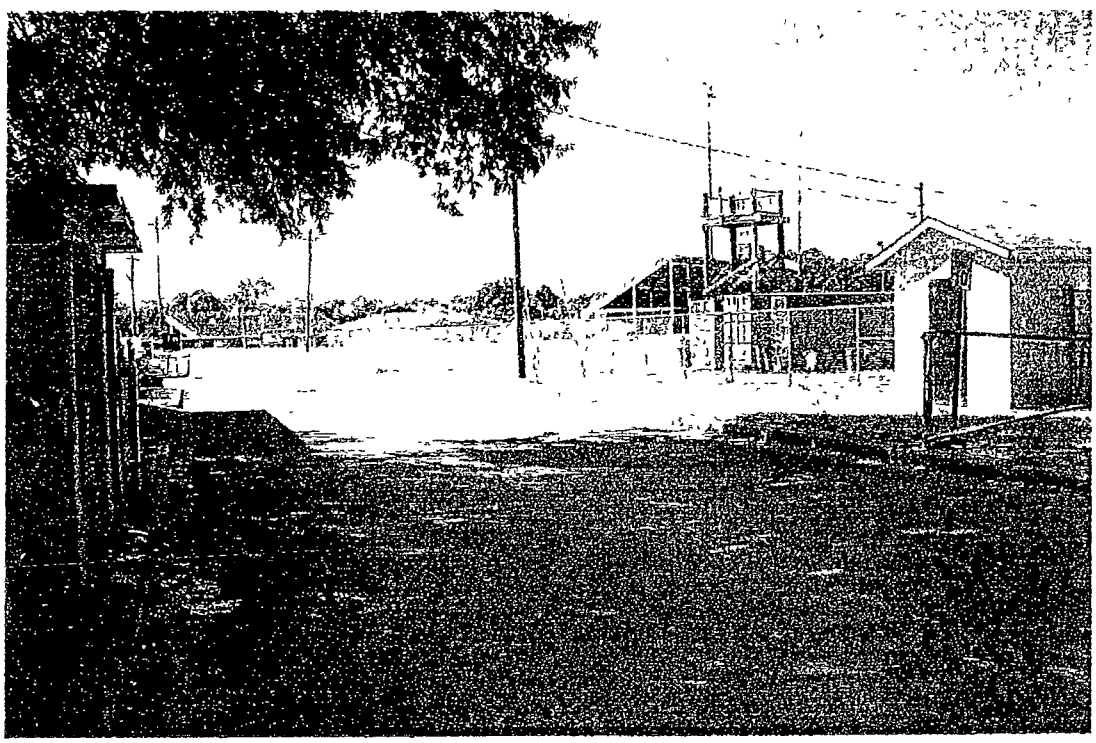














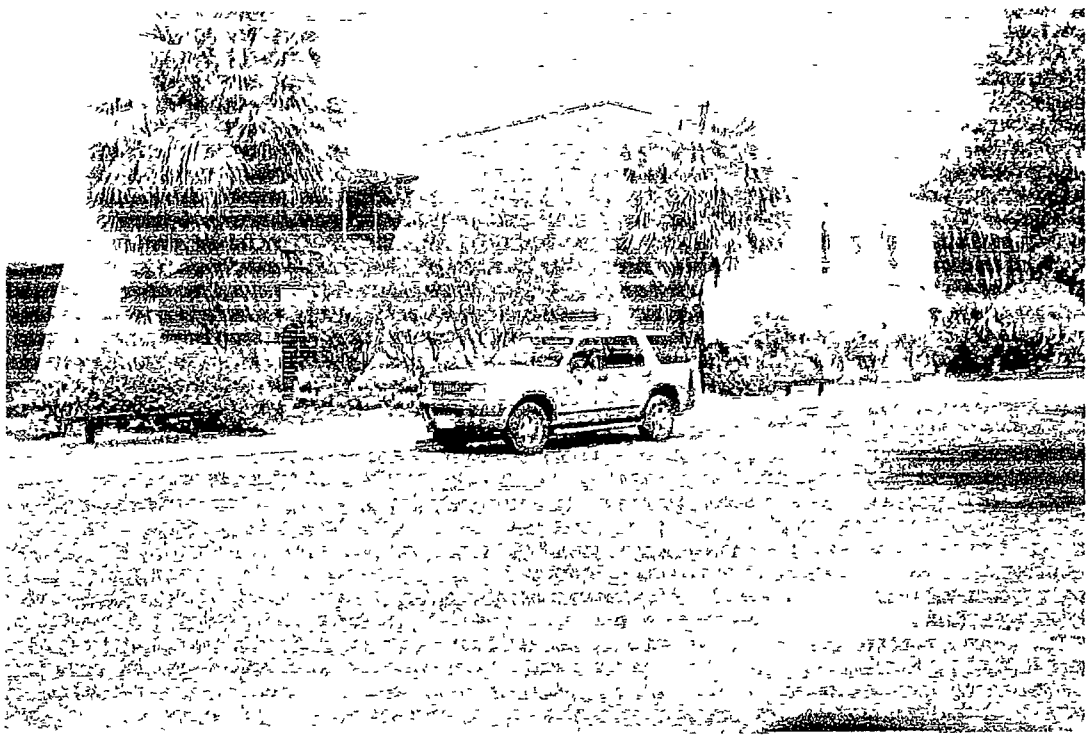




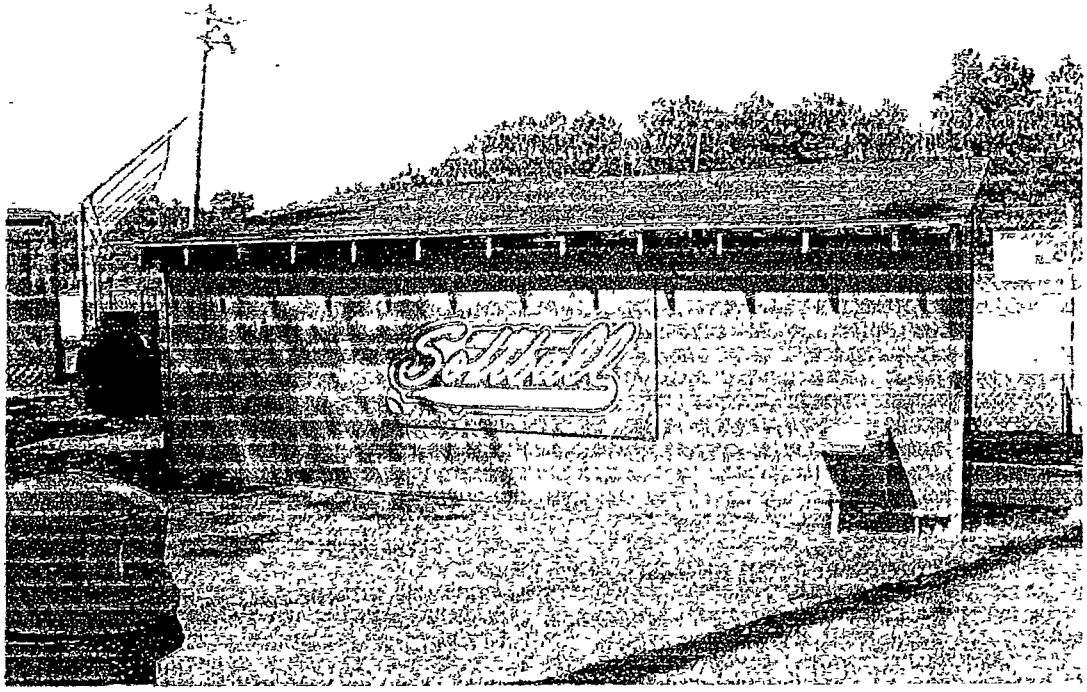


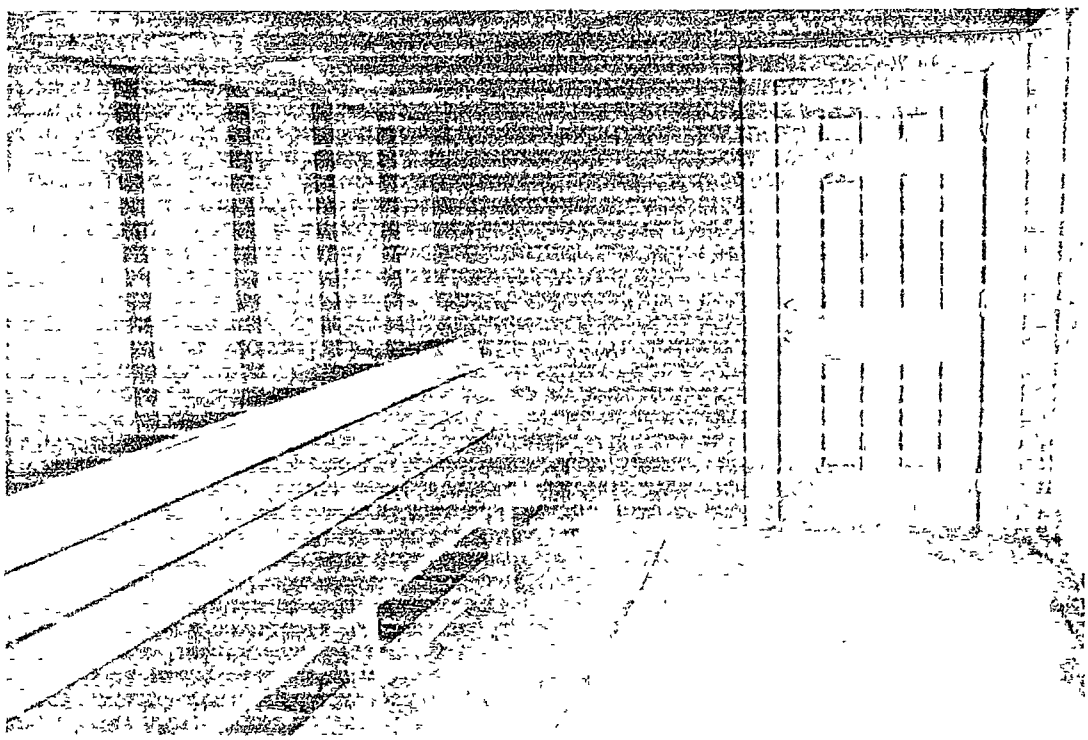




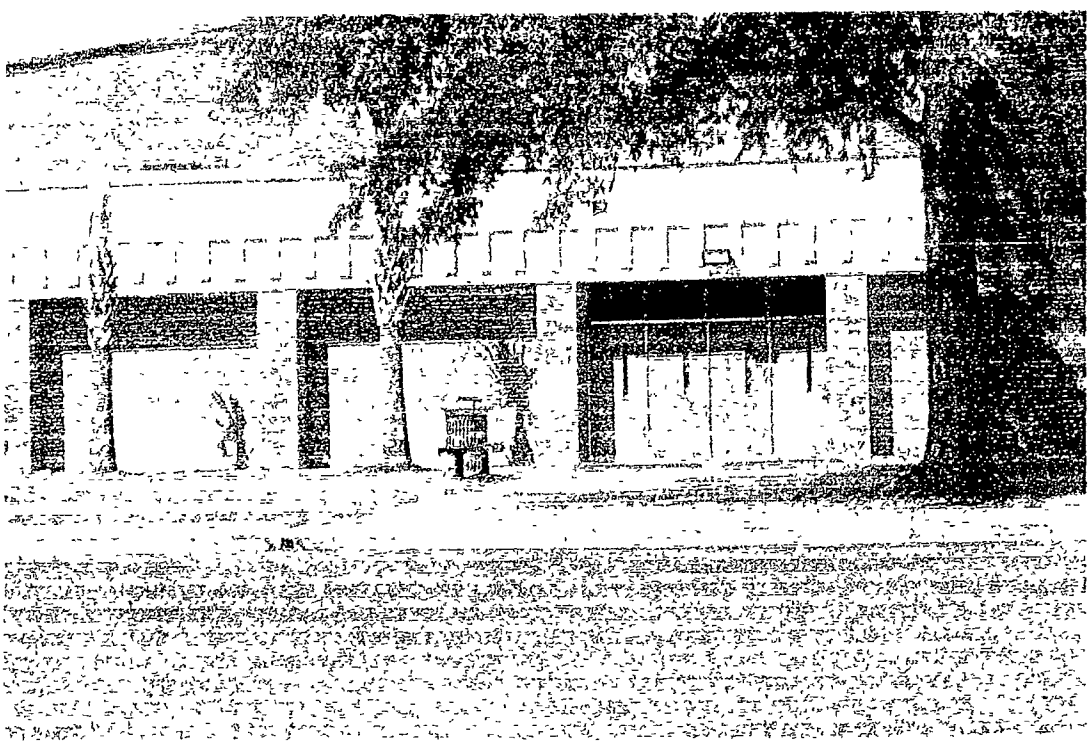


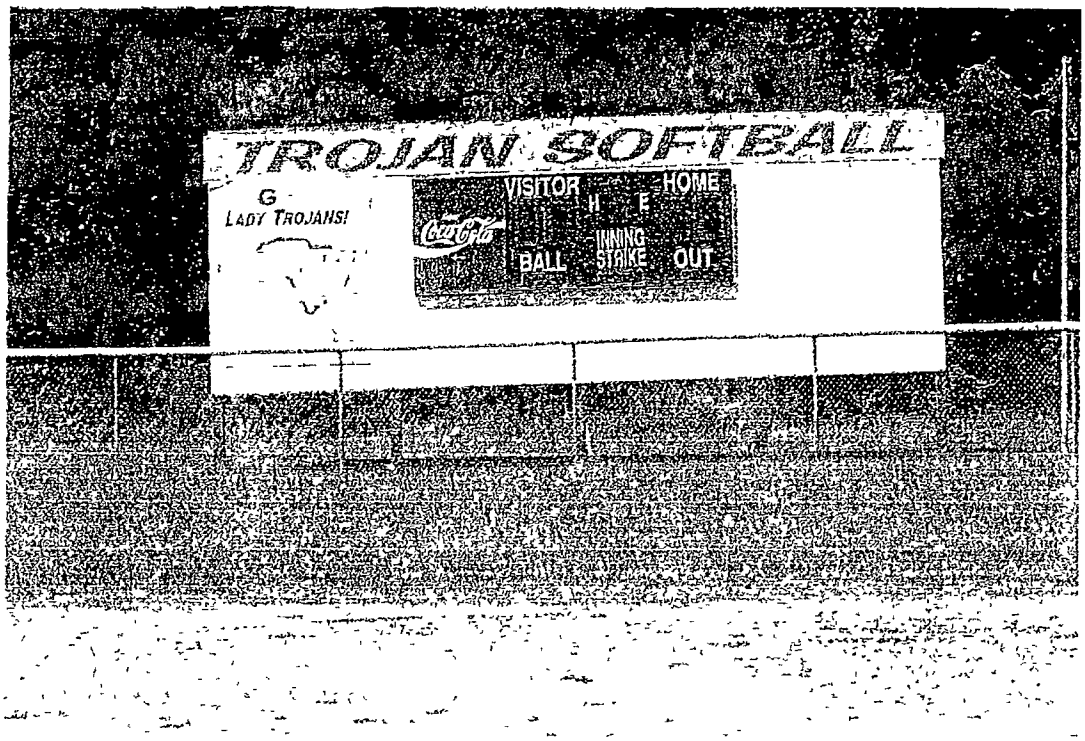








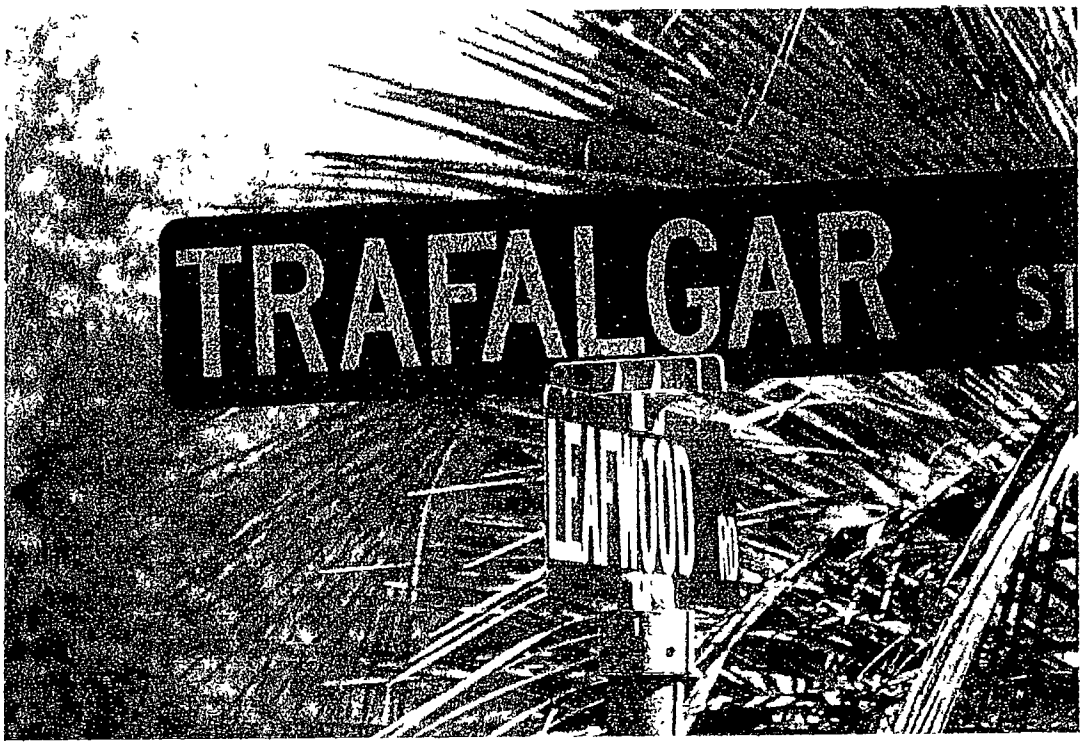


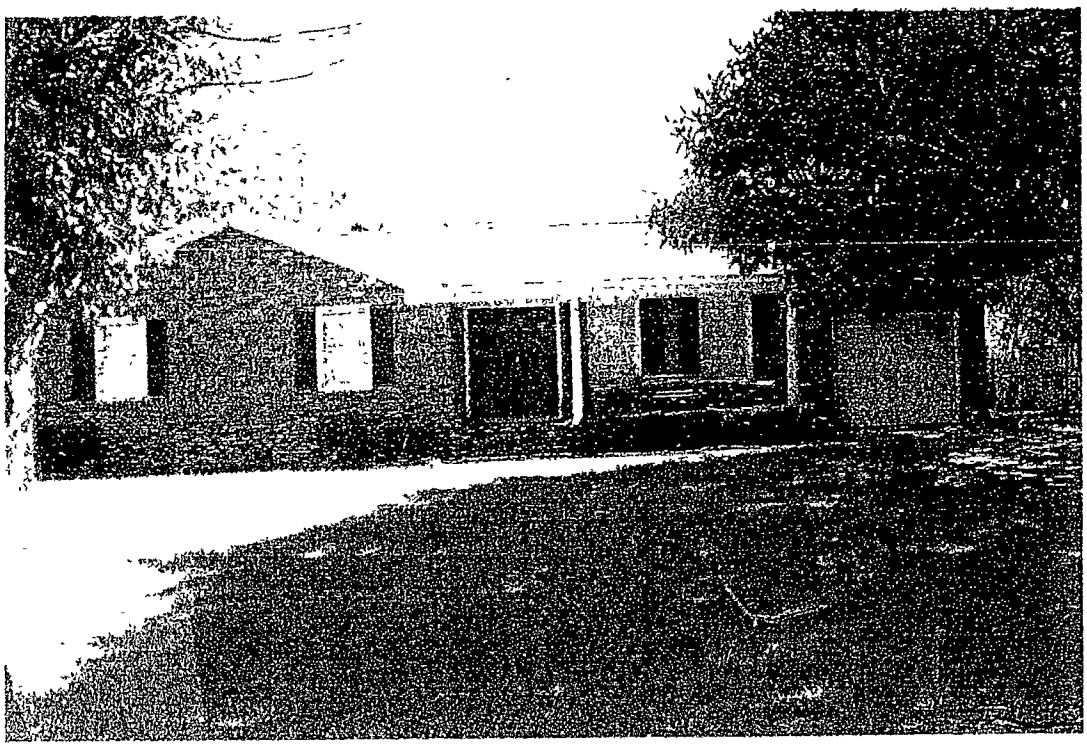

TROJAN SOFTBALL
VISITOR
HOME
H
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BALL
WINNING
STRIKE
OUT
LADY TROJANS!





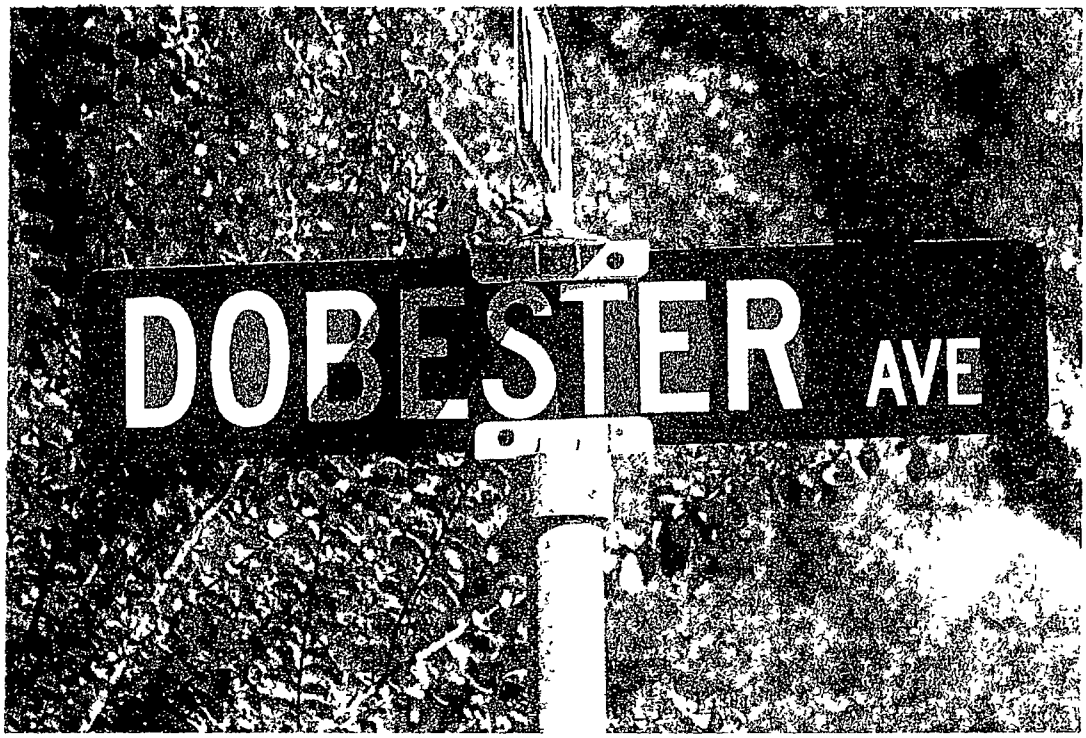


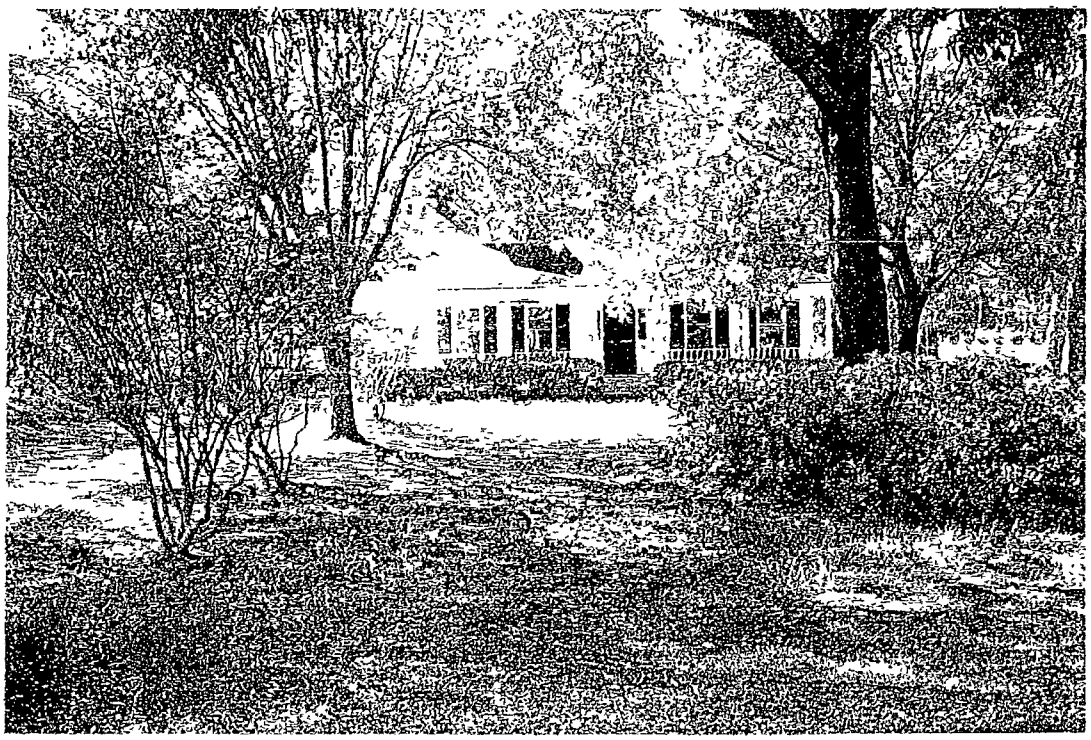

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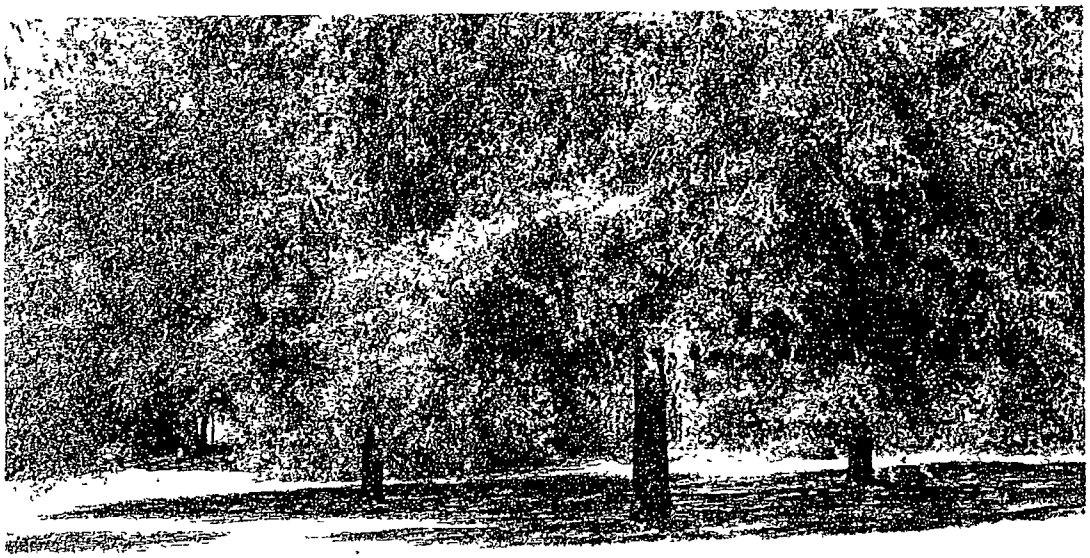


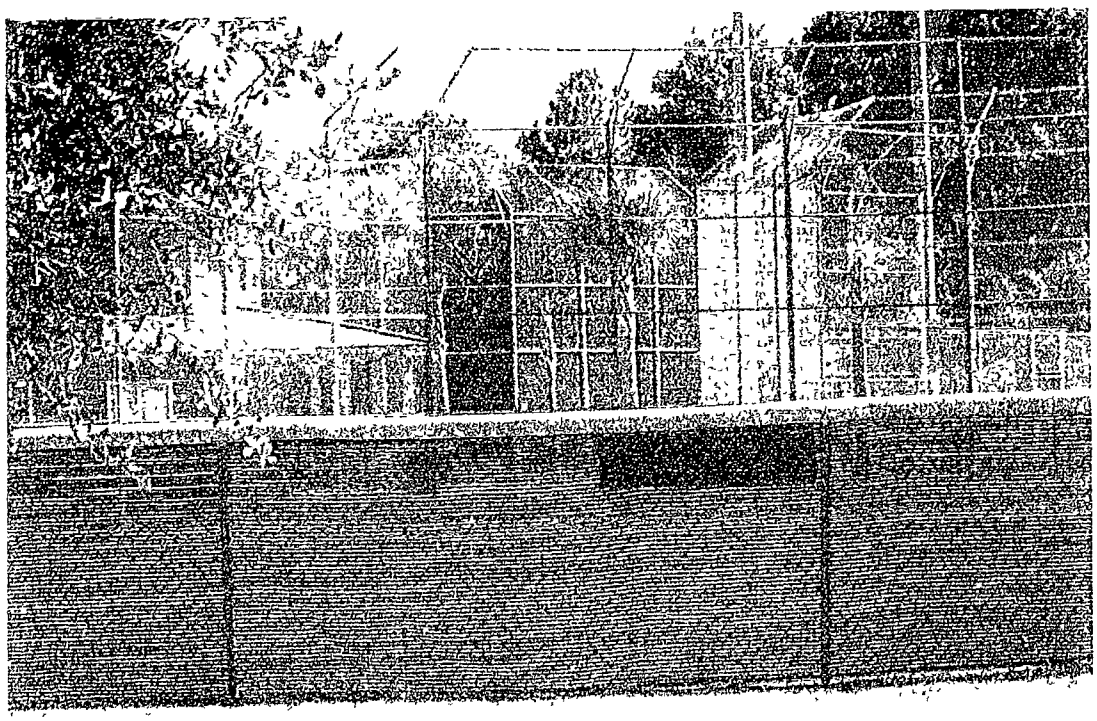





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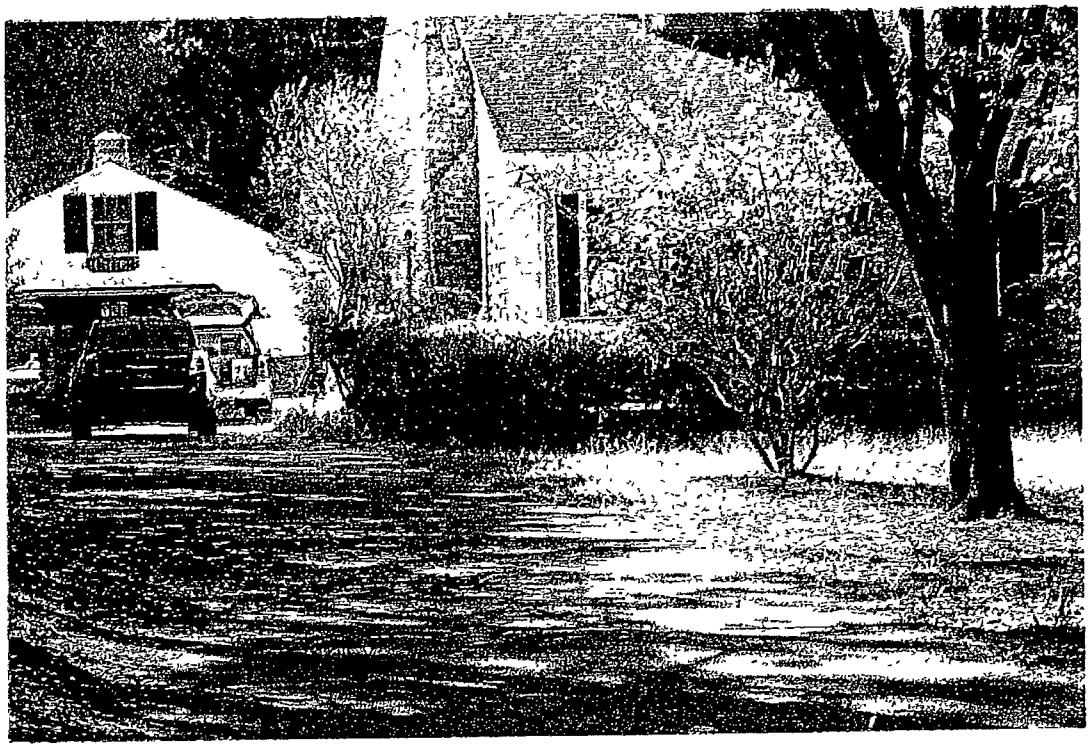








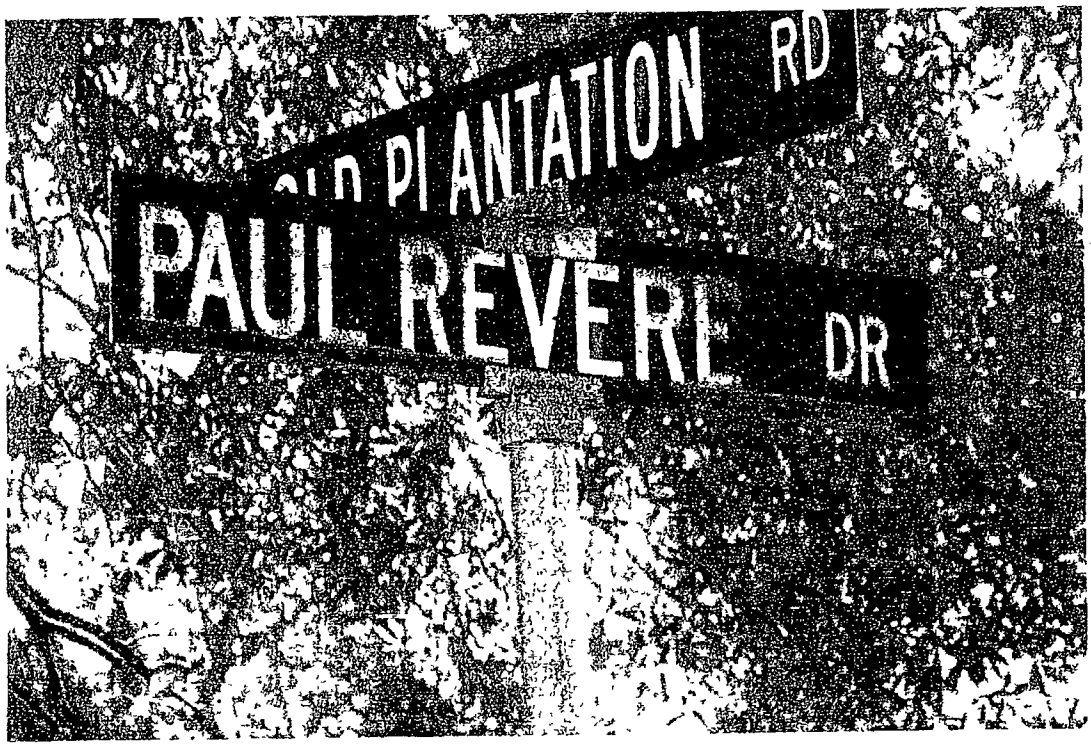




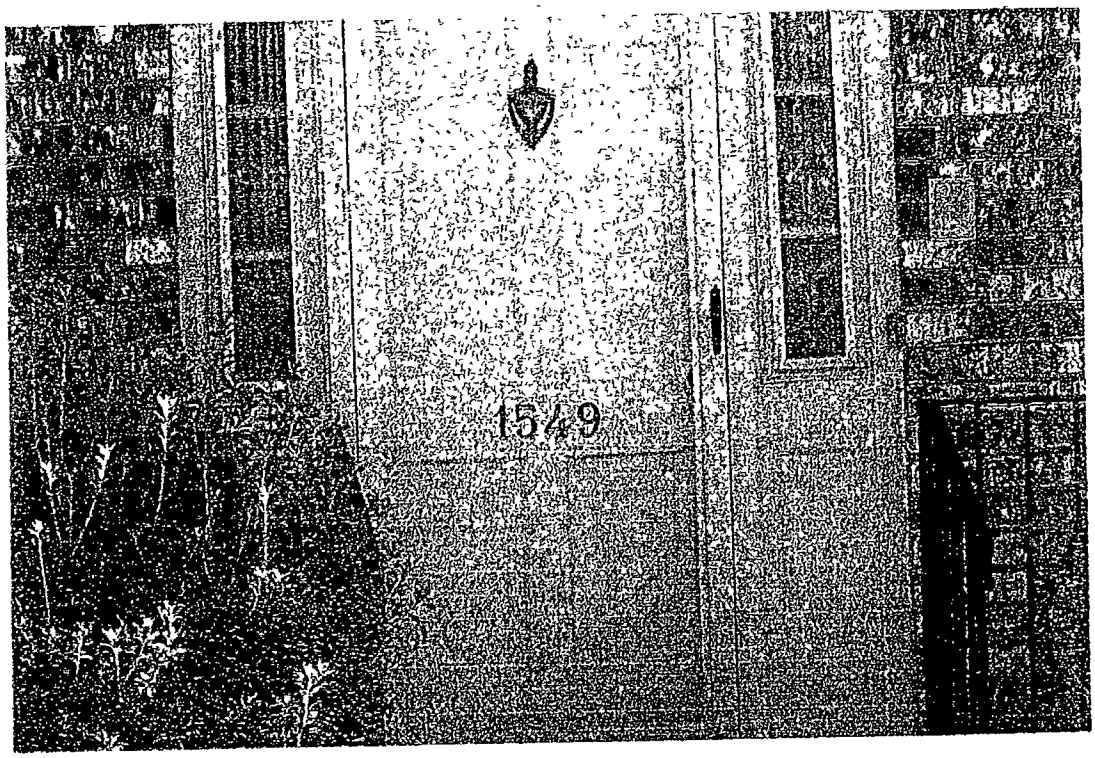

FOR
SALE
BY OWNER
(8-3) 327-9655

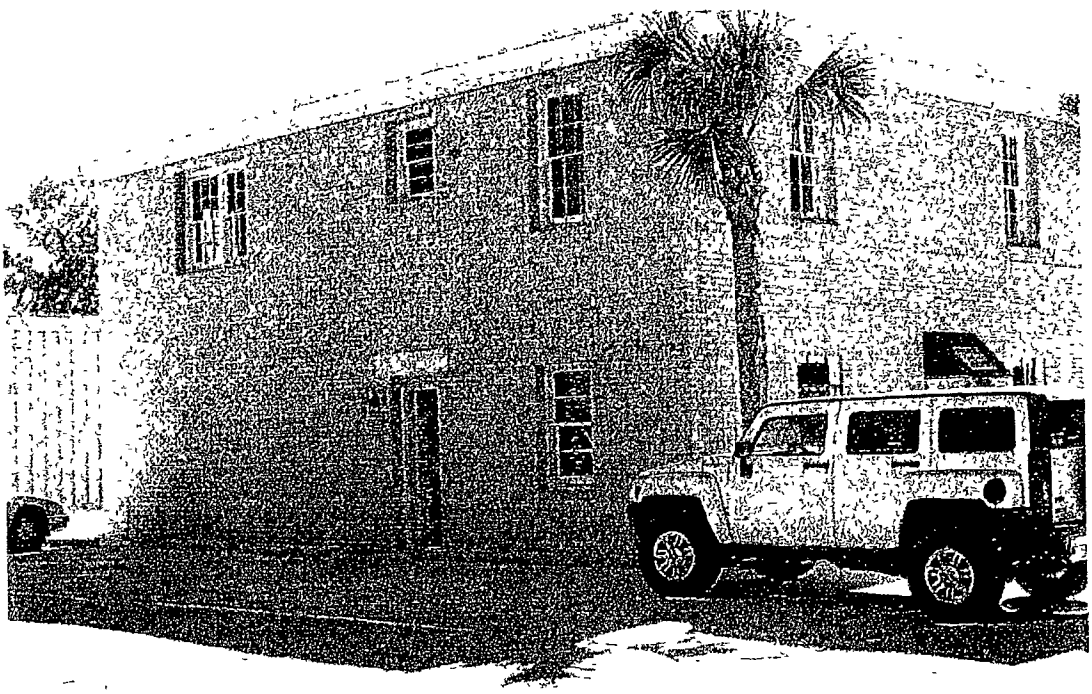


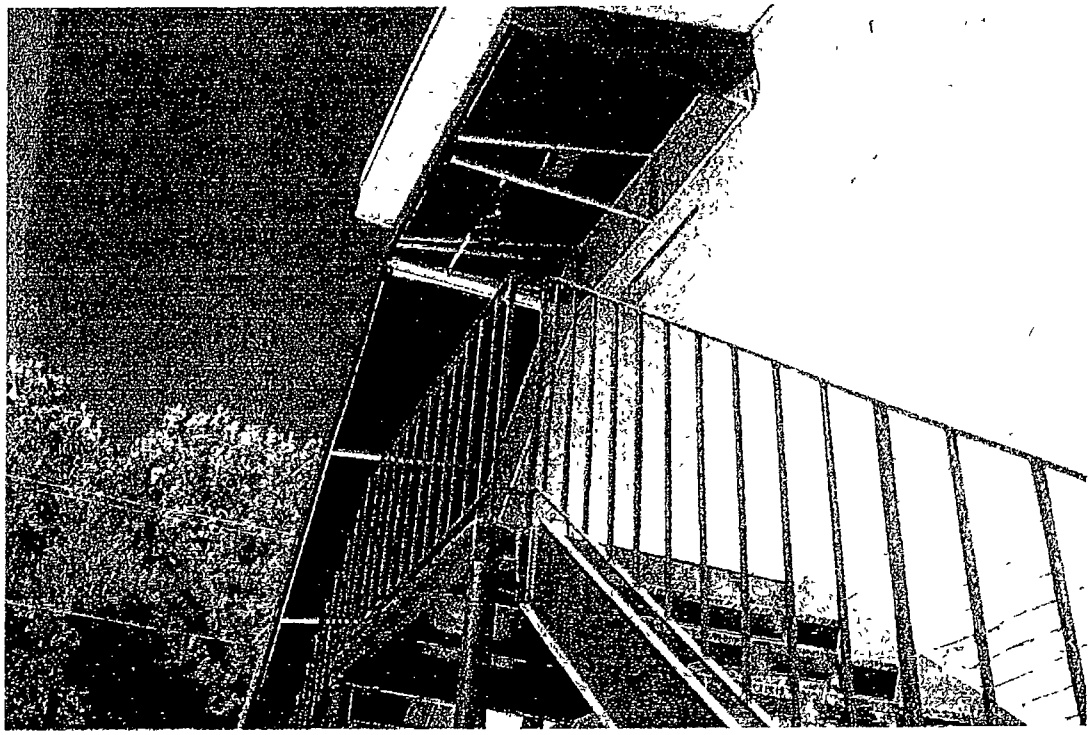


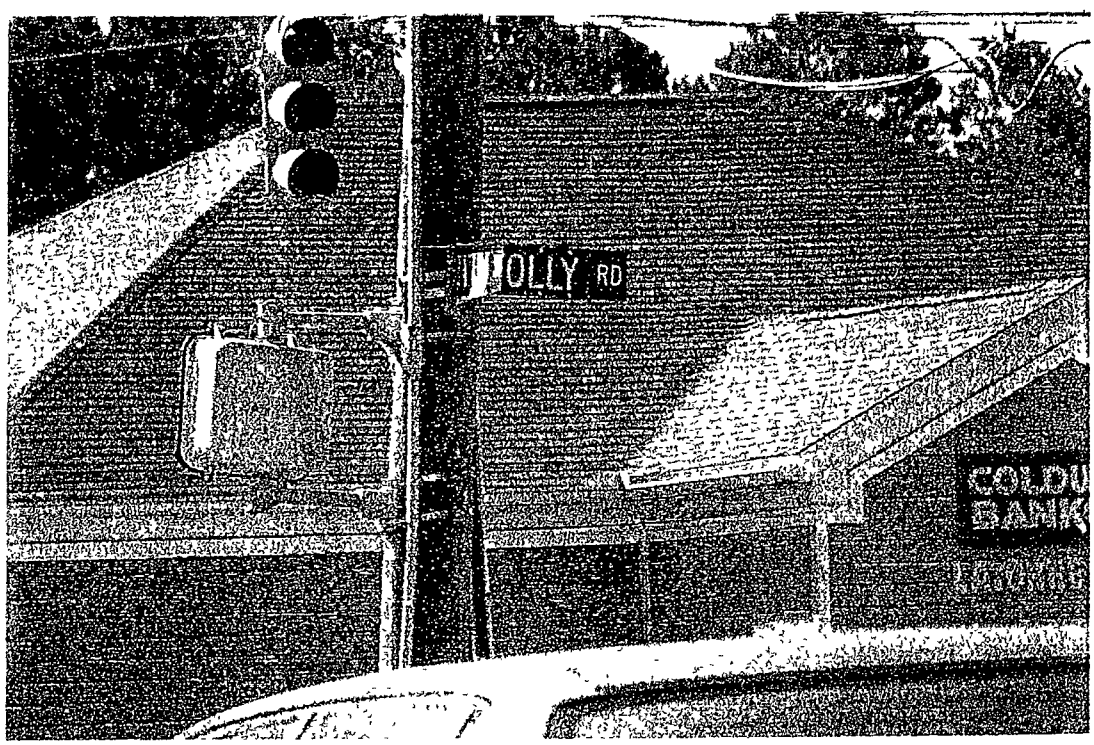

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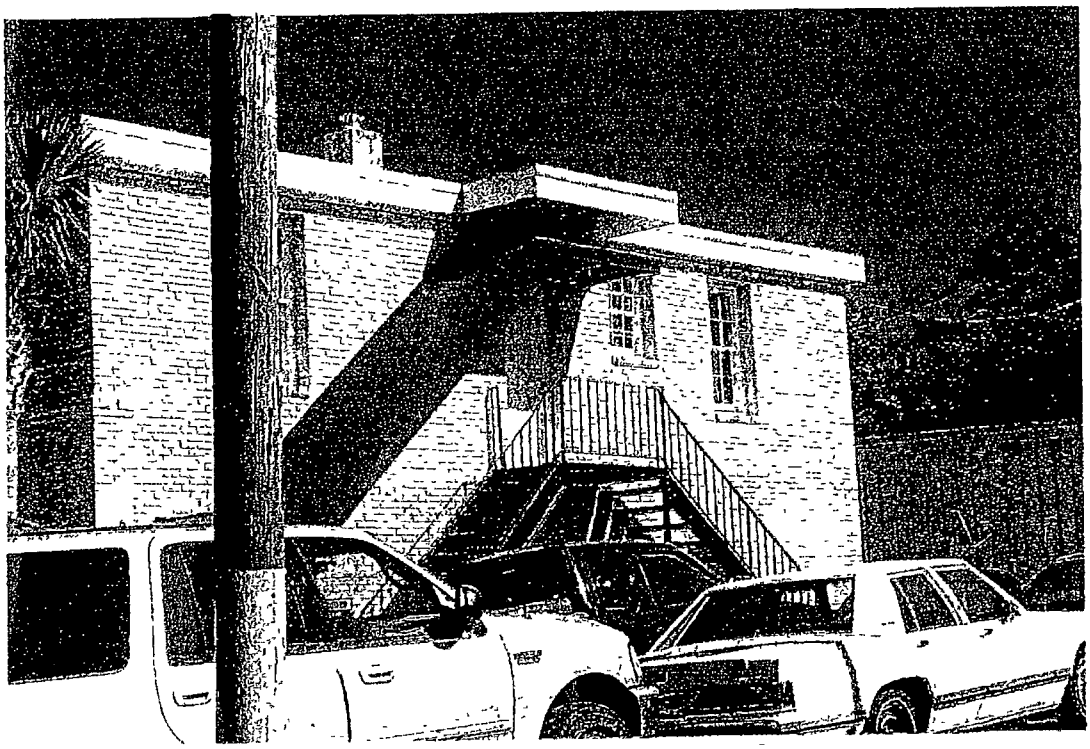

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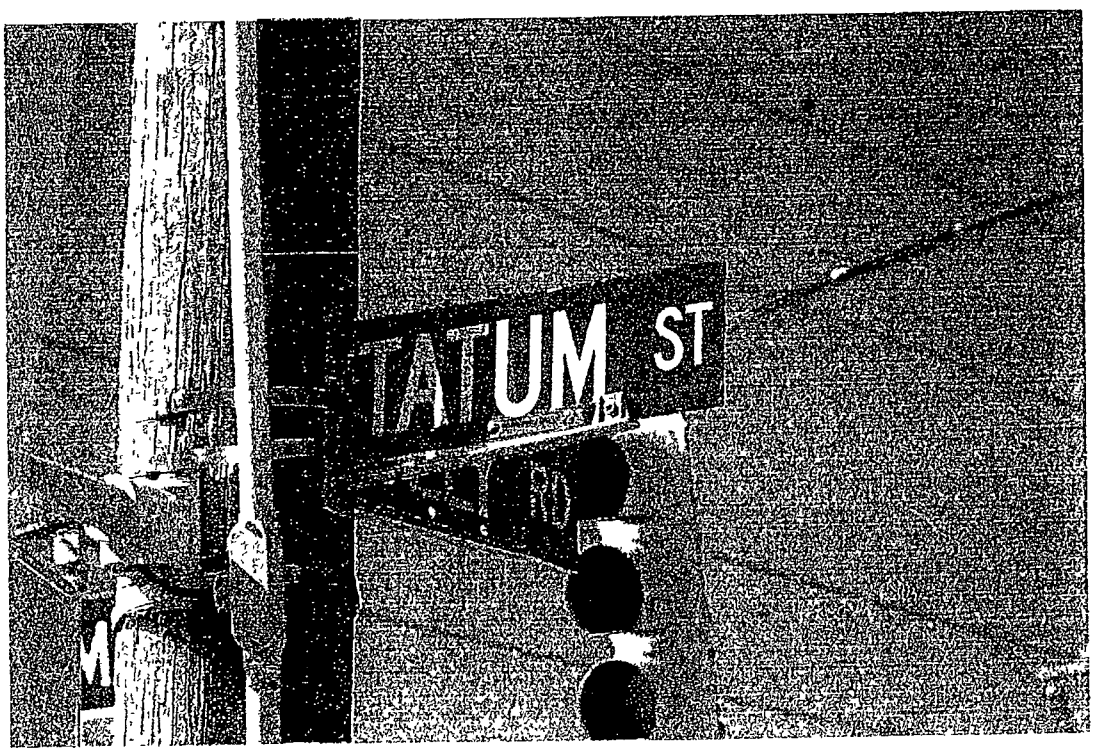

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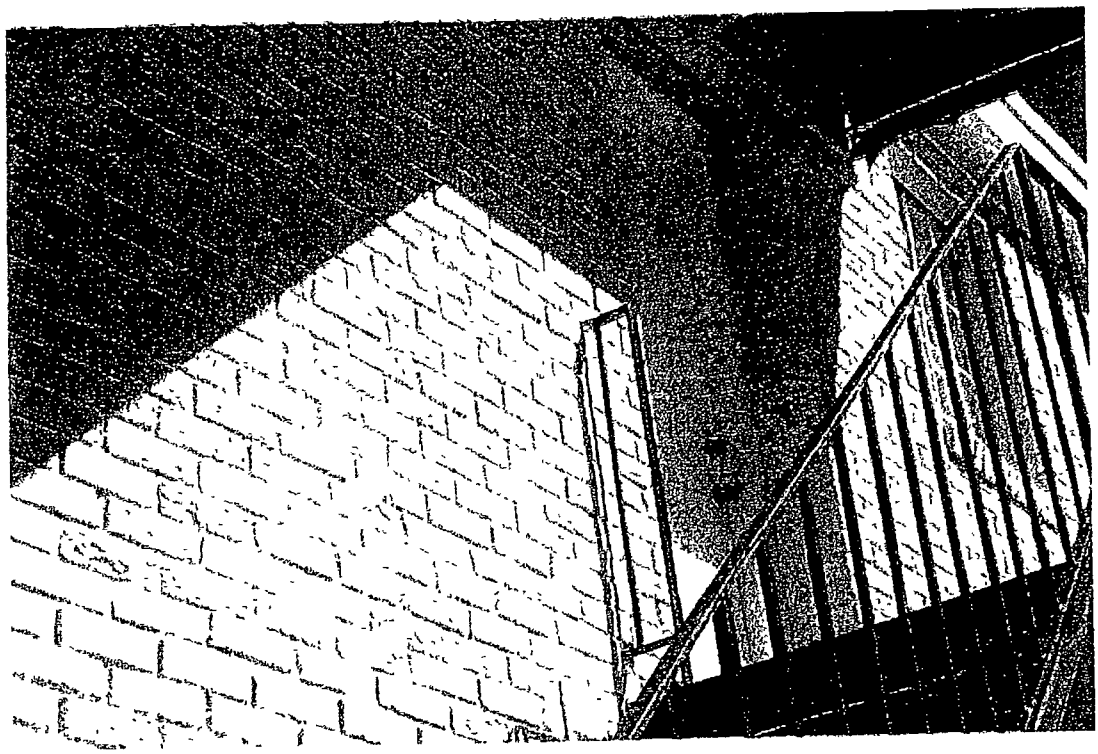





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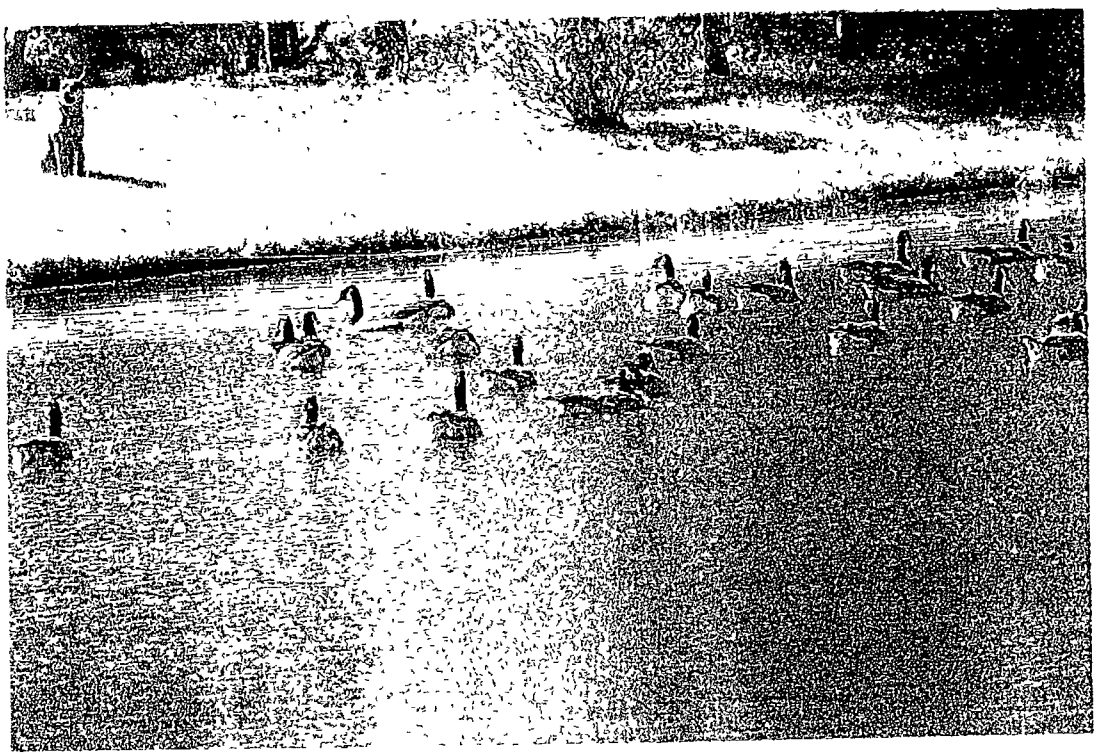


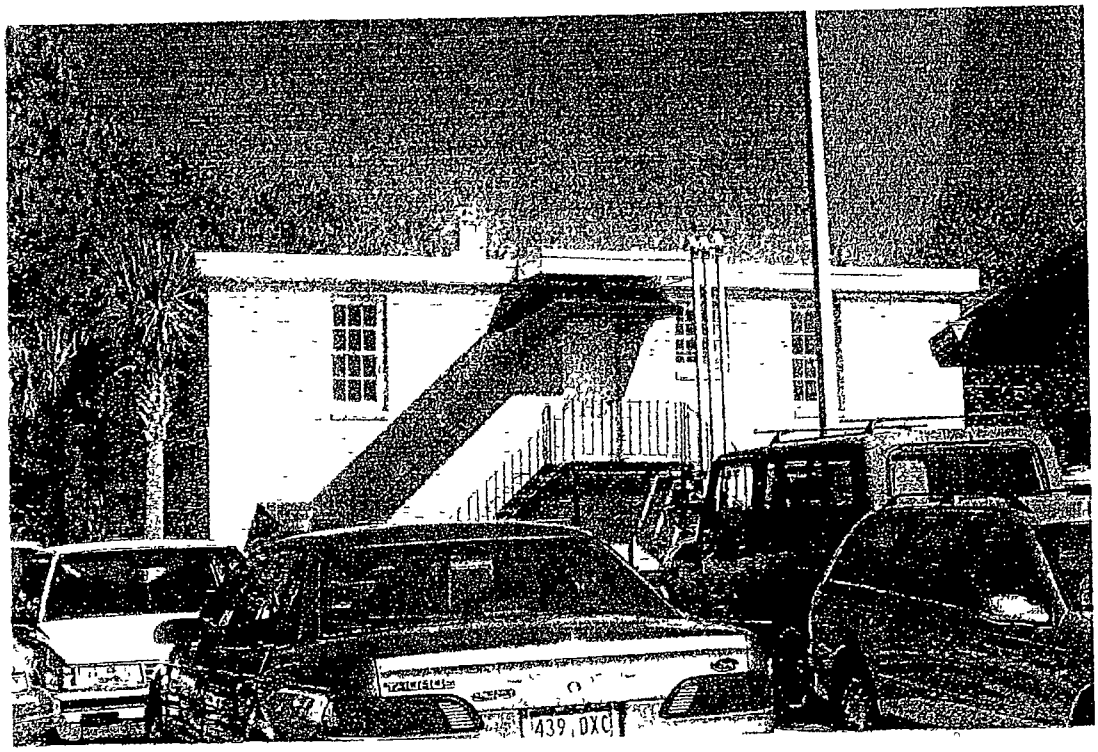

TATUM ST
RD






James Island
Charter High School
1000 Fort Johnson Road




439 DXC

CHARLESTON COUNTY SHERIFF'S OFFICE
STATEMENT

OCA # _____ DATE 12/7/2007

STATEMENT OF [redacted]
ADDRESS N/A
EMPLOYER Charleston County Detention Center PHONE # N/A
RACE: White PHONE # N/A
SEX Female DATE OF BIRTH

During the 1988-1989 school year I attended James Island High School (JIHS). Charles R. Smith (Smith) was my Geography Teacher. That also was the first year he coached softball. He was the head coach and had the help of two other individuals. One of which was a female who only helped at the beginning a few times and th I don't recal what happened to her. The other was a person by the name of Bubba Brandt. I lived at three different addressed during the 1988-1989 school year. The first was 1149 Rivercrest, the second was on Trafalgar Drive and the third was on [redacted] My parents still currently own that house however, it is listed on the market to be sold. I started the school year off well. I had just moved down here fr Pennsylvania with my Step-father, Mother and Brother. I did not have a car and don't recall having a driver License. I don't recall how being given a ride home from Smith started. I do recall him giving me a ride to ea of the three houses.

When I was fifteen, things seemed bigger that they are now. For instance, I remember the softball field being huge. As I walked on it about two months ago for therapy purposes, it seamed small. Please keep this in mind when reading this statement.

Smith painted part time for Steve Shaddrix of Creekside Painting. His wife Lynn Shaddrix worked or still d at JIHS. I have not had any affiliation with JIHS itself since I quit school. The Shaddrix's lived at [redacted] Avenue. Smith took me to their house one day. I went inside the side door and the only person I recall being there was Steve Shaddrix. I remember the both of them smiling a lot. I don't recall if anything happened but do recall the feeling of nervousness overwelming me. I remember saying to myself that he had a very nice ho As I went into the side door I vaguley remember the room sort of opening up. I sat at the kitchen table and remember really liking the table. I think it was round. I think they had hardwood floors. They had a son in 9 grade who attended JIHS at the time I did. His name is Brian Shaddrix. I don't rember him being in any of n classes. I did however see him in Smith's classroom from time to time. Smith seemed to somewhat avoid me when he was there. I had went with Smith to Creekside Painint company that was located at [redacted] I remember us going upstairs and noone being there. I don't remember if anything happened there. I remem being at least at four of his paint sites. I definitely only know the address of one and think I know the address the other. The first one I know the address of is [redacted] The one I am unsure of is [redacted] Drive.

Smith boarded a horse at [redacted] I remember him only telling me he owned one of the horses. There were other horses on the property. I never seen him ride any horse. I remember being so taken by the horses. I had always wanted one that I could ride. Although he never let me ride (continue on pg 2)

I HAVE READ (HAD READ TO ME) THE FOREGOING STATEMENT WHICH HAS BEEN FREELY AND VOLUNTARILY MADE AND IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

WITNESS: [redacted]

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I HAVE RECEIVED A COPY OF THE ABOVE STATEMENT _____
Signature

Δπ EXHIBIT 9
Deponent [redacted]
Date 9/7/11 Rpt DW
ROA0350 WWW.DEPOBOOK.COM

CCSO-109

1988-1989 Softball Ball Players

Katheryn Hammerlund
"Katheryn David"
[redacted]

Lillian Aquino
"Lillian Hanna"
[redacted]

Jacqeline Smalls
[redacted]

Melissa Heaton
[redacted]

Nicole L. Ramsey
[redacted]

Katie Huck
[redacted]

I'm still trying to find Troi Myers. She lived at [redacted] in 1988-1989

MISC INDIVIDUALS

John Russell Price III
[redacted]
He is the one who wrote in the yearbook about "Coach might get in your pants if your not careful"

Info through the grapevine:
There is a young female teacher at James Island who is currently teaching there. She used to be a student at James Island High School. I do not know her name but it should not be that hard to find out. She or a close friend of hers was originally assigned to Charles Smith's class and had asked for a transfer due to not feeling comfortable being one of his students. Supposedly he moved another student and assigned this person the front row so that he could have her closer to him.

I looked through my entire yearbook the other day. There are a lot of faces I remember but I don't remember why. As I have free time, I will try and find them and other individuals.

CHARLESTON COUNTY SHERIFF'S OFFICE
STATEMENT

OCA # _____ DATE 12/7/2007

STATEMENT OF [redacted]
ADDRESS N/A
EMPLOYER Charleston County Detention Center PHONE # N/A
RACE: White PHONE # N/A
SEX Female DATE OF BIRTH

(continue from pg 1) the horse. We went to feed his horse a lot after school. I don't remember when it first started. I do remember the first time we went to the horse stables. I was really surprised and excited. I remember him kissing me one time at the stable and the feel of his mustache. I also remember him feeling my breast when we were at the stables. I remember his penis getting hard through his pants at the stables. I remember the stable being small and the grass being bushy. I used to hate walking from the gate to where the horses were. There was a metal fence that you could drive through. You had to get out of the vehicle to move th fence. We never drove back to the stables. I don't remember ever seeing anyone there. I remember anxiety feeling from being at the stables. The memories of the stable are still very fuzzy.

Memories of my Geography classmates are still very fuzzy. I don't remember who was in my class. I don't remember a lot about JIHS, just some things and most of what I do remember is about Smith. I started the clas year off sitting near the front of all my class. I wanted to do well in school. I then remember moving from near the front to further from his desk. I don't remember why. I ended up next to the side chalk board at the back. I remember when I was sitting next to the chalk board and having a question. I raised my hand. We were taking test or working on something quietly. When Smith came over, he put his right hand on top of the back of my chair near the right side. He leaned over me in a way to conceal his hand placement. His left hand was on the edge of my desk. His head was near my left shoulder. I was nervous. He moved his right hand around the back of my chair and began to rub the side of my right breast. I remember the anxiety and him smiling. I did not say anything. I remember being scared because of what he did.

I was very interested in Geography. I enjoyed learing. Smith had his desk blocked off to where you could not se behind it. He had alot of books on a desk next to his workdesk. I was getting some help from Smith one day. I then moved to his desk for help. This put me behind Smith's desk with him to where our middle and lower bodies were out of sight of other classmates. I remember it being quit. I was sitting in a chair next to his with m hands in my lap. He was very close to me. We were looking at the geography book. I began to read something. The next thing I knew he had gently took ahold of my hand and put it on his leg. I remember feeling scared. He then moved my left hand and put it on his penis. I remember his penis feeling hard. He massaged his penis with my left hand. I was very scared and did not know what to do. I feel as if I had somewhat built a trust for him by the point this had happened. I remember being shocked and not knowing what to do.

I remember Smith assigning me the desk next to his. I don't remember why. (continue on pg 3)

I HAVE READ (HAD READ TO ME) THE FOREGOING STATEMENT WHICH HAS BEEN FREELY AND VOLUNTARILY MADE AND IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

WITNESS: [redacted]
Signature

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I HAVE RECEIVED A COPY OF THE ABOVE STATEMENT _____
Signature

CCSO-109

CHARLESTON COUNTY SHERIFF'S OFFICE
STATEMENT

OCA # _____ DATE 12/7/2007

STATEMENT OF	[redacted]		
ADDRESS	N/A	PHONE #	N/A
EMPLOYER	Charleston County Detention Center	PHONE #	N/A
RACE:	White	SEX	Female DATE OF BIRTH

(continue from pg2) I remember sitting at this desk a lot. Sometimes Smith had me sit very close to him behind his desk. I remember having on a dress and a blouse. I wore underware with knee high stockings. I liked to we dresses and dress clothes. I remember him telling me to come and sit next to him. I did. It was quiet again and the class was working on something quietly. There were a lot of books on his desk. They were arranged like yo would put them on a book shelf. Side by Side. I had a hard time seeing up over them. I sat next to him. We wei looking at the Geography book. He put his right hand on my left leg and turned pages with his left hand. I was nervous and remember being scared. Smith put his right hand up my skirt and moved my underware and touched my vagina. I froze. I could feel him moving his fingers around on my vagina and having a smile on his face. He was looking at the book. I remember looking down at the desk as he did what he did and wanting to cry. I remember being very nervous and hoping another student would get up and come to the desk to ask a question. When Smith moved his hand, he put it to his face and nose. He left it near his nose while he turned th pages. I remember feeling sick to my stomach and froze until the school bell rang. I feel like I sat there forever then remember going into the school bathroom and crying. I feel like I sat there forever.

Smith used to keep it really cold in his classroom. I remember him giving me his jacket to wear a lot. It was lig yellow. I also remember wearing a blue jacket. When we took the softball picture. I had his blue jacket on. I believe I also had his hat on in that picture. I remember wearing his yellow jacket in Sadie Brown's English class.

Smith did not coach any sports when I started school. I loved playing softball. I was a pitcher. He then decided to begin coaching softball that year. I remember him telling me how much he liked wrestling. I think he may have wrestled in college or high school. He may have even been a wrestling coach prior to the 1988-89 school year. I am not sure if I began playing softball but did make the softball tryouts. I remember practicing and running alot. I remember smith wearing a ball cap a lot. I don't ever remember seeing him with a tie on. He used to wear jeans and cowboy boots sometimes when he was at the stable. I remember him having a jean jacl with like a fleece or something around the collar. I did not live far from the stables. I remember riding my bicycle to the stables sometimes when he was there. I don't remember many of my softball team members exc Stacey, Troi, Jennifer and Lilly. I remember other faces.

Smith had a big yellow bronco. It was loud and dirty inside. Dusty. He kept a lot of stuff in it. He used to alwa park up on the grass near and sometimes under the tree next to the home plate back fence. He would try to pa in the shade. I remember him letting me move the vehicle a few (continue on pg 4)

I HAVE READ (HAD READ TO ME) THE FOREGOING STATEMENT WHICH HAS BEEN FREELY AND VOLUNTARILY MADE AND IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

[redacted]
Signature

WITNESS:

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Signature

CCSO-109

CHARLESTON COUNTY SHERIFF'S OFFICE
STATEMENT

OCA # _____ DATE 12/7/2007

STATEMENT OF [redacted]
ADDRESS N/A PHONE # N/A
EMPLOYER Charleston County Detention Center PHONE # N/A
RACE: White SEX Female DATE OF BIRTH

(continued from pg 3) a few times for him. I did not drive it far. Just from one spot to the next. I remember being excited about that. I liked driving his bronco. I thought it was cool. The bronc sat really high off of the ground. It was hard for me to get into it. The bronco had window vent next to the side windows. He had his o a lot. It had row down windows. I always wondered if the top would come off the back and I remember thinki that would be neat if it was a convertible bronco. It had really big tires. I don't remember it smelling inside. I remember Smith always wearing a musk cologne. He always had a watch on. he wore glasses all the time. I never would see him wear sunglasses. He always fixed his hair with his right hand alot. Taking what little bit had and pushing it to the side. I remember him having a lot of hair on his chest and a lot of hair on his arms. ears were fuzzy. He chewed gun sometimes. He used to wear shorts a lot when the rest of us would wear sweatpants at softball practice. When Smith would give me rides home, sometimes I would meet him at his bronco after school. He dropped me off at all three houses.

I remember him giving me a ride home one day. It was a nice day out. We were leaving the softball field like v have done before. We were the last ones to leave. I don't remember seeing any other vehicles on the school premises. The ride felt normal. It was not dark out but it was not bright and sunny neither. Smith turned ont Seaside Lane. I figured we were going to feed the horses. He stopped the vehicle on the side of the little store. There was noone at the store. I wondered why he was stopping. He shut the bronco off and put it into first ge He always did that when he shut the bronco off. I think that was to stop it from rolling. He was smiling and began to talk to me. I remember him talking to me but I can't remember what he was saying. I opened the console between the two seats. I was looking through it. I remember being nervous and scared. I remember a coffee cup. I don't remember what color the cup was or any details of writing on the cup. He was still talking me. I don't remember why, but I sat up on the console. Smith lifted up his grey t-shirt and I saw him pull out penis. I don't remember him unzipping his shorts. I remember him reaching into his shorts and pulling out hi penis. I don't remember what was said. The next thing I remember is leaning down, opening my mouth and h putting his penis in my mouth. His penis was fat and short. I don't remember seeing his testicles exposed to m Smith was already hard when he pulled his penis out. I'm pretty sure he was circumsized. I remember his ski being tight on his penis. I had never performed oral sex on anyone and really did not know what to do. He started to wiggle in the seat pushing his penis in and out of my mouth while he was holding my head. I remember gagging from him pushing his penis so deap down (continue on pg 5)

I HAVE READ (HAD READ TO ME) THE FOREGOING STATEMENT WHICH HAS BEEN FREELY AND VOLUNTARILY MADE AND IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

[redacted]
Signature

WITNESS:

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Signature

CCSO-109

CHARLESTON COUNTY SHERIFF'S OFFICE
STATEMENT

OCA # _____ DATE 12/7/2007

STATEMENT OF	[redacted]		
ADDRESS	N/A	PHONE #	N/A
EMPLOYER	Charleston County Detention Center	PHONE #	N/A
RACE:	White	SEX.	Female DATE OF BIRTH

(continued from pg 4) my throat. I remember looking up and seeing something silver. He then ejaculated in my mouth. I gagged. It tasted horrible and nasty. He stopped grunting and let loose of my head. I was so scared. I came up from his lap and as I was coming up I say his ignition with the keys in the ignition. He had a lot of keys with a big clip on them. It was dirty gold. He did not say anything. I got off of the console. I remember hurting because of how uncomfortable I was. He began to fix his shorts and was moving around. I got into the seat on the passenger side. I remember not looking at him the whole way home. I remember not hearing the vehicle start up. I only looked out the window and it was rolled up. I cryied and did not look at him. He did not say anything. I remember watching the trees go by out the window. They passed by slow, as if they were not moving. We pulled up to [redacted] I grabbed my bookbag, opened the door and jumped out. I don't remember shutting the door. I went straight to my room, shut my door and held onto my cat. I don't think I come out of my room at all that night. As time goes on I remember more about what happened concerning this issue. My therapist and I are currently doing exposure regarding this memory. This exposure is the one we are focusing on due to it causing me the most anxiety.

The next thing I remember is attempting suicide at JIHS. I was scared and tired of the abuse. I felt as if everyone at the school was unapproachable. So many people liked him. I did not know who to tell. What was I going to say and to who. I swallowed a large bottle of Vivarin. I remember wanting to die and how hard it was to swallow all those pills. I swallowed them in the bathroom. I remember crying as I was swallowing them. I went back to his classroom and don't remember anymore until I was at the hospital. I remember being forced to drink charcoal. At least I think it was charcoal. I remember how much I threw up and how sick I was. I remember going home and my mom sitting on the floor next to my bed, crying and telling me how much she loved me. I remember crying and throwing up all night. Then everything goes dark. I can't remember if I went back to school or for how long. I do remember quitting school and starting night school. I remember feeling isolated.

I remember going to see Mrs. Sadie Brown while she taught at a school in Charleston. She was my favorite teacher.

End Of Statement**********

I HAVE READ (HAD READ TO ME) THE FOREGOING STATEMENT WHICH HAS BEEN FREELY AND VOLUNTARILY MADE AND IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

[redacted]
Signature

WITNESS:

_____

_____

I HAVE RECEIVED A COPY OF THE ABOVE STATEMENT _____
Signature

CCSO-109

On September 15, 2007 a police report was filed with the Charleston County Sheriff's Office alleging that Charles Smith sexually assaulted one of his students between January 1, 1989 and February 15, 1989 and took her home from school.

According to a 2007 James Island Charter High School web site, Charles Smith was a teacher there and taught Physical Education and Swimming. He has taught at James Island High School from at least 1987-2008. If you have information regarding any type of misconduct by this person or have reported misconduct in the past by Charles Smith, please contact the Tip Line below.

(843) 735-9943

ROA0357

CHARLESTON SC 294

10 AUG 2009 PM 2 T



[redacted]

THIS NOTICE HAS NOT BEEN APPROVED OR ENDORSED BY THE CHARLESTON COUNTY SHERIFFS OFFICE, JAMES ISLAND HIGH SCHOOL, CHARLESTON COUNTY SCHOOL DISTRICT, UNITED STATES POSTAL SERVICE, S.C. STATE OR FEDERAL GOVERNMANT

EXHIBIT 10
Deponent [redacted]
Date 9/8/11 Rptr
WWW.DEPOBOOK.COM

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IN THE COURT OF COMMON PLEAS
FOR THE STATE OF SOUTH CAROLINA
CHARLESTON COUNTY

DEPOSITION OF RITA AVILA

JANE DOE,

Plaintiff,

Case No 2010-CP-10-7699

vs

CHARLES SMITH, CHARLESTON COUNTY SCHOOL DISTRICT, and JAMES ISLAND HIGH SCHOOL,

Defendants

DEPONENT RITA AVILA

DATE January 24, 2012

TIME 11 00 A M

LOCATION THE RICHTER FIRM
622 Johnnie Dodds Boulevard
Mount Pleasant, South Carolina

REPORTED BY TERI L HORIHAN
NCRA REGISTERED PROFESSIONAL REPORTER
CLARK & ASSOCIATES, INC
P O Box 73129
Charleston, SC 29415
843-762-6294
WWW CLARK-ASSOCIATES COM
Teri@Clark-Associates com

APPEARANCES

ON BEHALF OF JANE DOE

THE RICHTER FIRM
BY AARON EDWARDS
622 Johnnie Dodds Boulevard
Mount Pleasant, SC 29464

ON BEHALF OF CHARLES SMITH

SENN, McDONALD & LEINBACH
BY ROBIN L JACKSON
3 Wesley Drive
Charleston, SC 29407

ON BEHALF OF CHARLESTON COUNTY SCHOOL DISTRICT and JAMES ISLAND HIGH SCHOOL

YOUNG CLEMENT RIVERS
BY BRIAN L QUISENBERRY
28 Broad Street
Charleston, SC 29401

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RITA AVILA,

having been first duly sworn, was examined and testified as follows

EXAMINATION

BY MR EDWARDS

Q State your name and address for the record, please

A Sergeant Rita Avila, A-V-I-L-A, 3505 Pinehaven Drive, North Charleston, South Carolina, 29405 or 09 I'm sorry 05

Q And what do you do for a living?

A I am a detective sergeant with Charleston County Sheriff's Office

Q How long have you been in that position?

A As a sergeant, I have been there about seven months, since July As a detective, since 2007, a little over four years

Q So July, you were promoted to --

A Sergeant

Q -- sergeant And you became a detective in 2007?

A 2007, yes

Q Do you remember when in 2007?

A I was officially transferred in August 2007, but I had been training and receiving cases since

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about March of '07
Q How does that process work? Is there a --
A A board
Q -- kind of a lead-in process where you have --
Well, before we go on, have you been deposed before?
A No
Q Okay She's going to be transcribing everything that we say
A Okay
Q And so it's very important for that reason that we verbalize our responses
A Okay
Q Nods of the heads and things like that normally are okay in normal conversation
A Right
Q But this is unlike a normal conversation, so we need to make sure that I say full question and you give a yes or no or whatever your answer may be
A Okay
Q But that it be a verbal response
A Okay
Q And that we don't interject with one

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another It makes for a messy transcript, one, and two, it makes her life hell, and nobody wants to do that
A Okay
Q And you're not represented here today by counsel, is that right?
A Right
Q Okay If you have any questions or want clarification or anything like that, please ask me
A Okay
Q And if we take breaks and things like that -- I don't think we'll be here long enough to take a break, but if we need a break, need something to drink, coffee, water, need to use the bathroom, anything like that, just let me know --
A Okay
Q -- and I'll accommodate you But I will remind you that you're still under oath at that point So you can talk about your testimony, but I can examine you on that Do you understand?
A Okay Yes, I understand
Q Okay Now, we were talking about the detective process What was your title before you became a detective?
A Deputy Actually master deputy was my

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official title Patrol is what my assignment was
Q And how long had you been a deputy prior to March '07?
A March '07, I -- it had been about three-and-a-half years In August would have been four years
Q In August of '07?
A Of '07 would be four years, yes
Q And did you have any other positions at the Sheriff's Department prior to that? That would be 2004?
A I was hired in 2003, in August of 2003
Q Okay
A Before that, I was in college, so I came straight from college
Q Where did you go to college?
A The Citadel
Q Okay What was your degree?
A Criminal justice
Q Where are you from?
A San Antonio, Texas
Q Have you been in Charleston since you came to school at The Citadel?
A Yes
Q Do you have family members in Charleston

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County?
A I have a brother who technically lives here, but he's a contractor, so he's overseas
Q Government contractor?
A Yes
Q Okay But he lives in Charleston?
A Correct That's his home address, yes
Q What is his name?
A Javier Avila
Q Javier?
A J-A-V-I-E-R
Q Who does he work for?
A SAIC
Q What does that stand for?
A I have no idea Science and something, I think I don't know
Q Just like government contractors, give it an acronym that sounds like something it's not What type of work does he do?
A Oh, gosh Something with communications, I think, and government vehicles I don't know specifically what his job does, as far as title or anything
Q Does he have a military background?
A Yes

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Q What branch? Do you know?
A Marine Corps
Q Is he older or younger?
A Younger
Q And he's now discharged?
A Yes
Q Honorably?
A Honorably
Q Do you have any military background?
A Me?
Q Yes
A No, I do not
Q All right Is that your only family member in Charleston County?
A In Charleston
Q The reason why I ask you that is for jury pool purposes If we go to trial and there's a jury to be selected and Javier Avila is in the jury pool, we need to know that
A And actually we just moved to Berkeley County, so he's not in Charleston County, technically I apologize It just happened, so --
Q Well, then that won't really matter Okay Now, when you started at the Sheriff's Office, you started off as a deputy

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A Correct
Q Okay And you did that for three-and-a-half years or so
A Well, technically, four years, yes
Q All right And then you became a detective in March of '07?
A It's kind of a weird process I was selected to be a detective in actually like October or November of 2006, but I wasn't officially transferred to the detective office for my full-time duties to be a detective until August, but I did start training with them and getting cases assigned in March of '07 So you see what I'm saying?
Q Yeah
A It's kind of a transition But the official transfer -- my title did not change until August of '07
Q And who trained you?
A Detective Lariccia, which --
Q Is that a male or female?
A It's a male
Q Okay What's his first name?
A Oh, gosh What was his first name? It was Matt Lariccia

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Q Matt Lariccia?
A And it's L-A-R-I-C-C-I-A or something It's a weird -- he's no longer with the Sheriff's Office
Q What does he do now?
A He's federal I believe FBI, but I'm not sure
Q Anybody else?
A He was my official trainer, but we -- you kind of get trained by everyone on call-outs and everything
Q Okay And I'm sure some on-the-job type training?
A Absolutely, uh-huh
Q Is there somebody other than Matt Lariccia --
A Lariccia
Q -- that you spent most of your training with, or was it all mainly with him?
A It was predominantly with him
Q So he had cases assigned to him, and you would kind of follow him --
A Work with --
Q -- and learn the trade?
A Correct

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Q Was he involved in this matter?
A No, he was not
Q Okay And so for about five or six months or so training period before you were out on your own?
A Correct The -- again, it -- between March and August, it was coming in on days off and time like that, getting called out on, you know, certain cases that I worked with him And then in August, for the month of August, I was -- when I was officially in training, he was my main trainer So technically, being trained all those months, but officially, my training was the month of August
Q Okay What kinds of cases did you have in that period?
A In that time, he did -- from what I can remember offhand, it was all sorts of cases He had child abuse cases, adult sexual assaults I believe we had a few burglaries and white collar stuff But most of his, I believe, were persons crimes or crimes against persons, including sexual assaults and physical assaults and child abuse cases
Q Is that something that you wanted to do?
A At that point, honestly, I was just trying

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to learn to be a detective You know, it was -- it wasn't until closer to August, September, that I decided that I really had a passion for that, for child abuse and sex crimes
Q Okay No prior history with that type of -- I don't know what the word is I'm looking for -- that type of crime? I mean, is that -- did you have any kind of specialty as a deputy?
A No
Q Okay And so from that point on, do you now have any type of specialty as a detective?
A Currently?
Q Yeah
A Yes
Q What is that?
A Now, I am trained in sexual assaults and child abuse cases
Q Did you receive separate training for that?
A Yes Several different courses and conferences
Q And that was something that the Department provided for you?
A Yes Sent to training
Q Did you request it?
A Some of it was requested Some of it was

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assigned
Q How did it start? Was it assigned first, or did you request it first?
MR EDWARDS Please excuse me
(A recess was taken)
MR EDWARDS Can you read the last question back?
(The reporter read the previous question back)
A I honestly can't remember I think probably what happened is -- I can't remember
Q Okay When did that begin, that training?
A Gosh, I can't remember the first official class I had
Q In relation to your -- September of '07, let's say
A I can't remember the first official class I had I know I went through the basic detective course that you have to take -- well, you don't have to take, but the Academy puts on I did not go to that until probably February of '08
A lot of that, though, was just kind of basic law 101 stuff that has -- you learn just being a patrol officer and how to interview people But as far as my first actual sexual assault class,

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I can't remember when it first was
Q Sometime after February of '08?
A Probably after
Q And so since that time, the majority, would you say, have been child abuse or sexual assault cases?
A The majority of?
Q Your --
A Of my cases?
Q Yes
A Absolutely, yes
Q Since that training?
A Yes I was receiving -- I was receiving those cases beforehand, but since about the end of August, beginning of September of 2007, I was given child abuse cases and sexual assaults
Q And did you have, other than this one, any other cases involving James Island High School?
A Involving students or teachers or both?
Q Either
A Are you talking about at that time or in my entire time?
Q In your entire time
A Okay My entire time as a detective? I may have had -- well, I am sure I had at least four or

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five involving students, and I may have had one involving an adult that had been in school, another one other than this one There may have been some sort of tie-in to that school, but I'm not sure
Q And when you say four or five involving students, are you talking about a student assaulting another student?
A No I'm talking -- or -- gosh, looking back, there may have been, but nothing that happened at the school That wouldn't have been my jurisdiction
Q Okay So what do you mean when you say four or five involving students? Student victims?
A Correct, student victims And that just means that just happens to be the school that they went to The incidents involving -- nothing that would have happened at that school because the school is actually in the city of Charleston, so it wouldn't be anything that I investigate
Q Okay Who would investigate that?
A City of Charleston
Q If it actually happened at the school?
A If there's an allegation of something that happened at the school, yes
Q Is that a jurisdictional issue?

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A Yes
Q Now, what about on school grounds? Is that still City of Charleston?
A Yes
Q Now, those four or five cases involving students of James Island High School, did the -- were the perpetrators employees of the school?
A No Like I said, that's just a guesstimate of kids that may have been students there But, no, I can't recall any of any other ones that were employees of the school
Q Do you remember who the alleged perpetrators were?
A No I mean, it would have been either family members or other students or other, you know, acquaintances or anything
Q And the one adult, do you remember who that was?
A I don't remember in the one particular case that I'm talking about if he was associated with James Island High School I investigated another case with a teacher, but I don't believe he was related I don't remember if he had any kind of interaction with James Island High
Q What was his name?

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A Charles Long
Q And you were involved in the investigation of the allegations made against Charles Long?
A Yes
Q Was that made by a former student of his?
A Yes
Q And what happened with those charges? Was he charged?
A Yes
Q What was he charged with?
A He was charged with -- it was a lewd act on a minor and contributing to the delinquency of a minor, I believe offhand is what --
Q And what happened with those charges?
A He was found not guilty
Q Okay Do you remember the accuser?
A Yes
Q What was his name?
A Are we able to give juvenile victims?
Q I can't give you legal advice
A Yeah I don't believe I'm able to release -- I mean, he was a juvenile when the alleged things happened, so I can't --
Q Okay
A I don't feel comfortable releasing that

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Q When did he allege the abuse took place?
A In the '80s I believe it was around 1986 Again, I don't have the case file in front of me, but I believe it was around that time, '84 to '86, something like that
Q Mid '80s?
A Yes
Q Okay And you were -- were you involved in that investigation from the beginning?
A Yes
Q How did that process work? Did the victim come in to the station and say, I am me, this is what happened? Or how did that happen?
A That victim came in -- I believe he had contacted an attorney for some guidance, not for a civil action The attorney he contacted was also an advocate for victims that he -- I believe he contacted him for that, and he had directed him to us So he came in to make a report
Q Okay And who was the person that he was in contact with?
A The attorney?
Q Yeah
A David Flowers
Q And they had a jury trial? Is that your

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understanding?
A After Mr Long was charged?
Q Uh-huh
A Yes
Q In the civil arena or in a criminal arena?
A No The victim never brought a civil suit
Q Okay But he was prosecuted criminally?
A Yes
Q Now, after -- when someone comes in like you just described and makes that type allegation, how did it work in Charles Long's case? Do you go out and question him?
A Question?
Q The alleged perpetrator
A Like in any case, we do our investigation first We get our statements from the victim, and then if there's any witnesses, we contact witnesses We did reach out to Mr Long to get him to give a statement when we made the arrest
Q Uh-huh
A But he enacted his right to counsel, so he did not speak with us
Q Okay So you take a statement from the victim?
A Correct

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Q And then you took other statements from witnesses?
A Correct
Q And do you recall what those witnesses had to say that was something that was worth putting into a statement?
A It was about -- let's see A couple of them was about demeanor, the specific time when he had -- the victim had a demeanor change And they had information about the victim and the defendant hanging out and spending time together
Q Okay
A I can't remember all the victims (sic) that we did go ahead and interview, but I know that some of them were witnesses that had had knowledge of the allegations and the abuse that had happened because the victim had told them And information corroborating some of the victim's statements, that they were saying -- that he was saying
Q As to the actual acts of abuse?
A As to the activities that were going on prior to and around the abuse
Q Such as?
A For instance, one of the allegations that was made was that it was at a sleepover, so it was

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people witnessing that there was sleepovers and stuff
Q Okay A sleepover at the perpetrator's house?
A Correct And at different places
Q Were there other victims that came forward?
A Not that came forward, no
Q Did you suspect that there were other victims?
A I don't know if there were any other The victim had suspicions, but we had no proof that there were other victims
Q All right So you took a statement from the victim, took some witness statements, and then he was arrested based on those statements?
A Based on the statements of the witnesses and the victim, yes
Q And the arrest warrant was obtained --
A Yes
Q -- I assume? Signed off by a judge?
A Yes
Q Do you remember who the solicitor was that was assigned to that case?
A That one was Assistant Solicitor Gordon
Q And their first name?

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A Elizabeth
Q Did she prosecute the case?
A Yes
Q Okay Is that a typical procedure for something like this, an allegation of sexual assault comes in, and you'll talk to the victim, take a statement, and interview any corroborating witnesses?
A Yes
Q And then at that point, do you then -- is that -- is there anything else in the process? Do you have a typical procedure that you follow when that comes in? An allegation comes in, and you know right away, well, I'm going to interview the witness -- I mean, the victim I'm going to interview whatever witnesses we have And then I'm going to go seek to get an arrest warrant, if it's sufficient
A It really depends on the case If there's any way that we can get physical evidence, we try to do that as well We also -- depending on -- again, it really just kind of depends on the allegations and time period, and each case is different But if there is any other information or evidence to collect, yeah, we -- I mean, case by

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case, we would go and do that
Q Okay And the physical evidence would be something you would maybe look for on an assault that had happened recently more so than one that had happened in the past?
A Yes There would be -- for that kind of physical evidence I mean, there's other stuff that we could look for too just depending on what a victim says If they say that there was something that we believe we might still be able to locate, then we might make an attempt to locate something like that It really just kind of depends on what the victim is alleging, what they're saying happened
Q Is it normal for a case of sexual assault to be not recent?
MS JACKSON Objection
Q Somewhat several years old even
MS JACKSON Objection to the form
Q That's a bad question Let me rephrase it
Is it common that victims -- typically, there's a delay period between the time when the victim alleges abuse occurred and the time where they come forward to someone like you?
A Yes

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MS JACKSON Objection
Q And is that something that's especially common with -- in a case of child victims?
A Yes
Q Now, do you have cases assigned to you by somebody else within the department?
A At that -- as a detective, I did Now, I do not
Q Okay So how do you -- how did it work then as a detective? Who assigned you the cases?
A Supervisors, the detective sergeants, would review cases that came in and would make assignments
Q Who were the supervisors at that time?
A At that time, it was Sergeant Williams, B K is his first name And I do not remember if it was Sergeant Zimmer at the time or if it was still Sergeant Willoughby at the time of the report Which report are you talking about? I'm sorry Because there was a transition -- there was a change right around that time
Q Yeah Let's talk about who assigned that to you
A That case was assigned to me by Sergeant Williams

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Q And what does B K stand for?
A Brian I don't know what the K stands for
Q And do you remember that, when it was assigned to you?
A Yes
Q Tell me about that What was disclosed to you at that time?
A The -- Sergeant Williams and the lieutenant at the time, Lieutenant Tittle had brought me into their office and said that a detention officer had made an allegation of some sexual abuse that had occurred several years before while she was in high school And they had given me her basic information, kind of a basic, very vague idea of what the allegation was, and had told me that they were going to assign it to me
Q Okay And then what? Did they give you any instructions or marching orders?
A Just the usual Like I said, how we would handle cases You contact the victim and make contact with the victim, sit down, get their side of the story, get their statement
Q And did you do that?
A Yes
Q Okay And did you report all of your

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investigation to Williams?
A Yes Sergeant Williams was my immediate supervisor over this case, and he was working with me constantly on it
Q Now, did he conduct any investigation on his own?
A No
Q So everything -- fair -- have you reviewed the file?
A Yes
Q The police reports and supplemental reports and all those things?
A Yes
Q Accurate to say that you alone conducted the investigation, the actual interviews and the drawing up of the reports and all those things?
A Yes
Q Williams didn't do any of those things?
A No
Q But you reported it to him for his input?
A Yes
Q Okay Anybody else that you reported to?
A No We had our lieutenant at the time, but it -- again, that was not where I directly reported to He was aware of it He stayed abreast to

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everything that was going on in the case
Q All right And did it make any difference that it was a detention center employee?
A As far as how it was handled, as far as the, you know, black and white investigation of it, no But we did -- because she was a detention office employee, we, you know, tried to accommodate with her work schedule and tried to make sure that it was as easy and comfortable, like we do for all of them, but just kind of trying to make it a little bit more comfortable for, her considering that she was one of our coworkers
Q Okay And was there a solicitor assigned?
A There was not a solicitor that was officially -- that I know officially assigned it But I did contact Assistant Solicitor Debbie Herring-Lash
Q You contacted her on your own?
A Yes
Q Why did you do that?
A For assistance with it If there was -- ultimately, a solicitor's -- the solicitor's office can decide that it's not a prosecutable case after they've reviewed it, so it was for assistance to see if I -- you know, what else could be done that

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we could look into
Q At what point in the investigation did you contact Solicitor Herring-Lash?
A I don't remember the exact time that I contacted her
Q Was it early on or later on in the investigation?
A It probably would have been after I had contacted most of the witnesses I know that after I spoke with her, I was able to contact another witness, so it was probably further on towards the -- I mean, after most of the witnesses that I did have were interviewed
Q Okay Does the solicitor normally get involved prior to an arrest?
A It depends On major cases, sometimes we do contact them to basically just kind of use it as an assistance to help us out You know, it's not a -- it's not policy It's not something we do in all cases But especially in major cases, we do have contact with them for assistance
Q Okay And they provide you what type of assistance? Some sort of legal guidance?
A More on, I guess, kind of stuff that they would be interested in looking at too You know, I

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mean, if -- to make a -- to see if a case is actually something that we can make an arrest or prosecute, so --
Q Are they typically contacted and guidance sought for whether or not to make an arrest in a particular case?
A Not really Ultimately, the decision to make an arrest is left up to the officer The Solicitor's Office doesn't -- does not tell us yes or no to arrest The ultimate decision is left up to us However, if they -- if they tell us that they cannot prosecute it, then we don't -- basically, the case is closed right then
Q So in this case, it would have been -- the ultimate decision would have been Williams' decision to make, or would it have been yours?
A I mean, it's kind of a combination of, but ultimately, it's my name that has to go on the report -- or on the warrant But it would have been basically a joint decision between -- in my office
Q And what did Williams -- what was his opinion on whether or not to secure an arrest warrant for Charlie Smith?
A We all agreed that it was -- it was a

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difficult case in that we didn't feel that it was something that would be able to be prosecuted
Q What made it a difficult case?
A The fact that it's a sexual assault, first of all I mean, all sexual assaults are difficult cases because it is basically two people's words Very rarely do we have physical evidence Very rarely do we have eyewitnesses to the actual account
In this particular case, it was difficult because of the time period that had passed It was difficult because there was no eyewitnesses There was no one that the victim had told of the events that had happened The memories that were repressed, that made it difficult
There were -- again, ultimately, the fact that it's a sexual assault makes it a difficult case just in -- from the rip
Q Okay How many of the cases -- do most of the sexual assault cases that you -- end up in front of you, do most of them result in an arrest of some kind?
A You know, without having the exact numbers in front of me, I'm going to say it's about fifty-fifty There's some cases that we're able to

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make a charge on, some cases that we unfound, some cases we inactivate Some cases we've exhausted everything, and we can't go any further on them
So, you know, unfortunately, it's -- like I said, they are one of the hardest cases, if not the hardest cases, because there's really -- it's really difficult to get a lot of evidence
Q At that time -- do you know anything about repressed memory?
A Very little I mean, not medically or anything
Q At that time, did you know anything about repressed memory?
A No Same now Very little
Q Is that, repressed memory, not something that was in any of your training?
A It has been touched on, but again, it's one of the hurdles in these kind of cases, that if a victim says it was a repressed memory, it's -- unfortunately in a case like this, there's a bunch of hurdles that are lined up, and it's just another one that gets put in there
Q Okay What was different with this case versus Charles Long?
A He did not have repressed memory The

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victim in that case did not repress his memories
He remembered it from the time that he said that it
happened until the time we went to trial
Q Okay Anything else that you can think of?
A He told people about it
Q Of course, if he hadn't remembered it, he
couldn't have told anybody?
MR QUISENBERRY Object to the form of
the question
MS JACKSON Same objection
A I'm sorry?
Q If he hadn't remembered it, he couldn't have
told anybody Do you agree with that?
A He told people almost within -- I mean, very
recent of it happening
Q Sure
A It wasn't --
Q He told people because he remembered What
I'm saying is, if he didn't remember -- if he had
repressed the memories of the abuse, do you agree
that he then wouldn't have been able to tell
anybody about it?
MR QUISENBERRY Object to the form of
the question You can answer, if you can
MS JACKSON Same objection

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A I mean, I don't know enough about repressed
memories to know that I know he told because he
knew it happened and told
Q Sure Any other major differences that you
can think of?
A Not that I can think of offhand
Q Okay Now, was this your first case that
was assigned to you, first sexual assault case?
A No
Q Okay How many had you done prior to this
case?
A Oh, man
Q Ballpark figure?
A Ballpark figure, I've probably done about --
I'm going to say maybe 10 to 20 cases
Q In the six-month period -- training period?
A Uh-huh, sexual assaults against children
Q Okay And since you were out on -- well, I
guess you weren't out on your own at that point,
but you had officially made detective in September
of '07
A Correct In September of '07, I was out on
my own It was -- the month of August was my
training part when I was still technically under
training

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Q Oh, I see So did you get this before
September?
A No This came in September
Q All right So this would have been one of
your first cases that you had on your own, is that
right?
A The cases that were assigned to me before
were my -- on my own The way you're assigned --
or the way it works in the Detective Office is with
Detective Lariccia, I worked with him on cases, but
I was also being assigned cases on my own So I
had my own cases, and then he would assist me if I
needed to
I don't recall if this was my first
sexual assault case that I had been assigned by
my -- like on my own by myself I don't recall if
it was But I know that at least one of the cases
that had started as Detective Lariccia's that was a
child sexual assault, after he left had become
mine So, again, I don't know I had already been
assigned cases on my own I don't remember if this
was the first one given to me
Q Okay Now, do you remember in the
investigation on these allegations against Charlie
Smith interviewing the victim?

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A Yes
Q Do you remember interviewing other
witnesses?
A Yes
Q Did you interview Mr Smith?
A I spoke with him on the phone after I had --
I don't remember exactly how far along it was, but
I spoke with him on the phone to give him the
opportunity to meet with me He spoke with me
briefly on the phone, and then said that he would
meet with me the next morning with his attorney
And I don't remember if he actually
told me right then he was bringing his attorney,
but he showed up with his attorney And I spoke
with his attorney, and his attorney advised that he
wasn't going to allow him to speak with me
Q Who was his attorney?
A Gordon Garrett, I believe was his name
Yeah, Gordon Garrett
Q And did you inform him of the allegations
that were made against him?
A I informed him that there was an abuse of --
or an allegation of sexual abuse I don't -- I
don't believe I would have actually told him what
she had said That wouldn't be my practice of it,

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but --
Q Did he already know, or was that the first he had heard?
A That was the first he had heard from what he told me on the phone and from what I can remember
Q Okay And Gordon Garrett was his attorney that he just had on retainer?
A I don't know how he got him He just showed up with him
Q The next day?
A Yes
Q The next morning?
A The next morning I don't recall what time of the day that I had called him, what time of day I had called him
Q So you actually had a meeting with Smith and Mr Garrett?
A I had a meeting with Mr Garrett Mr Smith waited outside
Q And what was the substance of that conversation?
A I told him that there was an allegation from a former student of his, and he asked if we had an arrest warrant I said, no, that I was just giving Mr Smith an opportunity to talk to me about stuff

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that had gone on And he said that he wasn't going to allow him to talk at that time
Q Okay And that was it?
A From what I recall I mean, once he said he wasn't going to allow us to talk, there wasn't much more that I could do with him
Q All right Is that normal practice?
A For --
Q To speak to the alleged perpetrator?
A If we can If we can Again, sometimes -- just depending on the case, sometimes we do it beforehand, before we make an arrest Sometimes we do it when we make the arrest It really depends on a case-by-case basis
Q What would factor into that decision about whether to talk to him before arresting or talk to him at the time of the arrest?
A A lot of it has to do with if we're able to secure an arrest warrant If we have enough to secure an arrest warrant before talking to them, then we can talk to them when we do that If we don't have enough, then sometimes we do talk with them to try to get either a confession or at the very least, try to get their side of the story, which usually can help us get more information to

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determine if we are able to make an arrest
Q Did you seek to get an arrest warrant in this case?
A I sought to do the investigation to determine if we could get an arrest warrant With these kind of cases, just like any kind of cases, if you go into it with tunnel vision one way or the other, you're going to step over yourself So if you go in just trying to find out what happened and find out if there was a crime that had occurred, you're usually more successful with it
Q Have you ever sought an arrest warrant on an allegation of sexual assault that's been denied?
A No
Q Did you ever speak with any other lawyers who represented Charlie Smith?
A No
Q What about James Island High School?
A Yes
Q Who did you speak with?
A I'm so sorry I forget his name, but --
Q Mr Quisenberry?
A Yes, Mr Quisenberry I apologize
Q When did you speak with him?
A I honestly do not remember when we spoke I

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believe it was within this past year, but I don't remember the exact date or when it was
Q And what prompted that meeting or conversation? Did you-all meet in person?
A Yes
Q What prompted that?
A I had received a request for -- to meet in reference to a deposition
Q Okay And so you-all met and talked about your investigation?
A Yes
Q Anything else?
A No
Q And that was about a year ago?
A I don't know when it was I think it was within the past year
Q Okay Anybody else? Any other lawyers?
A No
Q Paralegals? Office people?
A Not that I can recall, no
Q Okay Do you know what the status of this investigation is against Charlie Smith, what the status is today?
A Now that I actually have the case file in front of me, I did see that we actually inactivated

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it We do have a letter from the solicitor saying that it is not prosecutable at this time Normally, that would be something that we would close out saying there's no prosecution, but in this case, we actually have it inactivated

We're still not exhausting any more -- or putting any more time or information or anything into it However, if something were to come up, we could look into it But, again, I -- now that I have the case file in front of me, I see that it has been inactivated

Q Is that the entire case file?

A It is

Q And is that in response to the subpoena that was served?

A Me having the case file?

Q Uh-huh

A Yes

Q Okay Is that your only copy?

A Yes

Q Okay I'd like to make a copy of that

A Okay

Q And I'm going to include it as an exhibit to your deposition I can give it back to you now, or I can go and do whatever you need to do, and we can

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make a copy and then give it to you tomorrow It's up to you

A I'd rather stick around for it because it's signed out in my name So if something happens, I get in trouble for it

Q We'll do that shortly Now, during the course of the investigation, do you recall any discord between you or the department, Sheriff's Department and Ms [redacted]

A She, on several occasions and one in particular, had come in and said that she was mad at me and so therefore didn't want to give me information

Q Why was she mad at you?

A It was, I think, in reference to how I handled the case or how I labeled the case And I advised her, just like we would advise any other victim, that if they do not cooperate with us and they stop communicating with us, that the case would be closed and we would not further investigate --

Q What didn't she like about the way you had labeled it or handled it?

A It was labeled as a sexual assault in the report, which in our record system -- again,

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something I have nothing to do with That's a records management issue -- it was labeled in the thing as a rape, and she was not happy with the fact that it was labeled that way

Q Do you recall why it was that that upset her?

A She was afraid that other people at the Sheriff's Office or coworkers would be able to see it and know that she reported it

Q How could that -- how could others have seen that?

A Others would have been able to see it if they violated policy and looked her name up The system that we have has everyone who has ever had -- basically, had any kind of interaction with the jail or any reports made or anything like that

So if we -- as a detective, I can use that as an investigation tool If I have to look up someone for investigation, I can type their name in As a detention officer, she had access to a similar -- or I guess another read-only kind of system, same thing She looked herself up and found that that was in there

The only way that anybody else would have been able to do it is if they looked her up

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And so the only -- the only way someone -- or the only reason someone should be looking her up is if it was an official investigation, whether criminal or internal So a random coworker would not be allowed to just go and type her name in They could be -- they would be violating policy then

Q What stops them from doing that?

A If they're caught, they get punished that way I mean, it's --

Q Just the policy itself?

A The policy itself I mean, you have to sign into the system, so it's kept pretty -- from my understanding, it's logged pretty carefully

Q But once you're signed in, you can look for whatever you want to look for?

A Absolutely

Q It may be against policy, but the only way anyone would know that is if they looked at what you did during your time that you were logged in?

A Correct And I don't know the system to know -- I don't know the administrative side of it to know if they can even see what you're looking at I don't know

Q Aren't -- the police reports and supplemental reports and statements and things like

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that, are they public record?
A Yes
Q So anybody who had an interest could come in?
A There is a -- if the report is said that it's a juvenile -- in other words, if it's a juvenile that has made the report -- and I believe -- I don't know what it was at the time, but I believe now even if it is an adult who made a report about something that happened as a juvenile, that's not released to the public But, again, that's -- I mean, that's FOIA stuff that I don't have any control over
Q So would this case file be available to the public?
A I don't know the FOIA -- actual FOIA statute of limitations and all that, but -- the limitations of the FOIA, but I believe the initial report is But, again, I don't know the --
Q Is what?
A Is public record
Q Okay And are you aware that [redacted] was concerned with protecting her identity?
A After the report was made, she had made it clear that she was aware -- or that she was

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concerned with that The problem is when you make a report, we have to put your information down It's part of the process You have to give us your information to put in the report You cannot -- to the Sheriff's Office to make a report, you can't make a report anonymously for a sexual assault, so we have to have your information
Now, what gets released to the public, again that's FOIA stuff that I don't have control over But the media is not allowed to release names of victims, I do know that
Q But if someone comes into the office and says, I've been sexually abused, I don't want my name out there, you take down their contact information and put that in the report? Or is that something that you keep separate and the report itself is identified as some sort of John Doe or Jane Doe?
A We -- I have never heard of putting anyone down as a Jane Doe that has been identified You know, if we have an identification on someone, we have to put their information I have never had a case where someone has even come in and said, I don't want my identity -- I don't want my name in the report

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So I wouldn't -- I honestly don't know how that would be handled If they absolutely refused, I would have to check with our records and records manager to find out if that could even be done At the time that the victim made her report, she did not say that she did not want her name out there It wasn't until she found herself in the system that she was upset
Q And did you do anything to correct that after she made that fact known to you?
A I did not I believe she tried to go up through the records chain and through her chain of command to try to get it changed But from my understanding, my recollection, she wasn't trying to get it changed on the report She was trying to get it changed in the internal system
Q And did that happen?
A I don't know
Q You personally didn't do it?
A I personally did not do it, no I don't have the authority to do that
Q Did you report that to Detective Williams?
A At that time, he was already transferred I did report that she wanted that to my sergeant then, which was Sergeant Zimmer

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Q First name?
A Claire
Q Did she --
A Or Clarice
Q Did she do anything to --
A I believe she -- we -- same thing we told her, she needed to talk with our records manager on that one, and that's John Williams And I don't know if it was changed through him From my understanding, from what I can recall, the victim went through her chain of command to John Williams to try to get it changed
Q She did do that?
A I believe she did
Q Do you know if it was ever changed?
A I don't know
Q Is there a reason why it wouldn't be changed if she requested it?
A From my -- again, just from my understanding of it, those are UCR codes That's a federal thing that we can't change it It's how it's coded But I don't know if they changed it You know, it could have been changed to a disturbance, but I don't know if it did, if it was
Q Was anything done to ensure that other

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employees were not able to access that internally?
A I don't know That's nothing that I would have authority to do over
Q Okay Did she -- did [redacted] express to you what it was that concerned her about the way it was classified or what exactly was said on the internal reports?
A She was upset that -- and, again, it's not reports It was basically a screen that said next to her name that she had reported a rape And it wasn't even something that -- in that system, if you type in her name, it would pull up her information, and you would actually have to go even further to find out that she had made a -- you could see if she had ever made a report or had ever been listed in a report
Then you'd have to go into that to find out what her status was on the report as far as, was she a complainant, a victim, a witness And that's where you would see that she was a -- it would probably say victim, and it would say rape or something But I don't know if anything else was changed
Q Is it -- and is that information that you just described something that can be discovered by

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anybody in the department once they're logged in?
A Anyone who has access to that system, yes
Q For any victim?
A For anybody, yes
Q Okay Anything else that was an issue between yourself and Ms [redacted] regarding the investigation?
A She made an internal affairs complaint on me I don't know when it was made I don't recall But I believe it was after the case had already been closed out She had made the internal affairs complaint And it was -- I was exonerated from it I don't believe -- I don't know how they officially closed it out, but I know I was exonerated or unfounded I don't remember
Q What was the wrongdoing that she claimed?
A I honestly don't know I don't know the exact accusations that she had made against me I just know I had to make a statement about it, about the investigation
Q You made a statement?
A Yes I gave a written statement
Q Is that included in that case file?
A I have it here with -- it's not part of the case file, but I did bring it

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Q Okay A statement in your own words?
A Uh-huh Yes I'm sorry
Q And who asked you to do that?
A Who asked me to give a statement?
Q Uh-huh
A The internal affairs investigators
Q Okay Any other issues that you remember relating to you or anybody else regarding the handling of this investigation?
A No Again, I don't know what her actual accusations were in the internal affairs investigation and who all she included, if any others
Q Okay I'd like to walk you through a few documents, and I'd like to make a copy of that
A Okay
MR EDWARDS Now, do you mind if we take a break, about ten minutes?
MR QUISENBERRY Can you make a copy for us too?
MR EDWARDS Sure
(A recess was taken)
(Exhibit No 1 was marked for identification)
Q I'm handing you what's been marked

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Plaintiff's Exhibit Number 1 Do you recognize that?
A Yes
Q Can you tell me what it is?
A It is the initial report and supplemental reports for this case
Q Does that appear to be all of the reports and supplemental reports?
A Yes
Q Now, the information contained in there, is that in your own writing?
A This right here or --
Q Yeah, not in your own writing
A Oh, yes
Q But you put in the substance of the reports?
A Yes
Q This is not something that was prepared by Ms [redacted]
A Correct
Q That is information that was relayed -- I don't know the word I'm looking for, but this is -- you filled out the reports?
A Yes
Q Including the meat of it where it says what Ms [redacted] said, what you said, what was discussed,

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the contents of discussion, things like that
A Yes
Q And you're aware that -- are you aware that [redacted] took some issue with the verbiage that was used in some of these reports?
A That sounds familiar, yes.
Q Okay So that's not something new to you?
A Correct
MR EDWARDS Okay May I look at this since I seem to have not made quite the right number of copies?
Q And the initial report is dated 9/15/07
A Yes
Q Do you see that?
A Yes
Q Is that when you first spoke with [redacted]
A It looks like she actually came in on the 12th is probably when I spoke with her
Q Okay And you prepared the report on the 15th?
A Yes
Q Okay Did you perform any investigation in those three days?
A Did I what? I'm sorry
Q Did you perform any investigation in those

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three days between the 12th and the 15th?
A I would have to look at the case file that I had in front of me That actually has the dates that I met It may have been that -- and again, I'm just kind of going by what I'm looking at It may have been that it was -- that we -- she spoke about it on the 15th, but we -- or I'm sorry -- on the 12th, but we didn't meet till the 15th
But in that day, we would have set up time probably to set up to meet, if we hadn't already Again, I've got to see my case file for the exact dates
Q Okay And then the next report, incident supplement, is dated May the 2nd, 2008?
A Yes
Q And it recaps the previous report, and then goes on in the second paragraph to describe more incidents
A Correct
Q Was that disclosed to you by [redacted] between September of '07 and May of '08?
A Yes That would have been -- the supplemental report is basically just a synopsis of everything that was done up and to this point So it would have been a review of everything that was

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done
Q At that point, had you investigated -- conducted any type of investigation?
A As of May 5th?
Q Yes
A Or I'm sorry May 2nd, yes
Q Do you recall what you had done?
A I mean, everything that's outlined in this report here So we would have gotten statements from her Let's see We interviewed the people that she had asked me to contact It looks like I had already met with Mr Garrett, Mr Smith's attorney
Q Uh-huh
A And it documents the other things It also documents how I spoke with Assistant Solicitor Herring-Lash
Q So this is the, generally speaking, recap of what had transpired in the investigation?
A Correct Up and to that point
Q Now, would your case file have a contemporaneous type of record of these interviews, notes, things like that, of these various witnesses?
A Yes It would have notes, and some of it's

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just basically what's already written in here
Q And is that what you based this report on, your notes and your --
A Yes
Q -- recollection of the interviews?
A Yes
Q All right This says some of the interviews took place several months in the past, so those would have been based primarily off your notes?
A I'm sorry What was your question?
Q Well, for example, talking about Smith, you arranged a meeting with Smith at Station 4, 0800 hours on 10/17/07 He advised that he wouldn't give a statement through his lawyer You see that?
A Yes
Q And then on that same page, it's page 2 of 5, says you spoke with Doug Wright, Sadie Brown
A Uh-huh
Q Met with Assistant Solicitor Herring-Lash Those are all things that had happened in that eight- or nine-month time period?
A Yes
Q Okay But those aren't dated is what I'm -- what I'm saying And I'm asking you if in your case file there are notes that reflect the dates

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and times and substance of the conversations you had with these witnesses
A It may not have exact times I mean, it probably has exact dates, but I don't think it has exact times of when Because they -- Mr Wright nor Ms Brown gave a written statement, so --
Q They did give a written statement?
A They did not give a written statement
Q Did not
A Correct
Q And is it your -- do you know whether or not the notes that you took were made at the time of the interview?
A Yes I believe so Again, I'd have to look at them, but I believe they were made right then They were typed out
Q You typed out your notes?
A We have a system that we can put all our notes in So it just kind of depends on -- you know, we can go into it, and -- it's now changed just recently, but you can go into it and type out your notes And there is a dates stamp on it, but it's the dates stamp for basically -- not each time you enter in
Basically, if you -- I don't know how

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to explain If you go into the notes section and you start typing, it'll do a dates stamp on that If you go to a new date -- or I'm sorry -- a new note, it'll put the date on that So you can still add to the other ones You can still add to all of them, and they won't re-update it Do you see what I'm saying?
I know it's kind of confusing, but you -- like if I were to write in today, it'll say January 24th And then if I go tomorrow and start a new one, it'll say January 25th But if I go tomorrow and just keep adding in, it won't give the dates
Q To the January 24th note?
A Right You can just add it to the January 24th, so it won't give an update on what date it was
Q Did you do that in this case?
A I'm sure I did
Q Went back and updated your notes on the same day?
A Uh-huh, I'm sure I did
Q Okay
(Off-the-record discussion)
Q So if I'm -- tell me if I'm looking at this

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correctly The witnesses that you have interviewed and have -- that are reflected here in these reports, Doug Wright?
A Correct
Q Sadie Brown?
A Correct
Q And Troi Myers?
A Correct Actually, it's Troi Mack on the report
Q Troi Mack?
A Yes Myers, I believe, was her maiden name
Q I see Do you recall interviewing any other witnesses?
A No, I do not
Q Okay What about these three were -- made you decide to call them up or contact them, ask them questions?
A Ms [redacted] had given me those three names as people to talk to She said that there was -- that she had never told any of them, but that they may have suspected something
Q Okay These three in particular?
A Yes
Q And Doug Wright is in law enforcement as well, is that right?

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A Yes
Q Would he have access to the same type of system that we were talking about earlier?
A No
Q Is that because he's in Summerville --
A Correct
Q -- PD?
Sadie Brown, did you ever get the right Sadie Brown?
A I did I did finally talk with her
Q Do you recall what she had to say?
A Yes She said that Mr Smith was friendly with everyone, and that she had no information regarding the case, and that [redacted] never informed her of anything
She said that they -- I do remember this from my notes that are the case file She said that she -- the kids were able to write in journals, and that on several instances, she reported cases to DSS by what kids had said in their journals, and that [redacted] never gave her any information that she felt needed to be reported
Q Okay What about Doug Wright?
A He said that he does not have any information that could help me with the case other

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than that he did remember that [redacted] followed Smith around and that he had no reason to believe that Smith was involved in any inappropriate behavior with [redacted] or anyone else
Q Do you recall anything else?
A I believe -- and I don't -- I'm trying to remember from that, but I believe he said he would actually make a better witness for Mr Smith than for [redacted]
Q Why would that be?
A He -- from what I can recall from what he said, he did not believe that Mr Smith had done anything like this with her, and that she probably just, like he said, followed her (sic) around
Q And what did he base that conclusion on?
A I'm assuming from his knowledge of when they were in school together
Q But he did confirm that he -- that [redacted] and Smith -- she followed, quote, unquote, Smith around?
A Yes He said that he remembered [redacted] following him, Smith, around
Q So he recalls them spending time together at least, whether or not she was following him or not Is that fair to say?

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MR QUISENBERRY Object to the form of the question You can answer, if you can
A I mean, he recalled her following him But as far as what kind of time they spent together, he didn't say
Q Okay What about Troi Mack? Do you remember what she had to say? Is that a -- it's a she?
A She, yes She said she did not have any knowledge of anything, but that [redacted] used to talk a lot about Coach Smith And she said that if anything did happen, it would have been consensual, that she -- that [redacted] constantly spoke about Smith and that she had a crush on him And she said that they spent a lot of time together
Q So she corroborated that allegation that they spent time together at least, is that right?
A Yes And I do recall -- I apologize I do recall that I spoke with [redacted] mother
Q What did she have to say?
A And she said that she never suspected anything, but that the coach -- after Ms [redacted] suicide attempt, that the coach did call and check on her to see if she was okay But [redacted] -- I'm sorry -- Ms [redacted] mother did not think

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anything odd at the time about that
Q Okay What is ROCIC?
(Off-the-record discussion)
Q What was the last thing that you said?
A I don't know what we asked
MR QUISENBERRY Can you read it back?
(The question on page *63, line 2, was read back by the reporter)
A I don't know exactly what it stands for, but it's a -- basically like a law enforcement search engine that we can try to locate people based on the limited information that we may have
Q Okay Is it your understanding that at the age of 15, sexual activity could have been consensual between [redacted] and Smith?
A Legally or -- I mean --
Q Legally
A Legally, at the age of 15 back in 1980 -- whatever time this was that she was 15, back in the '80s, no, you cannot consent to sex at 15 with someone over the age of 18
Q Okay So that statement that it would have been consensual, did that factor in at all to your investigation?
A No

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Q Okay Is there any -- okay What significance did that carry for you?
A About Ms Mack saying that it was consensual?
Q Uh-huh
A It was not surprising at all In cases of sexual abuse, a lot of times in child sexual abuse, the activity is consensual based on -- in other words, it's not a forcible situation It's very common in child sexual abuse that a victim will willingly cooperate or go along with the activity
Q Why do you think that is?
A Most of the time in child sexual abuse, it's someone that the child and family trust and that they have a close relationship with
Q And doesn't that also lead people to believe that -- or strike that
That being the case in your experience, is it not also the case that the victims and their family members don't suspect that type of activity because they trust the perpetrator?
A In my experience, yes
Q And is it common in cases of child sexual abuse that the victim -- perpetrator is someone in a trusting relationship like a teacher and a

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student?
A Yes, it is common
THE WITNESS Excuse me Can we go off the record?
MR EDWARDS Sure
(Off-the-record discussion)
(Exhibit No 2 was marked for identification)
Q I've handed you Plaintiff's Exhibit Number 2 That's a statement given by [redacted] on September 11, 2007 Have you ever seen this statement before?
A I've seen a copy of this This is not the statement that -- the one that I have that she was giving to us was signed
Q Okay If you'll review that if you need to, and let me know when you're finished
A Okay
MR EDWARDS Let's mark this as 3
(Exhibit No 3 was marked for identification)
Q Plaintiff's Exhibit Number 3, is that the signed statement you're referring to?
A No Let me see This is a -- this is a -- this is another statement she gave This is the

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original one she gave us, in which I had her sign and initial each page, and then this was a --
MR QUISENBERRY Can you say -- you're pointing to Exhibit --
A I'm sorry To Exhibit 2 She had brought this in, and I had her sign, and then I signed and witnessed And then this one, Exhibit 3, was brought in at a later date And I don't remember if this is the one that came in after she had had more memories
But I -- in my case file, I was given both of these This is not -- again, this is not a copy of the one I received because the one I received has signatures on it
Q Exhibit 2, you're referring to?
A Exhibit 2 I'm sorry
Q But it appears to be the same one that you've seen?
A Yeah I mean, I can't testify to if it's the same because I -- again, the one that I -- the one that I was given, I have signed, yeah
Q Okay
A But it looks -- it appears to be similar, yes
Q Okay Let's start with Exhibit Number 2

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Do you remember what [redacted] told you -- understanding that this had been a case of repressed memory -- what had triggered her memory?
A Yeah She had said that -- as she explains in the first section here, that she had talked to an inmate or an officer had talked to an inmate or something about some sexual abuse between adults that was going on, and this triggered a nightmare that she had of Coach Smith standing over her laughing And then she says she couldn't sleep, so she went to see an attorney
Q Okay Did you ever look into repressed memory? Did you ask anybody in the department what it was, what it was about? Ask anybody about information regarding repressed memory syndrome?
A No, not as far as that goes, no Not as --
Q Okay Was that ever discussed internally?
A Between Sergeant Williams and I, yes I do remember discussing with him, again, one of the hurdles with repressed memories to investigate cases like this
Q And what are the hurdles, and how do you overcome them?
A Again, it's just waiting for all the memories to come out Sometimes, you know, I mean,

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there's -- there's holes in the chain of events because the memory isn't there
Q Williams told you that?
A That -- I mean, yeah, that was our basic conversation is that because it's a repressed memory -- and, actually, Ms [redacted] had mentioned it, how it was spotty because of her memory
Q Did you ever speak with her therapist?
A I don't recall if I did or not I don't see anything in here I know that she finally gave a release for it, but I don't recall if we ever spoke in person or on the phone
Q Okay If you did, would that be reflected in your case file?
A More than likely, yes
Q Okay Did you speak with any therapists or medical professionals about repressed memory syndrome?
A I did not, no
Q Do you know whether or not -- did you do any independent investigation on Charlie Smith?
A As far as his school records or anything? I do not -- I don't recall if we were able to get -- or if we did get his school records I don't recall if we did that

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Q All right
A I don't think we did I don't remember seeing them
Q If you did that, that would be reflected in your case file as well, right?
A If I did get them, they would have been in the case file, yes
Q But other than school records, did you investigate him personally, his background, who he was, where he came from?
A We always pull -- on cases like this, we pull the criminal history of the complainant or the victim, also the criminal history of the defendant or the alleged -- the accused So I did have a -- I did pull his criminal history I pulled any kind of reports that either Ms [redacted] or Mr Smith would have made with the Sheriff's Office
Q Anything other than that?
A No, sir
Q Okay Do you know whether you looked into the fact that he had a wife or a daughter?
A As far as did I verify that he had a wife or a daughter?
Q Uh-huh
A I did not

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Q Okay Do you know whether or not he had any horses or was involved in that business or that area of interest at all?
A I did not
Q Did you ever go out to Dills Bluff Road and ask anybody any questions out there?
A I did not ask any questions, no I did go by Dills Bluff with [redacted] She --
Q But you -- other than that?
A No
Q Did you investigate or look into whether or not he drove a yellow Bronco in the late '80s?
A I don't recall if I did I don't think I did
Q Did you ever go to the school, into his classroom?
A No, I did not
Q Okay So you never confirmed or verified that his classroom was near the main entrance?
A No And I believe she had said that that's where it was back in '88
Q So I did not --
A Or whenever -- '89 So, no Just with my knowledge of the school, I know teachers' classrooms moved It was not something that I

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looked into
Q Yeah Did you speak with anybody at the school?
A Not that I can recall I don't think I did
Q All right Did you ever look into whether or not he painted houses on the side after school?
A I did not
Q Did you ever speak with anybody named Shaddrix?
A I don't believe so
Q Does that name ring a bell?
A It does Is that the -- I believe that may be the painting company or whatever The name sounds familiar
Q Okay And you're aware of the allegation of Smith fondling [redacted] in the classroom?
A I am And that, actually, I believe is addressed in the -- yes, in the report, on page -- Exhibit 1, page 2 of 5 at the bottom, it says that, Ms Herring-Lash advised that the fondling incidents that occurred does not meet the statute criteria for the time period, therefore, no charges could be made So that's why that -- the fondling incidents were not further investigated
Q And the solicitor told you that that was not

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sufficient to meet the statutory requirements?
A For the time period, correct
Q Okay What about the allegation that Smith put his hand under her dress and touched her vagina?
A None of the fondling incidents were -- fit the criteria at that time What we did investigate further was the oral sex that she had said happened
Q Do you remember her saying that she remembered Smith smelling his fingers between turning pages as he was reading?
A Yes I remember that being in here
Q Would that indicate that there had been digital penetration of some kind?
A It could have been
Q And would that have met the statutory requirements for sexual abuse or sexual assault at the time?
A Offhand, I don't know I don't know what the --
Q Okay Do you know the little grocery store that's referred to in this statement?
A I believe that's where -- that's where she says the oral sex happened

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Q Yes
A And we drove by there It was -- at the time period that she and I drove, it was not a little grocery store, I believe I think it was an abandoned building at that point, but I do know -- she drove with me -- rode with me as I drove to the area to identify that, yes
Q Is that on school grounds?
A No, it is not
Q Is it adjacent, directly adjacent to school property?
A Just going from my memory, I don't believe so I think there is a property in between, but I don't know
Q Okay And that allegation of oral sex obviously would have met the statutory requirements at that time, is that right?
A Yes
Q Okay Turn to Exhibit Number 3 Do you see in the first paragraph the name of Bubba Brandt is mentioned?
A In the first paragraph?
Q Uh-huh
A Oh, yes
Q And as I understand it, that person was

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either a coach or an assistant coach on the softball team at the time?
A That's what she said, yes
Q And you understand that Ms [redacted] has alleged that Smith, among other things, gave her rides in his car from school and from practice and things like that?
A Yes
Q Did you ever speak with Bubba Brandt?
A I did not
Q Did you ever seek him out, try to find him?
A I did not
Q All right The third paragraph down, Steve Shaddrix is mentioned
A Yes
Q Creekside Painting Did you ever investigate Creekside Painting?
A I did not
Q Several addresses are given as residences for Steve Shaddrix Do you see that? Second line down, 683 --
A Yes
Q And then the last line of that third paragraph, 1549 Burning Tree, 932 Paul -- mine's cut off

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A Yeah Mine is too
Q -- Drive But you see those addresses?
A Yes
Q And you recall those addresses being provided to you?
A Yes
Q Did you ever verify those addresses as being residences of Steve Shaddrix?
A From my understanding -- I thought those were just addresses that they painted, but either way, she's saying that she doesn't remember anything happening there, so no I mean, whoever's addresses those are, I don't know if they were --
Q You're right The ones at the bottom are --
A Right
Q -- paint addresses
A Okay That's what I thought they were
Q But the top one says the Shaddrixes lived at 683
A Correct
Q But you didn't verify that information?
A No
Q Did you ever -- and you never went to the house to verify whether or not they had hardwood floors?

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A No
Q Or that Smith boarded a horse at 990 Dills Bluff Road?
A No
Q Page number 2, top paragraph, I remember -- this is from a statement I remember him kissing me one time at the stable and the feel of his mustache Do you see that?
A Yes
Q Did you ever verify whether or not he, in fact, had a mustache at that time?
A She had provided pictures of the yearbook, and I don't recall if they were in there or not, if he had a mustache in there I believe he did
Q Okay I'm going to give you just a couple more things to look at
(Exhibit No 4 was marked for identification)
Q Plaintiff's Exhibit Number 4 is a listing of 1988-1989 softball players and what's categorized as miscellaneous individuals Have you ever seen this document before?
A Yes It looks similar to the one that she had given me, that -- I'm sorry -- Ms [redacted] had given me

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Q Is that what was provided to you --
A I believe so, yes
Q -- by Ms [redacted]
A Yes
Q Okay And out of those individuals, do you recall if you ever spoke with Kathryn Hammerlund?
A I did not speak with anyone on this page
Q Okay
A Except for -- correction Except for Troi Myers, who is Troi Mack
Q And why is that?
A Again, Ms [redacted] had said that there was -- that none of these people had knowledge of the incidents that had happened She wanted me to contact them just to get basically their opinion on it And she had actually said this in front of -- I believe it's in the report that she had said that in front of Assistant Solicitor Herring-Lash
Q She said what now?
A That she had requested us to look for these people in front of -- she had given me this, and then I believe she also requested we do that in our meeting that I had with the assistant solicitor
Q And do you know if the solicitor did that, contacted any of these --

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A I don't believe she did
Q Okay These people could have corroborated certain facts, couldn't they?
A They would have corroborated that she was on the team, he was the coach, and that he gave her rides But that wasn't -- that was stuff that had already been corroborated by her mother
Q Right Okay And that was sufficient corroboration for you, the mother?
A There wasn't a debate as to whether he gave her rides at this point We -- there was nothing -- Ms [redacted] had said that none of these people had any firsthand knowledge of what had happened
Q Okay So what is it then that was the concern about witnesses and memory?
A I don't understand your question
Q Well, the other allegations have been corroborated, that he gave rides, that he was her teacher, that he was her coach, that they spent time together Some debate whether or not she had a crush or didn't have a crush on him, whether she followed him or didn't follow him
But the fact of the matter is they spent time together, and that's been corroborated

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And then you have an allegation of sexual molestation and a perpetrator who won't talk to you Is that where most of your investigations are?
MR QUISENBERRY Object to the form of the question You can answer if you want
MS JACKSON Same objection
A I don't understand -- what do you mean by most of your investigations are?
Q Isn't that where most of your investigations of child sexual abuse lead you, to that scenario that I just described?
MR QUISENBERRY Same objection
MS JACKSON Same objection
A Yes I mean, they -- it is basically one person's word against another
Q Okay So there was no issue with her memory because what she had alleged, the circumstantial facts that she had alleged, had all been corroborated The only issue that hadn't been corroborated was the actual acts of abuse
A Yeah I mean, again, she made it clear that nobody knew, that she never told anybody of the incidents, that she never confided in anyone No one saw anything From the statements from

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Ms Brown and from Doug Wright as well as -- I'm sorry -- from Mr Wright and Ms Brown, the coach was well-respected by everyone And so the fact that he had interaction with her wasn't in question So contacting all of these people to say that, yes, he had interaction with her would have been basically redundant
Q Okay I understand that But most allegations -- they've got to start somewhere, right? One person makes an allegation against a child abuser, and up until that point -- till that first person steps forward and says, this is what happened, there are no other people that can corroborate that at that time?
MR QUISENBERRY Objection
MS JACKSON Objection
Q Is that fair to say?
A I think it depends on the cases, a lot of the time
Q So he was a nice guy and people liked him, Smith?
A From what people -- from the statements of the witnesses, yes
Q Does that mean that what [redacted] has alleged is not true?

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A No, it does not It doesn't give an answer either way
Q Okay Under miscellaneous individuals, John Russell Price, III, is listed, and it says that he's the one that wrote in the yearbook about, quote, "Coach might get in your pants if you're not careful," end quote
A Uh-huh
Q Do you recall seeing that in the yearbook?
A I do
Q Did you speak with John Russell Price, III?
A I did not
Q And below that, a young female teacher at James Island who's currently teaching there used to be a student at James Island High School Do you see that?
A Yes
Q Did you ever look into that?
A No, I did not
Q Do you recall attending a meeting with internal affairs and Ms [redacted] about some mailings that were sent out about Charlie Smith?
A With internal affairs?
Q Uh-huh
A No I don't recall meeting with internal

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affairs and Ms [redacted]
Q Did you meet with anybody about that?
A I do I vaguely remember something about some mailings that were mailed out I don't remember if it was a meeting with Ms [redacted] and other people I don't remember But I vaguely remember, now that you've mentioned it, something about some mailings or something that had gone out
Q Who called that meeting?
A I don't remember Again, I don't remember a meeting with anyone But I do remember something about some mailings with Mr Smith
Q What do you remember?
A I remember vaguely that there was something -- again, I don't remember Something about maybe a mailing -- postcards or something that may have gone out, but I don't remember a meeting Again, I don't know if it happened or not I just don't remember a meeting
Q And was there an issue with that?
A I honestly don't remember even what happened with it
Q Okay Do you remember hearing anything about an issue arising with [redacted] looking up Charlie Smith on the computer system?

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A An issue arising from that? I don't remember anything about an issue arising from that
Q Do you remember anything being discussed or mentioned by anybody in regards to the fact that [redacted] had looked up Charlie Smith on the computer system?
A I don't remember anything about that
Q Have you heard of the name Abby Wilkins?
A It sounds familiar, but I don't know
Q Do you remember discussing that person with [redacted]
A We may have I don't know
Q Did you ever speak with her?
A Abby Wilkins?
Q Yeah
A I don't know
Q Do you remember an issue arising between you and [redacted] in regards to your contacting her while she's at work?
A Yes
Q What was that issue?
A She -- I believe -- I believe Sergeant Williams had called her back Let's see Excuse me while I go through this real quick Yeah, it says -- I'm trying to find it I know that she had

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talked about that she didn't want to be contacted at work and that she had asked -- because we had tried to make it easier, since she did have a rotating schedule, to see if we could meet up while she was at work
Q Didn't she tell you she didn't want to be --
A At that point, yes, she had said not to, that she didn't want to be contacted and she didn't want to be disturbed at work, so we obliged
Q Do you know whether or not you tried to contact her after -- you tried to speak with her at work after she advised you that she did not want that to happen?
A I may have attempted to call her on her cell phone while she was at work, but not intentionally at work She had a -- I mean, her schedule, I didn't know how it worked I know she called me one time at like 5 30 in the morning, and I spoke with her And I don't remember if she was either going to or coming home from work But after she requested that we not contact her at work, I did not call her when I knew she was working that I can recall
Q Okay Do you know whether or not there was ever an issue with her age, whether or not she was

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15 or 16 at the time of the alleged sexual assault?
A Depending on what the statute was at the time -- and I don't have it in front of me -- that may have been a concern, to determine what the age of consent was at the time
Q Did you verify that she was 15 at the time?
A I believe we did because we got her school records to try to verify
Q You obtained her school records?
A Yes
Q And are all those in her case file?
A Yes
Q Who gave you the school records?
A I did a search warrant for it through the school
Q Is that warrant included in your case file?
A Yes
Q Who provided the records to you?
A I don't know the exact name I went and picked them up from the school at their records office There is a signature on here, so I don't know if that's the person who gave it I don't know Or maybe that's the person who approved it I don't know
Q Do you know what the statute of limitations

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is for criminal sexual assault in South Carolina?
A Criminal sexual conduct in South Carolina?
Q Yes
A The statute of limitations, there is none, for the criminal side
Q When was -- I understand that the Solicitor's Office gave you some writing that says -- well, how did the case go from active to inactive?
A We got a letter from the Solicitor's Office after we exhausted all the leads that we had, that we could follow up on And they advised that it was not able to be successfully prosecuted at that time, so we inactivated it
Q Okay What is your understanding of [redacted] reputation within the Sheriff's Department?
A At the time of this report, I had no idea who she was We -- it was -- I mean, this was officially closed out, inactivated, in 2008 But then we had a -- the internal affairs complaint, and -- which I don't know when that was filed I believe it was after this was closed
So as far as her reputation throughout the county, I don't know But, you know, I mean, I

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definitely know her from dealing with this case
Q Have you heard anything from anybody else?
A Quite honestly, I don't try to get involved with it because of the handlings that I've had with her
Q I'm sorry Could you repeat that?
A I try -- when her name comes up, it's something I -- because I know that there is an impending civil suit, I've dealt enough with the internal affairs investigation since the case has been closed out that I pretty much try to keep my distance
There is other issues that have come up in the past that I have been -- or in the time frame that I have been involved in, but -- regarding Ms [redacted] but that, again, had no bearing on the case
Q Okay This is half of your case file --
A Yeah
Q -- which I have not had a chance to look through yet But I will, and I'd like to ask you if I have any questions about what's in the case file if you would be willing to answer whatever questions I have
A Sure

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MR EDWARDS That's all I have for right now
THE WITNESS Okay
MR EDWARDS They may have some questions
MR QUISENBERRY Yeah Let's take a quick break here, let me finish looking through this Can we go off the record real quick?
(A recess was taken)
EXAMINATION
BY MR QUISENBERRY
Q All right We're on the record My name is Brian Quisenberry I'm an attorney for the school district and the high school in this case I'm going to ask you a few questions about this litigation I'm going to mark an exhibit, a document I don't have any copies of this
(Exhibit No 5 was marked for identification)
Q All right Let me show this to the other attorneys first I'm going to hand to you, Detective, what's been marked as Exhibit 5 to your deposition Take a look at it for a second
A Okay
Q Do you recognize Exhibit 5?

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A I know that it's the IA complaint against me I recognize it as that
Q And is that a complaint that the plaintiff in this case filed?
A Yes
Q Okay And she filed it against you?
A Yes
Q And did she accuse you of lying in your reports in that letter?
A Yes
Q And do you disagree with the allegations?
A Absolutely
Q So you think -- are the allegations in there false?
A Correct
Q And were her -- was her complaint against you found to be unfounded?
A Yes
Q All right I'll hand that to the court reporter I want to ask you about what's been marked as Exhibit 1, 2, and 3 These are my copies, but you've got those over there These are parts of the reports that you were questioned about earlier, correct?
A Yes

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Q And you prepared these reports based on the information Ms [redacted] and other people provided to you, correct?
A Yes
Q And do you stand by the accuracy of the information you put in your reports?
A Yes
Q And the reports were prepared based on what she stated at the time, the plaintiff in this case, correct?
A Yes
Q Is it true that -- let me ask -- strike that
Did Ms [redacted] ever change her story when she was being interviewed by you?
MR EDWARDS Object to the form
A She -- at the beginning when she -- we first met, she said that she may have had a crush on him, and then later on when we met with the Solicitor's Office, she had said that she did not recall saying that and that she didn't feel she was in -- that she was at the place where she could say that
I know -- I don't think she -- I don't remember I don't think she changed it significantly at other points

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Q So what you're saying is that in one statement she stated that she had a crush on Mr Smith, is that correct?
A She said she may have had a crush on him
Q And then in the second statement, she said that she didn't have a crush on him?
A That she did not recall saying that, and that -- I believe was that she wasn't in the place where she could say that
Q And in the initial statement where you recorded the issue with the crush, that was based on what she told you at the time?
A Yes
Q And then she changed her position about the crush in the later statement?
MR EDWARDS Object to the form
A She had said she didn't recall saying it, yes
Q I'm sorry?
A She had said that -- and let me find it here She said that she didn't recall saying that and she wasn't in a place where she could say that So, yes, she had changed what she had said
Q Okay I understand -- going back to your interviews with her in this investigation, did the

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plaintiff ever -- did you ever ask her to write out a statement while she was in your office?
A I did
Q And did she ever agree to sit down and write a statement in your office?
A No, she did not
Q So she refused to sit and write a statement with you watching her write it?
A Correct
Q So all of her statements that she provided you were written outside the office where you couldn't watch her write it?
A Yes
Q You -- plaintiff's attorney, Mr Edwards, asked you about your training in sexual abuse cases
A Yes
Q And I understand that you had some specific training on sexual abuse after you did this investigation
A After it started
Q After it started So you had some training while it was ongoing?
A Possibly I know I had at least -- at the very least, I had one class, not specific to sexual

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abuse, but to the investigations
Q And then later you had some training on sexual abuse?
A Yes
Q Okay Based on your training in those courses, did you handle this case appropriately?
A Yes
Q You also testified earlier about -- something about incidents with other students Do you recall that? Earlier in the first part of the deposition, you testified about incidents with other students that you had investigated previously
A Correct, yes
Q And you said -- in response to a question about how many, you stated four or five, is that correct?
A Correct
Q And you stated that was a guesstimate
A Absolutely, yes
Q You aren't sure how many, correct?
A Correct And that is -- again, just to be clear, that is not how many cases I've had that have involved the school That's just involving people who may be students at the school

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Q Okay So there are no others where the perpetrator were employees of the high school except for the ones we've talked about today?
A To my recollection, correct
Q And on the numbers of incidents involving students, would you just yield to the department's records on the accuracy of the number?
A Absolutely That's just a guess, kind of offhand
MR QUISENBERRY All right I guess we'll mark my copy
Aaron, do you have a separate copy of these to mark?
MR EDWARDS Of what?
MS JACKSON Of her records
MR EDWARDS No
MR QUISENBERRY Okay I'll mark them
MR EDWARDS She's got her own
MR QUISENBERRY Yeah Well, we don't want to mark those
MR EDWARDS You can mark yours, and then take it back
MR QUISENBERRY I'll make a photocopy I'll mark this as an exhibit

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(Exhibit No 6 was marked for identification)
Q All right Detective, you've been handed the Exhibit 6 to your deposition
A Uh-huh
Q If you take a moment to look through it and then tell me if it appears to be your complete file in this case
A It appears to be, yes
Q And I understand you provided that today at the start of your deposition?
A Yes
Q Is there any other documents or materials you have that relate to your investigation?
A Not that I have, no
Q All right If you would turn to a particular page I want to turn to this statement in Exhibit 6 It's titled, statement given by [redacted]Lynn [redacted]on September 11th, 2007
A Okay
Q This -- is this the statement that you said was signed by [redacted]when you testified earlier about her statement?
A Yes
Q And is that her signature at the bottom?

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A Yes
Q So she read this, and she -- before she signed it?
A Yes Or she gave this to us, and then I had her sign it saying that she did it
Q Okay And then turn to the next document in that -- in Exhibit 6
A Uh-huh
Q Is this -- is that -- whose signature is that at the bottom?
A That's hers again, Ms [redacted]again
Q That is her signature, and that's on the same pages following?
A Yes
Q That's her signature, not yours?
A Correct
MR QUISENBERRY All right That's all I have for now
EXAMINATION
BY MS JACKSON
Q You can just stay right where you are
A Okay
Q Detective, my name is Robin Jackson, and I represent Charles Smith in this lawsuit Since we're already in the file, which is marked as

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Exhibit 5 --
A 6
Q 6, okay The typed statement -- and I'm on the page that says -- it's page 5 of the statement
A Yes
Q Okay Was this dictated by [redacted] and typed by you, or typed by [redacted]
A Typed by [redacted]
Q Okay
A I should say she brought this to me, so --
Q Okay That last full paragraph that starts out with, the next thing I remember --
A Yes
Q -- is attempting suicide at JIHS
A Yes
Q And it says, I was scared and tired of the abuse I felt as if everyone at the school was unapproachable So many people liked him I did not know who to tell What was I going to say and to who Is that what that says?
A Yes
Q Does that indicate to you that at the time she committed suicide, it was related to the -- I'm sorry At the time she attempted suicide, that it was related to these allegations?

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A She did say that she was scared and tired of the abuse So it would -- could be inferred that that's what she was talking about, yes
Q Okay Did she indicate to you that most of this -- these abusive incidents took place with regard to traveling back and forth from softball practice?
A I don't recall offhand where the incident that happened at the corner store, where they were heading home from I believe it was headed home from a softball practice I'm not sure
Q And do you know anything about whether softball is a fall sport, spring sport, winter sport?
A I don't know I believe it's a spring sport, but I don't know
Q And this photograph that was in your file appears to be mostly black, for the purposes of the record, and then it appears to be a photograph of the softball team
A Yes
Q Did [redacted] ever identify herself to you in this picture?
A Yes
Q Which one did she identify herself as?

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A I believe -- I believe she's the one standing next to Coach Smith here
Q Okay So she's the second person in from the right?
A Yes
Q And is she wearing the same uniform as everyone else on the team?
A No, she is not
Q Is she wearing any uniform at all?
A Does not appear to be
Q All right Earlier you were asked about speaking with Troi Mack
A Yes
Q And whether she corroborated that [redacted] and Coach Smith spent time together And I just wanted to clarify that Based on your report, does it appear that Troi Mack corroborated that they spent time together, or did she corroborate that [redacted] told her that they spent time together?
A I apologize I'm looking for where the report is According to my report, it says that she also advised that [redacted] stated they had spent a lot of time together
Q All right And I'm sorry You were asked earlier about somebody named Abby Wilkins

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A Yes
Q Who is that?
A I don't recall
Q When you're investigating allegations of sexual abuse, does the case have to be handled differently if you're dealing with a young child versus a teenager versus an adult?
A Yes
Q Okay And what is the -- or is there a general age frame where you go from young child to teenager?
A No I mean, it kind of, again, depends on the case Generally, around 13 years old, we kind of consider them more of teenagers, so you can talk a little differently with them The interview process is a little different It also depends on the mental status of the child and what is going on, what the allegations are
Q Okay So if [redacted] had come to you or come to the Sheriff's Office when this was going on at age 15, she would have been treated as a teenager and not as a young child?
MR EDWARDS Object to the form
A Again, depending on how -- what her mental status was at the time, it really just kind of

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depends Now, again, at the time if she would have come forward, in the '80s, things were handled much differently than they are now I can say that if a 15-year-old child would have come forward right now, it would be handled slightly different, depending on their education level, their learning -- if they're learning disabled or any kind of disability that they may have, it would be handled based on all of that

Q Okay

A So, again, I don't know how it would have been handled in the '80s, but as far as now, there would be a different -- it would depend basically on their -- on the child

Q Okay You were also asked earlier about the differences between this case and the Charles Long case

A Yes

Q And there was a discussion of the fact that the Charles Long victim did not have a repressed memory and that he did tell people about it at the time Is it also -- is there also a difference in that there were witnesses to other inappropriate contact such as sleepovers?

MR EDWARDS Object to the form

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A The two cases are really, really quite different So to compare them is really hard because it's two separate cases In both cases, both allegations were made that things were done privately where no other witnesses were around But, yes, we did have other witnesses in the Long case that testified to behaviors that could contribute to I guess what his allegations were

Q Okay Was there anything that [redacted] told you with regard to the fondling incidents that implied that there was any penetration versus fondling?

A No And again, those were all reviewed -- each of those were reviewed based on what the statute -- the criminal statute was at the time

Q Okay When you first met with [redacted] is that when she brought you the photographs and the yearbook and the maps?

A The maps she drew with me when we first met The photographs may have come afterwards I don't recall And I don't know if it's somewhere in all of these notes if it came afterwards But the maps she actually drew -- I had her draw when we sat down together

Q Okay Since you put this file as inactive,

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have you received any additional information that would change the findings that caused it to become inactive?

A No

Q Have you ever been given the name of any person who would have any actual firsthand knowledge about any abusive acts between Charles Smith and [redacted]

A No

MS JACKSON I don't have anything further

EXAMINATION

BY MR EDWARDS

Q I have a few follow-up questions Isn't it the case that sexual molestation occurs in private?

A Most of the time, yes

MR QUISENBERRY Object to the form

Q And that being the case, there usually are no independent third-party witnesses that viewed the acts of sexual abuse?

A In the majority of cases, correct

Q And when something is concealed, say behind a desk or underneath a desk, behind a stack of books, people can't see it Doesn't mean it didn't happen, right?

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A Correct Just because there's nobody else who saw firsthand does not mean it did not happen

Q And you don't have any witnesses in your investigation that can say, no, that didn't happen, I saw that incident, and the fondling did not occur?

A I have no witnesses that can say that the allegations are absolutely false, correct

Q Okay You talked about Charles Long and other statements or witnesses who would support allegations as being some sort of difference in this -- between that case and this case Do you remember that?

A Yes

Q All right You agree with me, don't you, that there are witnesses who corroborate the fact that [redacted] and Smith spent time together in one form or another?

A Correct

Q And that Smith -- or [redacted] I should say, may have had a crush on Smith, right?

A There -- there was a -- yes, at least one -- a witness who said that

Q And you acknowledge that at the age of 15, she couldn't have consented to sexual acts with

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Smith?
A Correct
Q So even if she had a crush on him, it wouldn't matter because any sexual activity between the two of them is unlawful, isn't that right?
A Correct
Q So you have several witnesses who identified to you that the victim, the alleged victim, had a crush on the perpetrator at an age where she could not consent to sexual activity Doesn't that corroborate or give some support, at least, to the allegation that some sexual activity did, in fact, take place?
MS JACKSON Object to the form
A It does not corroborate it It doesn't prove it It's an element of it
Q Sure
A But it doesn't prove it It doesn't corroborate it
Q You've got a victim who says -- let's assume this fact You've got a victim that says I had a crush on him I liked him I looked up to him I respected him, so on and forth Then you have various other witnesses that say, yeah, she had a crush on him She followed him around She liked

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him She respected him She looked up to him Right?
A Right
Q That's what we have Let's assume that Is that a fair statement?
MR QUISENBERRY Object to the form of the question
A In a figure or this case?
Q Let's assume that [redacted] said that, okay, to you, that she had a crush on him And based on your documents, other witnesses indicated something to that effect Is that true?
MR QUISENBERRY Object to the form of the question You can answer
A Well, I mean, I just have an issue --
MS JACKSON Same
A I have an issue with saying that we're going to assume that -- I mean, she said it and then denied it
Q Okay
A But we do have a person who is -- one person who said, yes, she had a crush on him She may have had a crush on him We have another witness who said that she followed him around
Q Uh-huh

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A Does that corroborate what she says --
Q Well, and you have the victim who says that sexual activity took place
A Correct
Q And you have the law that says she can't consent to it
A Correct
Q And you've got a perpetrator who won't talk to you
A Correct
Q Okay All of those circumstances don't give you any indication of some sexual activity may have taken place?
MS JACKSON Objection to form
A I think it's important to understand that the case was not unfounded It was deemed that we couldn't prosecute it
Q Why couldn't you prosecute it with those facts and circumstances?
A It was -- I mean, that's a Solicitor's Office call on that one
Q Well, you said earlier it was your call whether or not to secure --
A Ultimately, it's my call to make an arrest It's the Solicitor's Office's call to prosecute it

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Q But doing your job is to secure the arrest warrant and arrest someone who there's probable cause to believe a crime has been committed
A Doing my job is to produce a case, if we find that there's been a crime that has been committed This case, unfortunately or fortunately, depending on I guess which side of the -- which party you're with, it was a case that was not a case that we were able to bring an arrest warrant and a prosecutable case on
Q How do you know?
A How do I know that it wasn't prosecutable?
Q Yeah
A Because we worked with the Solicitor's Office on it and went through all the leads that we had
Q But you didn't -- you didn't go through every lead that you had, did you?
A We went through every lead that we felt needed to be followed into
Q You didn't ask a judge for an arrest warrant, right?
A We did not go to a judge, correct
Q You didn't go and ask a jury to determine whether or not the facts are such that it can be

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concluded that sexual abuse took place?
A Correct
Q So how do you know whether or not it's prosecutable?
A That is a Solicitor's Office call The Solicitor's Office writing a letter to us saying that they will not prosecute -- that it's not a prosecutable case
Q Isn't a more accurate statement that the Solicitor's Office wouldn't prosecute it?
A The letter that I received said that it was not able to be successfully prosecuted
Q Sure But they don't know that, do they?
MR QUISENBERRY Object to the form of the question
A That's not my -- I can't answer for them I don't know I can just tell you what I was told
Q But you agree at the end of the day for every criminal charge, assuming the person being accused exercises his right and doesn't enter any plea, the only person or people who can determine whether or not a crime has been committed are those members of the jury
MR QUISENBERRY Object to the form of the question

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MS JACKSON Object to the form
Q Right?
A I think -- and I'm trying to make sure I understand your question You're saying that a jury is the only one who can determine if a person is guilty or innocent, absolutely But the steps it takes to get there --
Q Sure You also were asked about the fondling allegation and whether or not there was anything to support a finding or conclusion of some criminal sexual conduct Do you remember that?
A Yes
Q All right And you said -- I think you said no
A Correct
Q But you recall seeing the allegation and the statement from [redacted] that said that he smelled his fingers?
A Correct
Q Why would he smell his fingers if there's nothing to smell on his fingers?
MS JACKSON Objection to the form
A I can't answer for that I just know that based on the statute at the time, that was something that we did not further look into, that

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these oral abuse -- or oral sex was what our investigation was on
Q Would you agree that a reasonable inference to be made from the fact that he put his hand down her dress, pulled his hand out, smelled his fingers, a reasonable inference would be that his fingers went in somewhere down there and that he wanted to smell it?
MS JACKSON Objection
A Again, I can't --
Q I'm just asking you if that's a reasonable inference
A It could be
MS JACKSON Objection
A But I don't -- again, I don't know what the -- I don't have in front of me what the statute of -- at the time was, if it --
Q Yeah I'm not asking about statutes or about anything I'm just asking whether or not a reasonable person with a reasonable mind like yourself would say it's reasonable to conclude that -- assuming that's true, he smelled his fingers, that they had been somewhere that required -- that ended up with a smell on them
MS JACKSON Objection to the form

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MR QUISENBERRY Objection to the form of the question
Q I mean, is that completely unreasonable to think?
A No I don't think it's completely unreasonable
Q What does ROCIC stand for again?
A It's in here somewhere It's like Regional --
Q -- Organized --
MS JACKSON -- Crime Information Center
A It's something like that, yes
Q What exactly is that, the Regional Organized Crime Information Center?
A Like I said, it's a database that if we are trying to locate someone but only have limited information, we could use that and take a chance that it's -- I believe it's just like a search engine
Q Who would be included in that search engine?
A I don't know I was never -- I never had access to it Another detective had to do that for me I'm trying to find where it is right here
Q I mean, does it have specific reference to

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those associated with organized crime?
A No, no
Q Okay So what types of people -- what would make your name appear in that particular database?
A I believe it's just like a -- again, and I don't know I have not been trained in it I didn't have access to it As you can see, it's not even my name that's on here
But it is -- from my understanding of it, it is basically a search engine like Accurint or any other kind of search engine that's out there It may be in this that it's anyone who has ever had any kind of police report I don't know That I don't know
Q Okay But Troi Myers is the only one that you found in that system, is that right?
A Yes It's the only one that we looked in for that one
Q Why was her opinion and statement so desired?
A It was one of the people that Ms [redacted] had asked us to check with
Q She had asked you to check with other softball players and other people as well, but Troi Myers was the one that you sought out

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A Troi Myers was -- in her original -- I believe it's her original statement, she had said that she may have known -- I'm trying to find it here In Exhibit 2 -- let's see
She specifically asked us to look for Troi Myers, and I don't see where it is But the list of other people were basically just a list of students that she wanted us to contact Troi Myers and her were friends
I believe -- I don't want to say it unless I know for sure in here, but I believe Troi Myers was a -- she considered someone who was a very close friend of hers So someone that she wanted to seek out to get information on, as opposed to a list of students
Q Okay Weren't you told not to look into those other students?
A I had already felt like that would be inappropriate to basically go on a fishing expedition with students who she clearly stated had no knowledge of anything And when I spoke with Assistant Solicitor Herring-Lash, I believe at the meeting -- I believe it was at the meeting with [redacted] she had said that that would not be something we needed to look into it

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Q And she told you not to do it, right?
A She said don't worry about looking into it
Q But she said go find Troi Myers?
A Yes
Q But those other students could have corroborated other things like softball practices, the fact that she was either on the softball team or not on the softball team, right?
A They could have said that she was out there, correct
Q They could have said whether or not she often took rides in the car with Smith, couldn't they?
A May or may not have been able to
Q They may or may not have been able to tell you what car he drove, right?
A Correct
Q They could have told you whether or not he had a mustache
A Correct
Q They could have told you if he had horses at the horse stables
A May or may not
Q They might have been able to tell you if they were in car rides with Smith, right?

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A May or may not
Q Or that they went to the horse stables
A They may or may not have been --
Q Or that they were assaulted by Smith
A They may or may not have been able to
Q But you were told not to ask them any of those questions?
A I mean, with that logic, anyone at the school could have We could have contacted the entire school
Q Well, sure, yeah
A Absolutely
Q But this is a list of people given to you by the victim of those close to her at the time, either close in proximity or close by friendship, but ran in the same circles, did the same things, saw the same people
A I would not say ran in the same circles It was students that she said were on the softball team Again, not -- students that she clearly stated did not have knowledge of the incidents
Q The actual acts of abuse?
A Correct Whereas, these -- Ms Troi Myers was someone that she wanted us to look up because Troi would possibly have some information

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Q But she didn't give you anything, did she?
A No
Q But she wouldn't sign a statement to that effect either?
A She said that she -- I believe that the last contact I had with her was that she would call back if she would do that, but she gave me her statement over the phone
Q So she didn't ever sign a statement?
A Correct
Q She never swore under oath?
A Correct
Q She never said that this is absolutely the truth, I'll put my name down on here and swear it to be true?
A Correct
Q She refused to do that?
A She didn't refuse to I mean, she was wasn't not cooperative She cooperated but --
Q She declined?
A Correct, she declined
Q You also didn't get a statement from Wright
A Correct
Q And none from Brown either
A Correct Not written, correct

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Q You didn't take a statement from anyone at the school
A Correct
Q No statement from any other softball players
A Correct
Q No statement from any other students that were in her class with Smith --
A Correct
Q -- that could testify about inappropriate conduct in the classroom
A Correct
Q So what you have is an uncontradicted allegation by the victim, one of your own that works in the Sheriff's Department
A An uncontradicted --
MR QUISENBERRY Object to the form of the question
Q You don't have any witness or person that says, no, these things that she just said are not true She -- do you?
MR QUISENBERRY Object to the form of the question
A I don't have anyone who said that she was lying or that they witnessed or did not witness

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Q So what you have is an uncontradicted allegation from a member of the department, the Sheriff's Department, team --
A Correct
Q -- of a sexual assault that happened to her?
A Correct
Q Okay It's a bit strange, don't you think, that being the case, that you're told specifically not to contact certain people but to contact other people, not take statements, not seek a search warrant, and declare or decide in the Solicitor's Office -- you may not have done it, but the Solicitor's Office just decides on their own, this can't be prosecuted with [redacted] while a similar allegation during the same time period at the same school --
A Not at the same school
MR QUISENBERRY Object to the form of the question
Q Not at the same school?
A Again, I don't believe -- I don't recall if Mr Long had any actual --
Q Not at the school
A Right
Q But he did work at the school at some point

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in the mid '80s.
A I don't know if he worked at the high school I don't know
Q Does that not strike you as odd?
A No, it does not
Q Why?
A Again, the case was not unfounded It was -- it's not a prosecutable case It was -- we have never, never, never at all said the case was unfounded That would be totally separate It would be different There would be a different marking on here There would be different markings on the report The case was never unfounded
Again, it was, it's not prosecutable, but it's not unfounded Unfounded means it didn't happen or it didn't happen in our jurisdiction Or what I should say -- it didn't happen -- a crime did not happen So it was never unfounded
Q So you're not saying that a crime didn't occur?
A Correct We are not saying that a crime did not occur We are saying that it could not be prosecuted
Q And the standard -- a criminal standard is much higher than a civil standard Do you

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understand that?
A Yes
Q Do you think that had anything to do with it?
A That what had anything to do with it?
Q The higher standard required for a criminal prosecution versus a civil lawsuit
MR QUISENBERRY Object to the form of the question
A Yes I mean, we don't compare criminal to civil cases when we're doing these But, yes, it is much different from a civil action
Q Okay Did you draw up this statement yourself?
A Yes
MR QUISENBERRY Can you say what you're referring to? Exhibit 6, I think
A Yeah, top of 6
Q Yeah, the statement of Detective Avila on Exhibit 6 This is your own words?
A Yes
Q Do you have a signed copy?
A I don't This was something I pulled off of my computer IA might have a signed copy
Q Okay

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A I'll be honest, I don't even know if I spell checked this thing, so I don't -- I apologize if the spelling is off
Q When did you prepare this statement?
A This would have been prepared for the internal affairs investigation I don't know when that was Whenever the -- it would have been around the time that this allegation was made in Number 5, so around 2009
Q Okay Do you know whether that internal affairs investigation -- do you know anything about an issue that was raised by [redacted] with regard to Major Clark and getting some documents regarding the investigation?
A I don't know if -- I don't I don't know offhand, no
Q All right But there was an issue raised by [redacted] with regard to the internal computer system and how it was coded or whatever --
A Yes
Q -- it was in the system?
A That was during the investigation, yes
Q And that became known to the people in the Sheriff's Department?
A Yes

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Q And that went up her chain of command to whoever it had to go to, is that right?
A I don't know if she -- I'm assuming she went up through her chain of command I know that it made it to her chief
Q And this internal affairs investigation likewise went up to her top chain of command, and they were all aware of that as well, is that right?
A This one in Number 5 that she made against me?
Q Yes
A I don't know I don't -- I don't know how internal affairs works, but I don't think that it goes up through chain of command I don't know
Q Who knows about it?
A I believe just internal affairs and the parties involved
Q Do you believe that to be true, that only the internal affairs department and the parties involved became aware of this investigation?
A I don't know
Q You never spoke to anybody about it?
A I spoke with my supervisor and with the internal affairs on it
Q Your supervisor?

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A Yes
Q Detective Williams?
A It was -- I told Detective Williams that I had a thing I didn't go into details on what it was
Q Who was your supervisor that you talked --
A I, again, didn't go into details on what it was But I did tell my immediate supervisor at the time and now still, Sergeant Zimmer She's now Lieutenant Zimmer
Q How did they feel about it?
A I mean, they basically just kind of said whatever I mean, they laughed at it because -- again, and not talking about details of it, but just, I've got an internal affairs investigation
Q How did it make you feel?
A Honestly, it was irritating, but, again, as a police officer, we get internal affairs investigations We get complaints from citizens a lot, so, you just go with it And as long as you know you were doing what's right, you're not worried about it
Q Did [redacted] make people mad in the Sheriff's Department?
A I don't know She works at the jail I

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don't deal with her other than this case, this investigation, and like I said, another incident that had come up I am sure she's had run-ins with people
Q Does she rub some people the wrong way?
A She may
Q Do you know?
A Do I know for a fact? No Can I assume? Yes
Q What do you base that assumption on?
A Probably based on the fact that, again, I've had my investigation time with her I've had my IA complaint But as far as what she has done with anyone else, I don't know
Q Okay Do you know if the City of Charleston ever investigated anything in regards to these allegations?
A I know that we -- I spoke with Investigator or Detective Cooper, and that the stuff that was done in the City was determined that based on the statute, it was not criminal
Q Okay But the oral sex incident off the school ground in the county jurisdiction did meet the statutory requirements?
A Yes

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Q Do you know if the police department, the City of Charleston Police Department, opened up its own investigation and interviewed any witnesses?
A I don't know I don't --
Q When you spoke with Detective Cooper, was it the first he had heard about it?
A I believe so, but I don't -- I don't remember
Q After that first conversation, did you have any follow-ups with him?
A No And I believe -- I believe we spoke twice on it, when I initially called to let him know about it and then when we met with the solicitor
Q Okay So you and Cooper and Herring-Lash met together?
A Yes
Q And that was when you were told to find Troi Myers?
A No
Q When was that?
A I was told to find Troi Myers --
Q That would have been at a meeting with Zimmer, Watson --
A Yes With the Solicitor's Office, yes

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Q -- Solicitor and [redacted] and yourself?
A Yes And I don't remember if that was exactly when she said to call We had made attempts to contact her The ROCIC thing hadn't come back yet Yeah And that's when we -- that's when we met with her I'm sorry That's when she told me to do it, to make sure we found Troi or at least continued to try to contact her
Q She told you that privately?
A No That was in the meeting with Ms [redacted]
Q What did [redacted] have to say about that?
A Nothing That was one of the people she wanted us to contact
Q Okay
A Not that I can recall
Q After that meeting -- was that the last thing that you remember in the investigation, speaking with Troi Myers?
A Yes And then we, again, presented it to the Solicitor's Office, and we had exhausted everything, so the case was, again, stated that it couldn't be prosecuted
Q And now it's inactive?

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A Correct
Q But not closed?
A Correct
MR EDWARDS Okay I don't have anything else
MS JACKSON Nothing further
MR EDWARDS You're all done
MS JACKSON Detective, you have the ability to read and sign your deposition, or you can waive it You can't change your answers, but you can correct things that she may not have gotten correct Court reporters are very good, but it's totally up to you Some witnesses do, and some witnesses don't
THE WITNESS I'll waive it
(The deposition was concluded at 2 42 p m)

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

I, Teri L Horihan, Registered Professional Reporter and Notary Public for the State of South Carolina at Large, do hereby certify that the witness in the foregoing deposition was by me duly sworn to testify to the truth, the whole truth and nothing but the truth in the within-entitled cause, that said deposition was taken at the time and location therein stated, that the testimony of the witness and all objections made at the time of the examination were recorded stenographically by me and were thereafter transcribed by computer-aided transcription, that the foregoing is a full, complete and true record of the testimony of the witness and of all objections made at the time of the examination, and that the witness was given an opportunity to read and correct said deposition and to subscribe the same

Should the signature of the witness not be affixed to the deposition, the witness shall not have availed herself of the opportunity to sign or the signature has been waived

I further certify that I am neither related to nor counsel for any party to the cause pending or interested in the events thereof

Witness my hand, I have hereunto affixed my official seal on February 6th, 2012, at Charleston, Charleston County, South Carolina

Teri L Horihan
NCRA REGISTERED PROFESSIONAL REPORTER
My Commission expires
January 17, 2017

IN THE COURT OF COMMON PLEAS
FOR THE STATE OF SOUTH CAROLINA
CHARLESTON COUNTY

DEPOSITION OF RITA AVILA

JANE DOE,

Plaintiff,

vs.

Case No. 2010-CP-10-7699

CHARLES SMITH, CHARLESTON COUNTY SCHOOL DISTRICT, and JAMES ISLAND HIGH SCHOOL,

Defendants.

COPY

EXHIBITS

DEPONENT: RITA AVILA

DATE: January 24, 2012

TIME: 11:00 A.M.

LOCATION: THE RICHTER FIRM
622 Johnnie Dodds Boulevard
Mount Pleasant, South Carolina

REPORTED BY: TERI L. HORIHAN
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2007-018524B

CHARLESTON COUNTY SHERIFF'S OFFICE
3505 PINEHAVEN DRIVE • CHARLESTON HEIGHTS, S.C. 29405-7789 • (843) 202-1700

JB

J. AL CANNON, JR.

INCIDENT REPORT

SC0100000	DISPATCH NUMBER 07-018524 S	ORIGINAL CASE NUMBER N/A	PAGE 1 OF 1 PAGES

1. CSC W/ MINOR

INCIDENT CODE | DANGEROUS ☐ NO ☐ NO | FORCED ENTRY ☐ YES ☒ NO | PREMISE TYPE PARKING LOT | USED BY/ON N/A | TYPE OF USE ☒ INDIVIDUAL ☐ BUSINESS ☐ FINANCIAL INST. ☐ GOVERNMENT ☐ RELIG. ORG. ☐ EDUC. SPLIS. ☐ OTHER ☐ UNKNOWN ☐ POLICE OFF.

INCIDENT LOCATION: [redacted] | ZIP CODE 29412 | MILITARY TYPE N/A

BEGINNING INCIDENT DATE	24 HR. CLOCK	ENDING INCIDENT DATE	24 HR. CLOCK	DAY DATE	DAY TIME	TIME REPORTED	DAY REPORTED	BEAT
01/01/89	0000	02/15/89	0000	9/12/07	0914	0914	0914	314 D

SUBJECT

NAME (LAST, FIRST, MIDDLE): SAME AS VICTIM 1 | RELATIONSHIP TO SUBJECT | AGE | AGE | SEX | RACE | DOB | ETC.

HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.	DRIVER'S LIC.# & STATE	SOCIAL SECURITY #
5'07	175	BRO	BRO	N/A		

ADDRESS # | STREET NAME | CITY | STATE | ZIP CODE | DAY PHONE | EVENING PHONE

☐ VISIBLE INJURY ☒ NO ☐ YES | DISPOSITION OF NON-PERSONAL PROPERTY ☒ NO ☐ YES | USING ALCOHOL ☒ NO ☐ YES ☐ UNK | DRUGS ☒ NO ☐ YES TYPE ☐ UNK | ☐ UNDER THE INFLUENCE ☐ OFFENSIVE ☐ ALONE ☐ OTHER ☐ ARMED

EXPLAIN | OCCUPATION | EMPLOYER | ALIAS | SOC. #

N/A | N/A

COMPLAINANT

☐ COMPLAINANT ☐ VICTIM # ___ ☒ SUSPECT # 1 ☐ SUBJECT # ___ ☐ WITNESS # ___ ☐ WANTED ☐ WARRANT ☐ ARREST ☐ RUNAWAY ☐ MISSING PERSON

NAME (LAST, FIRST, MIDDLE): SMITH, CHARLES | RELATIONSHIP TO SUBJECT: #1 N/A, #2 N/A, #3 N/A | AGE | AGE | SEX: J | RACE: W | DOB | ETC.: N

HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.	DRIVER'S LIC.# & STATE	SOCIAL SECURITY #
		BLD	BLK			

ADDRESS # [redacted] | STREET NAME [redacted] | CITY CHARLESTON | STATE SC | ZIP CODE 29412 | DAY PHONE [redacted] | EVENING PHONE

☐ VISIBLE INJURY ☒ NO ☐ YES | DISPOSITION OF NON-PERSONAL PROPERTY ☒ NO ☐ YES | USING ALCOHOL ☒ NO ☐ YES ☐ UNK | DRUGS ☒ NO ☐ YES TYPE ☐ UNK | ☐ UNDER THE INFLUENCE ☐ OFFENSIVE ☐ ALONE ☐ OTHER ☐ ARMED

EXPLAIN | OCCUPATION: TEACHER | EMPLOYER: CCSD | ALIAS: CHARLIE | SOC. #: N/A

(A) CHARGE: N/A | (B) CHARGE | (C) CHARGE | (D) CHARGE

(James Island) I/D met with victim [redacted] in reference to a sexual assault that occurred at 1014 Fort Johnson Rd between January 1, 1989 and February 15, 1989. [redacted] stated that suspect Smith (who was her teacher at the time) had her perform oral sex on him one day as he took her home from school. [redacted] also advised that one day, while sitting with Smith at his desk, he "touched" her vagina. I/D obtained a signed statement from [redacted] detailing her memories of the incidents. Investigation continues.

Victim requests that her personal information be made unavailable

TYPE (GROUP)	N/A					TOTAL VALUE
STOLEN						
DAMAGED						
BURNED						
RECOVERED						
SEIZED						

SUBJECT CONVICTED ☒ YES ☐ NO | SUBJECT CHARGED ☐ YES ☒ NO | ☐ ACTIVE ☐ UNFOUNDED | ☐ ARM CLOSED | ☐ ARRESTED UNDER 18 ☐ ARRESTED 18 AND OVER | ☐ EXCEPT UNDER 18 ☐ EXCEPT 18 AND OVER

REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH 2. ☐ NO PROSECUTION 3. ☐ EXTRADITION DENIED 4. ☐ VICTIM DECLINES COOPERATION 5. ☐ JUVENILE NO CUSTODY

REPORTING OFFICER(S)	DATE	BADGE NUMBER	APPROVING OFFICER	DATE	RANGE NUMBER
R. AVILA	9/13/07	9727			

FOR FOLLOW UP OFFICER(S) ☐ YES ☐ NO

CCSO 100

EXHIBIT 1 - Avila 1/24/12 TLH

SB/SL 5/7/18 GS

INCIDENT SUPPLEMENT

CHARLESTON COUNTY SHERIFF'S OFFICE
3505 PINEHAVEN DRIVE, CHARLESTON HEIGHTS, S.C. 29405-7799 • (843) 202-1700

J. Al Cannon, Jr.
Sheriff

9C0100000	N/A	2007-018624-S	PAGE 1 OF 5 PAGES	NOC ENTRY	PJ	A

☐ ORIGINAL REPORT ☑ SUPPLEMENTAL REPORT ☐ ADDITIONAL VICTIMS ☐ ADDITIONAL WITNESSES ☐ ADDITIONAL ENGLISH PROPERTY
☑ WORKING COPY ☐ CASE STATUS CHANGE ☐ ADDITIONAL OFFENDERS ☐ ADDITIONAL SUBJECTS ☐ ADDITIONAL RECOVERED PROPERTY

INCIDENT TYPE: Criminal Sexual Conduct

Incident Location: 1014 FT JOHNSON RD, CHARLESTON, SC
Incident Date: 1/89-2/89

On 09/15/07, the victim, [redacted], reported to the Charleston County Sheriff's Office that when she was fifteen years old, she engaged in oral sex with her softball coach, Charles Smith. After giving I/D a prepared written statement, I/D and [redacted] drove around James Island and located the incident location as well as [redacted] residences while attending James Island High School. [redacted] advised that on two occasions, Smith fondled her in his classroom. [redacted] also advised that she performed oral sex on Smith at 1014 Ft Johnson Rd., James Island.

[redacted] advised that one day, possibly after softball practice, she was getting a ride home from Smith. Smith pulled his yellow Bronco to the side of 1014 Ft. Johnson Rd. [redacted] advised that no one was at the store and that it was still daylight. [redacted] advised that she moved closer to Smith and sat on top of the center console. [redacted] then performed fellatio on Smith. [redacted] advised that she remembered Smith placing his hand on her head but not in a forceful way. [redacted] advised that she remembered Smith ejaculating in her mouth. Afterwards, Smith took [redacted] home and [redacted] advises that she does not remember much more after that. On February 13, 1989, [redacted] went into a school bathroom and swallowed several Vivarin pills. [redacted] then went to Smith's classroom and EMS was called. On 8/21/90, [redacted] withdrew from school and began attending night school. The last time [redacted] remembers seeing Smith was in 1992 when she entered a sporting goods store where Smith worked.

Sometime after January 2007, [redacted] began having nightmares of Smith standing over her and laughing at her. After many "sleepless nights", [redacted] went to an attorney who advised her to seek help at the National Crime Victims Research and Treatment Center. Through therapy, [redacted] began remembering incidents with Smith and decided to contact the Charleston County Sheriff's Office.

[redacted] gave I/D her yearbook from the 1988-1989 school year. I/D made copies of select entries from the yearbook, including the entry made by Smith.

TYPE (CHECK ONE)	N/A					TOTAL VALUE	AGENCY/OFFICER (LAW ENFORCEMENT AGENCY)
STOLEN	0	0				0	
RECOVERED	0	0				0	
SEIZED	0	0				0	
RECOVERED	0	0	0	0	0	0	
SEIZED	0	0	0	0	0	0	

ORIGINAL COPY

SUBJECT IDENTIFIED ☑ YES ☐ NO	SUBJECT LOCATED ☑ YES ☐ NO	☐ ACTIVE INVESTIGATION	☐ CASE CLOSED	☐ ARREST WARRANT TO ☐ ARREST W/ HOLD OVER	☐ EXCLEARED UNDER 13 ☐ EXCLEARED 13 AND OVER
REASON FOR EXCEPTIONAL CLEARANCE	☐ OFFENDER DEATH	☐ NO PROSECUTION	☐ EXTRADITION DENIED	☐ VICTIM DISCLINED COOPERATION	☐ ARRAIGN NO CUSTODY

REPORTING OFFICER(S)	DATE	BADGE NUMBER	APPROVING OFFICER	DATE	BADGE NUMBER
Det. Rita R. Avila	5/2/2008	9727	Sgt. C. Zimmer	5/5/08	9378
			FOLLOW-UP RECOMMENDED YES NO		

OCRO 400 3/1999

5/7/8[illegible] 50

INCIDENT SUPPLEMENT

CHARLESTON COUNTY SHERIFF'S OFFICE
3505 PHEINOVEN DRIVE, CHARLESTON HEIGHTS, S.C. 29405-7739 • (843) 202-1700

J. Al Cannon, Jr.
Sheriff

5C0100000	N/A	2007018924-S	PAGE 2 OF 5 PAGES	N	N/A
☐ ORIGINAL REPORT	☑ SUPPLEMENTAL REPORT	☐ ADDITIONAL VICTIMS	☐ ADDITIONAL WITNESSES	☐ ARREST/CLEARED/PROPERTY	
☑ ADDITIONAL CHARGES	☐ CHARGES/CLEARED CHANGE	☐ ADDITIONAL OFFENDERS	☐ ADDITIONAL SUBJECTS	☐ ADDITIONAL RECOVERED PROPERTY	

[redacted] advised that she has never told anyone of the incidents that occurred with Smith. [redacted] advised I/D that Smith was never forceful and that she probably had a crush on him. I/D asked [redacted] why she attempted suicide in Smith's class. [redacted] advised that she was probably jealous because there were other girls in the class.

[redacted] then advised that Sadie Brown (teacher at JIHS during the time of the incident) may have information on inappropriate behavior between [redacted] and Smith. When I/D asked again if she confided Brown, [redacted] advised that she did not, however, Brown "may have known something". I/D attempted to contact Sadie Brown.

I/D spoke with Doug Wright at the prompting of [redacted]. Wright was an acquaintance of [redacted] while at James Island High School. Wright advised that he does not have any information that can assist I/D with this case, however, he did advise that he remembers [redacted] "following Smith" around. Wright also advised that he has no reason to believe that Smith was involved in inappropriate behavior with [redacted] or anyone else.

I/D had an arranged meeting with Smith at Station 4 at 0900 hrs. on 10/17/07. Smith advised, through his lawyer, Gordon Gerrett (554-5515) that he would not give a statement, written or oral, to I/D.

[redacted] met with I/D at the CID office. At the meeting, [redacted] advised I/D that she had withheld information from I/D due to being upset with I/D for way the initial report was written and how the incident was listed in the Charleston County Sheriff's Office Records Management System. I/D advised [redacted] that if I did not have her cooperation, the case would be closed. [redacted] advised that she had more memories but "was too tired and did not feel up to writing a statement at that time".

I/d was contacted by Sadie Brown, who advised that she remembers Smith as friendly with everyone. She has no information regarding this case and advised that [redacted] did not inform her of the situation while she was in school.

I/D met with Assistant Solicitor Herring-Lash and presented her with the case. Herring-Lash advised first that the fondling that occurred does not meet the statute criteria for that time period, therefore, no charges can be made. She then advised that information provided at this

TYPE (GROUP)	N/A					TOTAL VALUE	
STOLEN	0	0				0	
DAMAGED	0	0				0	
SEIZED	0	0				0	
RECOVERED	0	0	0	0	0	0	
FRAUD	0	0	0	0	0	0	

ORIGINAL COPY

SUBJECT EXAMINED	SUBJECT LOCATED				
☑ YES ☐ NO	☑ YES ☐ NO	☐ ACTIVE ☐ UNFOUNDED	☐ ADM. CLOSED	☐ ARREST UNDER 18 ☐ ARREST 18 AND OVER	☐ EX-CLEARED UNDER 18 ☐ EX-CLEARED 18 AND OVER

REASON FOR EXCEPTIONAL CLEARANCE ☐ OFFENDER DEATH ☐ NO PROSECUTION ☐ EXTRADITION DENIED ☐ VICTIM DECLINES COOPERATION ☐ JUVENILE NO CUSTODY

REPORTING OFFICER(S)	DATE	BADGE NUMBER	APPROVING OFFICER	DATE	BADGE NUMBER
Det. Rita R. Avila RA	5/2/2008	9727	Sgt. C. Zimmer CZ	5/5/08	9378
			POLYGRAPH ADMINISTRATION YES NO		

CCSO - 146 2/1/99

INCIDENT SUPPLEMENT

CHARLESTON COUNTY SHERIFF'S OFFICE

J. Al Cannon, Jr.
Sheriff

SC0100000	N/A	2007-018824-3	PAGE 3 OF 3 PAGES	
☐ ORIGINAL REPORT ☑ SUPPLEMENTAL REPORT ☐ ADDITIONAL VICTIM ☐ ADDITIONAL OFFENDER ☐ ADDITIONAL SUBJECTS ☐ ADDITIONAL PROPERTY/EVIDENCE				
☑ ARREST/CHARGE ☐ CASE STATUS CHANGE ☐ ADDITIONAL OFFENSES ☐ ADDITIONAL SUBJECTS ☐ ADDITIONAL RECOVERIES/PROPERTY				

time is not enough to prosecute. For this reason, I/D requests that this case be inactivated pending further evidence.

ORIGINAL COPY

TYPE (GROUP)	N/A					TOTAL VALUE	AGENCY/ORI OF OTHER LAW ENFORCEMENT AGENCY
STOLEN	0	0	0	0	0	0	
DAMAGED	0	0	0	0	0	0	
BURNED	0	0	0	0	0	0	AGENCY/ORI OF OTHER LAW ENFORCEMENT AGENCY
RECOVERED	0	0	0	0	0	0	
SEIZED	0	0	0	0	0	0	

SUBJECT IDENTIFIED ☑ YES ☐ NO | SUBJECT LOCATED ☑ YES ☐ NO | ☐ ACTIVE ☐ UNFOUNDED ☐ NON-CLOSED | ☐ ARREST UNDER 18 ☐ ARREST 18 AND OVER | ☐ EXCLUSIVELY UNDER 18 ☐ EXCLUSIVELY 18 AND OVER

REASON FOR EXCEPTIONAL CLEARANCE ☐ DEFENDANT DEATH ☐ NO PROSECUTION ☐ EXTRADITION DENIED ☐ VICTIM DISCLOSES COOPERATION ☐ UNABLE NO CUSTODY

REPORTING OFFICER	DATE	BADGE NUMBER	APPROVING OFFICER	DATE	BADGE NUMBER
Det. Rita R. Avila	5/2/2008	9727	Sgt. C. Zimmer	5/5/08	9378
			FOLLOW-UP INVESTIGATION YES NO		

DCSO 109 3/08

PERSON SUPPLEMENT

CHARLESTON COUNTY SHERIFF'S OFFICE
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5/7/8 LG
J. Al Cannon, Jr.
Sheriff

SC0100000 | N/A | 2007-018624-B | PAGE 4 OF 5 PAGES

☐ ORIGINAL REPORT ☑ SUPPLEMENTAL REPORT ☐ ADDITIONAL VICTIMS ☐ ADDITIONAL WITNESSES ☐ ADDITIONAL STOLEN PROPERTY
☑ INCIDENT OFFENSE ☐ CRIME SCENE CHANGE ☐ ADDITIONAL OFFENDERS ☐ ADDITIONAL SUBJECTS ☐ ADDITIONAL RECOVERED PROPERTY

VICTIM # 1

NAME (LAST, FIRST, MIDDLE)	DT	AGE	AGE	AGE	NUMBER	RACE	SEX	AGE	DOB	BTH
[redacted]		AQ	AQ	AQ	J[illegible]Q U	W	F	34	[redacted]	

HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATTOOS, CLOTHING, PHYSICAL PECULIARITIES, ETC.	DRIVER LIC. # & STATE	SOCIAL SECURITY #
507	175	BRN	BRN		4022384 SC	[redacted]

ADDRESS: 1005 Green Castle Drive | CITY: Goose Creek | STATE: SC | ZIP CODE: 29445 | DAY PHONE: [redacted] | EVENING PHONE:

VISIBLE INJURY: ☐ NO ☐ YES — EXPLAIN:
COMPLAINT OF PAIN/INJURY: ☐ NO ☐ YES
DRIVER ALCOHOL: ☐ NO ☐ YES TYPE: ☐ UNK
☐ TWO-MAN VEHICLE ☐ ONE-MAN VEHICLE ☐ DRIVER/PASSENGER ☐ OTHER ☐ ALONE ☐ ASSAULTED

OCCUPATION: DETENTION OFFICER | EMPLOYER: CCSO | ALIAS | MIL. #

IN CHARGE | AS CHARGE
IN CHARGE | AS CHARGE

COMPLAINANT

NAME (LAST, FIRST, MIDDLE)	DT				NUMBER	RACE	SEX	AGE	DOB	BTH
SMITH, CHARLES					[illegible]S O U	W	M	61	12/30/1944	

HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATTOOS, CLOTHING, PHYSICAL PECULIARITIES, ETC.	DRIVER LIC. # & STATE	SOCIAL SECURITY #
508	195	BRN	BRN			

ADDRESS: [redacted] | CITY: [redacted] | STATE: SC | ZIP CODE: 29412 | DAY PHONE: [redacted] | EVENING PHONE:

VISIBLE INJURY: ☐ NO ☐ YES — EXPLAIN:
COMPLAINT OF PAIN/INJURY: ☐ NO ☐ YES
DRIVER ALCOHOL: ☐ NO ☐ YES TYPE: ☐ UNK
☐ TWO-MAN VEHICLE ☐ ONE-MAN VEHICLE ☐ DRIVER/PASSENGER ☐ OTHER ☐ ALONE ☐ ASSAULTED

OCCUPATION: TEACHER | EMPLOYER: CCSD | ALIAS | MIL. #

IN CHARGE | AS CHARGE
IN CHARGE | AS CHARGE

SUSPECT # 1

NAME (LAST, FIRST, MIDDLE)	DT	AGE	AGE	AGE	NUMBER	RACE	SEX	AGE	DOB	BTH
WRIGHT, DOUG		AQ	NIA	NIA	J[illegible]Q U	W	M			

HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATTOOS, CLOTHING, PHYSICAL PECULIARITIES, ETC.	DRIVER LIC. # & STATE	SOCIAL SECURITY #
UNK	UNK	BRN	BRN		UNK	UNK

ADDRESS: [redacted] | CITY: [redacted] | STATE: SC | ZIP CODE: 29486 | DAY PHONE: [redacted] | EVENING PHONE:

VISIBLE INJURY: ☐ NO ☐ YES — EXPLAIN:
COMPLAINT OF PAIN/INJURY: ☐ NO ☐ YES
DRIVER ALCOHOL: ☐ NO ☐ YES TYPE: ☐ UNK
☐ TWO-MAN VEHICLE ☐ ONE-MAN VEHICLE ☐ DRIVER/PASSENGER ☐ OTHER ☐ ALONE ☐ ASSAULTED

OCCUPATION: POLICE OFFICER | EMPLOYER: SUMMERVILLE PD | ALIAS | MIL. #

IN CHARGE | AS CHARGE
IN CHARGE | AS CHARGE

ORIGINAL COPY

SUSPECT IDENTIFIED ☑ YES ☐ NO | SUBJECT LOCATED ☑ YES ☐ NO | ☐ ACTIVE (UNPROCESSED) ☐ ADMIN CLOSED | ☐ ARREST UNDER 18 ☐ ARREST 18 AND OVER | ☐ EX-CLEARED UNDER 18 ☐ EX-CLEARED 18 AND OVER

REASON FOR EXCEPTIONAL CLEARANCE: ☐ OFFENDER DEATH ☐ NO PROSECUTION ☐ EXTRADITION DENIED ☐ VICTIM DECLINES COOPERATION ☐ JUVENILE NO CUSTODY

REPORTING OFFICER(S)	DATE	BADGE NUMBER	APPROVING OFFICER	DATE	BADGE NUMBER
Det. Rita R. Avila	5/2/2008	9727	Sgt. C. Zimmerman	5/5/08	9378
			FOLLOW-UP INVESTIGATION: YES NO		

CCSO - 103

PERSON SUPPLEMENT

CHARLESTON COUNTY SHERIFF'S OFFICE
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5/7/08 KS J. Al Cannon, Sheriff

SC0100000	N/A	2007-018524-B	PAGE 3 OF 5 PAGES

☐ ORIGINAL REPORT ☑ SUPPLEMENTAL REPORT ☐ ADDITIONAL VICTIMS ☐ ADDITIONAL WITNESSES ☐ ADDITIONAL STOLEN PROPERTY
☑ NARRATIVE ATTACHED ☐ CASE STATUS CHANGE ☐ ADDITIONAL OFFENDERS ☐ ADDITIONAL SUSPECTS ☐ ADDITIONAL RECOVERED PROPERTY

VICTIM #

NAME (LAST, FIRST, MIDDLE): BROWN, SADIE | AGE: AQ | DOB: N/A | RACE: N/A | SEX: F | DRIVER'S LICENSE & STATE: UNK

HEIGHT	WEIGHT	HAIR	EYES
UNK	UNK	BLK	BRN

ADDRESS: [redacted] | CITY: [redacted] | STATE: SC | DAY PHONE: [redacted]

OCCUPATION: RETIRED | EMPLOYER: N/A

SUSPECT # 2

NAME (LAST, FIRST, MIDDLE): | AGE: | DOB: | RACE: | SEX: | DRIVER'S LICENSE & STATE:

HEIGHT	WEIGHT	HAIR	EYES

ADDRESS: | CITY: | STATE: | ZIP CODE: | DAY PHONE:

OCCUPATION: | EMPLOYER:

SUSPECT #

NAME (LAST, FIRST, MIDDLE): | AGE: | DOB: | RACE: J | SEX: S | DRIVER'S LICENSE & STATE: O U

HEIGHT	WEIGHT	HAIR	EYES

ADDRESS: | CITY: | STATE: | ZIP CODE: | DAY PHONE:

OCCUPATION: | EMPLOYER:

SUSPECT #

NAME (LAST, FIRST, MIDDLE): | AGE: | DOB: | RACE: J | SEX: S | DRIVER'S LICENSE & STATE: O U

HEIGHT	WEIGHT	HAIR	EYES

ADDRESS: | CITY: | STATE: | ZIP CODE: | DAY PHONE:

OCCUPATION: | EMPLOYER:

ORIGINAL COPY

☑ SUBJECT IDENTIFIED ☐ NO ☑ SUBJECT LOCATED ☐ NO ☐ ACTIVE ☐ UNFOUNDED ☐ ADM. CLOSED ☐ ARREST UNDER 18 ☐ ARREST 18 AND OVER ☐ EXCLUSIVELY UNDER 18 ☐ EXCLUSIVELY 18 AND OVER

REASON FOR EXCEPTIONAL CLEARANCE: ☐ OFFENDER DEATH ☐ NO PROSECUTION ☐ EXTRADITION DENIED ☐ VICTIM/WITNESS UNCOOPERATIVE ☐ JUVENILE NO CUSTODY

REPORTING OFFICER(S)	DATE	BADGE NUMBER	APPROVING OFFICER	DATE	BADGE NUMBER
Det. Rita R. Avila	5/2/2008	9727	Sgt. C. Zimmer	5/5/08	9378

FOLLOW-UP INVESTIGATION: YES NO

CCSO NS 1/08

JB 11/21/08 KS

KS

INCIDENT SUPPLEMENT

CHARLESTON COUNTY SHERIFF'S OFFICE
3505 PINEHAVEN DRIVE, CHARLESTON HEIGHTS, S.C. 29405-7789 • (843) 202-1700

J. Al Cannon, Jr.
Sheriff

9C0100000	DISPATCH NUMBER: N/A	ORIGINAL CASE NUMBER: 2007-018824-B	PAGE 1 OF 3 PAGES	MISC ENTRY	NO	DET
☐ CRIMINAL REPORT	☑ SUPPLEMENTAL REPORT	☐ ADDITIONAL VICTIMS	☐ ADDITIONAL WITNESSES	☐ ADDITIONAL STOLEN PROPERTY		
☐ MODIFIES ORIGINAL	☑ CASE STATUS CHANGE	☐ ADDITIONAL OFFENDERS	☐ ADDITIONAL SUBJECTS	☐ ADDITIONAL RECOVERED PROPERTY		

INCIDENT TYPE: Criminal Sexual Conduct

Incident Location: [redacted]
Incident Date: 1/89-2/89

This case was reactivated on October 16, 2008. I met with Assistant Solicitor Debbie Herring-Lash, Sgt. Zimmer, Lt. Watson and [redacted]

[redacted] now denies that she stated that the acts were consensual and says that "she does not remember" saying that and does not think that at the time of the report that she "was able to remember if it was consensual or not"

An attempt was made again to contact Troi Myers through ROCIC. Troi was located in ROCIC as Troi Mack, however, still in Charleston. I was able to locate a work number for her and left a message. Mrs. Mack called me back and we spoke. She advised that she did not have any knowledge of anything happening, however, [redacted] used to talk a lot about Coach Smith. She advised that if anything did happen, it would have been consensual. She advised that [redacted] constantly spoke about Smith and that she had a crush on him. She also advised that [redacted] stated that they spent a lot of time together.

I called Solicitor Herring Lash and advised her. She advised that she would call [redacted] and speak with her. On November 3, 2008, I received a written notice from Solicitor Herring-Lash stating that she does "not think this is a case that can be successfully prosecuted". This case is inactivated.

OFFICIAL COPY

TYPE (GROUP)						TOTAL VALUE	JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY
STOLEN	0	0	0	0	0	0	
DAMAGED	0	0	0	0	0	0	
SEIZED	0	0	0	0	0	0	JURISDICTION OF RECOVERED LAW ENFORCEMENT AGENCY
RECOVERED	0	0	0	0	0	0	
SEIZED	0	0	0	0	0	0	

SUSPECT IDENTIFIED ☑ YES ☐ NO | SUSPECT LOCATED ☑ YES ☐ NO | ☐ ACTIVE (DEPLOYED) | ☐ ADM. CLOSED | ☐ ARREST UNDER 18 ☐ ARREST 18 AND OVER | ☐ EX-CLEARED UNDER 18 ☐ EX-CLEARED 18 AND OVER

REASON FOR EXCEPTIONAL CLEARANCE: ☐ OFFENDER DEATH | ☐ PROSECUTION | ☐ EXTRADITION DENIED | ☐ VICTIM DECLINES COOPERATION | JUVENILE ☐ NO CUSTODY

REPORTING OFFICER(S)	DATE	BADGE NUMBER	APPROVING OFFICER	DATE	BADGE NUMBER
Det. Rita R. Avila	11/10/2008	9727	Sgt C Zimmer	11/10/08	9378

FOLLOW-UP INVESTIGATION: YES NO — OFFICER

DCSO 109 3/1/99

400

PERSON SUPPLEMENT

CHARLESTON COUNTY SHERIFF'S OFFICE
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J. Al Cannon, Jr. Sheriff

KL

SC0100000 | DIVISION NUMBER: N/A | ORIGINAL CASE NUMBER: 2007-018624-B | PAGE 2 OF 3 PAGES | RCIC ENTRY: NO / YES

☐ ORIGINAL REPORT ☑ SUPPLEMENTAL REPORT ☐ ADDITIONAL VICTIMS ☐ ADDITIONAL WITNESSES ☐ ADDITIONAL STOLEN PROPERTY
☐ MODIFIED ORIGINAL ☑ CASE STATUS CHANGE ☐ ADDITIONAL OFFENDERS ☐ ADDITIONAL SUBJECTS ☐ ADDITIONAL RECOVERED PROPERTY

☑ COMPLAINANT ☑ VICTIM # 1 ☐ SUSPECT # ☐ SUBJECT # ☐ WITNESS # ☐ WANTED ☐ WARRANT ☐ ARREST ☐ RUNAWAY ☐ MISSING PERSON

NAME (LAST, FIRST, MIDDLE): [redacted] 00005RD 234 | AT: AQ | AT: AQ | AT: AQ | RESIDENT: J O U | RACE: W | SEX: F | AGE: 35 | DOB: [redacted] | ETH:

HEIGHT: 507 | WEIGHT: 175 | HAIR: BRN | EYES: BRN | FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.: | DRIVER LIC. # & STATE: 4022384 SC | SOCIAL SECURITY #: [redacted]

ADDRESS: 1008 Green Castle Drive | CITY: Goose Creek | STATE: SC | ZIP CODE: 29445 | DAY PHONE: [redacted] H B | EVENING PHONE: [redacted] H B

VISIBLE INJURY: ☐ NO ☐ YES EXPLAIN: | COMPLAINT OF HOSPITAL ADMITTANCE: ☐ NO ☐ YES | USING ALCOHOL: ☐ NO ☐ YES ☐ UNK. DRUGS: ☐ NO ☐ YES TYPE: ☐ UNK. | ☐ TWO-MAN VEHICLE ☐ ONE-MAN VEHICLE | ☐ DETECTIVE/EXPLAINER ☐ OTHER | ☐ ALONE ☐ ASSISTED

OCCUPATION: DETENTION OFFICER | EMPLOYER: CCSO | ALIAS: | NIC #:

(A) CHARGE: | (C) CHARGE:
(B) CHARGE: | (D) CHARGE:

☐ COMPLAINANT ☐ VICTIM # ☑ SUSPECT # 1 ☐ SUBJECT # ☐ WITNESS # ☐ WANTED ☐ WARRANT ☐ ARREST ☐ RUNAWAY ☐ MISSING PERSON

NAME (LAST, FIRST, MIDDLE): SMITH, CHARLES 00003N478 | AT: | AT: | AT: | RESIDENT: S O U | RACE: W | SEX: M | AGE: 61 | DOB: [redacted] | ETH:

HEIGHT: 508 | WEIGHT: 195 | HAIR: BRN | EYES: BRN | FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.: | DRIVER LIC. # & STATE: | SOCIAL SECURITY #:

ADDRESS: [redacted] | CITY: [redacted] | STATE: SC | ZIP CODE: 29412 | DAY PHONE: [redacted] H B | EVENING PHONE: H B

VISIBLE INJURY: ☐ NO ☐ YES EXPLAIN: | COMPLAINT OF HOSPITAL ADMITTANCE: ☐ NO ☐ YES | USING ALCOHOL: ☐ NO ☐ YES ☐ UNK. ORIGIN: ☐ NO ☐ YES TYPE: ☐ UNK. | ☐ TWO-MAN VEHICLE ☐ ONE-MAN VEHICLE | ☐ DETECTIVE/EXPLAINER ☐ OTHER | ☐ ALONE ☐ ASSISTED

OCCUPATION: TEACHER | EMPLOYER: CCSD | ALIAS: | NIC #:

(A) CHARGE: | (C) CHARGE:
(B) CHARGE: | (D) CHARGE:

☐ COMPLAINANT ☐ VICTIM # ☐ SUSPECT # ☐ SUBJECT # 1 ☐ WITNESS # ☐ WANTED ☐ WARRANT ☐ ARREST ☐ RUNAWAY ☐ MISSING PERSON

NAME (LAST, FIRST, MIDDLE): WRIGHT, DOUG C0013303I6 | AT: AQ | AT: N/A | AT: N/A | RESIDENT: J O U | RACE: W | SEX: M | AGE: | DOB: | ETH:

HEIGHT: UNK | WEIGHT: UNK | HAIR: BRN | EYES: BRN | FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.: | DRIVER LIC. # & STATE: UNK | SOCIAL SECURITY #: UNK

ADDRESS: [redacted] | CITY: [redacted] | STATE: SC | ZIP CODE: 29483 | DAY PHONE: [redacted] H B | EVENING PHONE: H B

VISIBLE INJURY: ☐ NO ☐ YES EXPLAIN: | COMPLAINT OF HOSPITAL ADMITTANCE: ☐ NO ☐ YES | USING ALCOHOL: ☐ NO ☐ YES ☐ UNK. DRUGS: ☐ NO ☐ YES TYPE: ☐ UNK. | ☐ TWO-MAN VEHICLE ☐ ONE-MAN VEHICLE | ☐ DETECTIVE/EXPLAINER ☐ OTHER | ☐ ALONE ☐ ASSISTED

OCCUPATION: POLICE OFFICER | EMPLOYER: SUMMERVILLE PD | ALIAS: | NIC #:

(A) CHARGE: | (C) CHARGE:
(B) CHARGE: | (D) CHARGE:

ORIGINAL COPY

SUBJECT IDENTIFIED ☑ YES ☐ NO | SUBJECT LOCATED ☑ YES ☐ NO | ☐ ACTIVE ☐ UNFOUNDED | ☐ ADM. CLOSED | ☐ ARREST UNDER 18 ☐ ARREST 18 AND OVER | ☐ EX-CLEARED UNDER 18 ☐ EX-CLEARED 18 AND OVER

REASON FOR EXCEPTIONAL CLEARANCE: ☐ OFFENDER DEATH ☑ NO PROSECUTION ☐ EXTRADITION DENIED ☐ VICTIM DISCLOSES DOCUMENTATION ☐ JUVENILE NO CUSTODY

REPORTING OFFICER(S)	DATE	BADGE NUMBER	APPROVING OFFICER	DATE	BADGE NUMBER
Det. Rita R. Avila RA	11/7/2008	9727	Sgt C Zimmer	11/7/08	9378
			FOLLOW-UP INVESTIGATION ☐ YES ☐ NO	OFFICER	

CCSO - 103 1/1/96

PERSON SUPPLEMENT

CHARLESTON COUNTY SHERIFF'S OFFICE
3905 PINEHAVEN DRIVE, CHARLESTON HEIGHTS, S.C. 29405-7799 ☎(843) 202-1700

J. Al Cannon, Jr.
Sheriff

K8

9C0100000	N/A	2007-5[illegible]624-8	PAGE 3 OF 3 PAGES		

☐ ORIGINAL REPORT ☑ SUPPLEMENTAL REPORT ☐ ADDITIONAL VICTIMS ☐ ADDITIONAL WITNESSES ☐ ADDITIONAL STOLEN PROPERTY
☐ MODUS OPERANDI ☑ CASE STATUS CHANGE ☐ ADDITIONAL OFFENDERS ☐ ADDITIONAL SUBJECTS ☐ ADDITIONAL RECOVERED PROPERTY

☐ COMPLAINANT ☐ VICTIM # ☐ SUSPECT # ☑ SUBJECT # 2 ☐ WITNESS # ☐ WANTED ☐ WARRANT ☐ ARREST ☐ RUNAWAY ☐ MISSING PERSON

NAME (LAST, FIRST, MIDDLE): BROWN, BADIE (XX1330319) | ST: AQ | RACE: N/A | ETH: N/A | AGE: 80U | SEX: B | F | DOB: | BTH:

HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.	DRIVER LICENSE # & STATE	SOCIAL SECURITY #
UNK	UNK	BLK	BRN		UNK	UNK

ADDRESS: UNK | CITY: CHARLESTON | STATE: SC | ZIP CODE: | DAY PHONE: [redacted] | EVENING PHONE:

VEHICLE INJURY ☐ NO ☐ YES EXPLAIN: | COMPLAINT OF NONVISIBLE INJURIES ☐ NO ☐ YES | USING ALCOHOL ☐ NO ☐ YES ☐ UNK. DRUGS ☐ NO ☐ YES TYPE: ☐ UNK. | ☐ TWO-MAN VEHICLE ☐ ONE-MAN VEHICLE ☐ DETECTIVE/PLAINCLOTHES ☐ OTHER ☐ ALONE ☐ ASSISTED

OCCUPATION: RETIRED | EMPLOYER: N/A | ALIAS: | MIC #:

(A) CHARGE: | (C) CHARGE: | (B) CHARGE: | (D) CHARGE:

☐ COMPLAINANT ☐ VICTIM # ☐ SUSPECT # ☑ SUBJECT # 3 ☐ WITNESS # ☐ WANTED ☐ WARRANT ☐ ARREST ☐ RUNAWAY ☐ MISSING PERSON

NAME (LAST, FIRST, MIDDLE): MACK, TROI (XX1338319) | ST: AQ | RACE: N/A | ETH: N/A | AGE: 30U | SEX: B | F | DOB: | BTH:

HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.	DRIVER LICENSE # & STATE	SOCIAL SECURITY #
-	-	-	-	UNK	-	-

ADDRESS: UNK | CITY: [redacted] | STATE: SC | ZIP CODE: UNK | DAY PHONE: [redacted] | EVENING PHONE:

VEHICLE INJURY ☑ NO ☐ YES EXPLAIN: | COMPLAINT OF NONVISIBLE INJURIES ☑ NO ☐ YES | USING ALCOHOL ☑ NO ☐ YES ☐ UNK. DRUGS ☑ NO ☐ YES TYPE: ☐ UNK. | ☐ TWO-MAN VEHICLE ☐ ONE-MAN VEHICLE ☐ DETECTIVE/PLAINCLOTHES ☐ OTHER ☐ ALONE ☐ ASSISTED

OCCUPATION: | EMPLOYER: | ALIAS: TROI MYERS | MIC #:

(A) CHARGE: | (C) CHARGE: | (B) CHARGE: | (D) CHARGE:

K-8

☐ COMPLAINANT ☐ VICTIM # ☐ SUSPECT # ☐ SUBJECT # ☐ WITNESS # ☐ WANTED ☐ WARRANT ☐ ARREST ☐ RUNAWAY ☐ MISSING PERSON

NAME (LAST, FIRST, MIDDLE): | ST: | RACE: | ETH: | AGE: 30U | SEX: | | DOB: | BTH:

HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.	DRIVER LICENSE # & STATE	SOCIAL SECURITY #

ADDRESS: | CITY: | STATE: | ZIP CODE: | DAY PHONE: | EVENING PHONE:

VEHICLE INJURY ☐ NO ☐ YES EXPLAIN: | COMPLAINT OF NONVISIBLE INJURIES ☐ NO ☐ YES | USING ALCOHOL ☐ NO ☐ YES ☐ UNK. DRUGS ☐ NO ☐ YES TYPE: ☐ UNK. | ☐ TWO-MAN VEHICLE ☐ ONE-MAN VEHICLE ☐ DETECTIVE/PLAINCLOTHES ☐ OTHER ☐ ALONE ☐ ASSISTED

OCCUPATION: | EMPLOYER: | ALIAS: | MIC #:

(A) CHARGE: | (C) CHARGE: | (B) CHARGE: | (D) CHARGE:

ORIGINAL COPY

SUBJECT IDENTIFIED ☑ YES ☐ NO | SUBJECT LOCATED ☑ YES ☐ NO | ☐ ACTIVE UNFOUNDED ☐ ADM. CLOSED ☐ ARREST UNDER 18 ☐ ARREST 18 AND OVER ☐ EX-CLEARED UNDER 18 ☐ EX-CLEARED 18 AND OVER

REASON FOR EXCEPTIONAL CLEARANCE ☐ OFFENDER DEATH ☑ NO PROSECUTION ☐ EXTRADITION DENIED ☐ VICTIM DECLINES COOPERATION ☐ JUVENILE NO CUSTODY

REPORTING OFFICER(S)	DATE	BADGE NUMBER	APPROVING OFFICER	DATE	BADGE NUMBER
Det. Rita R. Avila	11/7/2008	9727	Sgt C Zimmer	11/7/08	9375

FOLLOW-UP INVESTIGATION YES NO

CCSO 103 3/1/00

TOTAL P. 10

Statement Given By [redacted] on September 11, 2007 Regarding the Sexual Abuse By Charles Smith (James Island High School Teacher) Between th Beginning of the School Year 1988 until About February 1989

I am very slowly getting my memory back and am beginning to remember things that happed regarding the sexual abuse from Charlie Smith He was my Geography Teacher at James Island High School The sexual abuse happened between the beginning of school year 1988 until I attempted suicide at James Island High School in February 1989 On May 4, 1988 I turned 15 I have not gotten much of my memory back as to what occurred after the suicide attempt because I blocked it all out of my mind
I have had repressed memories all these years I currently work at the Charleston County Detention Center About December 2006/January 2007 I was dealing with a particular inmate who was one of my inmate workers in Housing Unit 1-B He was white and very tall He was a very good worker but was in jail on sexual charges regarding a juvenile do not know the details of his case and never spoke to him about them After He was charged and sent to South Carolina Department of Corrections, I had a fellow co-worker come to me in conversation and stated that he found out that the inmate was raping his cellmate while he was at CCDC The cellmate had enough confidence in the officer to tell him that he had been repeatedly raped by this particular inmate Something inside of me snapped and I began to have nightmares of Charlie Smith standing over me laughing I would wake up in a sweat and had many sleepless nights I was exhausted and needed some rest I realized that I needed to get some help in dealing with the nightmares I did not know where to go so I went to see an attorney I did not want to get my job involved and am ashamed of what happened and did not know where to turn The attorney told me about a place called "The National Crime Victims Research & Treatment Center" I met with Dr Best who assigned me with Dr Zinzow I am currently in treatment with Dr Zinzow

My parents ([redacted]
My Mom, my brother and I are very close I just recently within the last few months told my mom of the sexual abuse My stepfather and I are not so close. He was somewhat violent after they got married in 1988 Over the years he has matured and has for the most part grown out of it My mom says it's because he did a lot of drugs when he was younger and his father was violent toward him
They are currently selling their house on James Island They made this decision about a month ago They also have a house in Eutawville that they have been staying at on and off for the last six years or so This is where they plan to retire We had three homes between July 88 to February 89. My parents were going to buy a house, they just were not sure where they wanted to buy it at on James Island Our first house was on Rivercrest Drive (July-September?). The second house was on Trafiger (sp) Drive (maybe Sept-Jan) The third house was on Landsowne Drive (which is the house they own today) My mom recently told me Charlie Smith showed up at my house after I attempted Suicide You'll have to get more details from her

EXHIBIT
2 - Avila
1/24/12 TLH

What I remember about Charlie Smith

I have tried not to think about him so I may not remember much now. I have not seen him since 1992 when he operated a sports memorabilia shop on James Island. I have, for the most part stayed off of the Island except to visit my parents who lived there. He is from somewhere up north. I believe Illinois and he served in the military. He has a wife and daughter who's name I believe is Kim. She was very young. I remember him having her at softball practice once. When I first began to attend James Island High School, he did not coach anything but everyone called him Coach Smith. I think he coached sports prior to me attending the school. He had a horse that he borded at [redacted] with other horses. I don't remember why, but prior to softball season and after I first began attending James Island High, he would give me a ride home. One day he took me to where his horse was at. I remember him saying that he had to feed it. I remember him taking me home at all three of the houses I lived in. He came inside of the Rivercrest home. Nothing happened at my home. I do remember showing him around. He drove a big old yellow Bronco. I used to think that Bronco was cool. It had big tires. I loved Softball. I was a pitcher. He made the decision to coach softball when it began in (I think) January 1989. I started the school year off with very good grades. Despite a few bumps in the road at home. I was very happy and excited about school and starting all over in the South. The weather was very different in Pennsylvania. Most of the time it was dreary there. Always cloudy. During the sexual abuse, my grades began to drop. I became ineligible to play softball, but still went to all the practices and games. I don't remember if I started the season playing or not. He took me buy his house one day, I waited in his Bronco. I remember him running inside to get something, then we went to feed his horses again. I remember feeding the horses a lot with him. His classroom- It was near the main entrance of the high school. The main door was near the front of the room. If you walked into the room and looked directly across you would see his desk. If you looked right you would see the big green chalk board. If you looked left you would see all the desk. If you walked in the door and looked down the wall the door was on you would see another green chalk board and a row of desk next to the chalk board. His desk area was concealed to where you could almost not see behind it. It was like two huge desks together with books and other things blocking views. He also painted houses on the side after school. I remember going to some sites where he painted houses. He painted part time for Shaddrix Painting(?) across from Captain D's on James Island. Lynn Shaddrix was a secretary at the school and a very good friend. Lynn's husband's name is Steve.

Sexual Abuse Memories

I remember when I first went to the classroom, I sat up front in the middle. I was very eager to learn and have always liked school. I eventually moved from the front to sitting next to the chalkboard that was on the same wall the door was on near the back. I remember him answering a question one day and him putting his right hand on the back of my chair and slowly moving his hand to the right side of my right breast. He slid his hand around as if he was leaning on the chair. I don't remember if this was after he began giving me a ride home. I don't remember what came upon him giving me a ride home in

the first place I remember riding around with him a lot To the horse stables, to my houses, to his house (but I never went inside his house) and to his paint sites I used to wear dresses and dress clothes to school I remember me sitting behind his desk with him and him putting his hand on my leg Over a period of time he did put his hand all the way under my dress and touched my vagina I remember him smelling his fingers between turning pages as he was reading One day before he took me home after softball practice he pulled the bronco over I remember it being sunny that day It was next to the school The little grocery store It had to be around 5pm I think It was sort of warm out. Maybe it was getting ready to be dark I'm still not sure of all the details He pulled over and shut the Bronco off The next thing I remember is him unzipping his polyester sport shorts and pulling out his penis and me giving him oral sex I remember being able to clearly see his penis and that his short were a dark shade I don't remember what was said I remember him ejaculating in my mouth I remember him holding my head when I was performing oral sex on him I remember having a hard time and nearly choking because his penis was short but large He then took me home that evening Then everything goes dark in my mind When we were at the horse stables he would grab on me but in a gentle way not to hurt me. He got rid of his Bronco and got a Camaro The sexual abuse happened when he had his Bronco I remember wanting to die after that happened When I attempted suicide at the school I remember thinking that I wanted him to pay for what he did to me I was to embarrassed to tell anyone I was a person who never had sex and really did not understand what happened I ended up quitting day school and started night school I then ended up quitting James Island High all together It got harder and harder to go back into that building

Other Memories

I went to school with Doug Wright (Summerville Police) I did at some point join the Charleston Police Explorers. I don't remember when it was I did it because I had the biggest crush on Doug I was very competitive in school and Doug was a County Explorer We were in math class together and sat next to each other Doug might have suspected something was not right I think I joined the Police Explorers before the Suicide and after the sexual abuse These time periods are blurry to me This was all a very short period of time I remember wearing my Explorer uniform to school one day and Charlie Smith Ignoring me that day

Mrs Saddie Brown (my English Teacher) I thought a lot of her then I think she had her suspicions about him giving me a ride home She may have even said something. I'm not sure. I think she stopped teaching at James Island at the end of the 1988 school year and began teaching at another school

CC Dr Zinzow

CHARLESTON COUNTY SHERIFF'S OFFICE
STATEMENT

OCA #: _____ DATE: 12/7/2007

STATEMENT OF: [redacted]
ADDRESS: N/A PHONE #: N/A
EMPLOYER: Charleston County Detention Center PHONE #: N/A
RACE: White SEX: Female DATE OF BIRTH:

During the 1988-1989 school year I attended James Island High School (JIHS). Charles R. Smith (Smith) my Geography Teacher. That also was the first year he coached softball. He was the head coach and had help of two other individuals. One of which was a female who only helped at the beginning a few times an I don't recal what happened to her. The other was a person by the name of Bubba Brandt. I lived at three different addressed during the 1988-1989 school year. The first was [redacted], the second was on [redacted] and the third was on [redacted] My parents still currently own that house however, it is listed on the market to be sold. I started the school year off well. I had just moved down her Pennsylvania with my Step-father, Mother and Brother. I did not have a car and don't recall having a dr License. I don't recall how being given a ride home from Smith started. I do recall him giving me a ride t of the three houses.

When I was fifteen, things seemed bigger that they are now. For instance, I remember the softball field b huge. As I walked on it about two months ago for therapy purposes, it seamed small. Please keep this in r when reading this statement.

Smith painted part time for Steve Shaddrix of Creekside Painting. His wife Lynn Shaddrix worked or st at JIHS. I have not had any affiliation with JIHS itself since I quit school. The Shaddrix's lived at 683 D Avenue. Smith took me to their house one day. I went inside the side door and the only person I recall be there was Steve Shaddrix. I remember the both of them smiling a lot. I don't recall if anything happened do recall the feeling of nervousness overwelming me. I remember saying to myself that he had a very nic As I went into the side door I vaguley remember the room sort of opening up. I sat at the kitchen table a remember really liking the table. I think it was round. I think they had hardwood floors. They had a son grade who attended JIHS at the time I did. His name is Brian Shaddrix. I don't rember him being in any classes. I did however see him in Smith's classroom from time to time. Smith seemed to somewhat avoid when he was there. I had went with Smith to Creekside Painint company that was located at [redacted] I remember us going upstairs and noone being there. I don't remember if anything happened there. I re being at least at four of his paint sites. I definitely only know the address of one and think I know the ad the other. The first one I know the address of is [redacted]. The one I am unsure of is [redacted]

Smith boarded a horse at [redacted] I remember him only telling me he owned one of the hor There were other horses on the property. I never seen him ride any horse. I remember being so taken by horses. I had always wanted one that I could ride. Although he never let me ride (continue on pg 2)

I HAVE READ (HAD READ TO ME) THE FOREGOING STATEMENT WHICH HAS BEEN FREELY AND VOLUNTAI MADE AND IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE

[redacted]
Signature

WITNESS:

_____

_____

I HAVE RECEIVED A COPY OF THE ABOVE STATEMENT _____
Signature

(CONT

EXHIBIT
3-Avila
1/24/12 TH

CHARLESTON COUNTY SHERIFF'S OFFICE
STATEMENT

OCA # DATE 12/7/2007

STATEMENT OF [redacted]
ADDRESS N/A PHONE # N/A
EMPLOYER Charleston County Detention Center PHONE # N/A
RACE. White SEX Female DATE OF BIRTH

(continue from pg 1) the horse. We went to feed his horse a lot after school. I don't remember when it first started. I do remember the first time we went to the horse stables. I was really surprised and excited. I remember him kissing me one time at the stable and the feel of his mustache. I also remember him feeling my breast when we were at the stables. I remember his penis getting hard through his pants at the stables. I remember the stable being small and the grass being bushy. I used to hate walking from the gate to where the horses were. There was a metal fence that you could drive through. You had to get out of the vehicle to move t fence. We never drove back to the stables. I don't remember ever seeing anyone there. I remember anxiety feeling from being at the stables. The memories of the stable are still very fuzzy.

Memories of my Geography classmates are still very fuzzy. I don't remember who was in my class. I don't remember a lot about JIHS, just some things and most of what I do remember is about Smith. I started the cl year off sitting near the front of all my class. I wanted to do well in school. I then remember moving from nea the front to further from his desk. I don't remember why. I ended up next to the side chalk board at the back. remember when I was sitting next to the chalk board and having a question. I raised my hand. We were takin test or working on something quietly. When Smith came over, he put his right hand on top of the back of my chair near the right side. He leaned over me in a way to conceal his hand placement. His left hand was on the edge of my desk. His head was near my left shoulder. I was nervous. He moved his right hand around the bac of my chair and began to rub the side of my right breast. I remember the anxiety and him smiling. I did not s anything. I remember being scared because of what he did.

I was very interested in Geography. I enjoyed learing. Smith had his desk blocked off to where you could not behind it. He had alot of books on a desk next to his workdesk. I was getting some help from Smith one day. I then moved to his desk for help. This put me behind Smith's desk with him to where our middle and lower bodies were out of sight of other classmates. I remember it being quit. I was sitting in a chair next to his with hands in my lap. He was very close to me. We were looking at the geography book. I began to read something The next thing I knew he had gently took ahold of my hand and put it on his leg. I remember feeling scared. I then moved my left hand and put it on his penis. I remember his penis feeling hard. He massaged his penis wi my left hand. I was very scared and did not know what to do. I feel as if I had somewhat built a trust for him the point this had happened. I remember being shocked and not knowing what to do.

I remember Smith assigning me the desk next to his. I don't remember why. (continue on pg 3)

I HAVE READ (HAD READ TO ME) THE FOREGOING STATEMENT WHICH HAS BEEN FREELY AND VOLUNTARILY MADE AND IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

[redacted]
Signature

WITNESS.

I HAVE RECEIVED A COPY OF THE ABOVE STATEMENT
Signature

CCSO-109

CHARLESTON COUNTY SHERIFF'S OFFICE
STATEMENT

OCA # _____ DATE 12/7/2007

STATEMENT OF	[redacted]		
ADDRESS	N/A	PHONE #	N/A
EMPLOYER	Charleston County Detention Center	PHONE #	N/A
RACE	White	SEX	Female DATE OF BIRTH

(continue from pg2) I remember sitting at this desk a lot. Sometimes Smith had me sit very close to him be his desk. I remember having on a dress and a blouse. I wore underware with knee high stockings. I liked t dresses and dress clothes. I remember him telling me to come and sit next to him. I did. It was quiet agair the class was working on something quietly. There were a lot of books on his desk. They were arranged lik would put them on a book shelf. Side by Side. I had a hard time seeing up over them. I sat next to him. We looking at the Geography book. He put his right hand on my left leg and turned pages with his left hand. I nervous and remember being scared. Smith put his right hand up my skirt and moved my underware and touched my vagina. I froze. I could feel him moving his fingers around on my vagina and having a smile o face. He was looking at the book. I remember looking down at the desk as he did what he did and wanting cry. I remember being very nervous and hoping another student would get up and come to the desk to ask question. When Smith moved his hand, he put it to his face and nose. He left it near his nose while he turn pages. I remember feeling sick to my stomach and froze until the school bell rang. I feel like I sat there for then remember going into the school bathroom and crying. I feel like I sat there forever.

Smith used to keep it really cold in his classroom. I remember him giving me his jacket to wear a lot. It w yellow. I also remember wearing a blue jacket. When we took the softball picture. I had his blue jacket on believe I also had his hat on in that picture. I remember wearing his yellow jacket in Sadie Brown's Englis class.

Smith did not coach any sports when I started school. I loved playing softball. I was a pitcher. He then de to begin coaching softball that year. I remember him telling me how much he liked wrestling. I think he m have wrestled in college or high school. He may have even been a wrestling coach prior to the 1988-89 sch year. I am not sure if I began playing softball but did make the softball tryouts. I remember practicing an running alot. I remember smith wearing a ball cap a lot. I don't ever remember seeing him with a tie on. I used to wear jeans and cowboy boots sometimes when he was at the stable. I remember him having a jean with like a fleece or something around the collar. I did not live far from the stables. I remember riding my bicycle to the stables sometimes when he was there. I don't remember many of my softball team members Stacey, Troi, Jennifer and Lilly. I remember other faces.

Smith had a big yellow bronco. It was loud and dirty inside. Dusty. He kept a lot of stuff in it. He used to park up on the grass near and sometimes under the tree next to the home plate back fence. He would try in the shade. I remember him letting me move the vehicle a few (continue on pg 4)

I HAVE READ (HAD READ TO ME) THE FOREGOING STATEMENT WHICH HAS BEEN FREELY AND VOLUNTAR MADE AND IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE

[redacted]
Signature

WITNESS:

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I HAVE RECEIVED A COPY OF THE ABOVE STATEMENT _____
Signature

CCSO-10

CHARLESTON COUNTY SHERIFF'S OFFICE
STATEMENT

OCA # _____ DATE 12/7/2007

STATEMENT OF [redacted]
ADDRESS N/A PHONE # N/A
EMPLOYER Charleston County Detention Center PHONE # N/A
RACE White SEX Female DATE OF BIRTH

(continued from pg 3) a few times for him. I did not drive it far. Just from one spot to the next. I remembe being excited about that. I liked driving his bronco. I thought it was cool. The bronc sat really high off of t ground. It was hard for me to get into it. The bronco had window vent next to the side windows. He had hi a lot. It had row down windows. I always wondered if the top would come off the back and I remember th that would be neat if it was a convertible bronco. It had really big tires. I don't remember it smelling insid remember Smith always wearing a musk cologne. He always had a watch on. he wore glasses all the time. never would see him wear sunglasses. He always fixed his hair with his right hand alot. Taking what little had and pushing it to the side. I remember him having a lot of hair on his chest and a lot of hair on his arr ears were fuzzy. He chewed gum sometimes. He used to wear shorts a lot when the rest of us would wear sweatpants at softball practice. When Smith would give me rides home, sometimes I would meet him at hi bronco after school. He dropped me off at all three houses.

I remember him giving me a ride home one day. It was a nice day out. We were leaving the softball field li have done before. We were the last ones to leave. I don't remember seeing any other vehicles on the schoo premises. The ride felt normal. It was not dark out but it was not bright and sunny neither. Smith turned Seaside Lane. I figured we were going to feed the horses. He stopped the vehicle on the side of the little sto There was noone at the store. I wondered why he was stopping. He shut the bronco off and put it into firs He always did that when he shut the bronco off. I think that was to stop it from rolling. He was smiling an began to talk to me. I remember him talking to me but I can't remember what he was saying. I opened the console between the two seats. I was looking through it. I remember being nervous and scared. I remembe coffee cup. I don't remember what color the cup was or any details of writing on the cup. He was still talk me. I don't remember why, but I sat up on the console. Smith lifted up his grey t-shirt and I saw him pull penis. I don't remember him unzipping his shorts. I remember him reaching into his shorts and pulling ou penis. I don't remember what was said. The next thing I remember is leaning down, opening my mouth an putting his penis in my mouth. His penis was fat and short. I don't remember seeing his testicles exposed t Smith was already hard when he pulled his penis out. I'm pretty sure he was circumsized. I remember his being tight on his penis. I had never performed oral sex on anyone and really did not know what to do. He started to wiggle in the seat pushing his penis in and out of my mouth while he was holding my head. I remember gagging from him pushing his penis so deep down (continue on pg 5)

I HAVE READ (HAD READ TO ME) THE FOREGOING STATEMENT WHICH HAS BEEN FREELY AND VOLUNTARI MADE AND IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

[redacted]
Signature

WITNESS:

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I HAVE RECEIVED A COPY OF THE ABOVE STATEMENT _____
Signature

CCSO-109

CHARLESTON COUNTY SHERIFF'S OFFICE
STATEMENT

OCA # _____ DATE 12/7/2007

STATEMENT OF [redacted]
ADDRESS N/A PHONE # N/A
EMPLOYER Charleston County Detention Center PHONE # N/A
RACE: White SEX Female DATE OF BIRTH

(continued from pg 4) my throat. I remember looking up and seeing something silver. He then ejaculated in my mouth. I gagged. It tasted horrible and nasty. He stopped grunting and let loose of my head. I was so scared. came up from his lap and as I was coming up I say his ignition with the keys in the ignition. He had a lot of k with a big clip on them. It was dirty gold. He did not say anything. I got off of the console. I remember hurtu because of how uncomfortable I was. He began to fix his shorts and was moving around. I got into the seat o the passenger side. I remember not looking at him the whole way home. I remember not hearing the vehicle start up. I only looked out the window and it was rolled up. I cryied and did not look at him. He did not say anything. I remember watching the trees go by out the window. They passed by slow, as if they were not mov We pulled up to 1128 Landsdowne. I grabbed my bookbag, opened the door and jumped out. I don't remem shutting the door. I went straight to my room, shut my door and held onto my cat. I don't think I come out o room at all that night. As time goes on I remember more about what happened concerning this issue. My therapist and I are currently doing exposure regarding this memory. This exposure is the one we are focusir due to it causing me the most anxiety.

The next thing I remember is attempting suicide at JIHS. I was scared and tired of the abuse. I felt as if everyone at the school was unapproachable. So many people liked him. I did not know who to tell. What wa going to say and to who. I swallowed a large bottle of Vivarin. I remember wanting to die and how hard it w swallow all those pills. I swallowed them in the bathroom. I remember crying as I was swallowing them. I w back to his classroom and don't remember anymore until I was at the hospital. I remember being forced to drink charcoal. At least I think it was charcoal. I remember how much I threw up and how sick I was. I remember going home and my mom sitting on the floor next to my bed, crying and telling me how much she loved me. I remember crying and throwing up all night. Then everything goes dark. I can't remember if I w back to school or for how long. I do remember quitting school and starting night school. I remember feeling isolated.

I remember going to see Mrs. Sadie Brown while she taught at a school in Charleston. She was my favorite teacher.

End Of Statement**********

I HAVE READ (HAD READ TO ME) THE FOREGOING STATEMENT WHICH HAS BEEN FREELY AND VOLUNTARIL MADE AND IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

[redacted]
Signature

WITNESS:

_____

_____

I HAVE RECEIVED A COPY OF THE ABOVE STATEMENT _____
Signature

CCSO-109

1988-1989 Softball Ball Players

Katheryn Hammerlund
"Katheryn David"
[redacted]

Lillian Aquino
"Lillian Hanna"
[redacted]

Jacqeline Smalls
[redacted]

Melissa Heaton
[redacted]

Nicole L. Ramsey
[redacted]

Katie Huck
[redacted]

I'm still trying to find Troi Myers She lived at [redacted] in 1988-1989

MISC INDIVIDUALS

John Russell Price III
[redacted]
He is the one who wrote in the yearbook about "Coach might get in your pants if your not careful"

Info through the grapevine
There is a young female teacher at James Island who is currently teaching there. She used to be a student at James Island High School. I do not know her name but it should not be that hard to find out She or a close friend of hers was originally assigned to Charles Smith's class and had asked for a transfer due to not feeling comfortable being one of his students Supposedly he moved another student and assigned this person the front row so that he could have her closer to him



I looked through my entire yearbook the other day There are a lot of faces I remember but I don't remember why As I have free time, I will try and find them and other individuals

[redacted]

August 26, 2009

Inspector Dana B Herron
3505 Pinehaven Drive
Charleston Heights, SC 29405-7789

RE: Complaint Against Detective Rita Avila / Deliberate Lying on Police Reports

Dear Mrs Herron

Let this letter serve as a complaint with your office against Detective Rita Avila currently assigned to the Detective Office Today and for the first time, I received a copy of Incident Supplement Report #2007-018524 B (5 pages) written on 05/02/2008 and a copy Incident Supplement Report #2007-018524 B (3 pages) written on 11/10/2008

Detective Rita Avila lied numerous times on both Incident Supplement Reports

I, for the life of me, cannot figure out how she got what she wrote from the statements that I gave to her. I have attached my statements to her for your review. I truly don't expect your office to do anything regarding the above and am surprised that the department would allow such blatant lying on police reports and deliberate ethics violations to occur. For that reason, I am requesting that all correspondences be in written form because I do not want someone to write something that I did not say.

If I can be of assistance or you should have any questions regarding this issue, please feel free to contact me via the above mailing address

With kindest regards, I am

Sincerely,

[redacted]

EXHIBIT
5 - Avila
1/24/12 TCH

Richter 0121

ROA0411

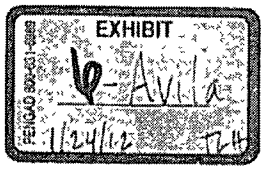
413

Statement of Detective R Avila

In September 2007, Sgt B K. Williams and Lt P Tittle advised me that they wanted me to meet with a woman about a sexual assault that occurred several years ago They advised that the woman is a Sheriff's Office employee and wanted to speak with a detective

On September 12, 2007, [redacted] met with me at the CID office in the large interview room. Almost immediately, [redacted] asked me how long I had been in law enforcement and how long I had been a detective I advised her that I had been working with the detective office for several months and had been a deputy for over four years (I had been training regularly with CID since in April 2007, however, had been officially transferred in August 2007) [redacted] said that she did not feel comfortable with my "inexperience" and wanted Sgt Williams to handle her case because he was successful with the investigation and prosecution of another James Island High School teacher I told her that Sgt. Williams was my supervisor and that he would be directly overseeing my investigation and assisting me if needed. She seemed to accept that [redacted] gave me her prepared statement that she brought in. She also drew a few maps/descriptions of Smith's classroom, stables, Troi Myers' house, and a house that Smith was painting [redacted] said that she and Smith spent a lot of time together and that he gave her rides home and took her to places that he worked (horse stables, houses that he painted, etc). She advised that she really enjoyed being with him and may have had a crush on him I told her that, no matter what her feelings were towards him, as the adult, he was wrong if he made any sexual advances to her I reassured her that depending on the statutes for that time period (concerning age of consent) it did not matter if the acts were consensual. [redacted] told me that she never told anyone about what had happened and that she had blocked it out of her memory She said that in December 2006/January 2007 while working at CCDC, she interacted with an inmate that had been charged with a sexual assault After he was gone from CCDC, she was told by another Detention Officer that the inmate had been raping his cellmate She said after that she began having "nightmares of Charlie Smith standing over [her] laughing" She said that she needed help dealing with the nightmares and so decided to go see an attorney. The attorney referred her to the National Crime Victims Research & Treatment Center She said that it was out of her therapy when she began remembering the sexual abuse [redacted] gave me the names of a teacher, Sadie Brown and a few classmates She stated that she never told them anything, but they may have suspected something

On September 15, 2007, I drove [redacted] around James Island and located the incident location as well as [redacted] residences while attending James Island H S [redacted] advised that she performed oral sex on Smith at [redacted] I confirmed that this address was in C C'SO's jurisdiction Redden gave me her yearbook from 88-89 school year I made copies of select entries from the yearbook One entry stated "you better watch it coach might get in your pants if your not careful" I asked [redacted] if she would be willing to consent to giving me her records from her therapy sessions At first she agreed, however, later, she advised that she didn't feel comfortable doing that



[redacted] advised that a Sadie Brown (teacher during that time of the incident) may have information on inappropriate behavior I attempted to contact Sadie Brown that was listed in the phone book. The woman advised that she is not the Brown that worked at James Is H S

I met with [redacted] mother at her residence in Goose Creek. She advised that Smith always brought her home and she never suspected anything. She did remember that Smith came to their house after the suicide attempt to check on [redacted]. [redacted] mom said that at the time, she didn't think anything of it, however, after [redacted] told her of the abuse, she thought it was odd

On October 2, 2007, [redacted] gave me another prepared statement apologizing for being reluctant to give me consent for her records She also brought in a consent form that she had filled out I told her that I understood her emotional state and would work with her the best that I could

I spoke with Doug Wright (Summerville Police Officer) at the prompting of [redacted] Wright advised that he has known Smith for several years (since childhood) and has no reason whatsoever to believe that Smith engaged in inappropriate behavior with anyone. He then stated that [redacted] was always following Smith and seemed like she was just trying to get attention from Smith and anyone else that would give it to her. I did not get a written statement from him because his statement did not provide any information that would assist in the case However, our conversation was documented in my notes and report

I called and left a message with a woman at Smith's residence Smith was given my office and cell phone numbers and was asked to call me whenever possible Smith called me and said that he would meet with me the next morning at Station 4 He said that he remembers having problems with [redacted] and that one time she attempted to break into his house. I asked him if that incident was ever documented and he said no because he didn't want to get her into trouble because she was already a troubled kid When I met with him the next morning, he brought his lawyer, Gordon Garrett [redacted] to the meeting Garrett advised that he would not allow Smith to give a statement, written or oral, to me Garrett future advised that any further contact with Smith should be handled through him

I attempted to contact Sadie Brown using the information that [redacted] provided. I was able to locate a phone number for the listed address that [redacted] gave ([redacted]) I left a message with a male for Brown I did not hear from her so I left another message for Sadie Brown on her voice mail After several days, I had not heard from the Sadie Brown and was not going to attempt to call her anymore. [redacted] has stated that she did not confide in Brown and therefore I had no reason to continue calling her

Soon after, I was contacted by Sadie Brown [redacted] who advised that she remembers Smith as friendly with everyone She has no information regarding this case and advised that [redacted] did not inform her of the situation while she was in school She stated that

she used to have her students write in a journal every day in class. She said that she had to on several occasions refer cases to police or DSS. She said that [redacted] never made any comments that she felt needed attention

[redacted] was upset about how the report came up in RMS and had gone to Chief Lucas and John Williams of records to complain and get it changed I think it was Chief Lucas that contacted CID supervisors to let them know [redacted] called me and asked to meet outside in the parking lot. I asked her why, and she stated that she did not want to come upstairs in that environment She sounded very irritated and due to the issues that she had raised I told her that she needed to come up and we would speak in the interview room She was reluctant but she came in [redacted] told me that she had had more memories but did not contact me because she was "mad" at me I told her that she needs to let me know when she had more memories so that I could get a written statement from her. [redacted] advised that she did not feel like writing the statement at that time, however, would get it to me soon.

[redacted] stated that she was "mad" at me because her personal information was listed in the report and that in JMS she is listed as a rape victim. I advised her that no one has the ability or authority to change JMS/RMS listings. [redacted] advised that she went through her chain of command to see to it that it is changed Sgt Zimmer was brought into the meeting [redacted] was very irritated with Sgt Zimmer and would not directly look at her. [redacted] stated that she looked herself up in JMS and found that information [redacted] also advised she was concerned that her coworkers would find out that she reported the incident I advised her that it is against policy to look up anything in JMS/RMS without authorization I further advised [redacted] that if she continued to refuse to cooperate with me, the case would be closed.

I was contacted by Doug Wright He advised that he became aware that [redacted] has filed two separate sexual harassment claims against coworkers at two different jobs I never looked into the matters any further

I was contacted by Lt Tittle and Major Clark in reference to this case Major Clark advised that he was contacted by the Post & Courier in reference to this case. None of us knew how the Post &Courier was contacted and by who

I contacted Det Cooper (CPD) since the school was in CPD's jurisdiction I met with him and his supervisor on November 29, 2007 at 1000 hrs Det Cooper and I met with Debbie Herring Lash at 1130 hrs at her office She advised that the incidents that occurred at the school and the stables did not fit the statutes for that time Therefore, the only incident to continue investigating was the oral sex that occurred at the store on Seaside and Ft Johnson. Debbie advised that at that time there was not enough to prosecute She told me to try to get [redacted] school records.

After staffing the case with CID supervisors, I was told to call [redacted] and see if she would meet with me during her work hours so that it was convenient and nearby. She asked that I do not contact her at work I agreed.

On December 7, 2007, [redacted] brought in another prepared statement along with a letter to me that had been "cc'd" to her therapist and Chief Lucas The letter reiterated that she did not want to be contacted while at work It also went into how much medication she was on and how her doctor had to raise the levels due to stress from this case She went on to say how much she works and how she had changed her home number but could still be reached on her cell. Attached to the letter was a list of softball player names that she wanted me to contact I told her that I would not be doing so because she did not tell anyone of the incidents She also wanted me to find an unknown female teacher at JIHS that had been a student at JIHS. [redacted] heard "through the grapevine" that this woman or someone she knew may have been transferred out of Smith's class because she felt uncomfortable. [redacted] felt this woman may provide information on Smith's behavior with female students

Due to the issues that were coming up with [redacted], I was told to let Sgt Williams know if she called me. I advised him that I had received two messages from her. He called her and left a message

On January 16, 2008 [redacted] returned Sgt Williams phone call and stated she will call the following Monday when she is not at work. She also advised that she would draft a note for me on an "issue" for me to look at.

I sent a search warrant to the Office of Archives and Records of Charleston County School District on February 13, 2008 I received [redacted] file which provided no additional information to the case

[redacted] never gave me anything regarding the "issue" she had mentioned. The case was inactivated pending further evidence

[redacted] was not happy that the case was still not being prosecuted She wrote a letter to Sheriff Cannon On October 1, 2008 I believe that she also contacted Debbie Herring Lash about the matter Debbie called me to let me know We set a meeting with Sgt Zimmer, Lt Watson, Debbie, [redacted] and myself. In the meeting, [redacted] denied she stated that the oral sex may have been consensual and said that "she does not remember" saying that She also stated she does not think that at the time of the report she "was able to remember if anything was consensual or not" [redacted] requested that we contact the members of the softball team Despite that, Debbie advised me not contact them, however, to try again to contact Troi Myers. Troi was located in ROCIC as now Troi Mack, however, still in Charleston. I was able to locate a work number for her and left a message [redacted]. Mrs Mack called me back and we spoke. She advised that she did not have any knowledge of anything happening, however, [redacted] used to talk a lot about Coach Smith. She advised that if anything did happen, it would have been consensual

She advised that [redacted] constantly spoke about Smith and that she had a crush on him She also advised that [redacted] stated that they spent a lot of time together I asked Mack if she would be willing to write what she had said in a statement for me She was hesitant. I called Debbie and advised her She still did not feel that the case could be prosecuted. She advised that she would call [redacted] and speak with her Debbie said that she would get back with me after she had spoken to her.

I asked Debbie to give me a written letter saying that the case could not be prosecuted at this time. She did and the letter was put into my case file. The case was again inactivated pending further evidence In all other cases, if a Solicitor has advised that there can be no prosecution, a case would be closed as "exceptionally cleared due to no prosecution". However, since [redacted] is an employee and has raised many questions concerning the investigation, we in CID agreed to keep the case inactivated so that it could be reopened if necessary.

There was one morning (date unknown) that I was on call and so had my work cell phone on. I received a phone call at approximately 0530 hours. I woke up and answered it. [redacted] was very apologetic and said that she was either leaving or going to work. She said that she thought that it would go to my voicemail I told her that it was ok and asked how I could help her I don't recall what she needed at that time.

Another time during the course of the investigation, I received a friend request on my MYSPACE account (which was set to private mode so only my account friends could see it). I think her screen name was [redacted] and the profile picture looked like her Along with the request was a message that said something along the lines of "I was browsing through pages and came across you. Something strikes me as familiar Perhaps we've met?" I was able to look at her page because it was open to the public It was definitely [redacted] I denied or ignored the request.

No charges were brought in this case because the case is not prosecutable. It is not because we (CID and Solicitor's Office) feel that [redacted] is being untruthful As a team, we have done a full investigation and have been as patient and supportive of [redacted] through this time.

GORDON H. GARRETT
ATTORNEY AT LAW

1075 E. Montague Ave., P.O. Drawer 5247, Charleston, SC 29405
(843) 554-5515
Fax (843) 747-3198

SCARLETT A. WILSON
SOLICITOR, NINTH JUDICIAL CIRCUIT
CHARLESTON AND BERKELEY COUNTIES
101 MEETING STREET
CHARLESTON, SC 29401

RETURN SERVICE REQUESTED

Debbie Herring-Lash
Assistant Solicitor

Rita Avila
Charleston County Sheriff's Office
3505 Pinehaven Drive
North Charleston, SC 29405

ROA0417

State of South Carolina

Charleston County
101 Meeting Street, Suite 400
Charleston, SC 29401
Phone (843) 958-1900
Fax (843) 958-1905

Berkeley County
300-B California Avenue
Moncks Corner, SC 29461
Phone (843) 723-3800 ext. 4529
Fax (843) 719-4588

SCARLETT A. WILSON
Solicitor, Ninth Judicial Circuit

November 3, 2008

Rita Avila
Charleston County Sheriff's Office
3505 Pinehaven Drive
North Charleston, SC 29405

Re. ***State of South Carolina, v. Charles Smith***

Dear Detective Avila

After meeting with your office and [redacted] and reading the file, I do not think this is a case that can be successfully prosecuted. I spoke with [redacted] and explained this to her on October 29, 2008 I told her if she feels the need to discuss this with me at a later date to feel free to call me I think she understands that we can not successfully prosecute.

Sincerely,

Debbie Herring-Lash
Deborah Herring-Lash
Assistant Solicitor

DHL/sds

May Horan [redacted] Please advise should we file

October 1, 2008

Sheriff Al Cannon
3505 Pinehaven Drive
Charleston, South Carolina 29405

OCT - 2 2008

CERTIFIED LETTER #7007 1490 0002 9640 0780

Dear Sheriff Cannon,

My name is [redacted] and I am the victim involved in a case regarding being sexually assaulted/sexually abused by Charles "Charlie" Smith. I reported this to the Charleston County Sheriff's Office on September 11, 2007.

I've had a very difficult time with your Department while trying to pursue criminal action against this man Please understand, I will not surrender again to Charlie Smith and will make certain he is charged and held accountable for what he did to me when I was an adolescent. He broke a trust and crossed lines that should by no means have been crossed. Charlie Smith has caused me pain that I cannot begin to explain and has scarred me to my very core I have fought the hardest fight of my life within myself over the last year and a half and realize that I am a survivor of his actions. I want him charged, prosecuted and registering as a sex offender and will not give up until this is done, even if it takes me a lifetime to do so. This is the only way that I can ensure he is never allowed back into a teaching environment with kids again. I will do what I have to even if that includes standing in the middle of the North Charleston Coliseum when it is packed telling people what he did to me. I will legally do everything in my power to ensure Charlie Smith does not subject another child to what he subjected me to even if it cost me everything. As one of his victims, I feel it is my responsibility to ensure that he does not have the opportunity to victimize again. I know the journey that I've had to go through has been nearly unbearable for me and could not forgive myself if I did not do something to stop him from hurting another child

I was advised by S/Sgt Detective B.K. Williams earlier in the year that this case would be closed and no arrest could be made.

CERTIFIED LETTER #7007 1490 0002 9640 0780

I am respectfully requesting to know in writing the current status of the case, what that status means specifically, what Assistant Solicitor's have been contacted in the past regarding this case, what witnesses have been contacted and questioned, and any other information that I am allowed to have. At some point, I intend to hire someone to re-investigate this case in hopes of finding information your Department has overlooked. Thank you for your time regarding the above.

Sincerely,

[redacted]

[redacted]

October 1, 2008

Sheriff Al Cannon
3505 Pinehaven Drive
Charleston, South Carolina 29405

OCT 2 08

CERTIFIED LETTER #7007 1490 0002 9640 0780

Dear Sheriff Cannon,

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Sincerely,

[redacted]

INCIDENT SUPPLEMENT

CHARLESTON COUNTY SHERIFF'S OFFICE
3505 PINEHAVEN DRIVE CHARLESTON HEIGHTS, S C 29405-7789 • (843) 202 1700

J Al Cannon, Jr
Sheriff

SC0100000	DISPATCH NUMBER N/A	ORIGINAL CASE NUMBER 2007-018524 -B	PAGE 3 OF 3 PAGES	NCIC ENTRY	INO	ENT
☐ ORIGINAL REPORT	☑ SUPPLEMENTAL REPORT	☐ ADDITIONAL VICTIMS	☐ ADDITIONAL WITNESSES	☐ ADDITIONAL STOLEN PROPERTY		
☐ MODIFIES ORIGINAL	☑ CASE STATUS CHANGE	☐ ADDITIONAL OFFENDERS	☐ ADDITIONAL SUBJECTS	☐ ADDITIONAL RECOVERED PROPERTY		

NARRATIVE

INCIDENT TYPE: Criminal Sexual Conduct

Incident Location: 1014 FT JOHNSON RD, CHARLESTON, SC
Incident Date: 1/89-2/89

This case was reactivated on October 16, 2008 I met with Assistant Solicitor Debbie Herring-Lash, Sgt. Zimmer, Lt. Watson and [redacted]

[redacted] now denies that she stated that the acts were consensual and says that "she does not remember" saying that and does not think that at the time of the report that she "was able to remember if it was consensual or not"

An attempt was made again to contact Troi Myers through ROCIC. Troi was located in ROCIC as Troi Mack, however, still in Charleston. I was able to locate a work number for her and left a message. Mrs. Mack called me back and we spoke. She advised that she did not have any knowledge of anything happening, however, [redacted] used to talk a lot about Coach Smith. She advised that if anything did happen, it would have been consensual She advised that [redacted] constantly spoke about Smith and that she had a crush on him She also advised that [redacted] stated that they spent a lot of time together.

I called Solicitor Herring Lash and advised her She advised that she would call [redacted] and speak with her. On November 3, 2008, I received a written notice from Solicitor Herring-Lash stating that she does "not think this is a case that can be successfully prosecuted". This case is inactivated.

PROPERTY EST.

TYPE (GROUP)						TOTAL VALUE	JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY
STOLEN	0	0	0	0	0	0	
DAMAGED	0	0	0	0	0	0	
BURNED	0	0	0	0	0	0	JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY
RECOVERED	0	0	0	0	0	0	
SEIZED	0	0	0	0	0	0	

ADMINISTRATIVE

SUBJECT IDENTIFIED ☑ YES ☐ NO | SUBJECT LOCATED ☑ YES ☐ NO | ☐ ACTIVE ☐ UNFOUNDED | ☐ ADM CLOSED | ☐ ARREST UNDER 18 ☐ ARREST 18 AND OVER | ☐ EX-CLEARED UNDER 18 ☐ EX CLEARED 18 AND OVER

REASON FOR EXCEPTIONAL CLEARANCE ☐ OFFENDER DEATH ☐ NO PROSECUTION ☐ EXTRADITION DENIED ☐ VICTIM DECLINES COOPERATION ☐ JUVENILE NO CUSTODY

REPORTING OFFICER(S)	DATE	BADGE NUMBER	APPROVING OFFICER	DATE	BADGE NUMBER
Det Rita R Avila RA	11/10/2008	9727	Sgt C. Zimmer	11/10/08	9378

FOLLOW UP INVESTIGATION YES NO — OFFICER

CCSO 100 3/1/99

Rita R. Avila

From: Debbie Herring-Lash

Sent: Wednesday, October 29, 2008 3:52 PM

To: Rita R Avila

I spoke with [redacted] and told her we did not have enough to successfully prosecute. She is gong to continue with the civil case and if they discover more, she will let me know.

INCIDENT SUPPLEMENT

CHARLESTON COUNTY SHERIFF'S OFFICE
3505 PINEHAVEN DRIVE CHARLESTON HEIGHTS, S C 29405-7789 • (843) 202-1700

J Al Cannon, Jr
Sheriff

SC0100000	DISPATCH NUMBER N/A	ORIGINAL CASE NUMBER 2007-018524 -B	PAGE 1 OF 5 PAGES	NCIC ENTRY	INC N	ENT A
☐ ORIGINAL REPORT	☑ SUPPLEMENTAL REPORT	☐ ADDITIONAL VICTIMS	☐ ADDITIONAL WITNESSES	☐ ADDITIONAL STOLEN PROPERTY		
☑ MODIFIES ORIGINAL	☐ CASE STATUS CHANGE	☐ ADDITIONAL OFFENDERS	☐ ADDITIONAL SUBJECTS	☐ ADDITIONAL RECOVERED PROPERTY		

NARRATIVE

INCIDENT TYPE: Criminal Sexual Conduct

Incident Location: 1014 FT JOHNSON RD, CHARLESTON, SC
Incident Date: 1/89-2/89

On 09/15/07, the victim, [redacted] reported to the Charleston County Sheriff's Office that when she was fifteen years old, she engaged in oral sex with her softball coach, Charles Smith. After giving I/D a prepared written statement, I/D and [redacted] drove around James Island and located the incident location as well as [redacted] residences while attending James Island High School. [redacted] advised that on two occasions, Smith fondled her in his classroom. [redacted] also advised that she performed oral sex on Smith at [redacted]

[redacted] advised that one day, possibly after softball practice, she was getting a ride home from Smith. Smith pulled his yellow Bronco to the side of [redacted] advised that no one was at the store and that it was still daylight. [redacted] advised that she moved closer to Smith and sat on top of the center console [redacted] then performed fellatio on Smith. [redacted] advised that she remembered Smith placing his hand on her head but not in a forceful way. [redacted] advised that she remembered Smith ejaculating in her mouth. Afterwards, Smith took [redacted] home and [redacted] advises that she does not remember much more after that. On February 13, 1989, [redacted] went into a school bathroom and swallowed several Vivarin pills. [redacted] then went to Smith's classroom and EMS was called. On 8/21/90, [redacted] withdrew from school and began attending night school The last time [redacted] remembers seeing Smith was in 1992 when she entered a sporting goods store where Smith worked.

Sometime after January 2007, [redacted] began having nightmares of Smith standing over her and laughing at her. After many "sleepless nights", [redacted] went to an attorney who advised her to seek help at the National Crime Victims Research and Treatment Center. Through therapy, [redacted] began remembering incidents with Smith and decided to contact the Charleston County Sheriff's Office.

[redacted] gave I/D her yearbook from the 1988-1989 school year. I/D made copies of select entries from the yearbook, including the entry made by Smith.

PROPERTY EST.

TYPE (GROUP)	N/A					TOTAL VALUE	JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY
STOLEN	0	0	0	0	0	0	
DAMAGED	0	0	0	0	0	0	
BURNED	0	0	0	0	0	0	
RECOVERED	0	0	0	0	0	0	JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY
SEIZED	0	0	0	0	0	0	

ADMINISTRATIVE

SUBJECT IDENTIFIED ☑ YES ☐ NO | SUBJECT LOCATED ☑ YES ☐ NO | ☐ ACTIVE ☐ UNFOUNDED | ☐ ADM. CLOSED | ☐ ARREST UNDER 18 ☐ ARREST 18 AND OVER | ☐ EX CLEARED UNDER 18 ☐ EX CLEARED 18 AND OVER

REASON FOR EXCEPTIONAL CLEARANCE ☐ OFFENDER DEATH ☐ NO PROSECUTION ☐ EXTRADITION DENIED ☐ VICTIM DECLINES COOPERATION ☐ JUVENILE NO CUSTODY

REPORTING OFFICER(S)	DATE	BADGE NUMBER	APPROVING OFFICER	DATE	BADGE NUMBER
Det Rita R Avila	5/2/2008	9727	Sgt C. Zimmer	5/5/08	9378
			FOLLOW UP INVESTIGATION YES NO		

CCSO 100 3/1/99

INCIDENT SUPPLEMENT

CHARLESTON COUNTY SHERIFF'S OFFICE
3505 PINEHAVEN DRIVE, CHARLESTON HEIGHTS S C 29405-7789 • (843) 202-1700

J Al Cannon, Jr
Sheriff

C0100000	DISPATCH NUMBER N/A	ORIGINAL CASE NUMBER 2007-018524 -B	PAGE 2 OF 5 PAGES	NCIC ENTRY	INQ N	CVT N/A

☐ ORIGINAL REPORT ☑ SUPPLEMENTAL REPORT ☐ ADDITIONAL VICTIMS ☐ ADDITIONAL WITNESSES ☐ ADDITIONAL STOLEN PROPERTY
☑ MODIFIES ORIGINAL ☐ CASE STATUS CHANGE ☐ ADDITIONAL OFFENDERS ☐ ADDITIONAL SUBJECTS ☐ ADDITIONAL RECOVERED PROPERTY

NARRATIVE

[redacted] advised that she has never told anyone of the incidents that occurred with Smith. [redacted] advised I/D that Smith was never forceful and that she probably had a crush on him. I/D asked [redacted] why she attempted suicide in Smith's class. [redacted] advised that she was probably jealous because there were other girls in the class.

[redacted] then advised that Sadie Brown (teacher at JIHS during the time of the incident) may have information on inappropriate behavior between [redacted] and Smith. When I/D asked again if she confided Brown, [redacted] advised that she did not, however, Brown "may have known something". I/D attempted to contact Sadie Brown.

I/D spoke with Doug Wright at the prompting of [redacted] Wright was an acquaintance of [redacted] while at James Island High School. Wright advised that he does not have any information that can assist I/D with this case, however, he did advise that he remembers [redacted] "following Smith" around. Wright also advised that he has no reason to believe that Smith was involved in inappropriate behavior with [redacted] or anyone else.

I/D had an arranged meeting with Smith at Station 4 at 0800 hrs. on 10/17/07. Smith advised, through his lawyer, Gordon Garrett [redacted] that he would not give a statement, written or oral, to I/D.

[redacted] met with I/D at the CID office. At the meeting, [redacted] advised I/D that she had withheld information from I/D due to being upset with I/D for way the initial report was written and how the incident was listed in the Charleston County Sheriff's Office Records Management System. I/D advised [redacted] that if I did not have her cooperation, the case would be closed. [redacted] advised that she had more memories but "was too tired and did not feel up to writing a statement at that time".

I/d was contacted by Sadie Brown, who advised that she remembers Smith as friendly with everyone She has no information regarding this case and advised that [redacted] did not inform her of the situation while she was in school.

I/D met with Assistant Solicitor Herring-Lash and presented her with the case. Herring-Lash advised first that the fondling that occurred does not meet the statute criteria for that time period, therefore, no charges can be made She then advised that information provided at this

PROPERTY EST.

TYPE (GROUP)	N/A					TOTAL VALUE	JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY
STOLEN	0	0	0	0	0	0	
DAMAGED	0	0	0	0	0	0	
BURNED	0	0	0	0	0	0	JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY
RECOVERED	0	0	0	0	0	0	
SEIZED	0	0	0	0	0	0	

ADMINISTRATIVE

SUBJECT IDENTIFIED ☑ YES ☐ NO | SUBJECT LOCATED ☑ YES ☐ NO | ☐ ACTIVE UNFOUNDED | ☐ ADM CLOSED | ☐ ARREST UNDER 18 ☐ ARREST 18 AND OVER | ☐ EX CLEARED UNDER 18 ☐ EX-CLEARED 18 AND OVER

REASON FOR EXCEPTIONAL CLEARANCE ☐ OFFENDER DEATH ☐ NO PROSECUTION ☐ EXTRADITION DENIED ☐ VICTIM DECLINES COOPERATION ☐ JUVENILE NO CUSTODY

REPORTING OFFICER(S)	DATE	BADGE NUMBER	APPROVING OFFICER	DATE	BADGE NUMBER
Det Rita R. Avila	5/2/2008	9727	Sgt C Zimmer	5/5/08	9378

FOLLOW-UP INVESTIGATION ☐ YES ☐ NO

CCSO 100 3/1/99

INCIDENT SUPPLEMENT

CHARLESTON COUNTY SHERIFF'S OFFICE
3505 PINEHAVEN DRIVE, CHARLESTON HEIGHTS S C 29405-7789 • (843) 202-1700

J Al Cannon, Jr
Sheriff

ORI	DISPATCH NUMBER	ORIGINAL CASE NUMBER	PAGE	NCIC ENTRY	IND	EXT
SC0100000	N/A	2007-018524 -B	3 OF 5 PAGES		N	A

- [ ] ORIGINAL REPORT
- [x] MODIFIES ORIGINAL
- [x] SUPPLEMENTAL REPORT
- [ ] CASE STATUS CHANGE
- [ ] ADDITIONAL VICTIMS
- [ ] ADDITIONAL OFFENDERS
- [ ] ADDITIONAL WITNESSES
- [ ] ADDITIONAL SUBJECTS
- [ ] ADDITIONAL STOLEN PROPERTY
- [ ] ADDITIONAL RECOVERED PROPERTY

NARRATIVE

time is not enough to prosecute. For this reason, I/D requests that this case be inactivated pending further evidence

PROPERTY EST.

TYPE (GROUP)	N/A					TOTAL VALUE	JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY
STOLEN	0	0	0	0	0	0	
DAMAGED	0	0	0	0	0	0	
BURNED	0	0	0	0	0	0	JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY
RECOVERED	0	0	0	0	0	0	
SEIZED	0	0	0	0	0	0	

ADMINISTRATIVE

- SUBJECT IDENTIFIED: [x] YES [ ] NO
- SUBJECT LOCATED: [x] YES [ ] NO
- [ ] ACTIVE [ ] UNFOUNDED
- [ ] ADM CLOSED
- [ ] ARREST UNDER 18
- [ ] ARREST 18 AND OVER
- [ ] EX-CLEARED UNDER 18
- [ ] EX-CLEARED 18 AND OVER

REASON FOR EXCEPTIONAL CLEARANCE: [ ] OFFENDER DEATH [ ] NO PROSECUTION [ ] EXTRADITION DENIED [ ] VICTIM DECLINES COOPERATION [ ] JUVENILE NO CUSTODY

REPORTING OFFICER(S)	DATE	BADGE NUMBER	APPROVING OFFICER	DATE	BADGE NUMBER
Det Rita R Avila	5/2/2008	9727	Sgt C Zimmer	5/5/08	9378

FOLLOW-UP INVESTIGATION YES NO

CCSO 100 3/1/99

ERSON SUPPLEMENT

CHARLESTON COUNTY SHERIFF'S OFFICE
3505 PINEHAVEN DRIVE, CHARLESTON HEIGHTS, S C 29405-77 143) 202-1700

J Al Cannon, Jr
Sheriff

SC0100000 | DISPATCH NUMBER: N/A | ORIGINAL CASE NUMBER: 2007-018524 -B | PAGE 4 OF 5 PAGES | NCIC ENTRY: IND N | ENT A

☐ ORIGINAL REPORT ☑ SUPPLEMENTAL REPORT ☐ ADDITIONAL VICTIMS ☐ ADDITIONAL WITNESSES ☐ ADDITIONAL STOLEN PROPERTY
☑ MODIFIES ORIGINAL ☐ CASE STATUS CHANGE ☐ ADDITIONAL OFFENDERS ☐ ADDITIONAL SUBJECTS ☐ ADDITIONAL RECOVERED PROPERTY

SUBJ. I.D. / ARREST

☐ COMPLAINANT ☑ VICTIM # 1 ☐ SUSPECT # ☐ SUBJECT # ☐ WITNESS # ☐ WANTED ☐ WARRANT ☐ ARREST ☐ RUNAWAY ☐ MISSING PERSON

NAME (LAST FIRST MIDDLE): [redacted]
RELATIONSHIP TO SUBJECT: #1 AQ #2 AQ #3 AQ
RESIDENT: J (S) O U | RACE: W | SEX: F | AGE: 34 | DOB: [redacted] | ETH:
HEIGHT: 507 | WEIGHT: 175 | HAIR: BRN | EYES: BRN | FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC:
DRIVERS LIC./I.D. & STATE: [redacted] | SOCIAL SECURITY #: [redacted]
ADDRESS: [redacted] | CITY: [redacted] | STATE: SC | ZIP CODE: 29445
DAY PHONE: [redacted] H ☐ B ☐ | EVENING PHONE: [redacted] H ☐ B ☐
VISIBLE INJURY ☐ NO ☐ YES | EXPLAIN | COMPLAINT OF NON VISIBLE INJURIES ☐ NO ☐ YES | USING ALCOHOL ☐ NO ☐ YES ☐ UNK | DRUGS ☐ NO ☐ YES TYPE ☐ UNK. | ☐ TWO-MAN VEHICLE ☐ ONE MAN VEHICLE | ☐ DETECTIVE/SPLASMT ☐ OTHER | ☐ ALONE ☐ ASSISTED
OCCUPATION: DETENTION OFFICER | EMPLOYER: CCSO | ALIAS: | NIC #:
(A) CHARGE: | (C) CHARGE:
(B) CHARGE: | (D) CHARGE:

SUBJ. I.D. / ARREST

☐ COMPLAINANT ☐ VICTIM # ☐ SUSPECT # ☐ SUBJECT # 1 ☐ WITNESS # ☐ WANTED ☐ WARRANT ☐ ARREST ☐ RUNAWAY ☐ MISSING PERSON

NAME (LAST FIRST MIDDLE): SMITH, CHARLES
RELATIONSHIP TO SUBJECT: #1 #2 #3
RESIDENT: J S O U | RACE: W | SEX: M | AGE: 61 | DOB: [redacted] | ETH:
HEIGHT: 508 | WEIGHT: 195 | HAIR: BRN | EYES: BRN | FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC:
DRIVERS LIC./I.D. & STATE: | SOCIAL SECURITY #:
ADDRESS: [redacted] | CITY: [redacted] | STATE: SC | ZIP CODE: 29412
DAY PHONE: [redacted] H ☐ B ☐ | EVENING PHONE: H ☐ B ☐
VISIBLE INJURY ☐ NO ☐ YES | EXPLAIN | COMPLAINT OF NON VISIBLE INJURIES ☐ NO ☐ YES | USING ALCOHOL ☐ NO ☐ YES ☐ UNK | DRUGS ☐ NO ☐ YES TYPE ☐ UNK | ☐ TWO-MAN VEHICLE ☐ ONE MAN VEHICLE | ☐ DETECTIVE/SPLASMT ☐ OTHER | ☐ ALONE ☐ ASSISTED
OCCUPATION: TEACHER | EMPLOYER: CCSD | ALIAS: | NIC #:
(A) CHARGE: | (C) CHARGE:
(B) CHARGE: | (D) CHARGE:

SUBJ. I.D. / ARREST

☐ COMPLAINANT ☐ VICTIM # ☑ SUSPECT # 1 ☐ SUBJECT # ☐ WITNESS # ☐ WANTED ☐ WARRANT ☐ ARREST ☐ RUNAWAY ☐ MISSING PERSON

NAME (LAST FIRST MIDDLE): WRIGHT, DOUG
RELATIONSHIP TO SUBJECT: #1 AQ #2 N/A #3 N/A
RESIDENT: J (S) O U | RACE: W | SEX: M | AGE: | DOB: | ETH:
HEIGHT: UNK | WEIGHT: UNK | HAIR: BRN | EYES: BRN | FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC:
DRIVERS LIC./I.D. & STATE: UNK | SOCIAL SECURITY #: UNK
ADDRESS: UNK | CITY: S[redacted] | STATE: SC | ZIP CODE: 29485
DAY PHONE: [redacted] H ☐ B ☐ | EVENING PHONE: H ☐ B ☐
VISIBLE INJURY ☐ NO ☐ YES | EXPLAIN | COMPLAINT OF NON VISIBLE INJURIES ☐ NO ☐ YES | USING ALCOHOL ☐ NO ☐ YES ☐ UNK | DRUGS ☐ NO ☐ YES TYPE ☐ UNK | ☐ TWO-MAN VEHICLE ☐ ONE MAN VEHICLE | ☐ DETECTIVE/SPLASMT ☐ OTHER | ☐ ALONE ☐ ASSISTED
OCCUPATION: POLICE OFFICER | EMPLOYER: SUMMERVILLE PD | ALIAS: | NIC #:
(A) CHARGE: | (C) CHARGE:
(B) CHARGE: | (D) CHARGE:

REMARKS

SUBJECT IDENTIFIED ☑ YES ☐ NO | SUBJECT LOCATED ☑ YES ☐ NO | ☐ ACTIVE ☐ UNFOUNDED ☐ ADM CLOSED | ☐ ARREST UNDER 18 ☐ ARREST 18 AND OVER | ☐ EX-CLEARED UNDER 18 ☐ EX CLEARED 18 AND OVER

REASON FOR EXCEPTIONAL CLEARANCE ☐ OFFENDER DEATH ☐ NO PROSECUTION ☐ EXTRADITION DENIED ☐ VICTIM DECLINES COOPERATION ☐ JUVENILE NO CUSTODY

REPORTING OFFICER(S)	DATE	BADGE NUMBER	APPROVING OFFICER	DATE	BADGE NUMBER
Rita R Avila	5/2/2008	9727	Sgt C Zimmer	5/5/08	9378

FOLLOW UP INVESTIGATION YES NO

CCSO 103 3/1/09

ERSON SUPPLEMENT

CHARLESTON COUNTY SHERIFF'S OFFICE
3505 PINEHAVEN DRIVE, CHARLESTON HEIGHTS, S C 29405-77 (43) 202-1700

J Al Cannon, Jr
Sheriff

SC0100000	DISPATCH NUMBER N/A	ORIGINAL CASE NUMBER 2007-018524 -B	PAGE 5 OF 5 PAGES	NCIC ENTRY	INQ U	ENT A

☐ ORIGINAL REPORT ☑ SUPPLEMENTAL REPORT ☐ ADDITIONAL VICTIMS ☐ ADDITIONAL WITNESSES ☐ ADDITIONAL STOLEN PROPERTY
☑ MODIFIES ORIGINAL ☐ CASE STATUS CHANGE ☐ ADDITIONAL OFFENDERS ☐ ADDITIONAL SUBJECTS ☐ ADDITIONAL RECOVERED PROPERTY

SUBJ I.D. / ARREST

☐ COMPLAINANT ☐ VICTIM # ☐ SUSPECT # 2 ☐ SUBJECT # ☐ WITNESS # ☐ WANTED ☐ WARRANT ☐ ARREST ☐ RUNAWAY ☐ MISSING PERSON

NAME (LAST, FIRST MIDDLE)	RELATIONSHIP TO SUBJECT #1	#2	#3	RESIDENT	RACE	SEX	AGE	DOB	ETH
BROWN, SADIE	AQ	N/A	N/A	(J) S O U	B	F			

HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR SCARS TATOOS GLASSES CLOTHING PHYSICAL PECULIARITIES, ETC	DRIVERS LIC/I D & STATE	SOCIAL SECURITY #
UNK	UNK	BLK	BRN		UNK	UNK

ADDRESS	CITY	STATE	ZIP CODE	DAY PHONE H / B	EVENING PHONE H / B
UNK	[redacted]	SC		[redacted]	

VISIBLE INJURY ☐ NO ☐ YES — EXPLAIN
COMPLAINT OF NON VISIBLE INJURIES ☐ NO ☐ YES
USING ALCOHOL ☐ NO ☐ YES ☐ UNK. — DRUGS ☐ NO ☐ YES TYPE ☐ UNK
☐ TWO-MAN VEHICLE ☐ DETECTIVE/SPLASMT ☐ ALONE ☐ ONE-MAN VEHICLE ☐ OTHER ☐ ASSISTED

OCCUPATION	EMPLOYER	ALIAS	NIC #
RETIRED	N/A		

(A) CHARGE
(B) CHARGE
(C) CHARGE
(D) CHARGE

SUBJ I.D. / ARREST

☐ COMPLAINANT ☐ VICTIM # ☐ SUSPECT # ☐ SUBJECT # ☐ WITNESS # ☐ WANTED ☐ WARRANT ☐ ARREST ☐ RUNAWAY ☐ MISSING PERSON

NAME (LAST FIRST, MIDDLE)	RELATIONSHIP TO SUBJECT #1	#2	#3	RESIDENT	RACE	SEX	AGE	DOB	ETH
				J S O U					

HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR SCARS TATOOS GLASSES CLOTHING PHYSICAL PECULIARITIES ETC	DRIVERS LIC/I D & STATE	SOCIAL SECURITY #

ADDRESS	CITY	STATE	ZIP CODE	DAY PHONE H / B	EVENING PHONE H / B

VISIBLE INJURY ☐ NO ☐ YES — EXPLAIN
COMPLAINT OF NON VISIBLE INJURIES ☐ NO ☐ YES
USING ALCOHOL ☐ NO ☐ YES ☐ UNK — DRUGS ☐ NO ☐ YES TYPE ☐ UNK
☐ TWO-MAN VEHICLE ☐ DETECTIVE/SPLASMT ☐ ALONE ☐ ONE-MAN VEHICLE ☐ OTHER ☐ ASSISTED

OCCUPATION	EMPLOYER	ALIAS	NIC #

(A) CHARGE
(B) CHARGE
(C) CHARGE
(D) CHARGE

SUBJ I.D. / ARREST

☐ COMPLAINANT ☐ VICTIM # ☐ SUSPECT # ☐ SUBJECT # ☐ WITNESS # ☐ WANTED ☐ WARRANT ☐ ARREST ☐ RUNAWAY ☐ MISSING PERSON

NAME (LAST FIRST MIDDLE)	RELATIONSHIP TO SUBJECT #1	#2	#3	RESIDENT	RACE	SEX	AGE	DOB	ETH
				J S O U					

HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS TATOOS GLASSES CLOTHING, PHYSICAL PECULIARITIES, ETC	DRIVERS LIC/I D & STATE	SOCIAL SECURITY #

ADDRESS	CITY	STATE	ZIP CODE	DAY PHONE H / B	EVENING PHONE H / B

VISIBLE INJURY ☐ NO ☐ YES — EXPLAIN
COMPLAINT OF NON VISIBLE INJURIES ☐ NO ☐ YES
USING ALCOHOL ☐ NO ☐ YES ☐ UNK. — DRUGS ☐ NO ☐ YES TYPE ☐ UNK.
☐ TWO-MAN VEHICLE ☐ DETECTIVE/SPLASMT ☐ ALONE ☐ ONE MAN VEHICLE ☐ OTHER ☐ ASSISTED

OCCUPATION	EMPLOYER	ALIAS	NIC #

(A) CHARGE
(B) CHARGE
(C) CHARGE
(D) CHARGE

REMARKS

ADMINISTRATIVE

☑ SUBJECT IDENTIFIED ☐ YES ☐ NO
☑ SUBJECT LOCATED ☐ YES ☐ NO
☐ ACTIVE UNFOUNDED ☐ ADM CLOSED ☐ ARREST UNDER 18 ARREST 18 AND OVER ☐ EX-CLEARED UNDER 18 EX-CLEARED 18 AND OVER

REASON FOR EXCEPTIONAL CLEARANCE ☐ OFFENDER DEATH ☐ NO PROSECUTION ☐ EXTRADITION DENIED ☐ VICTIM DECLINES COOPERATION ☐ JUVENILE NO CUSTODY

REPORTING OFFICER(S)	DATE	BADGE NUMBER	APPROVING OFFICER	DATE	BADGE NUMBER
Rita R Avila	5/2/2008	9727	Sgt C Zimmer	5/5/08	9378
			FOLLOW UP INVESTIGATION YES NO		

CCSO 103 3/1/99

THIS IS IE 'REPORTS' FILE DISPLAY .EEN

TEST15 SCREEN 1 of 1 8909602(

^ffense Title Report Type. .
cation Occurred · [redacted] Loc2.
.c Dt. 02/13/89 Occ Time: 14 20 Date Rpt: Time Rpt: 00:00
Occ To Dt. Oc to Time. 00:00 Area of:
Zone: 09 Grid: 311 Juv·
Synopsis.
Clearance· Clear Exception:
Primary Officer. .... .: . Assigned·
Evidence Processed By .:

1	Associated Incident.·	0	10 Case (Master Only)..:
2	Propeity ....·	0	11. Main# (Supp Only)...:
3	Persons	1	12. Citations 0
4.	Businesses	0	13. Offenses... . .. . : 0
5.	Vehicles	0	14 NCIC Codes. ..... : 1
6.	Arrests.	0	15 Reporting Officer. 1
7.	Supplemental Persons	0	16. Approving Officer... 0
8.	Narrative.....		17 Method of Operation. 0
9.	Supplemental Rpts...·	0	18 Supplemental Officer: 0

Enter line number,'RETURN',Screen#,eXit,IMPort,Lookup#,Replay,Dates,RPT: __

THIS SCREEN 1MARIZES MULTIPLE 'REPORTS 'ILE ITEMS [redacted]

TLST5

	NUMBER..	DATE.. .	NATURE	REPORT TOA. ..
1.	2007-018524	10/15/07	1082-RAPF .	VICTIM
.	95079968B	09/26/95		WITNESS
3.	94090843B	10/31/94		SUBJECT
4	91080088B	10/14/91		COMPLAINANT
5	91065103B	08/20/91		COMPLAINANT
6	91064553B	08/18/91		COMPLAINANT
7	91064105B	08/16/91		COMPLAINANT
8	91062090B	08/09/91		COMPLAINANT
9	91059959B	08/02/91		COMPLAINANT
10	91058987B	07/30/91		COMPLAINANT
11.	91058749B	07/29/91		COMPLAINANT
12	91057689B	07/25/91		COMPLAINANT
13.	91056409B	07/20/91		COMPLAINANT
14.	91054580B	07/14/91		COMPLAINANT
15.	91005844B	01/27/91		VICTIM
16.	8954191B	08/04/89		VICTIM
17	8909602C	02/13/89		VICTIM

LINE NUMBER, 'RETURN', Back, Top, eXit, Lookup#, Replay, SELect, RPT. ___

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON) **AFFIDAVIT**

Personally appeared before me, one Detective R. Avila, who being duly sworn, says that there is probable cause to believe that certain property subject to seizure under provisions of S C. Code Ann. § 17-13-140, as amended, is located on the following premises in this County:

DESCRIPTION OF PROPERTY SOUGHT

Any and all instrumentalities of the crime of Criminal Sexual Conduct with a Minor to include but not limited to, the complete student records, including any and all site based records, any and all antidotal records, any and all records kept by principals and/or teachers and any guidance records of Michelle Redden, DOB 05/04/1973, SSN# 161-62-8572 who was a student in the Charleston County School District.

DESCRIPTION OF PREMISES (PERSON OR THING) TO BE SEARCHED

The premise to be searched is the Office of Archives and Records, Charleston County School District Records Office, 3999 Bridge View Drive, North Charleston, South Carolina 29405. Phone Number 843-566-1819/ Fax Number 843-556-8112

REASON FOR AFFIANT'S BELIEF THAT THE PROPERTY SOUGHT IS ON THE SUBJECT PREMISES

That on September 12, 2007, the victim, [redacted] reported to the Charleston County Sheriff's Office that she engaged in fellatio with a person associated with James Island High School. [redacted] advised that the incident occurred after a school softball practice off of Charleston County School District property. The victim was enrolled at James Island High School at the time of the incident. Any and all items being sought will be used to further this investigation.

Sworn to and Subscribed before me)
12 day of Feb , 2008)
)
)
Signature of Judge)
)
) Affiant
) Address 3505 Pinehaven Dr.
N. Charleston, SC 29405
) Phone (843) 554-2475

SCCA 513
(3-1978)

(WED)FEB 20 2008 17 27/ST 17 26/NO 6352223019 P 6

FROM

88-89 9-

Cumulative Record

SUGGESTIONS FOR ADDITIONAL DATA WHICH MAY BE FILED IN THIS FOLDER

1. SCHOOL HEALTH AND PHYSICAL RECORD CARD
2. CORRESPONDENCE WITH PARENTS
3. RECORD OF HOME VISITS, PARENT INTERVIEWS
4. RECORD OF PUPIL INTERVIEWS OR COUNSELING
5. ANECDOTAL RECORD OR BEHAVIOR JOURNAL
6. DIARIES, AUTOBIOGRAPHIES, ETC
7. COPIES OF PUPILS LONG-RANGE COURSE ELECTIONS
8. PROFILE SHEETS FROM INTEREST INVENTORIES
9. PERSONALITY RATING SHEETS
10. VOCATIONAL THEMES, CAREER BOOKLETS, ETC
11. NEWSPAPER CLIPPINGS

XVII. 8-24-90-WD Night School TRANSCRIPTS

Date	To Whom Sent	Reason

XVIII. ADDITIONAL ITEMS OF INTEREST

RFODFN MICHELLE L JAMES ISLAND HIGH 1001007 033 0482

		--READING--			--LANGUAGE--			----MATH---			TOT			
		VOC	COM	TOT	SPE	MEC	EXP	TOT	CMP	C&A	TOT	BAT	REF	SCI	SS
CTBS U LEVEL J	SS>	717	771	744	740	694	725	710	744	737	741	732	832	000	000
GRADE 9.7	NS>	4	4	4	5	4	5	4	6	6	6	5	9	0	0
TEST DATE 03/89	NP>	29	37	32	59	25	51	35	71	59	77	41	97	00	00

SPECIAL CODES = 8830113

Charleston County School District
FEB 27 2008
Records Office

School Specialty Supply Inc. 13-521 560 (No. 738V)

I. NAME [redacted] (Last) (First) (Middle) MALE ☐ FEMALE ☒ DATE OF BIRTH 73 (Yr) 5 (Mo.) 4 (Day) PLACE OF BIRTH Headville P.A. (Town) (State) Soc. Sec. No. CODE

Date	Local Address*	Phone*	Date of Attendance*	Name of School*
8-88	11 [redacted] Dr.	2152		Central Cambria

II. DROP-OUT AND RE-ENTRY RECORD

Date	School and Grade Left	Reason	Date Re-Entered	School and Grade Re-Entered

IV. PHOTOGRAPH

Date
Age
Grade

III. FAMILY DATA

	MOTHER	step-FATHER
Name of Parents	Patricia	Mark
Home Address*		
National Descent		
Date Nature/Card		
Language in Home		
Occupation*	housewife	salesman
Education*	college	college
Marital Status*	married	married
Deceased		
With Whom Does Child Reside	both parents	

CODE FOR REASONS FOR LEAVING SCHOOL
TR—Transferred EP—Employment Permit D—Dead
PI—Permanent Illness OA—Over Legal Age M—Married
Date and Grade Record Started
Number Children in Family* 7
Boys* 1 Girls* 1
Remarks Regarding Home Conditions:

Date	

V. ELEMENTARY SCHOOL RECORD

YEAR		KDG.	1st Grade	Grade	Grade	Grade	Grade	Grade	Grade	Grade
SUBJECTS										
ART	Arithmetic									
ENGLISH	Reading									
	Language Grammar									
	Handwriting									
	Spelling									
SOCIAL STUDIES										
SCIENCE	General Science									
	Agriculture									
	Physiology Hygiene									
ARTS AND CRAFTS	Household Arts									
	Industrial Arts									
	Art									
	Music									
Days Present										
Days Absent										
Times Tardy										
REMARKS										

VI. SECONDARY SCHOOL RECORD

YEAR	7th Grade				8th Grade				Grade			
Weeks in School Year	Mark 1st	Mark 2nd	Units		Weeks in School Year	Mark 1st	Mark 2nd	Units		Weeks in School Year	Mark 1st	Mark 2nd	Units
SUBJECTS					SUBJECTS					SUBJECTS			

I. NAME [redacted] (Last) (First) (Middle) MALE ☐ FEMALE ☒ DATE OF BIRTH 73 (Yr) 5 (Mo) 4 (Day) PLACE OF BIRTH Meadville. P.A. (Town) (State) Soc. Sec. No. [redacted] CODE ☐

IMMUNIZATION COMPLETE

Date	Local		Date of Attendance*	Name of School*
8-88	[redacted]			Central Cambria
	Dr.	2152		

II. DROP-OUT AND RE-ENTRY RECORD

Date	School and Grade Left	Reason	Date Re-Entered	School and Grade Re-Entered

IV. PHOTOGRAPH

III. FAMILY DATA

	MOTHER	step-FATHER
Name of Parent	Patricia	Mark
Home Address*		
National Descent		
Date Measured		
Language in Home		
Occupation*	housewife	salesman
Education*	college	college
Marital Status*	married	married
Deceased		
With Whom Does Child Reside	both parents	

CODE FOR REASONS FOR LEAVING SCHOOL

TR—Transferred EP—Employment Permit D—Died
PI—Permanent Illness GA—Over Legal Age M—Married

Date and Grade Record Started

Number Children in Family* 2

Boys* 1 Girls* 1

Remarks Regarding Home Conditions:

Date

Date
Age
Grade

V. ELEMENTARY SCHOOL RECORD

YEAR										
SUBJECTS	KDG.	1st Grade	Grade	Grade	Grade	Grade	Grade	Grade	Grade	Grade
ARITHMETIC: Arithmetic										
ENGLISH: Reading										
ENGLISH: Language, Grammar										
ENGLISH: Handwriting										
ENGLISH: Spelling										
SOCIAL STUDIES										
SCIENCE: General Science										
SCIENCE: Agriculture										
SCIENCE: Physiology, Hygiene										
Household Arts										
Industrial Arts										
Art										
Music										
Days Present										
Days Absent										
*Times Tardy										
REMARKS										

VI. SECONDARY SCHOOL RECORD

YEAR	7th Grade	YEAR	8th Grade	YEAR	Grade
Weeks in School Year		Weeks in School Year		Weeks in School Year	
SUBJECTS	Mark 1st 2nd / Units	SUBJECTS	Mark 1st 3rd / Units	SUBJECTS	Mark 1st 2nd / Units
Units for the Year		Units for the Year		Units for the Year	
Half Days Absent		Half Days Absent		Half Days Absent	

YEAR	Grade	YEAR	Grade	YEAR	Grade
Wks. in Sch. Yr. / Hrs. Per Wk.	Mark 1st 2nd / Units / Points	Wks. in Sch. Yr. / Hrs. Per Wk.	Mark 1st 2nd / Units / Points	Wks. in Sch. Yr. / Hrs. Per Wk.	Mark 1st 2nd / Units / Points
SUBJECTS		SUBJECTS		SUBJECTS	
Units and Points for Year		Units and Points for Year		Units and Points for Year	
Units and Points to Date		Units and Points to Date		Units and Points to Date	
Use Pencil					

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ROA0435

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XIV YEAR	EDUCATIONAL PLANS	VOCATIONAL PLANS	INTERESTS AND HOBBIES	SPECIAL TALENTS

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XV. WORK EXPERIENCE RECORD (WHILE ATTENDING SCHOOL AND AFTER LEAVING SCHOOL)

Grade If In School	Age	Year	Length of Job	Name and Address of Employer	Type of Work	Wages or Salary	Remarks

XVI. OTHER SIGNIFICANT EXPERIENCES

OTHER WORK EXPERIENCES			HOME DUTIES		EXCEPTIONAL EXPERIENCES (TRAVEL, ETC.)	
Year	Type of Work	Time Spent	Year	Type of Duty	Year	Places, Etc.

ROA0436

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VII

Date	Grade	Intelligence Tests	C.A.	M.A.	I.Q.

Date	Grade	Achievement Tests	C.A.	Score	Norm.

Date	Grade	Interest and Aptitude Tests	C.A.	Raw Score	Corr. Score

YEAR	Hrs. Per Wk.	Mark 1st	Mark 2nd	Units	Grade Points
Wks. in Sch. Yr. ____ SUBJECTS					
Units and Points for Year					
Units and Points to Date					

YEAR	Hrs. Per Wk.	Mark Tst	Mark 2nd	Units	Grade Points
Wks. in Sch. Yr. ____ SUBJECTS					
Units and Points for Year					
Units and Points to Date					

VIII. HEALTH RECORD

Check—Giving Year of Sickness When Possible.

Diphtheria	Scarlet Fever	Measles	Whooping Cough
Mumps	Small pox	Typhoid	Tonsilitis

IMMUNIZING AND DIAGNOSTIC PROCEDURES RECORD

Year and Result	Diphtheria	Smallpox	T-B Tests	X-Ray	Result of X-Ray

IX. GRADUATION FROM SENIOR HIGH SCHOOL

Graduation Date

Name or Signature of High School Principal

No. in Class	Rank in Class	No. of Ranks	Course Completed

Code of Birth Information

Certified Copy of Birth Certificate = BC
Church Record = CR
Family Bible = FB
School Record = SR
Passport = PP
Parent's Statement = PS
Life Insurance Policy = LI
Immigration Certificate = IC

X. EXTRA CURRICULAR ACTIVITIES

	Grade												
Publications													
Band													
Vocal Music													
Orchestra													
Dramatics													
Student Council													
Safety Patrol													
Class Officer													
Clubs													
Auditorium Activities													
Athletics													

XI. REMARKS

YEAR

XII. EDUCATIONAL FOLLOW-UP RECORD

Record Sent: To:

Date	School

Name of School	Date Entered

Course of Study

Reported Progress

XIII RECORD OF COMMUNICATIONS FOR EMPLOYMENT

Date	To Whom Sent	Reason

Charleston County School District
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Merger in 1983-84 of Fort Johnson and James Island High Schools

James Island High School
1000 Fort Johnson Road
Charleston County Schools
Charleston, South Carolina 29412

Accredited by
South Carolina
Dept of Education

HIGH SCHOOL RECORD

Name [redacted] Place of Birth MEADVILLE, PA Date of Birth [redacted]

Parent [redacted] Address [redacted] Phone

Date Entered 8-24-89 Was (Will be) graduated

Grade Point Average Rank in class Number in class of

Redden Michelle L 008830113 Gr 9 Yr 89-89

		1st	2nd	Sem	3rd	4th	Sem	Fin		
English 1	BROWN S	60	65	70	50	63	62	60	0	0
Spanish 1	ROCKHOLD F	63	60	62	50			0	0	0
STUDY HALL	BAKER E									
[illegible]	SMITH C	80	70	72	68	72	64	70	1	0
DRIVER ED	[illegible]	80	80	80				80	½	
LUNCH										
Prac Phy Science	DERCOLA N	75	78	75	64	70	67	71	1	0
9TH CD HOMEROOM	FITCHETT J									

89-89 Grades From Central Cambria HS Ebensburg, Pa.

					units	
World History	75	65	70	70	1	0
English 1	75	65	65	65	0	0
Alg. I	70	70	70	65	0	0
G. Science	75	65	65	65	0	0
Spanish I	75	70	70	65	1	0
Computers	75	65			½	

2½

2½

Redden, Michelle L 008830113 Gr 9 Yr 89-90

		1ST	2ND	SEM	3RD	4TH	SEM	FIN
ALGEBRA	RICHARDSON	74	67	71	65	10	35	40
GENERAL ENGLISH I	BROWN B	64	72	75	50	64	67	71
GENERAL MATH I	BROWN N	80	81	81	62	67	65	77
PHYSICAL ED I	BERRIER J	70	92	82	87	83	84	83
GENERAL BIOLOGY	DERCOLA N	75	77	76	64	66	67	72

4

Grade	1st Sem	2nd Sem	Avg.	UNITS

Days Absent Total Units

SUMMER SCHOOL WORK

Tests Activities Honors

Principal or Counselor

Charleston County School District
FEB 27 2008
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ROA0438

440

CENTRAL CAMBRIA HIGH SCHOOL 814-472 8860 EBENSBURG PA 15931

GRADING KEY 4 A 3 B 2 C 1 D 0 F

NINTH

19 19

	NO WEEKS	1st	2nd	AVE	CR.
ENGLISH 9	36	2/0	0/0	.5	0
W CULTURE 1	36	2/0	1/1	1.0	1.0
Alg. I	36	1/1	1/0	.75	0
G SCIENCE	36	2/0	0/0	.5	0
Span. I	36	2/1	1/0	1.0	1.0
Comp. I	18	2/0		1.0	.5
HEALTH ED	18		2/2	2.0	.1
PHYS ED.	36	F?F	F/F		0
TOTAL CREDITS					2.6
ABSENCE					14.5
TARDY					6
[illegible]					.77
N CLASS EXACTLY					124/200

TENTH

19 19

	NO WEEKS	1st	2nd	AVE	CR
ENGLISH 10					
W CULTURE 2					
BIOLOGY					
VO TECH					
HEALTH ED					
PHYS. ED					
TOTAL CREDITS					
ABSENCE					
TARDY					
GPA					
RANK IN CLASS - EXACTLY					

ELEVENTH

19 19

	NO WEEKS	1st	2nd	AVE	CR
ENGLISH 11					
VO TECH					
HEALTH ED					
PHYS ED					
TOTAL CREDITS					
ABSENCE					
TARDY					
GPA					
RANK IN CLASS EXACTLY					

TWELFTH

19 19

	NO WEEKS	1st	2nd	AVE	CR.
ENGLISH 12					
VO TECH					
HEALTH ED					
PHYS ED					
TOTAL CREDITS					
ABSENCE					
TARDY					
GPA					
RANK IN CLASS EXACTLY					
DATE GRADUATED					

MAJOR SUBJECTS ONLY ☐ ALL STUDENTS ☐

LAST NAME [redacted] FIRST NAME [redacted] ADDRESS 408 W. Horner St., Ebg. PHONE

Charleston County School District
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[redacted]

TEST RESULTS

ACTIVITY	9	10	11	12
FOOTBALL				
BASKETBALL				
WRESTLING				
GOLF				
TRACK				
SWIMMING				
VOLLEYBALL	X			
SOFTBALL	X			
BASEBALL				
MAJORETTE				
BAND				
CHORUS				
STUDENT COUNCIL				
YEARBOOK				
NEWSPAPER				
CLASS OFFICER				
SCHOOL PLAY				
COLOR GUARD				
CHEERLEADER				



RECORD RELEASE FORM

CENTRAL CAMBRIA HIGH SCHOOL

STUDENT PERMANENT RECORD

RD #2 RT 622 WEST EBENSBURG PA 15931

LAST NAME	FIRST NAME	MIDDLE	SEX	PLACE OF BIRTH	DATE OF BIRTH YEAR	MONTH	DAY
[redacted]	[redacted]	L	F	Meadville, Pa	73	5	4

FATHER'S FIRST NAME: [redacted]

MOTHER'S FIRST NAME: [redacted]

CHANGE OF ADDRESS: [redacted]

ENTRANCE AND WITHDRAWAL RECORD

SCHOOL ENTERED	SCHOOL LEFT	CAUSE OF CHANGE	DATE
CCHS	Conneaut		9/87-88

DATE	TRANSCRIPT SENT TO

SCHOOL ACCREDITED BY
MIDDLE STATES ASSOCIATION

SCHOOL PHONE
(814) 472 8860

NUMBER UNITS REQUIRED FOR GRADUATION

PUBLIC SCHOOL

SOCIAL SECURITY NO | DATE | SIGNATURE | TITLE

Charleston County School District
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JAMES ISLAND HIGH SCHOOL
REGISTRATION APPLICATION

Name [redacted] Male Female X

Address: [redacted]

Date of Birth: Month [redacted] Date [redacted] Year [redacted]

Place of Birth: MEADVILLE PENNSYLVANIA 16435

Home Phone Number [redacted] Work Number

Date entering James Island High 7-28-88 Grade entering 9

Have you ever attended another school in Charleston County? If so where, —

— and approximate year — Grade —

Name of School last attended: CENTRAL CAMBRIA H S.

Address of school: — City EBENSBURG State PA.

Zipcode 15935

FAMILY DATA:

Mother's Name [redacted] STEPFATHER Father's Name [redacted]

Occupation: HOUSE WIFE Occupation: SALESMAN

Address of Bus: Address of Bus: —

Business Phone: Business Phone: —

Education: (Circle) Education(Circle)

~~Elementary~~, High School, College ~~Elementary~~, High School, College

Marital Status: (Circle) Marital Status: (Circle)

Married, Separated, Divorced, Married, Separated, Divorced,

Deceased Deceased

With Whom Does the Student Reside? MR and MRS Mark Mowrer

Number of Children in Family Boys 1 Girls 1

Family Doctor: — Phone —

EMERGENCY NUMBER (other than parents) —

Name of person to call —

Do you have any medical or physical problems that school officials should be aware of?

Yes no X

Name of medical problem —

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Charleston County School District

FEB 27 2008

Records Office

South Carolina Department of Health and Environmental Control
South Carolina Certificate of Immunization

(TO BE ISSUED ONLY AFTER IMMUNIZATIONS ARE COMPLETE)

Section I — Pupil Information

Pupil's Last Name	First Name	Middle Name	Birthdate
[redacted]	[redacted]	[redacted]	[redacted]

Parent's Name	Address	Telephone
[redacted]	[redacted]	[redacted]

Section II — Important Information For Health Care Providers & School Officials

Pursuant to Section 44-29-40 of the South Carolina Code of Laws, 1976, Department of Health and Environmental Control Regulation 61-8, 1980, no child shall be admitted to any public, private, or parochial school or any child development program under the control of the Department of Education without first presenting a valid SOUTH CAROLINA CERTIFICATE OF IMMUNIZATION The MINIMUM Immunizations required before any child can be given a SOUTH CAROLINA CERTIFICATE OF IMMUNIZATION are: *3 DTP (Diphtheria, Tetanus, & Pertussis) / DT / Td, 3 TOPV (Trivalent, Oral Polio Vaccine) Measles (Rubeola) and Rubella (German Measles)* At least one dose of DTP/DT/Td and one dose of TOPV must have been administered after the fourth birthday Measles and Rubella vaccine must be administered on or after first birthday. To be a valid SOUTH CAROLINA CERTIFICATE OF IMMUNIZATION, the CERTIFICATE must be signed by an individual licensed to practice medicine, surgery, or osteopathy or his/her authorized representative

Section III — Immunization Information

Check ✓ the number of doses of DTP/DT/Td and TOPV this child has received and enter the dates when Measles, Mumps, and Rubella were received For DTP/DT/Td and TOPV only enter the dates the last dose of each vaccine was received

VACCINES	Doses Received 1	2	3	4	5+	None	Date Last Dose Administered
DIPHTHERIA, TETANUS, PERTUSSIS *Any combination of DTP/DT/Td*	☐	☐	☐	☑	☐		9/15/88
POLIO (TOPV) Trivalent, Oral Polio Vaccine	☐	☐	☐	☑	☐		9/15/88
MEASLES Rubeola or Red Measles	☑						5/29/75
*RUBELLA * 3-day or German Measles*	☑					☐	5/29/75
MUMPS Recommended	☑					☐	2/15/83

*Rubella vaccine is not required of female pupils after onset of puberty

Section IV — Physician's Certification of Immunization Status

I Certify That The Immunization Information Entered In Section III above Is Accurate Based Upon This Child's Health Records on File In My Office

DR. J. C. CHAMBERS
Type or Print Physician's Name

724-5886
Physician's Telephone

Randall Chambers
Physician's Signature or Stamp

September 15, 1988
Date Certificate Issued

James Island Clinic 7956273

[1] ORIGINAL To Be Retained By Parent Legal Guardian, or person *in loco parentis* [2] COPY School's Record

DHEC 1125 (Rev 7/87)

Charleston County School District
FEB 2 7 2008
Records Office

HS-320.2-3/79

J. Adsit, School Nurse
Conneaut Lake Elementary
Box AB
Conneaut, Lake, Pa. 16316

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF HEALTH
HEARING AND SPEECH SERVICES PROGRAM

AUTHORIZATION FOR SERVICES

DATE: 10-30-79

VALID TO: 12-15-79

PATIENT'S NAME:	ADDRESS:	BIRTH DA
[redacted]	117 Midway, Box 353, Conneaut Lake, Pa. 16316	5-
PARENTS: Patricia	REFERRED BY:	

YOU ARE AUTHORIZED TO PROVIDE THE PROCEDURE(S) INDICATED BELOW:

	CODE	SERVICE	MAXIMUM FEE
☒	92500	Ear Specialist with Audiogram	$25.00
☐	92510	Audiogram	6.00
☐	92585	Tympanometry	5.00
☐	90005	Office Visit	6.00
☐	95945	Speech Eval.	15.00
☐	95949	Language Eval.	15.00
☐			
☐			

	CODE	SERVICE	MAXIM FEE
☐	96500	Speech Therapy x $7.50/hour	
☐	96501	Speech Therapy x $5.00/hour	
☐	69425	Unil. Myring. Tube	$25.0
☐	69426	Bil. Myring. Tubes	$37.5
☐		Anesthestic Service	
☐		Outpatient Hospital Care	

Surgeon:

TO THE PARENTS: PLEASE CONTACT PHYSICIAN OR CLINIC FOR APPOINTMENT.

FAMILY INSURANCE TO BE APPLIED:

TO THE PHYSICIAN, CLINICIAN OR CLINIC: UPON COMPLETION OF SERVICES, SUBMIT ONE COPY OF REPORT AND AN ORIGINAL AND THREE COPIES OF THE INVOICE TO THIS OFFICE NO LATER THAN: 10 12-30-79. IF INVOICE IS RECEIVED AFTER THIS DATE, PAYMENT MAY NOT BE MAI

NAME AND ADDRESS OF PROVIDER:
Azhar Aslam, M.D.
764 Kennedy Street
Meadville, Pa. 16335

AUTHORIZED BY:
Darcein M. Knapp
HEARING AND SPEECH SERVICES PROGRA
DEPARTMENT OF HEALTH
P.O. BOX 90
HARRISBURG, PA 17120

PHYSICIAN'S REPORT

[redacted] (name) Ch Sads (school)

Tentative diagnosis Bilat Sensory defect

Type of hearing loss Conductive Prognosis Good

Recommendations ① Binaural aids.

② Return with aids if tinnitus still present - hear myringotomy status.

1/24/79
Date

Physician's Signature

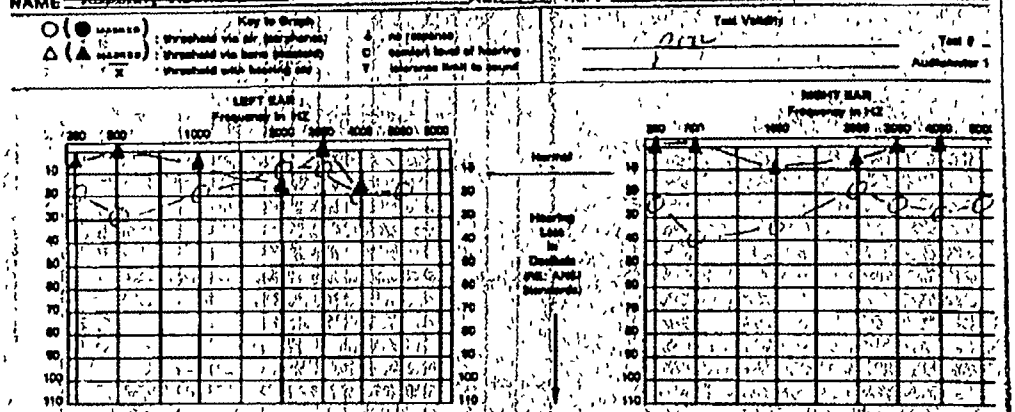
Charleston County School District
FEB 27 2008
Records Office

MEADVILLE CITY HOSPITAL AUDIOLOGY CENTER

Meadville, Pennsylvania 16335

Auditory Evaluation

NAME [redacted] AGE 6 REF. Conneaut Lake Elem. DATE 11/



COMMUNICATIONAL TESTS RESULTS

Test	Normal Limits	Left ear	Right ear
Hearing threshold avg. (PTA)	0-10dB	20dB	35dB
Speech threshold avg. (SRT)	0-20dB	10dB	20dB
Word discrimination (W-22)	90-100%	92%	70%
W-22 level (in quiet) at	30-50dB	10	
Word discrimination (W-22)	80-100%		
W-22 level (noise) at	30-50dB		
Rush Hughes (PB MAX)	70-100%		
W-22 — Hughes D/S	0-30%		

DIFFERENTIAL TESTS RESULTS

Test	Normal Limits	Left ear	Rig
SISI	0-30%		
PB-PI function	0-1 No Recruitment		
ABLB (MLB)	0-3dB		
2000cps Tone decay	0-30dB		
STAT Tone decay	Negative		
Sensorial muscle reflex	70-100dB		
Neural muscle decay	10 >		

REMARKS: Auditory tests reveal a mild hearing loss in both ears, greater in the right ear. Bilaterally, the drop of sensitivity is conductive, indicative of middle ear disorders. Auditory communications ability were tested and support the type and degree of hearing lo with good ability. Patient did have difficulties with testing and she is scheduled to se Dr. Aslam, E.N.T..

Thank you for referring this patient.

J. O. Isenhath, M.A., Audiologist

Charleston County School District
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NAME OF STUDENT [redacted]

DENTAL FINDINGS — Check Applicable Items

Grade	Date	Examined or Screened By	Prophylaxis	Topical Fluoride Appl.	Fluoride Supplement	Patient Under Care of Family Dentist	School Dental Hygiene Service Program	Corrections Not Needed	Referred for Care	Special Problems (SPECIFY)
K										
1	DEC 2 1980	JOHN R. HANEK, D.D.S.						✓		OK
2										
3	NOV 2 5 1981	Dr. Joseph P. Corcoone						X		
4		Hospital Professional Bldg. 16 Poplar Street								
5		Meadville, Pa. 16335								
6										
7										
8										
9										
10										
11										
12										

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Charleston County School District
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Records Office

[redacted]

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VISION SCREENING

DATE OF EXAM.	SNELLEN VISUAL ACUITY RIGHT	SNELLEN VISUAL ACUITY LEFT	WITH PLUS LENS P	WITH PLUS LENS F	OTHER DISORDER	REPORT OF EYE EXAMINER	CORRECTED VISION RIGHT	CORRECTED VISION LEFT
79-7	30	30			Passed Surg. Sys			
3/80	40	40						
12-80	30	30						
10 81	20	20						
1-83	20	20						
12/83	20	20						
1/84	20	20						
11/85	40	40			Referred			
11/86	20	20					26	20
10-87	—	—						

HEARING SCREENING

PASS - INDICATE SCREENING LEVEL IN DB FOR EACH FREQUENCY
FAIL - INDICATE THRESHOLD LEVEL IN DB FOR EACH FREQUENCY

DATE OF EXAM	GRADE	TESTER	RIGHT EAR 250	500	1000	2000	4000	8000	LEFT EAR 250	500	1000	2000	4000	8000	PASS(P) OR FAIL(F)	HEARING AID	DATE REPORT RECEIVED FROM EAR EXAMINER
79-7	K	Rep	25	30	25	25	25		25						P		
10/17/79	1	AA	60	60	60	50	65	45	35	30	35	20	40	25	F		10/28/79
10-80	2	EH													P		
10-81	3	EH	25												P		
4/85	7	"	25						25						P		
11/86	K	"	25						25						P		

ANNUAL HEIGHT AND WEIGHT

	K	1	2	3	4	5	6	7	8	9
DATE	78-7	3/80	10-81	1-83	11/83	11/84	11/85	11/86	10-87	
HEIGHT	43½	46½	51	53	56½	58½	61½	63½	64"	
WEIGHT	42½	50	61	74	80	88	105	121	134	

HB13 343 REV. 8-76

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF HEALTH

MATERNAL AND CHILD HEALTH

SCHOOL HEALTH RECORD

NAME: LAST, FIRST, MIDDLE [redacted]

BIRTH DATE: MONTH, DAY, YEAR [redacted]

SEX ☐ MALE ☒ FEMALE

HOME ADDRESS [redacted]

HOME ADDRESS

HOME ADDRESS

	SCHOOL	DISTRICT	COUNTY
1	2nd. 31st,	Crawford Central School Dist.	Crawford
2	9-79 Cow Lake Sods.	Conneaut	"
3	~~CENTRAL CAMBRIA Valley~~ Conneaut	Conneaut,	"
4	~~CENTRAL CAMBRIA Valley~~	Central Cambria	Cambria

SCH YR	78/79	79/80	80/81	81-82													
GRADE	K	1	2	3	4	5	6	7	8	9							
ROOM OR TEACHER	109		123	114													
SECTION	pm																

SPECIAL HEALTH PROBLEMS

FATHER'S NAME LAST FIRST, MIDDLE [redacted]

MOTHER'S NAME LAST, FIRST, MAIDEN [redacted]

PERSON WITH WHOM PUPIL LIVES (IF OTHER THAN PARENT)

IMMUNIZATIONS AND TESTS

	DATE INITIAL SERIES COMPLETED	BOOSTERS AND DATES				SMALLPOX	DATE
DIPHTHERIA	6/10/74-3/75					SUCCESSFUL	
TETANUS	" "					TEMPORARY	
PERTUSSIS	" "					IMMUNITY	
POLIO	" "						

MEASLES VACCINE — TYPE _____ DATE 5-22-75 OR HAD MEASLES YEAR _____

GERMAN MEASLES VACCINE DATE 5-22-75 MUMPS VACCINE DATE _____

	DATE	RESULT	DATE	RESULT	DATE	RESULT
TUBERCULIN TEST	3-27-75	Neg	11-9-82	neg		
CHEST X-RAY						

HOME AND FAMILY CONDITIONS FAMILY MEDICAL HISTORY, PARENT CONCERNS

CONFIDENTIAL INFORMATION ON FILE AT

Charleston County School District
FEB 27 2008
J.E. Brown Sec. Staff
Records Office

PAGE 2

EXAMINATION I GIVE SIGNIFICANT DETAILS OF CHILD'S MEDICAL HISTORY INCLUDING SERIOUS ILLNESS, CHILDHOOD DISEASES OPERATIONS ACCIDENTS HANDICAPPING CONDITIONS (CONGENITAL OR ACQUIRED), ETC NOTE SIGNIFICANT FACTORS RE SCHOOL ADJUSTMENT GROUP PLAY PHYSICAL SOCIAL OR EMOTIONAL ABNORMALITY.

	DATE	GENERAL NUTRITION	SKIN	EYES	EARS	NOSE & THROAT	TEETH & GINGIVA	GLANDS	HEART	PULSE	BLOOD PRESSURE	LUNGS	ABDOMEN	GENITALIA (MALE)	NEURO-MUSCULAR SYSTEM	SKELETAL	EMO-TIONAL STATUS	ALL OTHER
NORMAL	11-7-79	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓		✓	✓	✓	✓
ABNORMAL																		

DID PARENTS ATTEND: YES ☐ NO ☐

EXPLAIN FINDINGS AND NOTE RECOMMENDATIONS

SIGNATURE OF EXAMINER [illegible] DO/DM

EXAMINATION II INTERVAL HISTORY SUMMARIZE MEDICAL HISTORY AND NOTE SCHOOL PROGRESS, INTEREST IN GROUP AND EXTRA CURRICULAR ACTIVITIES GROWTH AND DEVELOPMENT.

10/79 Secretary Otitis Media -
4/80 Chicken Pox
3/84 Recurrent infections

	DATE	GENERAL NUTRITION	SKIN	EYES	EARS	NOSE & THROAT	TEETH & GINGIVA	GLANDS	HEART	PULSE	BLOOD PRESSURE	LUNGS	ABDOMEN	GENITALIA (MALE)	NEURO-MUSCULAR SYSTEM	SKELETAL	EMO-TIONAL STATUS	ALL OTHER
NORMAL	11/4/84	✓	✓	✓	✓	✓	✓	✓	✓	72	104/66	✓	✓		✓	✓	✓	
ABNORMAL																		

EXPLAIN FINDINGS AND NOTE RECOMMENDATIONS

Pt. cried

SIGNATURE OF EXAMINER [illegible]

EXAMINATION III INTERVAL HISTORY SUMMARIZE MEDICAL HISTORY, NOTE SCHOOL PROGRESS, INTEREST IN GROUP AND EXTRA CURRICULAR ACTIVITIES STAGE OF ADOLESCENT GROWTH AND DEVELOPMENT

	DATE	GENERAL NUTRITION	SKIN	EYES	EARS	NOSE & THROAT	TEETH & GINGIVA	GLANDS	HEART	PULSE	BLOOD PRESSURE	LUNGS	ABDOMEN	GENITALIA (MALE)	NEURO-MUSCULAR SYSTEM	SKELETAL	EMO-TIONAL STATUS	ALL OTHER
NORMAL																		
ABNORMAL																		

EXPLAIN FINDINGS AND NOTE RECOMMENDATIONS

SIGNATURE OF EXAMINER

Charleston County School District
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Records Office

8-21-90

GUIDANCE DEPARTMENT
WITHDRAWAL FORM

James Island High School
1000 Fort Johnson Road
Charleston, S.C. 29412

STUDENT' NAME [redacted] GRADE & SECTION 9TH

ADDRESS [redacted] DATE OF BIRTH [redacted]

PARENT/GUARDIAN [redacted] PHONE [redacted]

I am officially withdrawing from James Island High School for the reason given below. I certify that my parents or guardian have knowledge of my withdrawal. I understand that if I am not cleared properly by all teachers and school agencies concerned, my records cannot be sent to any other school of outside agency.

REASON FOR WITHDRAWAL: GOING TO NIGHT SCHOOL

DATE [redacted] [redacted]

TEACHERS: Please indicate by your initials below if the student has cleared with you to withdraw from James Island High School. Mark the appropriate column to show whether a student has returned his/her book, or paid any appropriate fees that were due.*

	TEACHER	SUBJECT	Room	INITIALS	Book Returned	Grades
HOMEROOM						
1st Period						
2nd Period						
3rd Period						
4th Period						
5th Period						
6th Period						
7th Period						

*Example: Student withdraws, but has lost his/her textbook. Mark NO in the Book Returned column and the price of the book (if not paid for) in the Fee Owed column.

*Example: Student transfers, returns his/her book but had neglected to pay the department fee, i.e. math fee -$4.00; Mark YES in the Book Returned column and the math fee owed, $4.00 in the Fee Owed column.

LIBRARY _____ OFFICE _____ ATTENDANCE _____

GUIDANCE _____ Removed from all rolls DATE _____

BOOKROOM AGENT _____

Charleston County School District
FEB 27 2008
Records Office

452

STATE OF SOUTH CAROLINA)
) SEARCH WARRANT
COUNTY OF CHARLESTON)
)

Form Approved by
SC Attorney General
Section 19 13 160
March 15 1978

TO ANY BONDED LAW ENFORCEMENT OFFICER OF THIS STATE OR COUNTY OR OF THE MUNICIPALITY OF CHARLESTON COUNTY

It appearing from the attached affidavit that there are reasonable grounds to believe that certain property subject to seizure under provisions of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises

DESCRIPTION OF PREMISES (PERSON OR THING)
TO BE SEARCHED

SEE ATTACHED AFFIDAVIT

Now, therefore, you are hereby authorized to search the subject premises for the property described below, and to seize such property if found

DESCRIPTION OF PROPERTY

SEE ATTACHED AFFIDAVIT

This Search Warrant shall not be valid for more than ten days from the date of issuance

A written inventory of all property seized pursuant to this Search Warrant shall be made to the issuing magistrate within ten days from the date of this warrant, such inventory to be signed by the officer executing this warrant, and a copy of such inventory shall be furnished to the person whose premises are searched if demand for such copy is made

A copy of this Search Warrant shall be delivered to the person in charge of the premises searched at the time of such search if practicable, and, if not, to such person as soon thereafter as is practicable, in the event the identity of the person in charge is not known or if such person cannot be found after reasonable diligence in attempting to locate the person, a copy shall be attached to a prominent place on such premises

Charleston, South Carolina

Signature of Judge

Dated. Feb 12, 2008

SCCA 513
(3-1978)

STATE OF SOUTH CAROLINA)
) **AFFIDAVIT**
COUNTY OF CHARLESTON)

Personally appeared before me, one Detective R Avila, who being duly sworn, says that there is probable cause to believe that certain property subject to seizure under provisions of S C Code Ann § 17-13-140, as amended, is located on the following premises in this County

DESCRIPTION OF PROPERTY SOUGHT

Any and all instrumentalities of the crime of Criminal Sexual Conduct with a Minor to include but not limited to, the complete student records, including any and all site based records, any and all antidotal records, any and all records kept by principals and/or teachers and any guidance records of Michelle Redden, DOB 05/04/1973, SSN# 161-62-8572 who was a student in the Charleston County School District

DESCRIPTION OF PREMISES (PERSON OR THING)
TO BE SEARCHED

The premise to be searched is the Office of Archives and Records, Charleston County School District Records Office, 3999 Bridge View Drive, North Charleston, South Carolina 29405. Phone Number 843-566-1819/ Fax Number 843-556-8112.

REASON FOR AFFIANT'S BELIEF THAT THE
PROPERTY SOUGHT IS ON THE SUBJECT PREMISES

That on September 12, 2007, the victim, [redacted] reported to the Charleston County Sheriff's Office that she engaged in fellatio with a person associated with James Island High School [redacted] advised that the incident occurred after a school softball practice off of Charleston County School District property. The victim was enrolled at James Island High School at the time of the incident. Any and all items being sought will be used to further this investigation

Sworn to and Subscribed before me)
12 day of Feb , 2008)
)
)
Signature of Judge)
)
) Affiant
) Address 3505 Pinehaven Dr
N Charleston, SC 29405
) Phone (843) 554-2475

SCCA 513
(3-1978)

454

1-16-2008
@1530

[redacted] returned
BK's call & stated
will call monday morn.
when not @ work — will
draft note for FITA on
issue for her to look
at —

BK

Statement Given By [redacted] on September 11, 2007 Regarding the Sexual Abuse By Charles Smith (James Island High School Teacher) Between the Beginning of the School Year 1988 until About February 1989

I am very slowly getting my memory back and am beginning to remember things that happed regarding the sexual abuse from Charlie Smith He was my Geography Teacher at James Island High School. The sexual abuse happened between the beginning of school year 1988 until I attempted suicide at James Island High School in February 1989 On May 4, 1988 I turned 15 I have not gotten much of my memory back as to what occurred after the suicide attempt because I blocked it all out of my mind
I have had repressed memories all these years. I currently work at the Charleston County Detention Center. About December 2006/January 2007 I was dealing with a particular inmate who was one of my inmate workers in Housing Unit 1-B He was white and very tall He was a very good worker but was in jail on sexual charges regarding a juvenile. I do not know the details of his case and never spoke to him about them After He was charged and sent to South Carolina Department of Corrections, I had a fellow co-worker come to me in conversation and stated that he found out that the inmate was raping his cellmate while he was at CCDC The cellmate had enough confidence in the officer to tell him that he had been repeatedly raped by this particular inmate. Something inside of me snapped and I began to have nightmares of Charlie Smith standing over me laughing. I would wake up in a sweat and had many sleepless nights. I was exhausted and needed some rest. I realized that I needed to get some help in dealing with the nightmares I did not know where to go so I went to see an attorney. I did not want to get my job involved and am ashamed of what happened and did not know where to turn. The attorney told me about a place called "The National Crime Victims Research & Treatment Center" I met with Dr Best who assigned me with Dr Zinzow I am currently in treatment with Dr Zinzow

My parents (Stepfather [redacted]
My Mom, my brother and I are very close. I just recently within the last few months told my mom of the sexual abuse. My stepfather and I are not so close He was somewhat violent after they got married in 1988 Over the years he has matured and has for the most part grown out of it. My mom says it's because he did a lot of drugs when he was younger and his father was violent toward him
They are currently selling their house on James Island They made this decision about a month ago They also have a house in Eutawville that they have been staying at on and off for the last six years or so. This is where they plan to retire We had three homes between July 88 to February 89 My parents were going to buy a house, they just were not sure where they wanted to buy it at on James Island Our first house was on Rivercrest Drive (July-September?) The second house was on Trafager (sp) Drive (maybe Sept-Jan). The third house was on Landsowne Drive (which is the house they own today). My mom recently told me Charlie Smith showed up at my house after I attempted Suicide. You'll have to get more details from her

[redacted]

What I remember about Charlie Smith

I have tried not to think about him so I may not remember much now I have not seen him since 1992 when he operated a sports memorabilia shop on James Island I have for the most part stayed off of the Island except to visit my parents who lived there He is from somewhere up north, I believe Illinois and he served in the military He has a wife and daughter who's name I believe is Kim She was very young I remember him having her at softball practice once. When I first began to attend James Island High School, he did not coach anything but everyone called him Coach Smith I think he coached sports prior to me attending the school He had a horse that he borded at 990(?) Dills Bluff Road with other horses I don't remember why, but prior to softball season and after I first began attending James Island High, [redacted] One day he took me to where his horse was at. I remember him saying that he had to feed it. [redacted] He came inside of the Rivercrest home. Nothing happened at my home, I do remember showing him around. [redacted] I used to think that Bronco was cool. It had big tires I loved Softball I was a pitcher. He made the decision to coach softball when it began in (I think) January 1989. I started the school year off with very good grades. Despite a few bumps in the road at home, I was very happy and excited about school and starting all over in the South The weather was very different in Pennsylvania. Most of the time it was dreary there Always cloudy During the sexual abuse, my grades began to drop. I became ineligible to play softball, but still went to all the practices and games I don't remember if I started the season playing or not He took me buy his house one day, I waited in his Bronco I remember him running inside to get something, then we went to feed his horses again I remember feeding the horses a lot with him. His classroom- It was near the main entrance of the high school The main door was near the front of the room If you walked into the room and looked directly across you would see his desk If you looked right, you would see the big green chalk board If you looked left you would see all the desk If you walked in the door and looked down the wall the door was on you would see another green chalk board and a row of desk next to the chalk board. His desk area was concealed to where you could almost not see behind it. It was like two huge desks together with books and other things blocking views. He also painted houses on the side after school. I remember going to some sites where he painted houses He painted part time for Shaddrix Painting(?) across from Captain D's on James Island Lynn Shaddrix was a secretary at the school and a very good friend Lynn's husband's name is Steve.

Sexual Abuse Memories

I remember when I first went to the classroom, I sat up front in the middle I was very eager to learn and have always liked school I eventually moved from the front to sitting next to the chalkboard that was on the same wall the door was on near the back I remember him answering a question one day and [redacted] He slid his hand around as if he was leaning on the chair I don't remember if this was after he began giving me a ride home I don't remember what came upon him giving me a ride home in

[redacted]

the first place I remember riding around with him a lot. To the horse stables, to my houses, to his house (but I never went inside his house), and to his paint sites I used to wear dresses and dress clothes to school I remember me sitting behind his desk with him and him putting his hand on my leg Over a period of time he did put his hand all the way under my dress and touched my vagina. I remember him smelling his fingers between turning pages as he was reading. One day before he took me home after softball practice he pulled the bronco over. I remember it being sunny that day It was next to the school The little grocery store It had to be around 5pm I think It was sort of warm out Maybe it was getting ready to be dark I'm still not sure of all the details He pulled over and shut the Bronco off. The next thing I remember is him unzipping his polyester sport shorts and pulling out his penis and me giving him oral sex. I remember being able to clearly see his penis and that his short were a dark shade. I don't remember what was said. I remember him ejaculating in my mouth. I remember him holding my head when I was performing oral sex on him. I remember having a hard time and nearly choking because his penis was short but large. He then took me home that evening. Then everything goes dark in my mind. [redacted] He got rid of his Bronco and got a Camaro. The sexual abuse happened when he had his Bronco. I remember wanting to die after that happened. When I attempted suicide at the school I remember thinking that I wanted him to pay for what he did to me I was to embarrassed to tell anyone I was a person who never had sex and really did not understand what happened. I ended up quitting day school and started night school I then ended up quitting James Island High all together It got harder and harder to go back into that building

Other Memories

I went to school with Doug Wright (Summerville Police). I did at some point join the Charleston Police Explorers. I don't remember when it was. I did it because I had the biggest crush on Doug. I was very competitive in school and Doug was a County Explorer We were in math class together and sat next to each other. Doug might have suspected something was not right. I think I joined the Police Explorers before the Seventh Grade after the sexual abuse These time periods are blurry to me There was a very short period where I remember wearing my Explorer uniform to school one day and Charlie Smith Ignoring me that day

Mrs Saddie Brown (my English Teacher). I thought a lot of her then. I think she had her suspicions about him giving me a ride home She may have even said something. I'm not sure I think she stopped teaching at James Island at the end of the 1988 school year and began teaching at another school

CC Dr Zinzow

[redacted]

CHARLESTON COUNTY SHERIFF'S OFFICE
STATEMENT

/CA # _____ DATE 12/7/2007

STATEMENT OF [redacted]
ADDRESS N/A PHONE # N/A
EMPLOYER Charleston County Detention Center PHONE # N/A
RACE: White SEX Female DATE OF BIRTH

During the 1988-1989 school year I attended James Island High School (JIHS). Charles R. Smith (Smith) was my Geography Teacher. That also was the first year he coached softball. He was the head coach and had the help of two other individuals. One of which was a female who only helped at the beginning a few times and then I don't recal what happened to her. The other was a person by the name of Bubba Brandt. I lived at three different addressed during the 1988-1989 school year. The first was [redacted] the second was on Trafalgar Drive and the third was on [redacted]. My parents still currently own that house however, it is listed on the market to be sold. I started the school year off well. I had just moved down here from Pennsylvania with my Step-father, Mother and Brother. I did not have a car and don't recall having a drivers License. I don't recall how being given a ride home from Smith started. I do recall him giving me a ride to each of the three houses.

When I was fifteen, things seemed bigger that they are now. For instance, I remember the softball field being huge. As I walked on it about two months ago for therapy purposes, it seamed small. Please keep this in mind when reading this statement.

Smith painted part time for Steve Shaddrix of Creekside Painting. His wife Lynn Shaddrix worked or still does at JIHS. I have not had any affiliation with JIHS itself since I quit school. The Shaddrix's lived at [redacted] nue. Smith took me to their house one day. I went inside the side door and the only person I recall being there was Steve Shaddrix. I remember the both of them smiling a lot. I don't recall if anything happened but I do recall the feeling of nervousness overwelming me. I remember saying to myself that he had a very nice house. As I went into the side door I vaguley remember the room sort of opening up. I sat at the kitchen table and remember really liking the table. I think it was round. I think they had hardwood floors. They had a son in 9th grade who attended JIHS at the time I did. His name is Brian Shaddrix. I don't rember him being in any of my classes. I did however see him in Smith's classroom from time to time. Smith seemed to somewhat avoid me when he was there. I had went with Smith to Creekside Painint company that was located at [redacted] I remember us going upstairs and noone being there. I don't remember if anything happened there. I remember being at least at four of his paint sites. I definitely only know the address of one and think I know the address of the other. The first one I know the address of is [redacted] The one I am unsure of is 932 Paul Revere Drive.

Smith boarded a horse at [redacted]. I remember him only telling me he owned one of the horses. There were other horses on the property. I never seen him ride any horse. I remember being so taken by the horses. I had always wanted one that I could ride. Although he never let me ride (continue on pg 2)

I HAVE READ (HAD READ TO ME) THE FOREGOING STATEMENT WHICH HAS BEEN FREELY AND VOLUNTARILY MADE AND IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

WITNESS: [redacted]

_____

_____

I E RECEIVED A COPY OF THE ABOVE STATEMENT _____
Signature

CCSO-109

CHARLESTON COUNTY SHERIFF'S OFFICE
STATEMENT

CA # _____ DATE 12/7/2007

STATEMENT OF [redacted]
ADDRESS N/A PHONE # N/A
EMPLOYER Charleston County Detention Center PHONE # N/A
RACE: White SEX Female DATE OF BIRTH

(continue from pg 1) the horse. We went to feed his horse a lot after school. I don't remember when it first started. I do remember the first time we went to the horse stables. I was really surprised and excited. I remember him kissing me one time at the stable and the feel of his mustache. I also remember him feeling my breast when we were at the stables. I remember his penis getting hard through his pants at the stables. I remember the stable being small and the grass being bushy. I used to hate walking from the gate to where the horses were. There was a metal fence that you could drive through. You had to get out of the vehicle to move the fence. We never drove back to the stables. I don't remember ever seeing anyone there. I remember anxiety feeling from being at the stables. The memories of the stable are still very fuzzy.

Memories of my Geography classmates are still very fuzzy. I don't remember who was in my class. I don't remember a lot about JIHS, just some things and most of what I do remember is about Smith. I started the class year off sitting near the front of all my class. I wanted to do well in school. I then remember moving from near the front to further from his desk. I don't remember why. I ended up next to the side chalk board at the back. I remember when I was sitting next to the chalk board and having a question. I raised my hand. We were taking a test or working on something quietly. When Smith came over, he put his right hand on top of the back of my chair near the right side. He leaned over me in a way to conceal his hand placement. His left hand was on the edge of my desk. His head was near my left shoulder. I was nervous. He moved his right hand around the back y chair and began to rub the side of my right breast. I remember the anxiety and him smiling. I did not say thing. I remember being scared because of what he did.

I was very interested in Geography. I enjoyed learing. Smith had his desk blocked off to where you could not see behind it. He had alot of books on a desk next to his workdesk. I was getting some help from Smith one day. I then moved to his desk for help. This put me behind Smith's desk with him to where our middle and lower bodies were out of sight of other classmates. I remember it being quit. I was sitting in a chair next to his with my hands in my lap. He was very close to me. We were looking at the geography book. I began to read something. The next thing I knew he had gently took ahold of my hand and put it on his leg. I remember feeling scared. He then moved my left hand and put it on his penis. I remember his penis feeling hard. He massaged his penis with my left hand. I was very scared and did not know what to do. I feel as if I had somewhat built a trust for him by the point this had happened. I remember being shocked and not knowing what to do.

I remember Smith assigning me the desk next to his. I don't remember why. (continue on pg 3)

I HAVE READ (HAD READ TO ME) THE FOREGOING STATEMENT WHICH HAS BEEN FREELY AND VOLUNTARILY MADE AND IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

WITNESS: [redacted]

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I H RECEIVED A COPY OF THE ABOVE STATEMENT _____
Signature

CCSO-109

460

CHARLESTON COUNTY SHERIFF'S OFFICE
STATEMENT

CA # _____ DATE 12/7/2007

STATEMENT OF [redacted]
ADDRESS N/A PHONE # N/A
EMPLOYER Charleston County Detention Center PHONE # N/A
RACE: White SEX Female DATE OF BIRTH

(continue from pg2) I remember sitting at this desk a lot. Sometimes Smith had me sit very close to him behind his desk. I remember having on a dress and a blouse. I wore underware with knee high stockings. I liked to wear dresses and dress clothes. I remember him telling me to come and sit next to him. I did. It was quiet again and the class was working on something quietly. There were a lot of books on his desk. They were arranged like you would put them on a book shelf. Side by Side. I had a hard time seeing up over them. I sat next to him. We were looking at the Geography book. He put his right hand on my left leg and turned pages with his left hand. I was nervous and remember being scared. Smith put his right hand up my skirt and moved my underware and touched my vagina. I froze. I could feel him moving his fingers around on my vagina and having a smile on his face. He was looking at the book. I remember looking down at the desk as he did what he did and wanting to cry. I remember being very nervous and hoping another student would get up and come to the desk to ask a question. When Smith moved his hand, he put it to his face and nose. He left it near his nose while he turned the pages. I remember feeling sick to my stomach and froze until the school bell rang. I feel like I sat there forever. I then remember going into the school bathroom and crying. I feel like I sat there forever.

Smith used to keep it really cold in his classroom. I remember him giving me his jacket to wear a lot. It was light yellow. I also remember wearing a blue jacket. When we took the softball picture. I had his blue jacket on. I b'eve I also had his hat on in that picture. I remember wearing his yellow jacket in Sadie Brown's English s.

Smith did not coach any sports when I started school. I loved playing softball. I was a pitcher. He then decided to begin coaching softball that year. I remember him telling me how much he liked wrestling. I think he may have wrestled in college or high school. He may have even been a wrestling coach prior to the 1988-89 school year. I am not sure if I began playing softball but did make the softball tryouts. I remember practicing and running alot. I remember smith wearing a ball cap a lot. I don't ever remember seeing him with a tie on. He used to wear jeans and cowboy boots sometimes when he was at the stable. I remember him having a jean jacket with like a fleece or something around the collar. I did not live far from the stables. I remember riding my bicycle to the stables sometimes when he was there. I don't remember many of my softball team members except Stacey, Troi, Jennifer and Lilly. I remember other faces.

Smith had a big yellow bronco. It was loud and dirty inside. Dusty. He kept a lot of stuff in it. He used to always park up on the grass near and sometimes under the tree next to the home plate back fence. He would try to park in the shade. I remember him letting me move the vehicle a few (continue on pg 4)

I HAVE READ (HAD READ TO ME) THE FOREGOING STATEMENT WHICH HAS BEEN FREELY AND VOLUNTARILY MADE AND IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

WITNESS: [redacted]

_____

_____

I RECEIVED A COPY OF THE ABOVE STATEMENT _____
Signature

CCSO-109

CHARLESTON COUNTY SHERIFF'S OFFICE
STATEMENT

OCA # _____ DATE 12/7/2007

STATEMENT OF	[redacted]		
ADDRESS	N/A	PHONE #	N/A
EMPLOYER	Charleston County Detention Center	PHONE #	N/A
RACE:	White	SEX	Female DATE OF BIRTH

(continued from pg 3) a few times for him. I did not drive it far. Just from one spot to the next. I remember being excited about that. I liked driving his bronco. I thought it was cool. The bronc sat really high off of the ground. It was hard for me to get into it. The bronco had window vent next to the side windows. He had his open a lot. It had row down windows. I always wondered if the top would come off the back and I remember thinking that would be neat if it was a convertible bronco. It had really big tires. I don't remember it smelling inside. I remember Smith always wearing a musk cologne. He always had a watch on. he wore glasses all the time. I never would see him wear sunglasses. He always fixed his hair with his right hand alot. Taking what little bit he had and pushing it to the side. I remember him having a lot of hair on his chest and a lot of hair on his arms. His ears were fuzzy. He chewed gun sometimes. He used to wear shorts a lot when the rest of us would wear sweatpants at softball practice. When Smith would give me rides home, sometimes I would meet him at his bronco after school. He dropped me off at all three houses.

I remember him giving me a ride home one day. It was a nice day out. We were leaving the softball field like we have done before. We were the last ones to leave. I don't remember seeing any other vehicles on the school premises. The ride felt normal. It was not dark out but it was not bright and sunny neither. Smith turned onto Seaside Lane. I figured we were going to feed the horses. He stopped the vehicle on the side of the little store. ere was noone at the store. I wondered why he was stopping. He shut the bronco off and put it into first gear. always did that when he shut the bronco off. I think that was to stop it from rolling. He was smiling and began to talk to me. I remember him talking to me but I can't remember what he was saying. I opened the console between the two seats. I was looking through it. I remember being nervous and scared. I remember a coffee cup. I don't remember what color the cup was or any details of writing on the cup. He was still talking to me. I don't remember why, but I sat up on the console. Smith lifted up his grey t-shirt and I saw him pull out his penis. I don't remember him unzipping his shorts. I remember him reaching into his shorts and pulling out his penis. I don't remember what was said. The next thing I remember is leaning down, opening my mouth and him putting his penis in my mouth. His penis was fat and short. I don't remember seeing his testicles exposed to me. Smith was already hard when he pulled his penis out. I'm pretty sure he was circumsized. I remember his skin being tight on his penis. I had never performed oral sex on anyone and really did not know what to do. He started to wiggle in the seat pushing his penis in and out of my mouth while he was holding my head. I remember gagging from him pushing his penis so deap down (continue on pg 5)

I HAVE READ (HAD READ TO ME) THE FOREGOING STATEMENT WHICH HAS BEEN FREELY AND VOLUNTARILY MADE AND IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

[redacted]

WITNESS:

_____

_____

/E RECEIVED A COPY OF THE ABOVE STATEMENT _____
Signature

CCSO-109

CHARLESTON COUNTY SHERIFF'S OFFICE
STATEMENT

OCA # _____ DATE 12/7/2007

STATEMENT OF	[redacted]		
ADDRESS	N/A	PHONE #	N/A
EMPLOYER	Charleston County Detention Center	PHONE #	N/A
RACE:	White	SEX	Female DATE OF BIRTH

(continued from pg 4) my throat. I remember looking up and seeing something silver. He then ejaculated in my mouth. I gagged. It tasted horrible and nasty. He stopped grunting and let loose of my head. I was so scared. I came up from his lap and as I was coming up I say his ignition with the keys in the ignition. He had a lot of keys with a big clip on them. It was dirty gold. He did not say anything. I got off of the console. I remember hurting because of how uncomfortable I was. He began to fix his shorts and was moving around. I got into the seat on the passenger side. I remember not looking at him the whole way home. I remember not hearing the vehicle start up. I only looked out the window and it was rolled up. I cryied and did not look at him. He did not say anything. I remember watching the trees go by out the window. They passed by slow, as if they were not moving. We pulled up to 1128 Landsdowne. I grabbed my bookbag, opened the door and jumped out. I don't remember shutting the door. I went straight to my room, shut my door and held onto my cat. I don't think I come out of my room at all that night. As time goes on I remember more about what happened concerning this issue. My therapist and I are currently doing exposure regarding this memory. This exposure is the one we are focusing on due to it causing me the most anxiety.

The next thing I remember is attempting suicide at JIHS. I was scared and tired of the abuse. I felt as if everyone at the school was unapproachable. So many people liked him. I did not know who to tell. What was I ing to say and to who. I swallowed a large bottle of Vivarin. I remember wanting to die and how hard it was to allow all those pills. I swallowed them in the bathroom. I remember crying as I was swallowing them. I went back to his classroom and don't remember anymore until I was at the hospital. I remember being forced to drink charcoal. At least I think it was charcoal. I remember how much I threw up and how sick I was. I remember going home and my mom sitting on the floor next to my bed, crying and telling me how much she loved me. I remember crying and throwing up all night. Then everything goes dark. I can't remember if I went back to school or for how long. I do remember quitting school and starting night school. I remember feeling isolated.

I remember going to see Mrs. Sadie Brown while she taught at a school in Charleston. She was my favorite teacher.

End Of Statement**********

I HAVE READ (HAD READ TO ME) THE FOREGOING STATEMENT WHICH HAS BEEN FREELY AND VOLUNTARILY MADE AND IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

[redacted]

WITNESS:

_____

_____

I HAVE RECEIVED A COPY OF THE ABOVE STATEMENT _____
Signature

CCSO-109

December 7, 2007

Detective R. Avila
Charleston County Sheriffs Office
3505 Pinehaven Drive
Charleston Heights, South Carolina 29405-7789

Dear Detective R. Avila:

After our telephone conversation on December 6, 2007, I got to thinking. You stated that you thought I may have been working this evening and that you were going to try and get with me while I was working.

I am respectfully requesting as I have in the past that when I am working at the Detention Center, you *not* question me about anything relating to Charles Smith, the sexual abuse or this case. On November 4, 2007, I had to leave work after having just gotten there and arriving on my post. I walked into 1J Unit, received briefing from the off-going officer, she left; I sat down and began to make my daily entries into the computer. As I was making my entries I began to think about the "RAPE" information that was in the computer, which led me to thinking about the incident report, which ultimately led me to thinking about Charles Smith. The anxiety was unbelievable that particular morning for some reason. I began to have severe chest pains, my left arm began going numb and my head began to pound unbelievably. I notified my supervisors of the chest pains. After waiting for relief for approximately 20 minutes, I was relieved and then left to go to St. Frances Hospital Emergency Room. I then went to see my Doctor the next day. We spoke; she increased my Zoloft from 50mg to 100mg and gave me Ativan to help control the anxiety. Since then, I have become more familiar with the triggers that set the anxiety off. I monitor that very closely within myself to catch if I begin to feel the anxiety. Through therapy and becoming more familiar with identifying the signs associated with the anxiety and PTSD, I am successfully managing to control it and would appreciate if you didn't intentionally add to it after being made aware of this.

Up until yesterday, you have not called me needing anything. I have always been the one to call you. The last time I spoke with you was on October 26, 2007. The last time I spoke to anyone regarding the computer issue or incident report issue was when it came up in conversation in passing and I was asked how I was doing. I was very vague in stating that I was not happy about said issues and that was the end of it. I have gotten well past that and have been. I feel I could have been better protected as a victim and you don't. We're agreeing to disagree and that has been the end of it since we last spoke on October 26th

Over the last fifteen days, I have worked fourteen of them. I do work a lot, however I will continue to make myself available to you as I always have for anything you may need from me while I am *not* working. You have my cell number which has not changed. However I have changed my home number. Reason being is that I have a tracking system on my cell number of all calls coming in. My home number does not have this and that is why you do not have that number. I keep the ringer off on that phone anyways and rarely use it because I have my internet service on it. The only time I do not answer my cell phone is when I am working or sleeping If you leave me a message, I will return it *as soon* as I wake up or get off from work. If you should begin to feel stymied, please pick the phone up and call me.

I love my job and it is difficult enough dealing with issues in that environment regarding inmates without bring this into it while I am trying to work. I appreciate your time and cooperation regarding this matter.

Attached you will find an additional statement of things that I have remembered since giving my last statement and possible addresses of individuals that may have information regarding Charles Smith. I have gotten their names from my Yearbook, On-line Marriage License Search crossed with Vehicle Tax and Residential Tax Records as I did for you with Sadie Brown. Be advised, I have not contacted any of the individuals listed.

Sincerely,

[redacted]

Cc: Dr. Heidi Zinzow
National Crime Victims Research and Treatment Center

Chief M Lucas (Without Attachments)
Charleston County Detention Center

1988-1989 Softball Ball Players

Katheryn Hammerlund
"Katheryn David"
[redacted]

Lillian Aquino
"Lillian Hanna"
[redacted]

Jacqeline Smalls
[redacted]

Melissa Heaton
[redacted]

Nicole L. Ramsey
[redacted]

Katie Huck
[redacted]

I'm still trying to find Troi Myers She lived at [redacted] in 1988-1989

MISC INDIVIDUALS

John Russell Price III
[redacted]
He is the one who wrote in the yearbook about "Coach might get in your pants if your not careful"

Info through the grapevine·
There is a young female teacher at James Island who is currently teaching there. She used to be a student at James Island High School. I do not know her name but it should not be that hard to find out She or a close friend of hers was originally assigned to Charles Smith's class and had asked for a transfer due to not feeling comfortable being one of his students. Supposedly he moved another student and assigned this person the front row so that he could have her closer to him

I looked through my entire yearbook the other day There are a lot of faces I remember but I don't remember why. As I have free time, I will try and find them and other individuals

[redacted]

October 2, 2007

Detective Avila
3505 Pinehaven Drive
North Charleston, South Carolina 29405

Dear Detective Avila,

I would like to take a moment and extent my sincere apologies to you regarding my reluctance in giving you a release of information form concerning my therapy sessions with my treating doctor. Please understand that I am a very private person and it is tremendously difficult for me to open up my life, remember things that I have suppressed for years and talk about those memories to complete strangers and my employers in order to see that what happened to me in the past does not continue to happen or happen again to another young girl. Dealing and trying to get through this seems to be the single biggest challenge that I believe I have had to face in my lifetime. I pray everyday when my eyes first open and every night when my eyes close that god picks me up out of the mud and carries me through it giving me the strength to stand on the other side and be strong

Attached you will find a release of information form for the documentation that you may need regarding evidence collection and prosecution of the sexual abuse from Charles Smith that occurred 1988-1989 Mrs. Heidi Zinzow is my treating Doctor at the National Crime Victims Research & Treatment Center located on 165 Cannon Street Charleston, South Carolina 29425 The phone number for the center is (843)792-8209 I was notified by them when given the form that it may only be valid for approximately ninety days. If you should have any questions or need another form at a later time, please feel free to contact me.

[redacted]

cc Dr Heidi Zinzow

COUNTY OF CHARLESTON DEPARTMENT OF POLICE
3505 PINEHAVEN DRIVE
CHARLESTON HEIGHTS S.C. 29405-7799
554-4700

William B. Osborne
Chief of Police

07

SC0100200 — 89-5919-B

Disorderly Conduct + Battery — 1325

N/A

[redacted] — Fists/Hands/Feet

04 89 2318 — 08 04 89 2350 — 307 [redacted]

N/A

[redacted] — 7849 W Ft 16 — 5-4-73 — 795-82-2121 NONE

Student 9th - James Island High

X [redacted] — W M 1-25-57 5'10" 200 Blnd Blu

[redacted] — Unk 420353Q — Unk — Unk — Driver - Thrist Baking Corp

N/A

N/A

Jenkins - Kenneth EARL [redacted] — 795-82-1 — B M 6'1" 11-74

N/A

The victim (Stepdaughter of Sub,) Stated her and the Sub, got into an argument over the dog barking at the witness. The Sub Stated calling her fat and ugly. In return She called him a jerk. The subject hit and kicked the victim several times about the head According to victim witness. The victim stated this is not the first time the Sub Knocked her. The subject stated the victim called him a no good Bastard and a jerk and admitted to battery.

N/A

INCIDENT REPORT

SCSO10000

Domestic Dispute

N/A

[redacted]

103194 0800 103194 0829

(NAIN)

511 18 Blk Blu None

[redacted]

PAYER NATIONAL LIVEN NONE N/A

N/A

[redacted]

507 V50 BWPN NONE 0398 1800

[redacted]

Complainant stated he and his step-daughter (Subject 1) have had an on going domestic situation for a week or so. Says he wants her to move out. Subject 1 was stuck upon deputies arrival by Complainant. Subject 1 states she is in the process of moving out and that she neither and Complainant are not getting along and are fighting alot. Subject 1 states she will move out today & avoid any further incident. Complainant was referred to magistrate and Family Court for further action.

CHARLESTON COUNTY
Online Tax System

- Billing Information -				- Vehicle Information -	
Account:	00065727	Assessment Source:	C	Year:	2004
Tax Year	2007	Base Assessment:	920.00	Make:	NISS
Prior Year:	NA	Exemption:	NA	Model.	MAXIMA
Status	Current (Paid)	Tax Relief:	No	SCDOR Model.	BA41
Receipt.	2007-764242	Taxable Assessment	920.00	Weight:	33
Previous Receipt.	NA	Mills.	x .2366	Body.	4S
Next Receipt:	NA			Vehicle Type.	1
Origin.	0	Base Tax.	217.67	VIN.	1N4BA41E44C80****
Created:	01-10-2007	Renewal Fee:	+ 24.00	Beg. Tag Date.	03-2007
Updated	01-10-2007	Credits:	- 28 21	Tag Expires:	03 2008
Billed:	01-30-2007			Tag Months.	12
Final Notice:	NA	Net Tax.	213 46	Insurance Required:	Yes
Paid.	03-30-2007	Amount Paid:	- 213 46	Suspended.	NA
Actual Date.	03-30-2007	Nulla Bona Amount:	- 0 00	Released:	NA
Bad Check Date:	NA	Refund Amount:	- 0 00		
Highway Letter Date:	NA	Transfer Amount.	- 0 00		
Bad Check Withdrawn.	NA				
Appealed:	NA	Current Due:	0.00		
Mail Return.	NA	Nulla Bona Receipt:	NA		
Bankruptcy	NA	Nulla Bona Date.	NA		
		Ref Check/Date:	NA		

- Owner Information -

Principal Owner:	BROWN SADIE THOMPSON	Tax Address:	1861 SOMERSET CIR CHARLESTON SC 29407
Co-Owner.	NA		
C/O	NA		
Tax District	63	Mail Address.	NA
Jurisdiction:	01		

Selections | Credits | Main Menu

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8548-TL

CHARLESTON COUNTY SHERIFF'S OFFICE

3605 [redacted]HAVEN DRIVE * CHARLESTON HEIGHTS, S C 29405-7789 * 3) 202 1700

J Al Cannon, Jr
SHERIFF

INCIDENT REPORT

0100000	DISPATCH NUMBER 07-018524 B	ORIGINAL CASE NUMBER N/A	PAGE 1 of 1 PAGES	NCIC ENTRY	INQ	ENT

EVENT

	INCIDENT TYPE	INCIDENT CODE	COMPLETED	FORCED ENTRY	PREMISE TYPE	UNITS ENTERED	TYPE VICTIM
1	CSC W/ MINOR		☒ YES ☐ NO	☐ YES ☒ NO	PARKING LOT	N/A	☒ INDIVIDUAL
2			☐ YES ☐ NO	☐ YES ☐ NO			☐ BUSINESS
3			☐ YES ☐ NO	☐ YES ☐ NO			☐ FINANCIAL INST ☐ GOVERNMENT ☐ RELIG ORG ☐ SOC /PUB ☐ OTHER ☐ UKNOWN ☐ POLICE OFF

INCIDENT LOCATION [redacted] | ZIP CODE 29412 | WEAPON TYPE N/A

BEGINNING INCIDENT DATE	24 HR CLOCK	ENDING INCIDENT DATE	24 HR CLOCK	DISP. DATE	DISP. TIME	TIME ARRIVED	DEPART TIME	TRACT #
01/01/89	0000	02/15/89	0000	9/12/07	0914	0914	0914	314 D

COMPLAINANT

NAME (LAST FIRST MIDDLE)	RELATIONSHIP TO SUBJECT #1	#2	#3	RESIDENT	RACE	SEX	AGE	DOB	ETH
SAME AS VICTIM 1				J					

HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC	DRIVERS LIC / ID & STATE	SOCIAL SECURITY #
		BLD	BLK			

ADDRESS #	STREET NAME	CITY	STATE	ZIP CODE	DAY PHONE	EVENING PHONE
					H	H

OCCUPATION	EMPLOYER	ALIAS	NIC #

VICTIM #1

NAME (LAST, FIRST, MIDDLE)	RELATIONSHIP TO SUBJECT #1	#2	#3	RESIDENT	RACE	SEX	AGE	DOB	ETH
[redacted]	acquaint	n/a	n/a	J	W	F	35	5/4/73	n

HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC	DRIVERS LIC / ID & STATE	SOCIAL SECURITY #
507	175	BRO	BRO	N/A	[redacted]	[redacted]

ADDRESS #	STREET NAME	CITY	STATE	ZIP CODE	DAY PHONE	EVENING PHONE
[redacted]	[redacted]	[redacted]	SC	29445	[redacted] H	8[redacted] H

☐ VISIBLE INJURY ☒ NO ☐ YES | COMPLAINT OF NON VISIBLE INJURIES ☒ NO ☐ YES | USING ALCOHOL ☒ NO ☐ YES ☐ UNK | DRUGS ☒ NO ☐ YES TYPE ☐ UNK | ☐ TWO-MAN VEHICLE ☐ DETECTIVE SPLASHT ☐ ALONE ☐ ONE MAN VEHICLE ☐ OTHER ☐ ASSISTED

EXPLAIN

OCCUPATION	EMPLOYER	ALIAS	NIC #
DETENTION OFFICER	CCSO	N/A	N/A

SUSPECT

☐ COMPLAINANT ☐ VICTIM # ____ ☒ SUSPECT # 1 ☐ SUBJECT # ____ ☐ WITNESS # ____

☐ WANTED ☐ WARRANT ☐ ARREST ☐ RUNAWAY ☐ MISSING PERSON

NAME (LAST FIRST MIDDLE)	RELATIONSHIP TO SUBJECT #1	#2	#3	RESIDENT	RACE	SEX	AGE	DOB	ETH
SMITH, CHARLES	N/A	N/A	N/A	J	W	M	60	12/30/46	N

HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.	DRIVERS LIC / ID & STATE	SOCIAL SECURITY #
		BLD	BLK			

ADDRESS #	STREET NAME	CITY	STATE	ZIP CODE	DAY PHONE	EVENING PHONE
[redacted]	[redacted] QUAIL DR	[redacted]	SC	29412	7[redacted] H	H

☐ VISIBLE INJURY ☒ NO ☐ YES | COMPLAINT OF NON VISIBLE INJURIES ☒ NO ☐ YES | USING ALCOHOL ☒ NO ☐ YES ☐ UNK | DRUGS ☒ NO ☐ YES TYPE ☐ UNK | ☐ TWO-MAN VEHICLE ☐ DETECTIVE SPLASHT ☐ ALONE ☐ ONE MAN VEHICLE ☐ OTHER ☐ ASSISTED

EXPLAIN

OCCUPATION	EMPLOYER	ALIAS	NIC #
TEACHER	CCSD	CHARLIE	N/A

ARREST

(A) CHARGE	(C) CHARGE
N/A	
(B) CHARGE	(D) CHARGE

NARRATIVE

(James Island) I/D met with victim [redacted] in reference to a sexual assault that occurred at 1014 Fort Johnson Rd between January 1, 1989 and February 15, 1989 [redacted] stated that suspect Smith (who was her teacher at the time) had her perform oral sex on him one day as he took her home from school [redacted] also advised that one day, while sitting with Smith at his desk, he "touched" her vagina. I/D obtained a signed statement from Redden detailing her memories of the incidents. Investigation continues.

Aisha

PROPERTY EST.

TYPE (GROUP)						TOTAL VALUE	JURISDICTION OF ENFORCEMENT AGENCY
	N/A						
STOLEN							
DAMAGED							
BURNED							JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY
RECOVERED							
SEIZED							

SUBJECT IDENTIFIED	SUBJECT LOCATED				
☒ YES ☐ NO	☐ YES ☒ NO	☐ ACTIVE ☐ ADM CLOSED ☐ UNFOUNDED	☐ ARRESTED UNDER 18 ☐ ARRESTED 18 AND OVER	☐ EX CLEAR UNDER 18 ☐ EX CLEAR 18 AND OVER

REASON FOR EXCEPTIONAL CLEARANCE 1 ☐ OFFENDER DEATH 2 ☐ NO PROSECUTION 3 ☐ EXTRADITION DENIED 4 ☐ VICTIM DECLINES COOPERATION 6 ☐ JUVENILE NO CUSTODY

ADMINISTRATIVE

REPORTING OFFICER(S)	DATE	BADGE NUMBER	APPROVING OFFICER	DATE	BADGE NUMBER
R AVILA	9/15/07	9727			
			FOLLOW UP OFFICER INVESTIGATION ☐ YES ☐ NO		

CRIMINAL INVESTIGATIONS DIVISION

FACSIMILE COVER SHEET

TO	MUSC Medical Records
FAX NUMBER	792-7393
AGENCY	MUSC
FROM	Det K Avila
DATE	10/15/21
MESSAGE	Re [redacted]
	Please call when you receive this
	308 730-9
	Thanks

FAX 843/554-9744 - ORI #SC0100000
- HQ (24 HRS) 843/202-1700 - CID DIV 843/554-2475

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AUTHRELSE

MUSC
MEDICAL UNIVERSITY OF SOUTH CAROLINA

AUTHORIZATION TO DISCLOSE PROTECTED HEALTH INFORMATION

Patient Name [redacted] Date of Birth [redacted]

Medical Record Number _____ Social Security Number [redacted]

☑ I authorize MUSC Medical Center to disclose/release information to
☐ I authorize MUSC Medical Center to obtain information from

Name of Organization CHARLESTON COUNTY SHERIFF'S OFC (DETECTIVE R AVILA)

Street Address 3505 PINEHAVEN DR City N CHAS, SC 29405 State _____ Zip Code _____

Phone Number 843-308-7309 Fax Number 843-795-9244 E-mail Address N/A

The purpose of the disclosure is EVIDENCE REGARDING SEXUAL ABUSE / CHARLES SMITH

The type of information to be disclosed is as follows.

☐ entire record	☐ problem list	☐ ~~medication list~~	☐ ~~laboratory results~~
☐ radiology reports	☐ consultation reports	☐ ~~physician progress note / visit notes~~	☐ ~~immunization record~~
☐ nurses notes	☐ history and physical	☐ ~~discharge summary~~	☑ films / images
☐ physician orders	☐ list of allergies	☑ other ONLY PERTINENT INFORMATION REGARDING	

For dates of service SEXUAL ABUSE FROM CHARLES SMITH.

I understand this information may include reference to (check all that apply):

☑ psychiatric / psychological care	☑ sexual assault	☐ ~~drug abuse~~
☐ ~~results of tests for all infectious diseases including HIV / AIDS~~		☐ ~~alcohol abuse~~

I authorize the exchange of this information via (check all preferred methods). ☐ ~~mail~~ ☐ ~~fax~~ ☐ ~~e-mail~~ ☑ other IN PERSON

I understand that I have a right to cancel / revoke this authorization at any time I understand that if I cancel/revoke this authorization I must do so in writing and present my written cancellation/revocation to the Health Information Services Department (Medical Records). I understand that the cancellation / revocation will not apply to information, which has already been released in response to this authorization, as stated in the Notice of Privacy Practice Unless otherwise canceled / revoked, this authorization will expire/end one year from this date

I understand that a reasonable, cost-based fee for copies of protected health information and postage fees will be charged TO THE SHERIFF'S OFFICE

I understand that authorizing the disclosure of protected health information is voluntary I can refuse to sign this authorization I do not need to sign this form to receive treatment I understand I may review and / or copy the information to be disclosed, as provided in CFR 164.524 I understand that any disclosure of information carries with it the possibility of unauthorized disclosure by the person / organization receiving the information If I have questions about the disclosure or use of my protected health information, I may contact the MUSC Patient and Family Liaison. The number is (843) 792-5555

I understand I will be given a copy of this authorization

I understand that if this information is requested in person I will be asked to provide picture identification (e g driver's license) A copy of my identification will be made and attached to this authorization.

[redacted] 10-2-07

Signature of Patient or Legal Guardian / Representative Date

[redacted]

Printed Name of Patient or Legal Guardian / Representative

N/A N/A

Relationship to Patient, if signed by Legal Guardian / Representative Witness Signature

Description of patient representative's authority N/A

(The reason the patient is not signing)

contact Health Information Services (Medical Records) in writing, the address is 169 Ashley Avenue / PO Box 250349 / ention Release of Information / Charleston, South Carolina 29425, the phone number is (843) 792-3881

Original to medical record Copy to patient OTC 700078 Rev 4/05

CRIMINAL INVESTIGATIONS DIVISION

FACSIMILE COVER SHEET

TO	MUSC Health Info Services
FAX NUMBER	792 7293
AGENCY	
FROM	Det Rita Allen 308 7309
DATE	10/11/07
MESSAGE	Please call if there is a problem.
	Please call when info is ready to be
	picked up Thank you!
	RA

FAX 843/554-9744 - ORI #SC0100000
- HQ (24 HRS) 843/202-1700 - CID DIV 843/554-2475

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	Will be up [illegible] you

FAX 843/554-8744 - ORI #SC0100000
- HQ (24 HRS) 843/202-1700 - CID DIV 843/554-2475

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ROA0474

PAGES : 0 sheets
ULT : NG

F CODE

ACCOUNT Name
DESTINATION 7927292
DEST NUMBER 7927292

JOB MENT# 6362223-37
TIME STORED OCT 11 18 23
TIME SENT OCT 11 18 34
DURATION : 24sec
MODE ECM

(THU) OCT 11 2007 18 35

P.1

The following document has not been transmitted. Try to retransmit.

476

	Fax "a up" was yes 24

FAX 843/554-8744 - ORI #SC0100000
- HQ (24 HRS) 843/202-1700 - CID DIV 843/554-2475

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ROA0475

477

Pages : 0 sheets
Ult MG

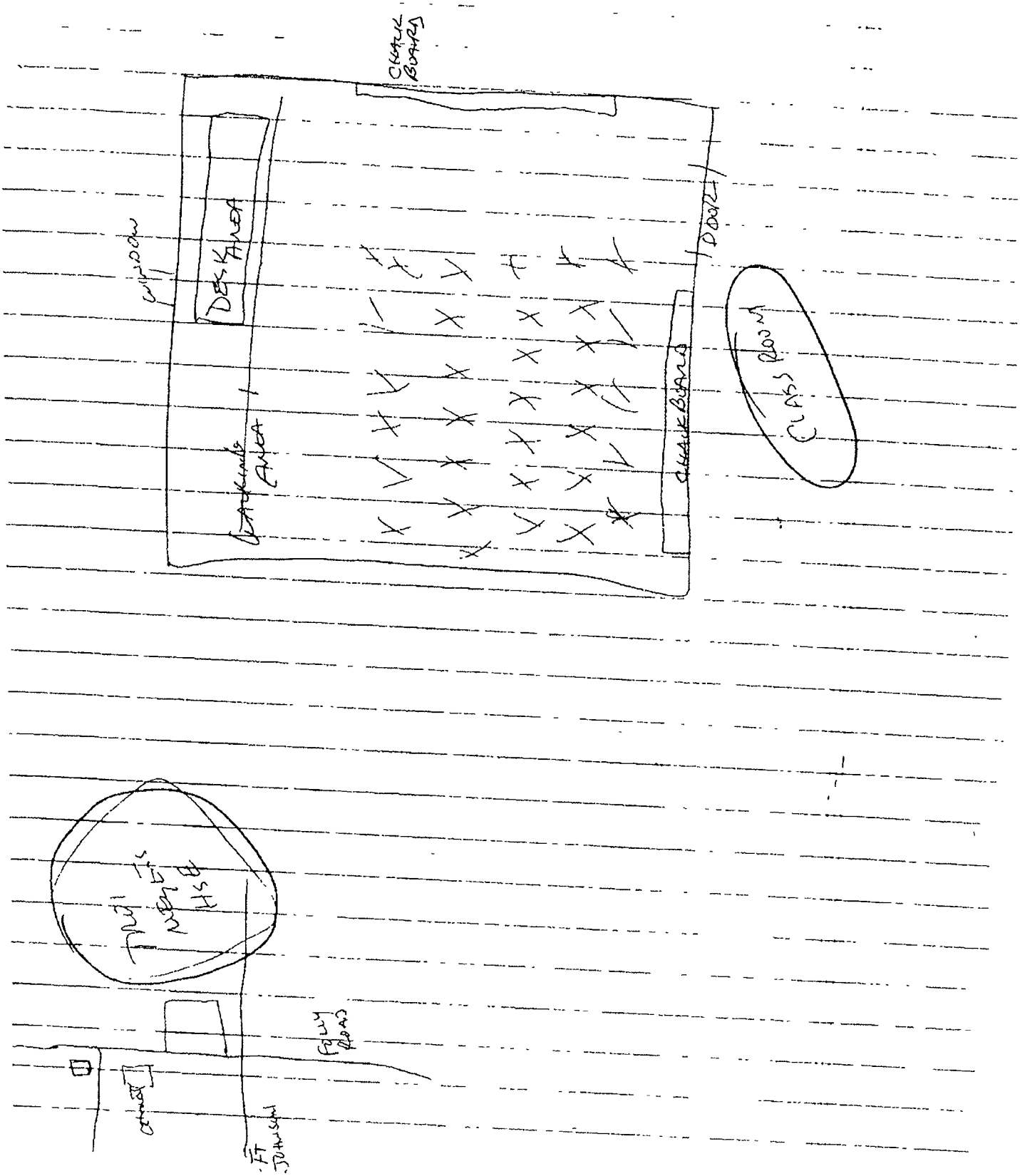
F CODE

Account Name
DEST:NATION 7927292
DEST NUMBER 7927292

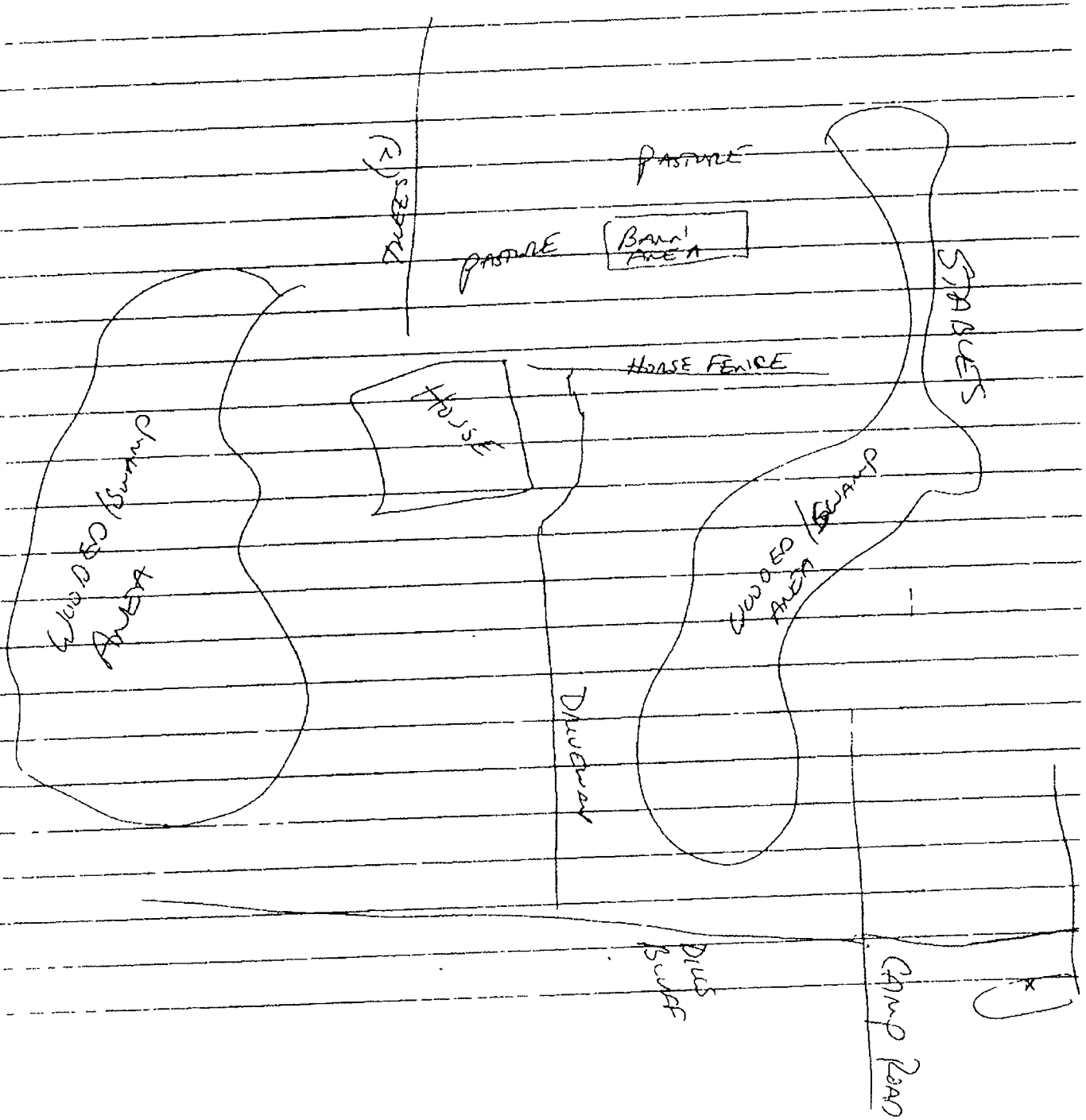
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TIME SENT OCT 11 :8 23
DURATION 24sec
MODE ECM

(THU) OCT 11 2007 18.26

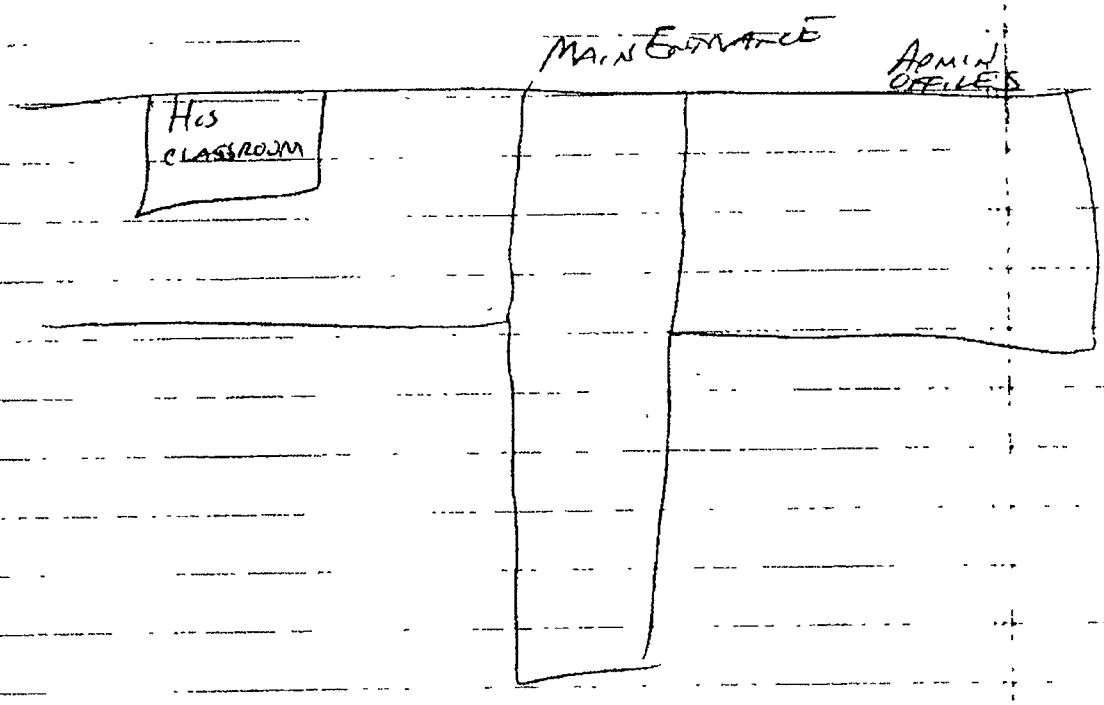
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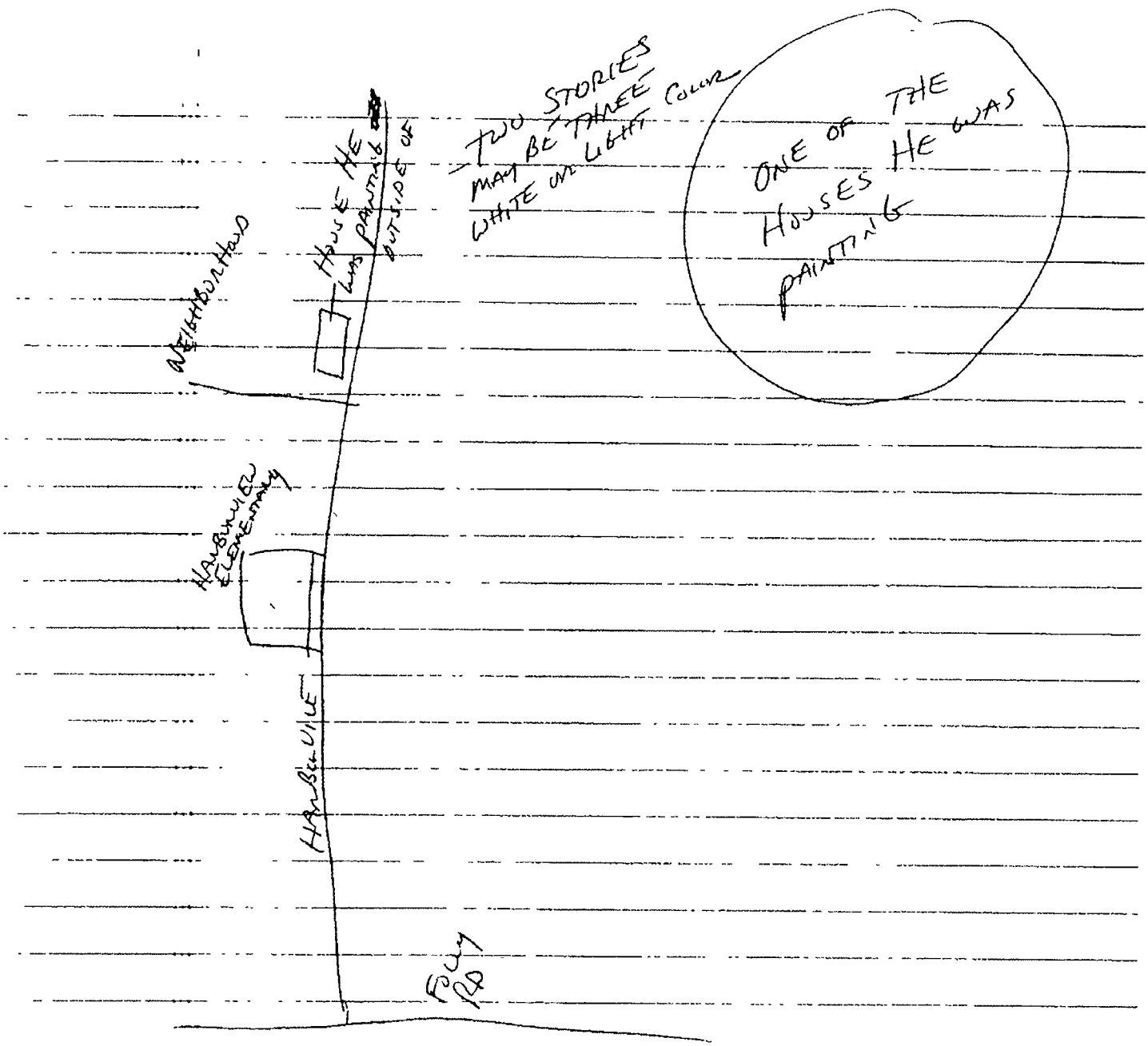

CHAIR BOARD
DECK AREA
CHALKBOARD
CLASS ROOM
Multi Purpose Hall
Gravel Road

HORSE STABLES



CLASS ROOM IN SCHOOL BLDG




TWO STORIES
MAY BE THREE
WHITE OR LIGHT COLOR
HOUSE HE WAS PAINTING OUTSIDE OF
NEIGHBORHOOD
HAMBLEN ELEMENTARY
HAMBLEN VILLE
FM 1
RD
ONE OF THE HOUSES HE WAS PAINTING

08:24 T-314

Piccadilly - Trail
1149 Rucicast - Oakcrest

pass @ work place - Shadrucks Paenberg - Tatum St

[redacted]

Taxi 1637 west bound

- Moved in July (2000 a few wks after anniversary)
- Rivercrest Dr (Poss 1149) Swimming inside - no esc
  Met asst & school SS/geography teacher Josh Smith began giving ride home
- Trafalgar Dr - (Sept - Jan) - still rides
- [redacted]
- Dills Bluff Rd (Poss 990)

Before ~~the~~ coaching began SA began

SA real
- school day
- after practices

* address on Dill. Bluff
* very grocery store

[redacted]

CCSO / Detention (Jm I)

ct: nights

@ time Coach / Social studies or Geography

freshman

- Troi: Meyers - good friends
- Sadie Brown - teacher
- Ricky Bartee
- Doug Wright (Summerville PD)

[redacted]

- grocery store - Seaside Ln. - oral sex -

Parents - married a few wks.

- after school attempted 88 - Lottie Vivaran
- City of Charleston - EMS transport
County -

moved from PA

- sex assault by female "Linda Valrpatte" (2-4 yrs.) poss.
poss. lesbian ~~relationship~~ in → mother
married for few weeks ~~D-da~~
brother Mike (older)
; died not know Smith
Mark - step-father
a lot of probs w/ vict - cops called
@ Landsdowne

Mother. [redacted]

- introduced to Smith during practice
- rode w/ him b/c on his way.
- phone: overdosed on pills
- Smith came by that afternoon to check
- Suspected but nothing
  ↳ asked Michelle after returning from '69'

AUTHRELSE

MUSC
MEDICAL UNIVERSITY OF SOUTH CAROLINA

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The type of information to be disclosed is as follows

☐ entire record	☐ problem list	☐ ~~medication list~~	☐ ~~laboratory results~~
☐ ~~radiology reports~~	☐ ~~consultation reports~~	☐ ~~physician progress note / visit notes~~	☐ ~~immunization record~~
☐ ~~nurses notes~~	☑ ~~history and physical~~	☐ ~~discharge summary~~	☑ ~~films / images~~
☐ ~~physician orders~~	☐ ~~list of allergies~~	☑ other ONLY PERTINENT INFORMATION REGARDING	

For dates of service SEXUAL ABUSE FROM CHARLES SMITH.

I understand this information may include reference to (check all that apply)

☑ psychiatric / psychological care	☑ sexual assault	☐ ~~drug abuse~~
☐ ~~results of tests for all infectious diseases including HIV / AIDS~~		☐ ~~alcohol abuse~~

I authorize the exchange of this information via (check all preferred methods). ☐ ~~mail~~ ☐ ~~fax~~ ☐ ~~e-mail~~ ☑ other IN PERSON

I understand that I have a right to cancel / revoke this authorization at any time I understand that if I cancel/revoke this authorization I must do so in writing and present my written cancellation/revocation to the Health Information Services Department (Medical Records) I understand that the cancellation / revocation will not apply to information, which has already been released in response to this authorization, as stated in the Notice of Privacy Practice Unless otherwise canceled / revoked, this authorization will expire/end one year from this date

I understand that a reasonable, cost-based fee for copies of protected health information and postage fees will be charged TO THE SHERIFFS OFFICE

I understand that authorizing the disclosure of protected health information is voluntary I can refuse to sign this authorization I do not need to sign this form to receive treatment I understand I may review and / or copy the information to be disclosed, as provided in CFR 164 524. I understand that any disclosure of information carries with it the possibility of unauthorized disclosure by the person / organization receiving the information If I have questions about the disclosure or use of my protected health information, I may contact the MUSC Patient and Family Liaison The number is (843) 792-5555

I understand I will be given a copy of this authorization

I understand that if this information is requested in person I will be asked to provide picture identification (e.g. driver's license) A copy of my identification will be made and attached to this authorization

[redacted] 10-2-07

Signature of Patient or Legal Guardian / Representative Date

[redacted]

Printed Name of Patient or Legal Guardian / Representative

N/A N/A

Relationship to Patient, if signed by Legal Guardian / Representative Witness Signature

Description of patient representative's authority N/A

(The reason the patient is not signing)

To contact Health Information Services (Medical Records) in writing, the address is: 169 Ashley Avenue / PO Box 250349 / Attention Release of Information / Charleston, South Carolina 29425, the phone number is (843) 792-3881

Original to medical record Copy to patient OTC 700078 Rev 4/05

[redacted]

[redacted]

Dear [redacted]

I hope that all your frustration will be left behind this year and the future will be bright! Keep your chin up. We love you

Dr Fred

Treat's don't know what to say because we didn't really get to know each other that well I know you've had some problems in this school but you will have to overlook them and start all over again next year if you are here keep working at softball and maybe you can be my pitcher because god only knows that we need one!! [redacted] Smith get you down don't crawl up his asshole and he will lay off for awhile. I'm not to sure what I'll be doing this summer but maybe I'll see you if you're here

Well have a great summer and don't forget to practice!

#1



Volleyball

Stacey

#3

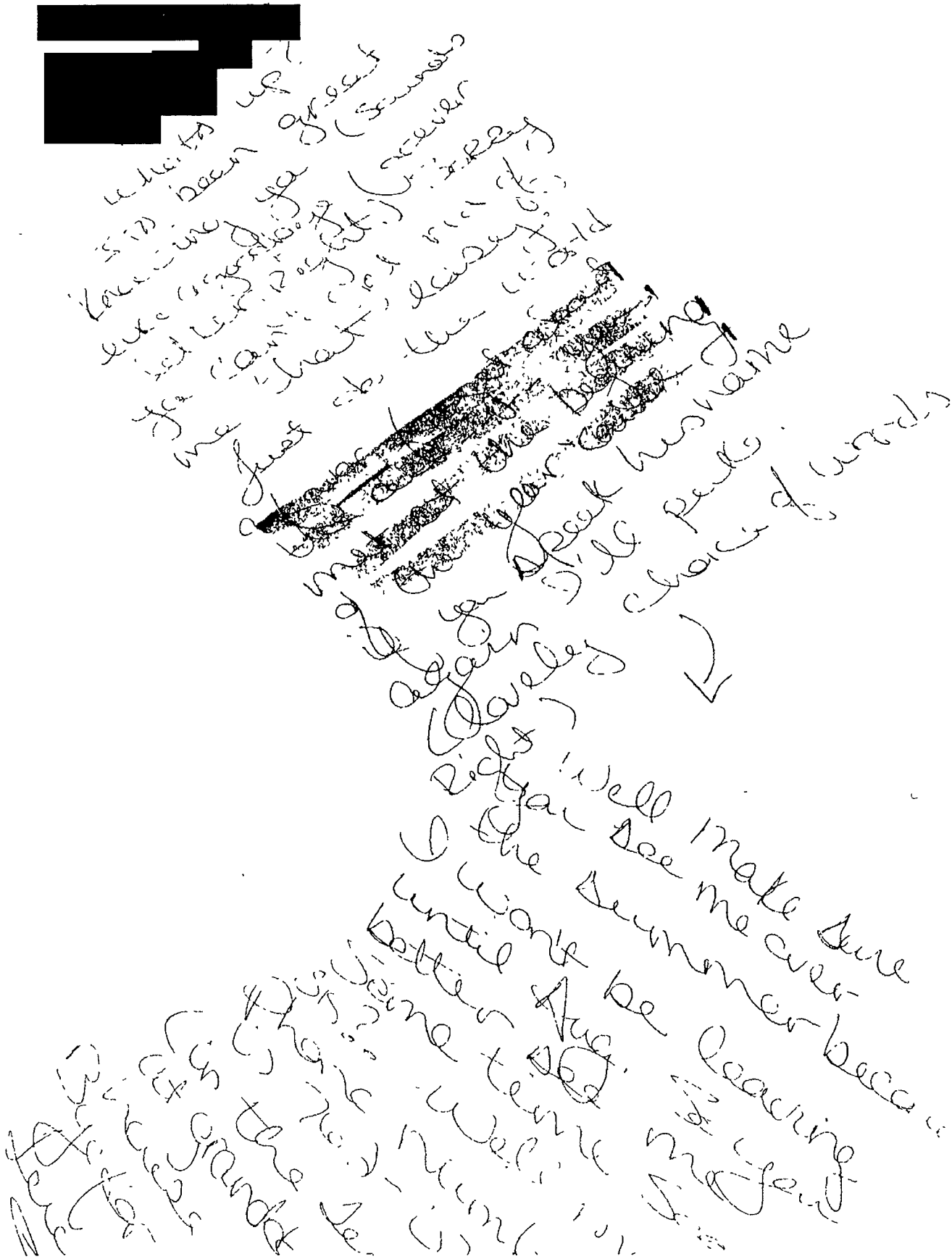
Exclusively designed for people WHO

[redacted]

Well Baby It's really been a great year but I'm glad it's all over I want to wish you the best of luck next year and I hope softball will be killer (If you pitch!) Anyway I'm glad we became friends and I hope we keep in touch If you ever need anyway - just call!! Have a Great Summer ♡ U TIL B I !!.

Stacey

[illegible] you
Stella & Hey girl! I wanted to sign
on the same page as Popcorn (Stacy), but
there was room. Hope you and your
[illegible] are doing great. I
don't know what [illegible]
[illegible] I'm [illegible]
[illegible] Stacy, and most of all Primo, I
love [illegible] Anyway, there
[illegible] but we can't [illegible]
[illegible], as long as we're sharing [illegible]
and not [illegible] anyone, then we're just
[illegible]. Remember when we drove to our
[illegible] game and how we wanted to
[illegible] couch there, knowing we didn't
[illegible] the fountain area it where we were
[illegible] I always what I [illegible] you
called the radio, because I know you
[illegible] yet [illegible] You know I [illegible]
[illegible] your mind, I [illegible] your [illegible]
[illegible] your [illegible] (Paul), they [illegible]
[illegible] will [illegible] when we
[illegible] out of the [illegible] Because [illegible]
[illegible] to get me [illegible]



Have a great
life, and good
luck in school (Ha, Ha),
I almost forgot good
luck will the cop
[redacted]
year. "92"

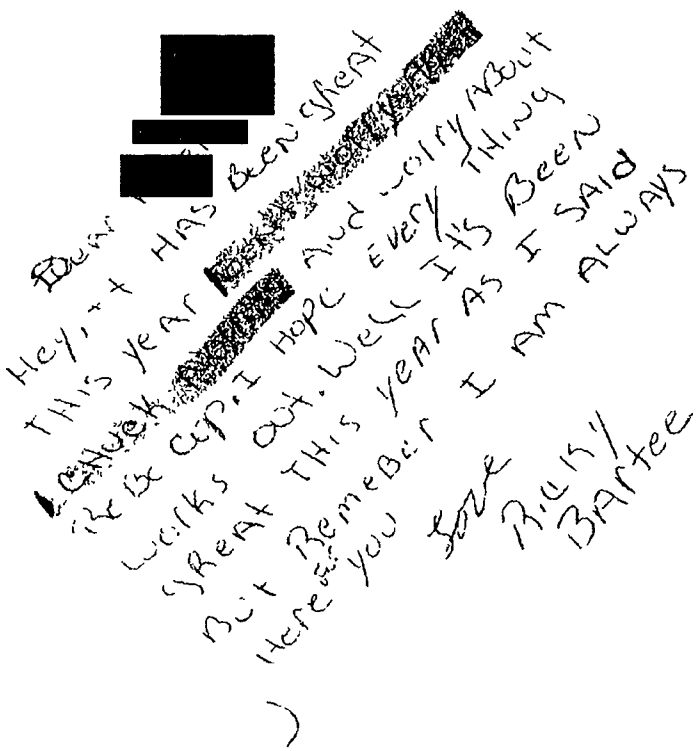
Remember the wine
Remember the glass
Remember me
the rain in the eyes
Love ya, Blue D. Tree



[redacted]

It's been nice
knowing you this year.
Good luck with softball
Keep up the good work.
Love,
Becky Lussier

[redacted]

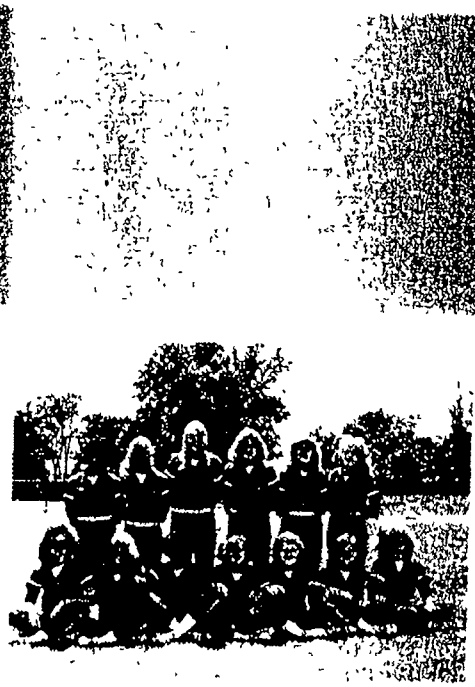


Hanna beats
ıtfield

zone Jenni
nke against







Front Cathy Hammerlund Lillie Hanna Jackie Smalls, Melissa Heaton Jennifer Cope Stacey Ewing Jennifer Mattox Back Rhonda Proleau, Knstl Wertan, Leann Oliver, Michelle Blair, Jeannie Boulware Nicole Ramsey



We're Not The First Citizens To Make It Through Coach Smith's Geography Class . . .



but Mr. Smith treated us as if we were. And that's how we'll treat you, whatever you need, when you bank with us at First Citizens Bank.

You see, we work hard to bring you the services you need most, like *Club 30* checking, with no minimum balance and no service charges for those 30 and under.

But it's more than our services that make us different at First Citizens Bank. It's our people. It's our willingness to always go that extra mile just for you

First Citizens Bank

Member F.D.I.C.

ROA0492

494

OLD-MAN

[redacted]

Autographs

[redacted] This year a very interesting
You have made it easier
one. Maybe next year you will make it easier
on yourself by letting someone else work out your
problems. You need to put priorities and start with
those and not let other things interfer with what you
want out of life. You better practice or get out a team
in order to see better if you plan on coming out
for Softball next year. Well I hope your
plans become reality, everything that you
want. You a sweet person that thinks of
people and can make them happy. Even
though upon occasions you make with certain people
I she care and work hard for what you

Cecil Smith



Mary Mims, Mathematics
Joe Rey, English
Daphne Richardson, Attendance
Russ Ricker Science
June Roper Special Education

Martha Rooke, HS-8
Lynn Shaddinx, Secretary
[redacted]
Sandy [redacted] Special Education

Candy Strobel, Science
Susan Sueverkruepp, Science
Keith Tapscott Social Studies
Barbara Turisk, Special Education
Mary Une, Teacher's Aide

Lois Vevon, English
Virginia Ward, English
Timothy Wash, Physical Education
Vivian Watts, Guidance
Emma Waymer, Business

Priscilla Wheeler, Home Economics
Ennis Young, Mathematics
Daphne Staley, Spanish

Demetri Prioleau, 1
Latoniya Prioleau, 1
Travis Prioleau, 11
David Prine, 9
Susan Pritcher, 10



Angela Prioleau, 11
Ryan Puckhaver, 9
Kim Pye, 9
Julie Quarles 10
Matthew Rabon, 10



Karen Ramsey, 10
Nicole Ramsey, 10
Sabrina Ramsey, 10
John Raven, 10
Andrea Ravenel, 9



Samantha Ravenell, 10
Mikee Rawlings, 9
Mark Ray, 9
Quita Ray, 10

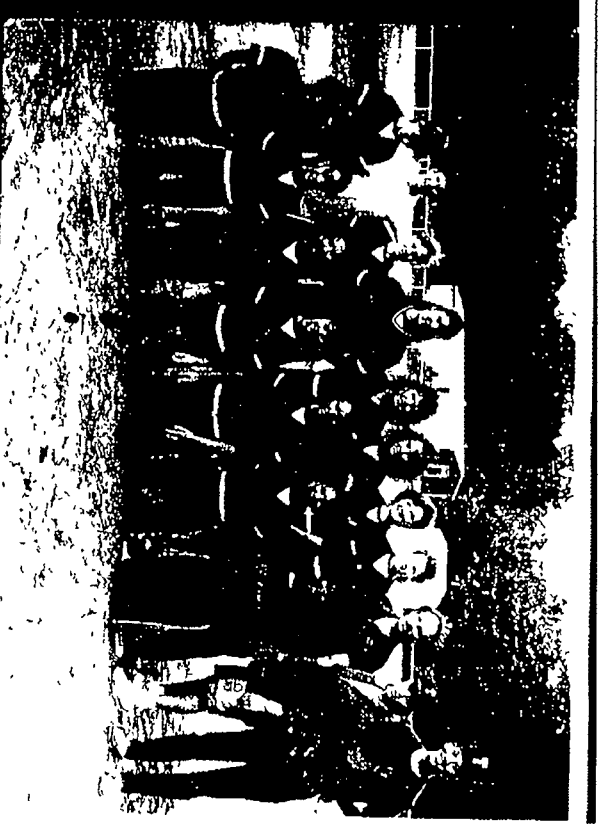


[redacted] 10
Pamela Renner, 11
Rachel Reuter, 9
Earl Rhea, 9
Daniel Rhodes, 11



Jennifer Rhodes, 10
Bobby Ricci 10
Geoffrey Richardson, 10
Glenda Richardson, 10
Iris Richardson, 11





Charleston County Sheriffs Office

Criminal Investigation Division

Case Notes

Case Number: 07-018524

DATE	*NOTES*
10/15/2007	09/15/07- I/D and [redacted] drove around James Island and located the incident location as well as [redacted] residences while attending James Island H S [redacted] advised that she performed oral sex on Smith at 1014 Ft Johnson Rd. [redacted] further advised that [redacted] gave I/D her yearbook from 88-89 school year I/D made copies of select entries from the yearbook. One entry stated "you better watch it coach might get in your pants if your not careful" [redacted] advised that a Sadie Brown (teacher during that time of the incident) may have information on inappropriate behavior. I/D attempted to contact Sadie Brown that was listed in the phone book. The woman advised that she is not the Brown that worked at James Is. H.S
10/16/2007	I/D spoke with Doug Wright at the prompting of [redacted] Wright advised that he has known Smith for several years (since childhood) and has no reason whatsoever to believe that Smith engaged in appropriate behavior with anyone. He then stated that [redacted] was always following Smith and seemed like she was just trying to get attention from Smith and anyone else that would give it to her. I/D left a message with a woman at Smith's residence. Smith was given I/D's office and cell phone number and was asked to call either tonight or tomorrow. I/D will attempt to set up an interview so that Smith can give a statement, if he chooses
10/17/2007	I/D had an arranged meeting with Smith at Station 4 at 0800 hrs. Smith brought his lawyer, Gordon Garrett [redacted] to the meeting. Garrett advised that he would not allow Smith to give a statement, written or oral, to I/D Garrett further advised that any further contact with Smith should be handled through him I/D will attempt to contact Sadie Brown using the information that Redden provided I/D was able to locate a phone number for the listed address that [redacted] gave ([redacted]) I/D left a message with a male for Brown. I/D will determine if this is the same Brown that [redacted] lists as a possible witness.
10/25/2007	I/D left another message for Sadie Brown on her voice mail

DATE	NOTES
10/26/2007	I/D has not heard from the Sadie Brown and will NOT attempt to call her anymore [redacted] has stated that she did not confide in Brown and therefore I/D has no reason to continue calling her. I/d was contacted by Sadie Brown [redacted] who advised that she remembers Smith as friendly with everyone She has no information regarding this case and advised that [redacted] did not inform her of the situation while she was in school. I/D met with [redacted] who advised that she has had more memories but did not contact I/D because she was "mad" at me. I/D told her that she needs to let me know when she had more memories so that I/D can get a written statement from her [redacted] advised that she did not feel like writing the statement now, however, would get it to I/D soon. [redacted] stated that she is "mad" at I/D because her personal information was listed in the report and in JMS she is listed as a rape victim. I/D advised her that no one has the ability nor authority to change JMS/RMS listings. [redacted] advised that she went through her chain of command to see to it that it is changed Sgt Zimmer was brought into the meeting. [redacted] stated that she looked herself up in JMS and found that information [redacted] also advised that she was concerned that her coworkers would find out that she reported the incident. I/D advised her that it is against policy to look up anything in JMS/RMS without authorization I/D further advised [redacted] that if she continued to refuse to cooperate with I/D, the case would be closed.
11/28/2007	I/D was contacted by Doug Wright. He advised that he became aware that [redacted] has filed two separate sexual harassment claims against coworkers at two different jobs I/D will look into further information on these claims.
11/28/2007	I/D was contacted by Lt Tittle and Capt Clark in ref to this case Capt Clark advised that he was contacted by the Post & Courier in reference to this case I/D contacted Det Cooper (CPD) I/D will meet with him and his Cpl on 11/29/07 at 1000 hrs I/D and CPD detectives will meet with Debbie Herring Lash at 1130 hrs in reference to this case Per our meeting with the solicitor, the information provided at this time is not enough to prosecute I/D will attempt to get school records.

CHARLESTON COUNTY SHERIFF'S OFFICE
STATEMENT

C # DATE 12/7/2007

STATEMENT OF [redacted]
ADDRESS N/A PHONE # N/A
EMPLOYER Charleston County Detention Center PHONE # N/A
RACE White SEX Female DATE OF BIRTH

During the 1988-1989 school year I attended James Island High School (JIHS). Charles R. Smith (Smith) was my Geography Teacher. That also was the first year he coached softball. He was the head coach and had the help of two other individuals. One of which was a female who only helped at the beginning a few times and then I don't recal what happened to her. The other was a person by the name of Bubba Brandt. I lived at three different addressed during the 1988-1989 school year. The first was [redacted] the second was on Trafalgar Drive and the third was on 1128 Landsdowne Drive. My parents still currently own that house however, it is listed on the market to be sold. I started the school year off well. I had just moved down here from Pennsylvania with my Step-father, Mother and Brother. I did not have a car and don't recall having a drivers License. I don't recall how being given a ride home from Smith started. I do recall him giving me a ride to each of the three houses.

When I was fifteen, things seemed bigger that they are now. For instance, I remember the softball field being huge. As I walked on it about two months ago for therapy purposes, it seamed small. Please keep this in mind when reading this statement.

Smith painted part time for Steve Shaddrix of Creekside Painting. His wife Lynn Shaddrix worked or still does at JIHS. I have not had any affiliation with JIHS itself since I quit school. The Shaddrix's lived at [redacted] Avenue. Smith took me to their house one day. I went inside the side door and the only person I recall being [redacted] was Steve Shaddrix. I remember the both of them smiling a lot. I don't recall if anything happened but I do recall the feeling of nervousness overwelming me. I remember saying to myself that he had a very nice house. As I went into the side door I vaguley remember the room sort of opening up. I sat at the kitchen table and remember really liking the table. I think it was round. I think they had hardwood floors. They had a son in 9th grade who attended JIHS at the time I did. His name is Brian Shaddrix. I don't rember him being in any of my classes. I did however see him in Smith's classroom from time to time. Smith seemed to somewhat avoid me when he was there. I had went with Smith to Creekside Painint company that was located at [redacted] I remember us going upstairs and noone being there. I don't remember if anything happened there. I remember being at least at four of his paint sites. I definitely only know the address of one and think I know the address of the other. The first one I know the address of is [redacted]. The one I am unsure of is [redacted] Drive.

Smith boarded a horse at [redacted]. I remember him only telling me he owned one of the horses. There were other horses on the property. I never seen him ride any horse. I remember being so taken by the horses. I had always wanted one that I could ride. Although he never let me ride (continue on pg 2)

I HAVE READ (HAD READ TO ME) THE FOREGOING STATEMENT WHICH HAS BEEN FREELY AND VOLUNTARILY MADE AND IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

[redacted]

WITNESS: [redacted] 12-7-07

I HAVE RECEIVED A COPY OF THE ABOVE STATEMENT [redacted]
Signature

CCSO-109

CHARLESTON COUNTY SHERIFF'S OFFICE
STATEMENT

_____ DATE 12/7/2007

STATEMENT OF [redacted]
ADDRESS N/A PHONE # N/A
EMPLOYER Charleston County Detention Center PHONE # N/A
RACE: White SEX Female DATE OF BIRTH

(continue from pg 1) the horse. We went to feed his horse a lot after school. I don't remember when it first started. I do remember the first time we went to the horse stables. I was really surprised and excited. I remember him kissing me one time at the stable and the feel of his mustache. I also remember him feeling my breast when we were at the stables. I remember his penis getting hard through his pants at the stables. I remember the stable being small and the grass being bushy. I used to hate walking from the gate to where the horses were. There was a metal fence that you could drive through. You had to get out of the vehicle to move the fence. We never drove back to the stables. I don't remember ever seeing anyone there. I remember anxiety feeling from being at the stables. The memories of the stable are still very fuzzy.

Memories of my Geography classmates are still very fuzzy. I don't remember who was in my class. I don't remember a lot about JHHS, just some things and most of what I do remember is about Smith. I started the class year off sitting near the front of all my class. I wanted to do well in school. I then remember moving from near the front to further from his desk. I don't remember why. I ended up next to the side chalk board at the back. I remember when I was sitting next to the chalk board and having a question. I raised my hand. We were taking a test or working on something quietly. When Smith came over, he put his right hand on top of the back of my chair near the right side. He leaned over me in a way to conceal his hand placement. His left hand was on the edge of my desk. His head was near my left shoulder. I was nervous. He moved his right hand around the back of my chair and began to rub the side of my right breast. I remember the anxiety and him smiling. I did not say hing. I remember being scared because of what he did.

I was very interested in Geography. I enjoyed learing. Smith had his desk blocked off to where you could not see behind it. He had alot of books on a desk next to his workdesk. I was getting some help from Smith one day. I then moved to his desk for help. This put me behind Smith's desk with him to where our middle and lower bodies were out of sight of other classmates. I remember it being quit. I was sitting in a chair next to his with my hands in my lap. He was very close to me. We were looking at the geography book. I began to read something. The next thing I knew he had gently took ahold of my hand and put it on his leg. I remember feeling scared. He then moved my left hand and put it on his penis. I remember his penis feeling hard. He massaged his penis with my left hand. I was very scared and did not know what to do. I feel as if I had somewhat built a trust for him by the point this had happened. I remember being shocked and not knowing what to do.

I remember Smith assigning me the desk next to his. I don't remember why. (continue on pg 3)

I HAVE READ (HAD READ TO ME) THE FOREGOING STATEMENT WHICH HAS BEEN FREELY AND VOLUNTARILY MADE AND IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

[redacted]
Signature

WITNESS: 12/7/07

I HAVE RECEIVED A COPY OF THE ABOVE STATEMENT _____
Signature

CCSO-109

CHARLESTON COUNTY SHERIFF OFFICE
STATEMENT

_____ DATE 12/7/2007

STATEMENT OF	[redacted]		
ADDRESS	N/A	PHONE #	N/A
EMPLOYER	Charleston County Detention Center	PHONE #	N/A
RACE:	White	SEX	Female DATE OF BIRTH

(continue from pg2) I remember sitting at this desk a lot. Sometimes Smith had me sit very close to him behind his desk. I remember having on a dress and a blouse. I wore underware with knee high stockings. I liked to wear dresses and dress clothes. I remember him telling me to come and sit next to him. I did. It was quiet again and the class was working on something quietly. There were a lot of books on his desk. They were arranged like you would put them on a book shelf. Side by Side. I had a hard time seeing up over them. I sat next to him. We were looking at the Geography book. He put his right hand on my left leg and turned pages with his left hand. I was nervous and remember being scared. Smith put his right hand up my skirt and moved my underware and touched my vagina. I froze. I could feel him moving his fingers around on my vagina and having a smile on his face. He was looking at the book. I remember looking down at the desk as he did what he did and wanting to cry. I remember being very nervous and hoping another student would get up and come to the desk to ask a question. When Smith moved his hand, he put it to his face and nose. He left it near his nose while he turned the pages. I remember feeling sick to my stomach and froze until the school bell rang. I feel like I sat there forever. I then remember going into the school bathroom and crying. I feel like I sat there forever.

Smith used to keep it really cold in his classroom. I remember him giving me his jacket to wear a lot. It was light yellow. I also remember wearing a blue jacket. When we took the softball picture. I had his blue jacket on. I believe I also had his hat on in that picture. I remember wearing his yellow jacket in Sadie Brown's English class.

Smith did not coach any sports when I started school. I loved playing softball. I was a pitcher. He then decided to begin coaching softball that year. I remember him telling me how much he liked wrestling. I think he may have wrestled in college or high school. He may have even been a wrestling coach prior to the 1988-89 school year. I am not sure if I began playing softball but did make the softball tryouts. I remember practicing and running alot. I remember smith wearing a ball cap a lot. I don't ever remember seeing him with a tie on. He used to wear jeans and cowboy boots sometimes when he was at the stable. I remember him having a jean jacket with like a fleece or something around the collar. I did not live far from the stables. I remember riding my bicycle to the stables sometimes when he was there. I don't remember many of my softball team members except Stacey, Troi, Jennifer and Lilly. I remember other faces.

Smith had a big yellow bronco. It was loud and dirty inside. Dusty. He kept a lot of stuff in it. He used to always park up on the grass near and sometimes under the tree next to the home plate back fence. He would try to park in the shade. I remember him letting me move the vehicle a few (continue on pg 4)

I HAVE READ (HAD READ TO ME) THE FOREGOING STATEMENT WHICH HAS BEEN FREELY AND VOLUNTARILY MADE AND IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

[redacted]

WITNESS: _____ 9727

_____

I HAVE RECEIVED A COPY OF THE ABOVE STATEMENT _____
Signature

CCSO-109

CHARLESTON COUNTY SHERIFF'S OFFICE
STATEMENT

_____ DATE 12/7/2007

STATEMENT OF [redacted]
ADDRESS N/A PHONE # N/A
EMPLOYER Charleston County Detention Center PHONE # N/A
RACE: White SEX Female DATE OF BIRTH

(continued from pg 3) a few times for him. I did not drive it far. Just from one spot to the next. I remember being excited about that. I liked driving his bronco. I thought it was cool. The bronc sat really high off of the ground. It was hard for me to get into it. The bronco had window vent next to the side windows. He had his open a lot. It had row down windows. I always wondered if the top would come off the back and I remember thinking that would be neat if it was a convertible bronco. It had really big tires. I don't remember it smelling inside. I remember Smith always wearing a musk cologne. He always had a watch on. he wore glasses all the time. I never would see him wear sunglasses. He always fixed his hair with his right hand alot. Taking what little bit he had and pushing it to the side. I remember him having a lot of hair on his chest and a lot of hair on his arms. His ears were fuzzy. He chewed gun sometimes. He used to wear shorts a lot when the rest of us would wear sweatpants at softball practice. When Smith would give me rides home, sometimes I would meet him at his bronco after school. He dropped me off at all three houses.

I remember him giving me a ride home one day. It was a nice day out. We were leaving the softball field like we have done before. We were the last ones to leave. I don't remember seeing any other vehicles on the school premises. The ride felt normal. It was not dark out but it was not bright and sunny neither. Smith turned onto Seaside Lane. I figured we were going to feed the horses. He stopped the vehicle on the side of the little store. There was noone at the store. I wondered why he was stopping. He shut the bronco off and put it into first gear. He always did that when he shut the bronco off. I think that was to stop it from rolling. He was smiling and n to talk to me. I remember him talking to me but I can't remember what he was saying. I opened the console between the two seats. I was looking through it. I remember being nervous and scared. I remember a coffee cup. I don't remember what color the cup was or any details of writing on the cup. He was still talking to me. I don't remember why, but I sat up on the console. Smith lifted up his grey t-shirt and I saw him pull out his penis. I don't remember him unzipping his shorts. I remember him reaching into his shorts and pulling out his penis. I don't remember what was said. The next thing I remember is leaning down, opening my mouth and him putting his penis in my mouth. His penis was fat and short. I don't remember seeing his testicles exposed to me. Smith was already hard when he pulled his penis out. I'm pretty sure he was circumsized. I remember his skin being tight on his penis. I had never performed oral sex on anyone and really did not know what to do. He started to wiggle in the seat pushing his penis in and out of my mouth while he was holding my head. I remember gagging from him pushing his penis so deap down (continue on pg 5)

I HAVE READ (HAD READ TO ME) THE FOREGOING STATEMENT WHICH HAS BEEN FREELY AND VOLUNTARILY MADE AND IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

[redacted]

WITNESS: [redacted]

I HAVE RECEIVED A COPY OF THE ABOVE STATEMENT [redacted]

CCSO-109

CHARLESTON COUNTY SHERIFF OFFICE
STATEMENT

DATE 12/7/2007

STATEMENT OF [redacted]
ADDRESS N/A PHONE # N/A
EMPLOYER Charleston County Detention Center PHONE # N/A
RACE: White SEX Female DATE OF BIRTH

(continued from pg 4) my throat. I remember looking up and seeing something silver. He then ejaculated in my mouth. I gagged. It tasted horrible and nasty. He stopped grunting and let loose of my head. I was so scared. I came up from his lap and as I was coming up I say his ignition with the keys in the ignition. He had a lot of keys with a big clip on them. It was dirty gold. He did not say anything. I got off of the console. I remember hurting because of how uncomfortable I was. He began to fix his shorts and was moving around. I got into the seat on the passenger side. I remember not looking at him the whole way home. I remember not hearing the vehicle start up. I only looked out the window and it was rolled up. I cryied and did not look at him. He did not say anything. I remember watching the trees go by out the window. They passed by slow, as if they were not moving. We pulled up to [redacted]. I grabbed my bookbag, opened the door and jumped out. I don't remember shutting the door. I went straight to my room, shut my door and held onto my cat. I don't think I come out of my room at all that night. As time goes on I remember more about what happened concerning this issue. My therapist and I are currently doing exposure regarding this memory. This exposure is the one we are focusing on due to it causing me the most anxiety.

The next thing I remember is attempting suicide at JIHS. I was scared and tired of the abuse. I felt as if everyone at the school was unapproachable. So many people liked him. I did not know who to tell. What was I going to say and to who. I swallowed a large bottle of Vivarin. I remember wanting to die and how hard it was to swallow all those pills. I swallowed them in the bathroom. I remember crying as I was swallowing them. I went [redacted] to his classroom and don't remember anymore until I was at the hospital. I remember being forced to drink charcoal. At least I think it was charcoal. I remember how much I threw up and how sick I was. I remember going home and my mom sitting on the floor next to my bed, crying and telling me how much she loved me. I remember crying and throwing up all night. Then everything goes dark. I can't remember if I went back to school or for how long. I do remember quitting school and starting night school. I remember feeling isolated.

I remember going to see Mrs. Sadie Brown while she taught at a school in Charleston. She was my favorite teacher.

End Of Statement**********

I HAVE READ (HAD READ TO ME) THE FOREGOING STATEMENT WHICH HAS BEEN FREELY AND VOLUNTARILY MADE AND IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

[redacted]

WITNESS:

_____

_____

I HAVE RECEIVED A COPY OF THE ABOVE STATEMENT _____ [redacted]

CCSO-109

CHARLESTON COUNTY SHERIFF'S OFFICE
STATEMENT

_____ DATE 12/7/2007

STATEMENT OF [redacted]
ADDRESS N/A PHONE # N/A
EMPLOYER Charleston County Detention Center PHONE # N/A
RACE: White SEX Female DATE OF BIRTH

During the 1988-1989 school year I attended James Island High School (JIHS). Charles R. Smith (Smith) was my Geography Teacher. That also was the first year he coached softball. He was the head coach and had the help of two other individuals. One of which was a female who only helped at the beginning a few times and then I don't recal what happened to her. The other was a person by the name of Bubba Brandt. I lived at three different addressed during the 1988-1989 school year. The first was [redacted] the second was on Trafalgar Drive and the third was on [redacted] My parents still currently own that house however, it is listed on the market to be sold. I started the school year off well. I had just moved down here from Pennsylvania with my Step-father, Mother and Brother. I did not have a car and don't recall having a drivers License. I don't recall how being given a ride home from Smith started. I do recall him giving me a ride to each of the three houses.

When I was fifteen, things seemed bigger that they are now. For instance, I remember the softball field being huge. As I walked on it about two months ago for therapy purposes, it seamed small. Please keep this in mind when reading this statement.

Smith painted part time for Steve Shaddrix of Creekside Painting. His wife Lynn Shaddrix worked or still does at JIHS. I have not had any affiliation with JIHS itself since I quit school. The Shaddrix's lived at 683 Dobester Avenue. Smith took me to their house one day. I went inside the side door and the only person I recall being t was Steve Shaddrix. I remember the both of them smiling a lot. I don't recall if anything happened but I do recall the feeling of nervousness overwelming me. I remember saying to myself that he had a very nice house. As I went into the side door I vaguley remember the room sort of opening up. I sat at the kitchen table and remember really liking the table. I think it was round. I think they had hardwood floors. They had a son in 9th grade who attended JIHS at the time I did. His name is Brian Shaddrix. I don't rember him being in any of my classes. I did however see him in Smith's classroom from time to time. Smith seemed to somewhat avoid me when he was there. I had went with Smith to Creekside Painint company that was located at [redacted] I remember us going upstairs and noone being there. I don't remember if anything happened there. I remember being at least at four of his paint sites. I definitely only know the address of one and think I know the address of the other. The first one I know the address of is [redacted] The one I am unsure of is [redacted] Drive.

Smith boarded a horse at [redacted] I remember him only telling me he owned one of the horses. There were other horses on the property. I never seen him ride any horse. I remember being so taken by the horses. I had always wanted one that I could ride. Although he never let me ride (continue on pg 2)

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[redacted]

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STATEMENT OF [redacted]
ADDRESS N/A PHONE # N/A
EMPLOYER Charleston County Detention Center PHONE # N/A
RACE White SEX Female DATE OF BIRTH

(continue from pg 1) the horse. We went to feed his horse a lot after school. I don't remember when it first started I do remember the first time we went to the horse stables. I was really surprised and excited. I remember him kissing me one time at the stable and the feel of his mustache. I also remember him feeling my breast when we were at the stables. I remember his penis getting hard through his pants at the stables. I remember the stable being small and the grass being bushy. I used to hate walking from the gate to where the horses were. There was a metal fence that you could drive through. You had to get out of the vehicle to move the fence. We never drove back to the stables. I don't remember ever seeing anyone there. I remember anxiety feeling from being at the stables. The memories of the stable are still very fuzzy.

Memories of my Geography classmates are still very fuzzy. I don't remember who was in my class. I don't remember a lot about JHS, just some things and most of what I do remember is about Smith. I started the class year off sitting near the front of all my class. I wanted to do well in school. I then remember moving from near the front to further from his desk. I don't remember why. I ended up next to the side chalk board at the back. I remember when I was sitting next to the chalk board and having a question. I raised my hand. We were taking a test or working on something quietly. When Smith came over, he put his right hand on top of the back of my chair near the right side. He leaned over me in a way to conceal his hand placement. His left hand was on the edge of my desk. His head was near my left shoulder. I was nervous. He moved his right hand around the back of my chair and began to rub the side of my right breast. I remember the anxiety and him smiling. I did not say anything. I remember being scared because of what he did.

I was very interested in Geography. I enjoyed learing. Smith had his desk blocked off to where you could not see behind it. He had alot of books on a desk next to his workdesk. I was getting some help from Smith one day. I then moved to his desk for help. This put me behind Smith's desk with him to where our middle and lower bodies were out of sight of other classmates. I remember it being quit. I was sitting in a chair next to his with my hands in my lap. He was very close to me. We were looking at the geography book. I began to read something. The next thing I knew he had gently took ahold of my hand and put it on his leg. I remember feeling scared. He then moved my left hand and put it on his penis. I remember his penis feeling hard. He massaged his penis with my left hand. I was very scared and did not know what to do. I feel as if I had somewhat built a trust for him by the point this had happened. I remember being shocked and not knowing what to do.

I remember Smith assigning me the desk next to his. I don't remember why. (continue on pg 3)

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[redacted]

WITNESS: 12/7/07

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CHARLESTON COUNTY SHERIFF OFFICE
STATEMENT

C # DATE 12/7/2007

STATEMENT OF [redacted]
ADDRESS N/A PHONE # N/A
EMPLOYER Charleston County Detention Center PHONE # N/A
RACE: White SEX Female DATE OF BIRTH

(continue from pg2) I remember sitting at this desk a lot. Sometimes Smith had me sit very close to him behind his desk. I remember having on a dress and a blouse. I wore underware with knee high stockings. I liked to wear dresses and dress clothes. I remember him telling me to come and sit next to him. I did. It was quiet again and the class was working on something quietly. There were a lot of books on his desk. They were arranged like you would put them on a book shelf. Side by Side. I had a hard time seeing up over them. I sat next to him. We were looking at the Geography book. He put his right hand on my left leg and turned pages with his left hand. I was nervous and remember being scared. Smith put his right hand up my skirt and moved my underware and touched my vagina. I froze. I could feel him moving his fingers around on my vagina and having a smile on his face. He was looking at the book. I remember looking down at the desk as he did what he did and wanting to cry. I remember being very nervous and hoping another student would get up and come to the desk to ask a question. When Smith moved his hand, he put it to his face and nose. He left it near his nose while he turned the pages. I remember feeling sick to my stomach and froze until the school bell rang. I feel like I sat there forever. I then remember going into the school bathroom and crying. I feel like I sat there forever.

Smith used to keep it really cold in his classroom. I remember him giving me his jacket to wear a lot. It was light yellow. I also remember wearing a blue jacket. When we took the softball picture. I had his blue jacket on. I believe I also had his hat on in that picture. I remember wearing his yellow jacket in Sadie Brown's English class.

Smith did not coach any sports when I started school. I loved playing softball. I was a pitcher. He then decided to begin coaching softball that year. I remember him telling me how much he liked wrestling. I think he may have wrestled in college or high school. He may have even been a wrestling coach prior to the 1988-89 school year. I am not sure if I began playing softball but did make the softball tryouts. I remember practicing and running alot. I remember smith wearing a ball cap a lot. I don't ever remember seeing him with a tie on. He used to wear jeans and cowboy boots sometimes when he was at the stable. I remember him having a jean jacket with like a fleece or something around the collar. I did not live far from the stables. I remember riding my bicycle to the stables sometimes when he was there. I don't remember many of my softball team members except Stacey, Troi, Jennifer and Lilly. I remember other faces.

Smith had a big yellow bronco. It was loud and dirty inside. Dusty. He kept a lot of stuff in it. He used to always park up on the grass near and sometimes under the tree next to the home plate back fence. He would try to park in the shade. I remember him letting me move the vehicle a few (continue on pg 4)

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[redacted]
Signature

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CHARLESTON COUNTY SHERIFF OFFICE
STATEMENT

_____ DATE 12/7/2007

STATEMENT OF [redacted]
ADDRESS N/A PHONE # N/A
EMPLOYER Charleston County Detention Center PHONE # N/A
RACE: White SEX Female DATE OF BIRTH

(continued from pg 3) a few times for him. I did not drive it far. Just from one spot to the next. I remember being excited about that. I liked driving his bronco. I thought it was cool. The bronc sat really high off of the ground. It was hard for me to get into it. The bronco had window vent next to the side windows. He had his open a lot. It had row down windows. I always wondered if the top would come off the back and I remember thinking that would be neat if it was a convertible bronco. It had really big tires. I don't remember it smelling inside. I remember Smith always wearing a musk cologne. He always had a watch on. he wore glasses all the time. I never would see him wear sunglasses. He always fixed his hair with his right hand alot. Taking what little bit he had and pushing it to the side. I remember him having a lot of hair on his chest and a lot of hair on his arms. His ears were fuzzy. He chewed gun sometimes. He used to wear shorts a lot when the rest of us would wear sweatpants at softball practice. When Smith would give me rides home, sometimes I would meet him at his bronco after school. He dropped me off at all three houses.

I remember him giving me a ride home one day. It was a nice day out. We were leaving the softball field like we have done before. We were the last ones to leave. I don't remember seeing any other vehicles on the school premises. The ride felt normal. It was not dark out but it was not bright and sunny neither. Smith turned onto Seaside Lane. I figured we were going to feed the horses. He stopped the vehicle on the side of the little store. There was noone at the store. I wondered why he was stopping. He shut the bronco off and put it into first gear. He always did that when he shut the bronco off. I think that was to stop it from rolling. He was smiling and [illegible] to talk to me. I remember him talking to me but I can't remember what he was saying. I opened the console between the two seats. I was looking through it. I remember being nervous and scared. I remember a coffee cup. I don't remember what color the cup was or any details of writing on the cup. He was still talking to me. I don't remember why, but I sat up on the console. Smith lifted up his grey t-shirt and I saw him pull out his penis. I don't remember him unzipping his shorts. I remember him reaching into his shorts and pulling out his penis. I don't remember what was said. The next thing I remember is leaning down, opening my mouth and him putting his penis in my mouth. His penis was fat and short. I don't remember seeing his testicles exposed to me. Smith was already hard when he pulled his penis out. I'm pretty sure he was circumsized. I remember his skin being tight on his penis. I had never performed oral sex on anyone and really did not know what to do. He started to wiggle in the seat pushing his penis in and out of my mouth while he was holding my head. I remember gagging from him pushing his penis so deap down (continue on pg 5)

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[redacted]
Signature

WITNESS: [signature] 9727

I HAVE RECEIVED A COPY OF THE ABOVE STATEMENT [signature]
Signature

CCSO-109

CHARLESTON COUNTY SHERIFF OFFICE
STATEMENT

_____ DATE 12/7/2007

STATEMENT OF [redacted]
ADDRESS N/A PHONE # N/A
EMPLOYER Charleston County Detention Center PHONE # N/A
RACE: White SEX Female DATE OF BIRTH

(continued from pg 4) my throat. I remember looking up and seeing something silver. He then ejaculated in my mouth. I gagged. It tasted horrible and nasty. He stopped grunting and let loose of my head. I was so scared. I came up from his lap and as I was coming up I say his ignition with the keys in the ignition. He had a lot of keys with a big clip on them. It was dirty gold. He did not say anything. I got off of the console. I remember hurting because of how uncomfortable I was. He began to fix his shorts and was moving around. I got into the seat on the passenger side. I remember not looking at him the whole way home. I remember not hearing the vehicle start up. I only looked out the window and it was rolled up. I cryied and did not look at him. He did not say anything. I remember watching the trees go by out the window. They passed by slow, as if they were not moving. We pulled up to 1128 Landsdowne. I grabbed my bookbag, opened the door and jumped out. I don't remember shutting the door. I went straight to my room, shut my door and held onto my cat. I don't think I come out of my room at all that night. As time goes on I remember more about what happened concerning this issue. My therapist and I are currently doing exposure regarding this memory. This exposure is the one we are focusing on due to it causing me the most anxiety.

The next thing I remember is attempting suicide at JIHS. I was scared and tired of the abuse. I felt as if everyone at the school was unapproachable. So many people liked him. I did not know who to tell. What was I going to say and to who. I swallowed a large bottle of Vivarin. I remember wanting to die and how hard it was to s[illegible]low all those pills. I swallowed them in the bathroom. I remember crying as I was swallowing them. I went [illegible] to his classroom and don't remember anymore until I was at the hospital. I remember being forced to drink charcoal. At least I think it was charcoal. I remember how much I threw up and how sick I was. I remember going home and my mom sitting on the floor next to my bed, crying and telling me how much she loved me. I remember crying and throwing up all night. Then everything goes dark. I can't remember if I went back to school or for how long. I do remember quitting school and starting night school. I remember feeling isolated.

I remember going to see Mrs. Sadie Brown while she taught at a school in Charleston. She was my favorite teacher.

End Of Statement**********

I HAVE READ (HAD READ TO ME) THE FOREGOING STATEMENT WHICH HAS BEEN FREELY AND VOLUNTARILY MADE AND IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

[redacted]

WITNESS:

_____

_____

I HAVE RECEIVED A COPY OF THE ABOVE STATEMENT _____
Signature

CCSO-109

ARLESTON COUNTY SHERIFF' FFICE
STATEMENT

_____ DATE 12/12/2007

STATEMENT OF [redacted]
ADDRESS N/A PHONE # N/A
EMPLOYER Charleston County Detention Center PHONE # N/A
RACE: White SEX Female DATE OF BIRTH

In the statement dated December 7, 2007, page 4, paragraph 2, I wrote "I don't remember him unzipping his shorts." I need to correct that statement. I do remember him unzipping his shorts. I do not remember him unbuttoning his shorts. I ment to write unbuttoned but instead wrote unzipped. EOS/MLR

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[redacted]
Signature

WITNESS: 9727

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CCSO-109

DATE	NOTES
1/15/2008	I/d has received 2 phone messages from [redacted] I/D notified Sgt Williams and Lt Tittle Sgt Williams left a message fo[redacted]
1/24/2008	1/16/08-[redacted]eturned Sgt Williams phone call and stated she will call Monday when she is not at work. She also advised that she will draft a note for I/D on an issue for me to look at.
2/20/2008	I/d sent a search warrant to the Office of Archives and Records of CCSD on 2/13/08 I/D was advised on 2/20/08, that the fax number was incorrect and the warrant was sent to a doctors office I/D requested that the office shred the warrant, to which they agreed I/D contacted the Archives and Records office and sent the s/w to the correct number. I/D will be contacted as soon as the files are ready.
3/4/2008	I/D received[redacted] file which provided no additional information to the case
10/16/2008	i/d, Sgt Zimmer and Lt Watson met with Debbie and [redacted] [redacted] now denies that she stated that it was consensual and says that "she does not remember" saying that and does not think that at the time of the report that she "was able to remember if it was consensual or not" [redacted]stated that she wants us to contact the members of the softball team. Despite that, Debbie advised to not contact them, however, to try again to contact Troi Myers Troi was located in ROCIC as now Troi Mack, however, still in Charleston I/D was able to locate a work number for her and left a message ([redacted] Mrs. Mack called me back and we spoke She advised that she did not have any knowledge of anything happening, however,[redacted]sed to talk a lot about Coach Smith. She advised that if anything did happen, it would have been consensual She advised that [redacted]constantly spoke about Smith and that she had a crush on him She also advised that[redacted] stated that they spent a lot of time together I/D asked Mack if she would be willing to write what she had said in a statement for me She was hesitant I/D asdvised her that she could take her time and give me an answer after she has thought it over Mack gave I/D her cell number to be reached at ([redacted] I/D called Debbie and advised her She advised that she would call [redacted]and speak with her Debbie will get back with me after she has spoken to her

Charleston County Sheriffs Office

Criminal Investigation Division

Case Notes

Case Number: 07-018524

DATE	*NOTES*
10/15/2007	09/15/07- I/D and [redacted] drove around James Island and located the incident location as well as Redden's residences while attending James Island H S [redacted] advised that she performed oral sex on Smith at 1014 Ft Johnson Rd [redacted] further advised that [redacted] gave I/D her yearbook from 88-89 school year I/D made copies of select entries from the yearbook. One entry stated "you better watch it coach might get in your pants if your not careful" [redacted] advised that a Sadie Brown (teacher during that time of the incident) may have information on inappropriate behavior. I/D attempted to contact Sadie Brown that was listed in the phone book. The woman advised that she is not the Brown that worked at James Is H S
10/16/2007	I/D spoke with Doug Wright at the prompting of [redacted] Wright advised that he has known Smith for several years (since childhood) and has no reason whatsoever to believe that Smith engaged in appropriate behavior with anyone. He then stated that [redacted] was always following Smith and seemed like she was just trying to get attention from Smith and anyone else that would give it to her I/D left a message with a woman at Smith's residence Smith was given I/D's office and cell phone number and was asked to call either tonight or tomorrow. I/D will attempt to set up an interview so that Smith can give a statement, if he chooses
10/17/2007	I/D had an arranged meeting with Smith at Station 4 at 0800 hrs Smith brought his lawyer, Gordon Garrett [redacted] to the meeting Garrett advised that he would not allow Smith to give a statement, written or oral, to I/D Garrett further advised that any further contact with Smith should be handled through him I/D will attempt to contact Sadie Brown using the information that [redacted] provided I/D was able to locate a phone number for the listed address that [redacted] gave [redacted] I/D left a message with a male for Brown I/D will determine if this is the same Brown that [redacted] lists as a possible witness
10/25/2007	I/D left another message for Sadie Brown on her voice mail

DATE	NOTES
10/26/2007	I/D has not heard from the Sadie Brown and will NOT attempt to call her anymore [redacted] has stated that she did not confide in Brown and therefore I/D has no reason to continue calling her
	I/d was contacted by Sadie Brown ([redacted]) who advised that she remembers Smith as friendly with everyone She has no information regarding this case and advised that [redacted] did not inform her of the situation while she was in school
	I/D met with [redacted] who advised that she has had more memories but did not contact I/D because she was "mad" at me I/D told her that she needs to let me know when she had more memories so that I/D can get a written statement from her. [redacted] advised that she did not feel like writing the statement now, however, would get it to I/D soon
	[redacted] stated that she is "mad" at I/D because her personal information was listed in the report and in JMS she is listed as a rape victim I/D advised her that no one has the ability nor authority to change JMS/RMS listings [redacted] advised that she went through her chain of command to see to it that it is changed. Sgt Zimmer was brought into the meeting [redacted] stated that she looked herself up in JMS and found that information [redacted] also advised that she was concerned that her coworkers would find out that she reported the incident. I/D advised her that it is against policy to look up anything in JMS/RMS without authorization I/D further advised [redacted] that if she continued to refuse to cooperate with I/D, the case would be closed
11/28/2007	I/D was contacted by Doug Wright He advised that he became aware that [redacted] has filed two separate sexual harassment claims against coworkers at two different jobs I/D will look into further information on these claims
11/28/2007	I/D was contacted by Lt Tittle and Capt Clark in ref to this case Capt Clark advised that he was contacted by the Post & Courier in reference to this case
	I/D contacted Det Cooper (CPD) I/D will meet with him and his Cpl on 11/29/07 at 1000 hrs I/D and CPD detectives will meet with Debbie Herring Lash at 1130 hrs in reference to this case.
	Per our meeting with the solicitor, the information provided at this time is not enough to prosecute I/D will attempt to get school records

DATE	NOTES
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1/24/2008	1/16/08- [redacted] returned Sgt Williams phone call and stated she will call Monday when she is not at work. She also advised that she will draft a note for I/D on an issue for me to look at.
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