

ORIGINAL

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM CHESTER COUNTY

J. Ernest Kinard, Jr., Circuit Court Judge

RECEIVED

NOV 18 2013

SC COURT OF APPEALS

THE STATE,

RESPONDENT,

V.

KEVIN EUGENE LAWS,

APPELLANT

APPELLATE CASE NO. 2013-000446

RECORD ON APPEAL

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STATE OF SOUTH CAROLINA

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STATE,

Plaintiff,

Case No.

-against-

2013-DR-12-00153

KEVIN EUGEN LAWS,

Defendant.

-----x

February 26

Chester, S.C.

B E F O R E:

HONORABLE J. ERNEST KINARD, JR.

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

CURTISHA MINGO, Esquire

Attorney for the State

EVERETT STUBBS, Esquire

Attorney for the Defendant

Aileen Butler

Official Court Reporter

		<u>I N D E X</u>			
	<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
1					
2					
3	Minor [REDACTED]				
4	Ms. Mingo	42			
5	Mr. Stubbs		76		
6	Sister [REDACTED] [REDACTED]				
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E X H I B I T S

<u>NO.</u>	<u>DESCRIPTION</u>	<u>I.D.</u>	<u>EVD.</u>
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1 THE COURT: Okay jurors, listen carefully,
2 this is how the system works. Everybody's name
3 is not on the list but you will know whether you
4 are on here or not in just a second.

5 Miss Carpenter is going to call your names
6 out one at time. We already have preprinted in
7 the order which we are going down. The State and
8 the defense get to excuse a certain number of
9 jurors. When Miss Carpenter calls your name I
10 need for you to stand and then first the State
11 either accepts or rejects you. They will say
12 either present the juror or seat the juror. But
13 it doesn't really matter and the defense will do
14 the same and if they say excuse the juror or
15 strike the juror don't cry on me. Don't take it
16 personally. You will be through with the case
17 if they excuse you.

18 Whether they accept you or reject you.
19 Reject is a pretty hard word, but that is what it
20 will come down to. Just have a seat just
21 to speed it up. And once we get 12 jurors and
22 one alternate we will call those 13 up at the
23 same time rather than wait for one to come up and
24 have a seat and so forth.

25 All right Miss carpenter.

1 THE CLERK: Jury number 110, Robert I. Ray.
2 What say the State?

3 THE COURT: Just remain standing until they
4 decide what they are going to do.

5 MS. MINGO: Please present the juror.

6 THE CLERK: What say the defendant?

7 MR. STUBBS: Please seat the juror.

8 THE CLERK: Be seated, sir.

9 THE 77, Rhonda W. Lewis. What say it the
10 State?

11 MS. MINGO: Please excuse the juror.

12 THE CLERK: Be seated please.

13 Number 26, Tiffney Crane. What say it the
14 State?

15 MS. MINGO: Please present the juror.

16 THE CLERK what say the defendant?

17 MR. STUBBS: Please excuse the juror.

18 THE CLERK: You may take a seat.

19 Number 120, Bethany r. Sloan. What
20 say it the State?

21 MS. MINGO: Please present the juror.

22 THE CLERK: What say the defendant?

23 MR. STUBBS: Please excuse the juror.

24 THE CLERK: Please take your seat.

25 Number 93, Lonnie O. Melton. What

1 say the State?

2 MS. MINGO: Please present the juror.

3 THE CLERK: What say the defendant?

4 MR. STUBBS: Please excuse the juror.

5 THE CLERK: Juror number 122, Rebecca J.

6 Smith. What say the State?

7 MS. MINGO: Please present the juror.

8 THE CLERK: What say the defendant?

9 MR. STUBBS: Please seat the juror.

10 THE CLERK: Juror number 42, Mildred E.

11 Fisher.

12 What say the State?

13 MS. MINGO: Please present the juror.

14 THE COURT: What say the defendant?

15 MR. STUBBS: Please seat the juror.

16 THE CLERK: Juror number 92, Tammy S.

17 McWaters.

18 What say the State?

19 MS. MINGO: Please present the juror.

20 THE CLERK: What say the defendant?

21 MR. STUBBS: Please excuse the juror.

22 THE CLERK: Please take your seat.

23 Juror number 119, David P. Simpson. What

24 say the State?

25 MS. MINGO: Please present the juror.

1 THE CLERK: To the defendant, is there a
2 challenge for cause?

3 THE COURT: No. No. No. They only used four
4 and they get ten.

5 THE CLERK: Number 39, Courtney F Evans.

6 THE COURT: No, he hasn't dealt with this
7 one.

8 THE CLERK: What do you want to do?

9 MR. STUBBS: Hang on just a second.

10 THE CLERK: Okay.

11 MR. STUBBS: Please seat juror.

12 THE CLERK: Thank you.

13 Number 39, Courtney F. Evans. What say the
14 State?

15 MS. MINGO: Please present the juror.

16 THE CLERK: What say the defendant?

17 MR. STUBBS: Please excuse the jury.

18 THE CLERK: Juror number 15, John W.
19 Brunson.

20 What say the State?

21 MS. MINGO: Please present the jury.

22 THE CLERK: What say the defendant?

23 MR. STUBBS: Please excuse the juror.

24 THE CLERK: Juror number 1, Karen L. Abrams.
25 What say the the State?

1 MS. MINGO: Please present the juror.

2 THE CLERK: What say the defendant?

3 MR. STUBBS: Please seat the juror.

4 THE CLERK: Juror number 81, Roy E. Love.

5 What say the State?

6 MS. MINGO: Please present the juror.

7 THE CLERK: What say the defendant.

8 MR. STUBBS: Please excuse the juror.

9 THE CLERK: Jury number 88, Frannie R.

10 McClinnick.

11 What say the State?

12 MS. MINGO: Please excuse the juror.

13 THE CLERK: Juror number 54, Micheal K.

14 Grose.

15 What say the State?

16 MS. MINGO: Please present the juror.

17 THE CLERK: What say the defendant?

18 MR. STUBBS: Please seat the juror.

19 THE CLERK: Juror number 59, Roy S.

20 Hindman.

21 What say the State?

22 MS. MINGO: Please present the juror.

23 THE CLERK: What say the defendant?

24 MR. STUBBS: Please seat the juror.

25 THE CLERK: Juror number 148, Johnny Wright.

1 What say the the State?
2 MS. MINGO: Please excuse the juror.
3 THE CLERK: Juror number 97, Kenneth Moore.
4 What say the State?
5 MS. MINGO: Please present the juror..
6 THE CLERK: What say it the defendant?
7 MR. STUBBS: Please seat the juror.
8 THE CLERK: Juror number 133, Vicky D.
9 Vieira.
10 What say the State?
11 MS. MINGO: Please present the juror.
12 THE CLERK: What say the defendant?
13 MR. STUBBS: Please seat the juror.
14 THE CLERK: Jury number 8, Leonard T. Bell.
15 What say it the State?
16 MS. MINGO: Please excuse the juror.
17 THE COURT: Take your seat please. .
18 Juror number 79, Carol Jean Lignon. What
19 say the State?
20 MS. MINGO: Please present the juror.
21 THE COURT: What say the defendant? .
22 MR. STUBBS: Please excuse the juror.
23 THE CLERK: Jury number 104, Justin S.
24 Pierce.
25 What say the State?

1 MS. MINGO: Please present the juror.
2 THE CLERK: What say the defendant.
3 MR. STUBBS: Please seat the juror.
4 THE CLERK: Juror number 82, Roy Lunsford.
5 What say the State?
6 MS. MINGO: Please present the juror.
7 THE CLERK: What say the defendant?
8 MR. STUBBS: Please seat the juror.
9 THE CLERK: Juror number 36, Lacrista L.
10 Douglas.
11 What say the State?
12 MS. MINGO: Please present the juror.
13 THE CLERK: What say the defendant.
14 MR. STUBBS: Please seat the juror.
15 THE COURT: All right. I count 12. We need
16 one alternate juror.
17 THE CLERK: Juror number 117, Debbie L.
18 Shaw.
19 What say the State?
20 MS. MINGO: Please present the juror.
21 THE CLERK: What say the defendant?
22 MR. STUBBS: Please excuse the juror.
23 THE CLERK: Juror number 66, Wanda Hutto.
24 What say the State?
25 MS. MINGO: Please the juror.

1 THE CLERK: What say the defendant?

2 THE COURT: This is for the alternate, you
3 all understand that?

4 MR. STUBBS: Yes, sir. Please excuse the
5 juror.

6 THE CLERK: Juror number 69, Mary A.
7 Jenrigan.

8 What say the State?

9 MS. MINGO: Please present the juror.

10 THE CLERK: What say the defendant?

11 MR. STUBBS: Please seat the juror.

12 THE COURT: Okay. Do you all have concerns
13 with the strikes?

14 MS. MINGO: Not from the State Your Honor.

15 MR. STUBBS: No, sir, not from the defense.

16 THE COURT: All right. Let's call them up.

17 THE CLERK: As I call your name please bring
18 your umbrella's, coats, books, whatever you have
19 with you and come forward and sit in the jury box
20 to my left.

21 Robert I. Ray, Rebecca J. Smith, Mildred E.
22 Fisher, David P. Simpson, Karen Abrams, Michael
23 K. Grose, Roy S. Hindman, Kenneth Moore, Vicky
24 Vieira, Justin Pierce, Roy Lunsford, Lacrista
25 Douglas and Mary A. Jenrigan as the alternate.

1 THE COURT: Okay, jurors if you were not
2 selected you are free to go. You have to call
3 that number tomorrow after 5:30. There will be a
4 message. It will either say come in Wednesday or
5 you are through for the week. All right. You
6 may go home.

7 (Rest of the jury panel leaves the
8 courtroom.)

9 THE COURT: Okay jurors, if I can have your
10 attention everybody. We are going to break for
11 the day in just a second. I will need you all to
12 step into the jury room. When you get back there
13 select somebody as foreperson. It doesn't take
14 a unanimous vote and it can be anybody except the
15 alternate. All right. Don't get your hopes up.
16 It is not something you want to run that hard
17 for. You don't get paid any more than anybody
18 else. Somebody has to preside over the
19 deliberations and so forth. Be back in that jury
20 room in the morning at 9:30. As soon as you have
21 elected a foreperson you all can go.

22 We think we finish the case on Wednesday.
23 We might have to go to 6:30 tomorrow. The reason
24 I say that, you know, you think a witness is
25 going to testify ten minutes and all of a sudden

1 they testify for 45 or a juror's stomach gets
2 upset and a juror needs to take a brake. Just
3 little things like that happen. You can't just
4 imagine time wise. You just got to go with the
5 flow. If anybody needs a break at any time just
6 raise your hand and we will take a break. You
7 can't give one person a break. Everybody has to
8 take a break and that is 15 minutes. So we
9 usually take a break every hour and thirty
10 minutes to hour forty-five, but some times you
11 need a break more often then that. So, if it
12 looks like we can finish with no problem without
13 going to 6:30 tomorrow we will break at five or
14 whatever time. But be prepared to go to 6:30. I
15 won't keep you any later then that. That is
16 basically it right now. As soon as you all
17 elect a foreperson you are free to go home.

18 Now, don't talk about the case to anybody.
19 Don't tell anyone I am on this case or so forth.
20 Don't be looking things up on the internet about
21 anything. And don't be trying to see if you can
22 see retrieve any newspaper articles that might
23 have been published about what happened and so
24 forth.

25 Have a good night. See you all in the

1 morning at 9:30.

2 (Jury panel is excused for the day.)

3 THE COURT: Now Miss Carpenter, make a note
4 they have not been sworn. We will have to swear
5 them in the morning. Now, if I don't remember it
6 is your fault.

7 All right. You all want to go on motions or
8 need a break. It don't matter to me.

9 MS. MINGO: Could we take five minutes?

10 MR. STUBBS: That is fine with me.

11 THE COURT: All right. We will take eight
12 minutes.

13 (Whereupon, a short recess was taken.)

14 THE COURT: Okay. Somebody had a motion or
15 motions.

16 MR. STUBBS: Yes, sir, Your Honor. I will
17 hand up my motion In Limine.

18 Your Honor, that motion had multiple motions
19 actually within the document.

20 THE COURT: All right. Okay.

21 MR. STUBBS: As far as the sequestration of
22 the witnesses Your Honor, I think one of the
23 events that is alleged --

24 THE COURT: The State doesn't object to that
25 does it?

1 MS. MINGO: Your Honor, generally no, but I
2 would ask that the victim and the investigating
3 officer be allowed to remain.

4 THE COURT: Those two can stay in the
5 courtroom.

6 MR. STUBBS: Your Honor, I think the second
7 motion about the statements provided to the
8 defense. I filed that motion this morning. I
9 subsequently served it on the solicitor this
10 morning. I am not aware of any other statements
11 that weren't supplied to me, but I just wanted to
12 put that in there in case there were.

13 THE COURT: Do you have any other
14 statements?

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

16 THE COURT: All right.

17 MR. STUBBS: And Your Honor, the third
18 motion is in regards to exclusion of the video,
19 the forensic interviewer. I believe the alleged
20 victim in this case is of the age to where she
21 testify at trial so any video evidence would just
22 be bolstering the position of the State.

23 THE COURT: Well, how old is the victim at
24 this point?

25 MS. MINGO: Your Honor, she is 16 now.

1 THE COURT: What is your position on all
2 that?

3 MS. MINGO: Well, Your Honor, I believe the
4 rule states if the child is 12 and under at
5 the time of the interview it would be admissible.
6 She was 14 or 15 when she gave the forensic
7 interview so I am not contending that the video
8 is admissible.

9 THE COURT: All right. The video doesn't
10 come in.

11 MR. STUBBS: Okay. The fourth motion, Your
12 Honor is in regards to the testimony of Margo
13 Dixon, the forensic interviewer in the case.
14 Attached I actually put the newest case in a
15 string of cases touching on forensic interviewers
16 and their testimony. I believe that because the
17 alleged victim in this case is of the age and
18 would be able to give an accurate account of the
19 events that happened, as she alleged them, that
20 at this point a forensic interviewer I think it
21 is clear by law can not be -- by case law -- can
22 not be qualified as an expert.

23 I believe any testimony that the forensic
24 interviewer may give would only be cumulative and
25 bolstering and actually show to the jury that

1 they believe the victim in the case.

2 THE COURT: Of course I don't know what the
3 forensic interviewer is going to testify to, so I
4 really can't rule on that.

5 MS. MINGO: Well, Your Honor, it's not - -
6 I don't intend to call her as an expert and I do
7 understand everything she can't say.

8 I understand she can't use the language she
9 felt in the interview to be compelling for
10 disclosure or anything like that, but I do
11 believe she can testify as to--

12 THE COURT: She can testify to some things.

13 MS. MINGO: Yes, sir.

14 THE COURT: So you just have to put her up
15 and you object and I will sustain it if she
16 mentions beyond what she can testify too.

17 MR. STUBBS: Well, Your Honor, I would like
18 for you to hash out exactly what it is.

19 THE COURT: Well, that is easy to say. I
20 don't know anything about the case, or I don't
21 know the forensic interviewer or what she will
22 put her up to say. If she puts her up and says I
23 interviewed her, such and such a date, no
24 objection. Right?

25 MS. MINGO: Yes, sir.

1 THE COURT: She can't testify as to facts.
2 Hearsay.

3 MR. STUBBS: Your Honor, I don't think that
4 it would be disputed that she interviewed her.

5 THE COURT: I can't rule in the abstract is
6 what I am trying to tell you. The last one I
7 tried of these was over in Fairfield last year
8 and we let video in because the victim was about
9 eight I guess, and the forensic interviewer was
10 greatly limited. But I knew what the person was
11 going to testify to. I don't know what she is
12 going to testify to.

13 MS. MINGO: Your Honor, she interviewed the
14 child. When it took place. What a forensic
15 interview is. The purpose of it. She may be
16 able to corroborate time and place, but I don't
17 think it will go beyond.

18 THE COURT: That is all she can do.

19 MR. STUBBS: Well, Your Honor, I would like
20 to point to the Courts's attention, it would be
21 footnote four in the --

22 THE COURT: I will read that tonight, but
23 you hand all this up to me and I haven't read it
24 recently. So I will read it. I will not rule on
25 it today.

1 MR. STUBBS: One of my objections would be
2 even on the use of the words "forensic
3 interviewer."

4 THE COURT: Well, I understand that. I
5 gathered you would object to that, but
6 historically they have testified. Historically
7 they have testified.

8 MR. STUBBS: All right.

9 THE COURT: And that is what they are. You
10 know, it is like you get a doctor to testify.
11 You might not let him testify beyond his
12 expertise, but he is going to be able to be
13 called doctor because that what he is. Or
14 electrician. Called an electrician if he is an
15 electrician.

16 MR. STUBBS: I think footnote four would
17 be --

18 THE COURT: I will certainly read it.

19 MR. STUBBS: Okay. And Your Honor as far as
20 any statements of the defendant. There are none
21 that I am aware of. Just for precautionary
22 purposes I put the Denno hearing in there.
23 Unless the State provides any last minute, I
24 don't think that there are any made by the
25 defendant in this case.

1 MS. MINGO: No, sir. There are no
2 statements.

3 THE COURT: All right. No statements by the
4 defense to law enforcement will be presented.

5 MR. STUBBS: Okay. And Your Honor I believe
6 part six of the motion was actually just for
7 rap sheets of the potential jurors and it has
8 already been supplied.

9 THE COURT: All right.

10 MS. MINGO: Your Honor, I have one matter if
11 Mr. Stubbs is done.

12 THE COURT: All right.

13 MS. MINGO: And I know that we touched on
14 this preliminarily back in chambers.

15 THE COURT: We did touch on something. I
16 don't know if that's what you are about to say.

17 MS. MINGO: That is what I am about to say.
18 I am just asking the Court for a little bit more
19 clarity so that I may know what I am able to go
20 into when the victim is on the stand. Again
21 there was this charge of filing a false police
22 report. It went through arbitration and I
23 believe the Court indicated that Mr. Stubbs would
24 be able to ask the victim was she charged and
25 nothing beyond that. And I am not going to

1 belabor the point with the Court.

2 It is my position, you know, it doesn't fall
3 under Rule 609. It is not a conviction.

4 THE COURT: If it goes to the truth and
5 veracity and so forth.

6 MS. MINGO: Well, Your Honor --

7 THE COURT: Anyway, it is going to come in
8 under whatever, but just the bare stuff.

9 MS. MINGO: Yes.

10 THE COURT: What they represented to me in
11 chambers was that the victim in this case earlier
12 reported that at a point in time someone had made
13 inappropriate advances to her and had taken her
14 in a restroom or something like that and as a
15 result of that charges were filed against
16 this person which were subsequently dismissed
17 through juvenile arbitration. And I said they
18 can bring out she did. Who brings it out I don't
19 know, but we are not going into any of that other
20 than she did say that and the charge was
21 dismissed. That's all.

22 MS. MINGO: Yes, sir.

23 THE COURT: And he can argue she is not
24 believable because she done it before. I can't
25 keep that from happening.

1 MS. MINGO: Right. Well, I am going to ask
2 you if the State would be allowed to go into --

3 THE COURT: You certainly can put it up
4 there first and then he can't go into it other
5 then mention it.

6 MS. MINGO: If I choose to go into the
7 details would that be allowed, to allow her to
8 explain what happened. Just the charge and it
9 was dismissed.

10 THE COURT: Right.

11 MR. STUBBS: Your Honor, I believe if she
12 starts opening the door --

13 THE COURT: If she opens the door the whole
14 thing comes in and we spend three hours on that.
15 She ends up crying. It didn't have anything to
16 do with this case.

17 MR. STUBBS: Well, that is her problem.

18 THE COURT: Well, I can't tell you all how
19 to -- you all are experienced trial lawyers.
20 What are you, anyway? There you go. She opens
21 it up, I can't close it. That is bottom line.

22 MS. MINGO: All right.

23 MR. STUBBS: Your Honor, and do I have two
24 other things that I failed to mention. As far as
25 there was a diary in this case, Your Honor. I

1 had an expert examine it and there were some
2 further tests that he could have done. The
3 solicitor tells me she does not plan to use it in
4 her case in chief. So I did not renew my motion
5 for a continuance that I filed on this case and I
6 just wanted to have that explained on the record.

7 THE COURT: All right.

8 You are not going into the diary?

9 MS. MINGO: No, sir.

10 THE COURT: Okay.

11 MR. STUBBS: One other issue, Your Honor,
12 and I asked the solicitor for consent on this, is
13 my client's borrowed some clothes today and the
14 the sleeves aren't long enough to hide his
15 tattoos and we would just like for a two hour
16 break on his bail, or his bond. He is on house
17 arrest. To allow him to go and obtain clothes of
18 his own for the trial.

19 MS. MINGO: Your Honor, I told Mr. Stubbs I
20 was not going to consent to that. To bring it
21 before the Court and let Your Honor decide.

22 THE COURT: Well, my deal on that is always
23 quite simple. If the Judge goes down the
24 solicitor is going down. If solicitor consents I
25 got no problem. If the solicitor doesn't consent

1 you are stuck with the terms of the bond,
2 whatever it is. You can get him more clothes
3 with appropriate length sleeves.

4 MR. STUBBS: No further motions from the
5 defense.

6 THE COURT: All right. Anything about the
7 trial I need to know that you haven't told me?

8 MS. MINGO: I don't think so, Your Honor.

9 THE COURT: All right. Well, you haven't
10 told me anything.

11 THE COURT: All right Miss Carpenter, here
12 are the Indictments.

13 All right we got a little civil hearing
14 in the morning at 9:15. It should take five
15 minutes. So you should be ready to go at 9:20.

16 MS. MINGO: Thank you Your Honor.

17 THE COURT: See you all in the morning.

18 (Court adjourned for the day)

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1 (Trial resumes on February 26, 2013)

2 THE COURT: Now, why do you want to put this
3 forensic person up? As I look at it all she
4 can't testify to anything. She can testify she
5 did an interview.

6 MS. MINGO: Well, Your Honor --

7 THE COURT: Can't even make a comment on
8 demeanor as I read the case.

9 MS. MINGO: Can't make a comment on what
10 Your Honor? I am sorry. On the demeanor?

11 THE COURT: Right. That is what the case
12 says. Read the case.

13 MS. MINGO: Are you relying on the Cromwell
14 case?

15 THE COURT: Yes. They say what you can and
16 can't say.

17 MS. MINGO: Right, Your Honor.

18 THE COURT: An opinion as to the child's
19 behavior. They say all they can testify to is
20 time, date and circumstances of the interview,
21 personnel observations regarding the child's
22 behavior and demeanor.

23 MS. MINGO: Right. Your Honor, I have
24 looked at that the case. If she testifies it
25 would not go beyond that.

1 THE COURT: All right. Okay.

2 MR. STUBBS: Thank you, Your Honor.

3 THE COURT: Is the State ready.

4 MS. MINGO: The State is ready.

5 THE COURT: Defense ready?

6 MR. STUBBS: Yes, sir.

7 THE COURT: Now, the people didn't show
8 on the civil thing. If they get here I will have
9 to do it during the break. Got to start the
10 trial. Bring them in.

11 (Jurors entering.)

12 THE COURT: Okay. Miss Carpenter, it looks
13 like the jurors are now hear and they are all
14 seated. Would you swear them in.

15 THE CLERK: All right, sir. Please stand.
16 Raise your right hands.

17 Mr. Foreman and members of this jury panel,
18 you shall well and truly try these cases, number
19 2013-GS-12-153, 2012-GS-12-154, the State versus
20 Kevin Eugene Laws and a true verdict render
21 according to the law and the evidence, so help
22 you God. You do?

23 (Jurors respond I do.)

24 THE CLERK: Thank you.

25 THE COURT: Okay jurors, now this isn't

1 TV. We are in the real world with real
2 consequences. You all can't talk about what
3 transpires in here with anybody. Ask anybody any
4 opinions.

5 Here is what the case is about. As I
6 briefly explained to you yesterday these two
7 documents are called Indictments. And except for
8 the list of the witnesses and so forth, you
9 know as much about the case as I do and they are
10 trying in front of me. All I will do is
11 instruct you on the law and make some evidentiary
12 rulings which I already made some outside your
13 presence just to speed up the trial.

14 The Indictments allege the commission of two
15 specific crimes committed by Kevin Eugene Laws.
16 The victim is Minor [REDACTED] That is all it is,
17 allegations. The Indictments create no inference
18 of guilt against Mr. Laws. Mr. Laws as he sits
19 over there he is presumed innocent. He has
20 absolutely no burden to prove he is not guilty of
21 any of these charges.

22 In order to get a conviction it is incumbent
23 on the State to convince you 12 jurors beyond a
24 reasonable doubt that Mr. Laws committed one or
25 both of these crimes.

1 The alternate you need to pay attention. I
2 have been doing this a long time and you know a
3 child gets hurt at school. Somebody has to go
4 and you take that their place. That can even
5 happen right as I am about to send the jury
6 out. So, you have to pay attention throughout.

7 Mr. Foreman, your vote counts no more than
8 anybody's. I can't have any running meaningful
9 conversation with the jurors, so once
10 deliberations are commenced you will preside over
11 the deliberations and eventually you will sign
12 the verdict. The verdict will just say "not
13 guilty. Guilty." So forth. You will be the
14 only one that will sign the verdict. Of course I
15 say that from time to time. If I say guilty
16 first, you know the defense says why did you do
17 that. If I say not guilty first the State say
18 why did you do that. There is only two ways to
19 say it and I intend no emphasis by saying one or
20 the other. You all understand. It is incumbent
21 on the State to convince you 12 jurors
22 unanimously beyond a reasonable doubt Mr. Laws
23 committed a crime or crimes embraced within this
24 Indictment.

25 Now you jurors are going to pass upon the

1 credibility of all the witnesses who testify.
2 It is another way of saying the believability of
3 the witnesses. You will also be able to weigh
4 any additional evidence, if any, presented during
5 the trial. I don't know. They may have
6 sketches, photographs, whatever. Like I say, you
7 know as much about how the trial is going to
8 proceed as I do at this point. Anyway, the
9 totality of the evidence is introduced. You
10 will consider it all. Give it such weight as you
11 feel it is entitled to make your final decision
12 in the case.

13 Now, the first Indictment alleges that Mr.
14 Laws committed a lewd act upon a child. The time
15 period between December the 1st, 2010 and July
16 the 1st of 2011. That is the statutory charge
17 as found in section 16-15-140 of the code of
18 laws of South Carolina. And this is what the
19 statute says -- I might not state it verbatim --
20 but this is what it says: Shall be unlawful for
21 any person over the age of 14 years to willfully
22 and lewdly commit or attempt any lewd or
23 lascivious act upon or with the body, or any part
24 or member thereof, of a child under the age of 16
25 with the intent of arousing, appealing to, or

1 gratifying the lust or passion or sexual desire
2 of himself or of said child. That is what the
3 statute says jurors. A person acts
4 willfully when the person acts voluntarily and
5 and intentionally with a specific intent to do
6 something the law forbids. That is to say the
7 person acts with a bad purpose even to disobey or
8 disregard the law.

9 A lewd act is defined by the law dictionary
10 is an the act that is obscene, lustful,
11 indecent or lecherous or wanton. Bottom line,
12 it could be just touching someone, adult over the
13 age of 14 touching somebody to arouse their
14 sexual passion or the sexual passion of the
15 person that did the touching. That is
16 paraphrasing that.

17 Now, the second charge, alleges that Mr.
18 Laws committed criminal sexual conduct with a
19 minor in the second degree. In olden times they
20 had statutes, just called rape statute. You see
21 it on the TV. What they did, they being the
22 legislature, they viewed all the sexual crimes
23 and they broke it down into various categories,
24 like criminal sexual conduct in the first degree,
25 criminal sexual conduct in the 2nd degree,

1 criminal sexual conduct with a minor under the
2 age of 14, criminal sexual conduct with a minor
3 over the age of 14 but under the age of 16 and
4 so forth. So again the statute, section 16-3-655
5 (B)2 of the Code of Laws of South Carolina
6 that defines criminal sexual conduct in the 2nd
7 degree, with a minor under the age of 16 and that
8 section says a person is guilty of criminal
9 sexual conduct in the 2nd degree if the actor
10 engages in sexual battery with the victim who is
11 at least 14 years of age but who is less than 16
12 years of age and the actor is in a position of
13 familial, custodial or official to coerce
14 the victim to submit or the person is older than
15 the victim. That is the statute. A couple terms
16 are defined. Actor means the person accused
17 of committing the sexual conduct. Victim means
18 the person alleged to have been subjected to
19 criminal sexual conduct. Sexual battery means
20 sexual intercourse, oral intercourse, anal
21 intercourse or any intrusion however slight of
22 any part of the person's body or any object into
23 the genital or anal openings of another person's
24 body except when such intrusion is accomplished
25 for medically recognized treatment or diagnostic

1 purposes.

2 So, the first element that the State must
3 prove beyond a reasonable doubt in order to
4 obtain a conviction, is the defendant who has
5 been charged as an actor, engaged in a sexual
6 battery with the victim on or between the dates
7 as alleged in this particular Indictment. Sexual
8 battery is just what I defined for you, any
9 intrusion into the genital or anal areas
10 constitute a sexual battery.

11 The second element the State must prove
12 beyond a reasonable doubt was that the victim at
13 the time of the alleged incident was at least 14
14 years of age but under the age of 16. The third
15 element -- just going through that statute is
16 that the actor, of course we are talking about a
17 defendant, was in a position of familial,
18 custodial or official authority to coerce the
19 victim to submit or was older than the victim.
20 It is an either or situation.

21 All of the elements must be proved beyond a
22 reasonable doubt, unanimously by the jurors
23 before you can return a verdict of guilty.
24 Of course I am not suggesting that you do. Not
25 guilty or guilty after all the evidence is in.

1 Now, this is how the trial is going to
2 operate. I am going to conclude my remarks in
3 just a second. At that point the State will make
4 an opening statement. Now that is not going to
5 be evidence, you understand. The State is just
6 going to outline what they feel the evidence will
7 be presented and what conclusions they might
8 suggest you should draw from the evidence that
9 will be presented. After that, the defense will
10 be offered an opportunity to make an opening
11 statement. Probably will. Again, the defendant
12 doesn't have to do anything. Either statement is
13 not evidence. You all understand that. It is
14 just the position of the parties.

15 Then we will start calling witnesses. We
16 have 12 give or take one or two. Around 12
17 witnesses who will testify. We will take a break
18 about every hour and a half to hour forty-five
19 minutes. As I mention if anyone needs to break
20 earlier just raise your hand. But we can't have
21 individual break. If one person breaks everyone
22 breaks and since you got 13 it takes 15 minutes
23 at least every time we take a break. We don't
24 know how late we will go tonight. It will not
25 be longer than 6:30. If it looks like we can

1 finish tomorrow with no problem we will stop
2 earlier then that. I am like you all. I don't
3 get paid overtime. We would rather start and
4 finish in two days then three. But it is a
5 serious case and you can't tell how long it will
6 take. The attorneys can't tell you. They talk
7 to a witness in the office and they answer
8 yes or no and then they take the stand and they
9 want to tell you how the world was created. They
10 go and go and go. The witness says something
11 that they hadn't told anybody before and then
12 questions go back and forth on that. So you
13 can't predict. You think a witness will take ten
14 minutes. Eighty percent of the time they will.
15 Some times they will take a lot longer and then
16 people get sick. They don't show or a witness
17 has a flat tire. Things happen. But we feel
18 like we will get through the case tomorrow if we
19 go at even, regular place. And we will. But
20 the State is entitled to put all their evidence
21 in because it is a serious matter. The defense
22 does not have on to, but if they want to they can
23 take as much time as they need to. This is a
24 serious matter. I am not trying to keep anybody
25 from putting their whole case in front of you so

1 we can finish in two days. We can we can go to
2 Friday if necessary. We will be here Friday
3 anyway. Okay.

4 MS. MINGO: May it please the Court, Your
5 Honor.

6 THE COURT: Sure.

7 MS. MINGO: Mr. Stubbs, ladies and
8 gentlemen, Good morning. My name is Curtisha
9 Mingo. I am a assistant solicitor. I want to
10 begin by thanking you for your time and attention
11 here this morning in this case.

12 The judge has given me an opportunity to
13 make an opening statement, which is basically
14 just an overview of what I believe the evidence
15 will show in this case.

16 You here today because the defendant, Kevin
17 Laws has been charged with committing criminal
18 sexual conduct with a minor, as well as comitting
19 a lewd act upon a minor. The victim in this case
20 is 16-year old Minor mother,
21 Shannon laws and the defendant, Kevin Laws,
22 married when she was very young. About one years
23 old. Got married. He was pretty much the only
24 father she ever knew. He was not her biological
25 father. He was actually her stepfather.

1 They lived here in Chester County on a
2 residence on Drive. For several months
3 beginning around the beginning of 2011 all the
4 way up until July of the same year she was
5 sexually abused repeatedly over and over, over
6 the course of about six months. Not by stranger,
7 friend of the family or a guy down the street.
8 This was by Mr. Laws, the only father she knew.
9 She was only 14 years old at the time and she
10 dealt with this for months and months and months.
11 It came to an end when one day her mother got off
12 work early unexpectedly and came home and to
13 Shannon's shock she finds the defendant, Mr. Laws
14 and her 15-year old daughter in the bed together.
15 Mr. Laws is naked. She is shocked as you can
16 imagine. Is crying. Emotional outbursts and Mr.
17 Laws leaves the home that day. Law enforcement
18 is notified the same day and [Minor] has been
19 putting the pieces back together ever since.

20 You will hear from [Minor] She will give you
21 more details as to what happened over the course
22 of that time span, you will hear from her sister
23 [Sister] [] who also witnessed some things.
24 One of the other witnesses you will hear from in
25 this case is Burley McDaniel who helped

1 investigate this matter.

2 This won't be an extremely lengthy trial.
3 This is a very important trial for the State as
4 well as for Mr. Laws.

5 Again, I just thank you for your attention
6 and thank you for your patience. I do believe
7 once you hear all the evidence after you
8 consider it you will be convinced of Mr. Laws
9 guilt in this matter beyond a reasonable doubt
10 and at the end of this trial in my closing I will
11 be coming back to you and at that time I will
12 request that you find him guilty of committing a
13 lewd act upon a minor as well as committing sexual
14 conduct with a minor in the second degree.

15 Thank you.

16 MR. STUBBS: If it please the Court, Your
17 Honor.

18 THE COURT: Sure.

19 MR. STUBBS: Madame clerk. Miss Mingo.

20 Ladies and gentlemen, my name Everett
21 Stubbs. I am a public defender here in Chester,
22 South Carolina. I live here in Chester, South
23 Carolina straight out towards Richburg.
24 Been here for a couple of years now. The
25 community has embraced me and my wife. I have

1 been married six months ago yesterday, actually.
2 We like this community and everybody has been
3 very nice. We go to church right across the
4 street over here and I try make it as often as I
5 can. The preacher over there is a friend. I
6 enjoy his sermons. Clinton Davis. One of the
7 things Clinton does is he tries to relate a story
8 of his personnel life to the Gospel so to help us
9 see how it relates to our own lives. That is
10 something I typically do when I talk to a jury.
11 I try to come up with a story that I had in my
12 personnel life or someone close to me that I know
13 that put it in perceptive. Fortunately I don't
14 have a story close to these types of allegations.
15 Okay. This is about as bad of a trial as most
16 anyone can sit through. Okay. The allegations
17 that are made are sick and demented. The man
18 that I represent is Kevin Laws. Kevin, stand up.
19 He is the man down here with the blue suit.
20 Kevin is a good, decent man. He's a family man.
21 He hunts and fishes. Goes to ball games. Does
22 all the things that you think a normal man does.
23 His children were his life. Since these
24 allegations -- Kevin is an emotional person. I
25 spent many hours downstairs in my office with him

1 talking about this case and preparing for this
2 case. He is accused of some pretty nasty things.
3 Everybody has seen this on TV. Everybody has
4 seen it in newspapers. I am here today to tell
5 you that there is only two ways to resolve this
6 issue. Either you plead guilty to it and beg to
7 the Court for mercy or if you are innocent and
8 you want your innocence proven, your name to be
9 cleared, you have to go to trial. So today is
10 the day that we are here to clear Kevin's name.

11 Kevin had, as Miss Mingo already mentioned,
12 was married to Miss Laws. To Shannon Laws. Had
13 a very rocky relationship. Up and down. Left
14 and right. This is a second time they have been
15 divorced. Been through multiple separations. It
16 was ugly, nasty relationship. Minor [REDACTED] was in
17 Shannon's life already when Kevin came in as Miss
18 Mingo said. She was about one year's old. She
19 took Kevin's last name. Kevin took over as the
20 fatherly figure. He took her in and treated her
21 as his own.

22 During the first divorce it came to light
23 that Minor [REDACTED] was not his biological daughter. So
24 at that point emotions in Minor [REDACTED] must have started
25 coming. Whenever Kevin would tell her -- later

1 in life as the girls got older -- they had other
2 children. They had their own biological
3 daughter, Sister [REDACTED] and next came the two boys
4 after that.

5 As the children got older Kevin started
6 putting more responsibility on Minor [REDACTED] She needed
7 to help out around the house. Clean the clothes.
8 Wash the dishes. Feed the boys. Shannon was the
9 one that worked the most. She had a good job.
10 She made the most money. Kevin was more or less
11 the homemaker. He had a garden. Did live stock
12 things. But more or less Shannon made all the
13 money in the household. Shannon herself had
14 other interests. As the relationship neared the
15 end there were allegations of unfaithfulness.
16 There was allegations of dishonesty by my client.
17 I am here to tell you today that I think you will
18 firmly be convinced by the end of this trial that
19 there is a motive. There is bias, by both
20 Shannon and Minor [REDACTED] to rid Kevin of their lives.
21 Minor [REDACTED] was tired of not being able to be the
22 teenager she wanted to be. She wanted to go to
23 the malls. She wanted to hang out with her
24 friends. Talk on the telephone. Do things a
25 normal teenager could. Kevin put to much

1 responsibility and she had to many house chores.
2 She wasn't able to go and do the things that
3 she wanted to and so she is lying about these
4 allegations. And this isn't the first time she
5 has lied about similar allegations.

6 Shannon, not even a month after these
7 allegations came out had another man move into
8 the house. Is that the kind of action that a
9 mother would take that just believes her husband
10 wronged her child or is there an alterative
11 motive behind these allegations.

12 The State has the burden of proof. They
13 must prove beyond a reasonable doubt that these
14 actions happened. Today or most likely
15 into tomorrow I believe that you will all find
16 that he is innocent. Not guilty. There will be
17 no burden of proof. It is innocent or guilty and
18 I believe that you will find him innocent.

19 There is no other possible explanation. But
20 I can tell you this, at the end of this trial the
21 answer will be a resounding no. Kevin is not
22 guilty.

23 Thank you.

24 May we approach?

25 THE COURT: Sure.

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1 Q. You are a senior. Do you have have plans after
2 graduating?

3 A. Yes, ma'am, I plan to go to college.

4 Q. Where are you going to school?

5 A. USC Upstate.

6 Q. Do you have any siblings?

7 A. Yes, ma'am.

8 Q. How many siblings do you have?

9 A. Three.

10 Q. You have three. Are you the oldest?

11 A. Yes, ma'am.

12 Q. How old are your siblings?

13 A. Sister [REDACTED] is 14, Brother 1 [REDACTED] is 11 and Brother 2 [REDACTED] is
14 nine.

15 THE COURT: Jurors, can you all hear her
16 all right? Anytime you can't hear just raise
17 your hand. We can adjust the microphone. Okay.

18 Q. Is there anything you like to do when you are not
19 in school for fun?

20 A. Not really. Just watch TV.

21 Q. Where do you live [REDACTED] Minor

22 A. In Chester.

23 Q. And where in Chester do you live?

24 A. Out in the country almost near Richburg,
25

1 Q. How long have you been living there?

2 A. Since I was a baby.

3 Q. The only home you know?

4 A. Yeah.

5 Q. What type of residence is this? Is it a single
6 family home or trailer?

7 A. It is a trailer.

8 Q. How many bedrooms?

9 A. Three.

10 Q. And who do you live with?

11 A. My mother.

12 Q. And your siblings are at that residence as well?

13 A. Yes, ma'am.

14 Q. Have you lived in Chester -- you indicated you
15 been at that address your whole live?

16 A. Well, we moved to Rock Hill for two or three
17 years but then we had to move back because financial
18 issues.

19 Q. But in Chester most of your life?

20 A. Yes.

21 Q. Let me ask you some questions. Ask you a few
22 questions all right about what brings us all here today.
23 Has anyone ever touched in a way you didn't like?

24 A. Yes, ma'am.

25 Q. All right. Can you tell us who did that?

1 A. Kevin Eugene Laws. My stepfather.

2 Q. Now, you mentioned you lived on Drive.

3 Did Mr. Laws live at that residence as well?

4 A. Yes, ma'am.

5 Q. And did he touch you one time or was it more than
6 one time?

7 A. Repeatedly about every day for six months.

8 Q. Do you know how long Mr. Laws has been in your
9 life?

10 A. Since I can remember. He is the only person I
11 have known as dad.

12 Q. And what did you refer to him as?

13 A. Dad. Daddy.

14 Q. Is he the biological father of your three younger
15 siblings?

16 A. Yes, ma'am.

17 Q. He was married to your mother?

18 A. Yes, ma'am.

19 Q. And you indicated this went on for about ever
20 day?

21 A. Yes, ma'am.

22 Q. Do you remember approximately when it started?
23 You don't have to give me an exact date if you don't
24 have an exact date?

25 A. I believe February. Between the December and

1 February timeframe.

2 Q. Okay. Do you remember in any detail exactly what
3 he did to you when you say he touched you?

4 A. Yes, ma'am.

5 Q. Some incidents stand out?

6 A. Yes, ma'am.

7 Q. Can you remember the first time you are believe
8 something happened?

9 A. Yes, ma'am.

10 Q. Can you tell us about that?

11 A. Yes, ma'am. We had been wrestling in the living
12 room.

13 Q. Who had been wrestling in the living room?

14 A. Me and my step father, Kevin.

15 Q. What do you mean when you "wrestling"?

16 A. Wrestling around like on the ground rolling and
17 pinning. Like him pinning me down and just kind of
18 throwing each other to the ground.

19 Q. In a playful way or was he angry?

20 A. It was playful.

21 Q. Okay. What happened after that?

22 A. We ended up in his bedroom and we were on his bed
23 and we were wrestling around and I rolled off the bed
24 and he told me he had to get me back because there was
25 ongoing pancing game between us two.

1 Q. What do you mean "pancing" game?

2 A. Like he would run through the house and try and
3 pull down my pants. Just yank everything down.

4 Q. Did he do that in front of other people in the
5 house?

6 A. Yes, ma'am. It went on between the four other
7 children but it was mainly focused around me.

8 Q. Okay. So you rolled to the floor. Is that what
9 you indicated?

10 A. Yes, ma'am.

11 Q. And what happened after that?

12 A. He told me he had to get me back and he began to
13 pull down my shorts and whenever he did he digitally
14 penetrated me with his finger.

15 Q. Let me ask you some details about that. Was
16 anybody else in the house that day?

17 A. Yes, ma'am.

18 Q. Who was there?

19 A. All three of the siblings were there. **Sister**
20 was cooking dinner and she needed me for something and
21 she come over the king size bed and looked over and seen
22 what he was doing and asked him what he was doing and he
23 said nothing. So she went out of the room and about two
24 seconds after that my youngest brother **Brother 2** come around
25 the corner of the bed and seen what he was doing and he

1 told him to get out.

2 MR. STUBBS: Your Honor, I would object to
3 the hearsay as far as she is testifying.

4 THE COURT: All right. Go ahead.

5 Q. Where was your mother?

6 A. She was at work.

7 Q. Was this something that happened in the day time
8 or in the evening?

9 A. It depended on when my mom was there.

10 Q. Okay. On this particular incident was it day
11 time? Night time?

12 A. It as closer to the evening. Around six o'clock.

13 Q. Now you said he digitally penetrated you?

14 A. Yes, ma'am.

15 Q. You said you had on shorts?

16 A. Yes, ma'am.

17 Q. Did he pull your shorts down?

18 A. Yes, ma'am.

19 Q. Do you recall if you felt anything?

20 A. If I felt anything?

21 Q. Yes.

22 A. Yes.

23 Q. What did it feel like?

24 A. It hurt really bad.

25 Q. Did he say anything to you when he was doing

1 this?

2 A. He told me to calm down because I was struggling
3 against him. He had his hands above my head like this.
4 (Indicating) He was holding them with his hand and he
5 was leaning over me.

6 Q. Was he on the floor? His body on the floor. Was
7 he laying down?

8 A. Yes, ma'am.

9 Q. Was he directly on top of you or laying aside
10 you?

11 A. He was directly on top of me.

12 Q. And you said you were pinned down?

13 A. Yes, ma'am.

14 Q. And tell me about his hands again?

15 A. I know that he penetrated me because it hurt
16 really bad. It was like nothing I ever felt before.
17 Almost like an Indian burn.

18 Q. And you said the other hand was above your head
19 holding your hand down?

20 A. Yes, ma'am.

21 Q. Did he say anything while all this was going on?

22 A. No, ma'am.

23 MR. STUBBS: Your Honor, clearly the
24 solicitor is asking her to give hearsay evidence.

25 MS. MINGO: I am asking her what the

1 defendant --

2 THE COURT: She can testify to anything he
3 said. It may not be true, but she can testify
4 he said something. Overruled.

5 Q. Did Mr. Laws say anything while he was doing
6 this?

7 A. No, ma'am. He just made faces like pleasure
8 faces.

9 Q. Did you say anything to him?

10 A. I asked him to stop. I was squirming trying to
11 get my hands free.

12 Q. All right. Now, I know you indicated that
13 Sister walked in the room. Did you -- how long did
14 this go on? How long did he do this?

15 A. I would say about five minutes because after
16 Brother 2 walked around the corner he stopped.

17 Q. Okay. And when he stopped what happened?

18 A. I pulled my pants up really quick and got out of
19 that bedroom.

20 Q. This was in his room?

21 A. Yes, ma'am.

22 Q. And where did he go, do you remember?

23 A. I think he stayed in the bedroom.

24 Q. Okay. Did you and your sister, Sister have a
25 conversation about -- don't tell me what she said. But

1 did the two of you talk about what had happened?

2 A. Yes, ma'am. We were both hysterical.

3 Q. Prior to that happening had there been any sexual
4 contact in any way between yourself and Mr. Laws?

5 A. When I was 13 he started showing more and more
6 attention towards me and that's when the wrestling
7 started and the further we got into the wrestling got
8 more sexual where he was holding me down and kind of on
9 top of me and wanting to be very close to me.

10 Q. What do you mean when you say when you turned 13
11 he showed more attention to me?

12 A. Whenever I started to hit puberty.

13 Q. Did he not show you attention before? Is that
14 what you are saying?

15 A. No, ma'am. He never wanted anything to do with
16 me before. He would call me stupid. Just very mean
17 names if I did something that he didn't like. Just ---

18 Q. But you indicated at 13 he paid you a little bit
19 more attention?

20 A. Yes, ma'am.

21 Q. And it came in the form of this wrestling?

22 A. Yes, ma'am.

23 Q. And again this was the first time it turned
24 sexual?

25 A. Yes, sir.

1 Q. The incident you just describe?

2 A. Yes, ma'am.

3 Q. Had there ever been any comments or was this
4 totally out of the blue for you?

5 A. It was out of the blue.

6 Q. Okay. No way anticipated?

7 A. No, ma'am.

8 Q. Did he ever say anything to you about what he did
9 later that day or at any point?

10 A. He asked me about what me and Sister talked
11 about and I made up a lie and told him I was upset about
12 my biological father.

13 Q. Well, what did you Sister talk about?

14 A. She told me --

15 Q. Don't tell me what she said but tell me the
16 nature of the conversation and what you told her?

17 A. What she saw was not right.

18 Q. Okay. Did you decide to tell your mom?

19 A. I pleaded with Sister to tell my mom first
20 because I was still in shock when it happened.

21 Q. So you asked Sister to tell her?

22 A. Yes, ma'am.

23 Q. Do you know -- well, did she do it? Do you know
24 that?

25 A. Yes, I know she told my mom.

1 Q. Were you with her when she told your mom?

2 A. No, ma'am. My mom come and got me as soon as
3 Sister [REDACTED] gotten out the house. My mom was hysterical
4 when she found out.

5 Q. But at some point your mom, you, and Sister [REDACTED] were
6 together talking about this?

7 A. Yes, ma'am.

8 Q. You indicated your mom was hysterical?

9 A. Yes, ma'am.

10 Q. Do you know if as a result of what you and

11 Sister [REDACTED] told your mom did she do anything concerning Mr.
12 Laws?

13 A. Yes, ma'am. She put rules in place. We were not
14 suppose to be in the same room together. We were not
15 suppose to be alone together. Somebody had to be with
16 us at all times. We were not allowed to leave the house
17 together alone.

18 Q. So she -- and who was suppose to be monitoring
19 this?

20 A. Anybody.

21 Q. Okay. So when she worked would you still be at
22 home with Mr. Laws or would you go to another house to
23 avoid being there with him or how did that work?

24 A. I had to stay there with him.

25 Q. Any other adults present?

1 A. Ma'am.

2 Q. Were there any other adults present after she
3 told you that?

4 A. No, ma'am.

5 Q. So she laid down these rules but there was no one
6 really to enforce it is that what you are saying?

7 A. Yes, ma'am.

8 Q. And you said he asked you what you and Sister
9 talked about, correct?

10 A. Yes, ma'am.

11 Q. Why did you tell him it was nothing? It was just
12 something about your biological dad.

13 A. Why did I?

14 Q. Yeah. Why didn't you tell him what the two of
15 you talked about or express shock or anything like that
16 regarding what had happened?

17 A. I was terrified of him. I still am terrified of
18 him.

19 Q. All right. Were there any other times that you
20 remember?

21 A. Yes, ma'am.

22 Q. Can you tell me about another time?

23 A. Two weeks -- two or three weeks after that. The
24 second time he ever did anything was on the back porch
25 and the other kids were inside and I was sitting out

1 there talking to him and he pulled my chair closer to
2 his where I couldn't back up and he started to slide his
3 hands up the sides of my shorts.

4 Q. And was this day time or night time do you know
5 that?

6 A. The evening time.

7 Q. Slid his hands up your shorts. Where did he
8 touch you?

9 A. He stopped whenever he got about to my inner
10 thigh because Sister -- it was the one of the kids had
11 started to come out of the house and he jerked back
12 really fast.

13 Q. Did he tell you on your skin on on top ever my
14 clothing?

15 A. On my skin.

16 Q. And where were your siblings when this was going
17 on?

18 A. They were inside the house.

19 Q. They were all inside?

20 A. Yes, ma'am.

21 Q. Do you know which sibling come outside?

22 A. No, ma'am.

23 Q. Where was your mother?

24 A. She was at work.

25 Q. Was your mother working a lot during this time?

1 A. Yes, ma'am.

2 Q. Did he say anything to you prior to touching you
3 out on the back porch that day?

4 A. Before he touched me?

5 Q. Before he touched you were the two of you having
6 a conversation or what led to it, do you remember?

7 A. No, ma'am. I don't remember what led up to it.

8 Q. You just remember the act?

9 A. Yes, ma'am.

10 Q. Did you say anything when he did that or did he
11 say anything?

12 A. Asked him what he was doing and he just kind of
13 didn't say anything.

14 Q. Did you tell your mom what had happened that
15 time? This was about two or three weeks later, did you
16 tell her again?

17 A. No, ma'am. By that point I had pretty much given
18 up because whatever I said he was going to deny and give
19 an excuse for.

20 Q. Okay. So you didn't even mention it?

21 A. No, ma'am.

22 Q. All right. Can you remember any other times that
23 he may have touched you?

24 A. Yes, ma'am.

25 Q. Tell me about another time?

1 A. I am not sure the chronological order of the
2 events, but the next one I believe that happened is in
3 his chair. Whenever we were wrestling around and he
4 pulled my up into his lap and he was touching my over my
5 clothes on my vagina.

6 Q. And where was this?

7 A. In the living room.

8 Q. Okay. And you stated you were in a chair when it
9 started?

10 A. Yes, ma'am, on his lap.

11 Q. How did you get on his lap?

12 A. He pulled me. Like he scooped me up on his lap.

13 Q. Pulled you. Where were you prior from him
14 pulling you on his lap?

15 A. I was trying to get away from him because I was
16 coming out of my room and going into the kitchen and he
17 grabbed me and I was pulling away from him and it was
18 almost like a tug of war with my arm and he pulled me
19 into his lap.

20 Q. And what happened when you were on his lap?

21 A. He started rubbing me over my pants on my vagina.

22 Q. On top of your clothes?

23 A. Yes, ma'am.

24 Q. Where were your siblings that time; do you
25 remember?

1 A. He had told them to go outside and feed the
2 chickens.

3 Q. Did he say that at what point? Was it prior to
4 all this happening?

5 A. Yes, ma'am.

6 Q. When he did that, when he rubbed you on your
7 vagina did he say anything?

8 A. He asked me if I like it and I said no and he
9 didn't stop.

10 Q. How long did that go on; do you remember?

11 A. Approximately five minutes before the kids
12 started coming back to the house.

13 Q. So when the kids started coming back to the house
14 what did he do?

15 A. He stopped and he kind of pushed me off his lap
16 and I went on about my business.

17 Q. And again your mom wasn't there that time?

18 A. Yes, ma'am, she was not there.

19 Q. Do you remember a time after that?

20 A. Yes, ma'am.

21 Q. Can you tell the Court about that?

22 A. He had told the kids to go outside and every time
23 I heard him say you all need to go outside and feed the
24 chickens I knew something was going to happen. But he
25 had told them to go outside and go feed the animals. Go

1 play. And he locked all the doors and he come into my
2 room where I was. I was texting somebody on my phone
3 and he pulled me down to the edge of my bed. Took off
4 my shorts and was giving me oral sex and that went on
5 for about five minutes before Sister was banging on the
6 door because the door was locked and she was furious
7 with me because I wouldn't come and unlock the door.

8 Q. Lets back up a little bit. Okay. You said you
9 were you lying on the bed when he came in the room; is
10 that right?

11 A. Yes, ma'am.

12 Q. Was your door opened or closed?

13 A. It was open.

14 Q. Okay. Did he say anything when he came into the
15 room?

16 A. No, ma'am. Just come here.

17 Q. Okay. When he said come here, what did he do?
18 Can you just go through it step by step?

19 A. He pulled me down to the edge of the bed and
20 pulled off my shorts and my underwear and started to
21 give me oral sex.

22 Q. Was he on the bed or on the floor do you remember
23 that?

24 A. He was crouched down beside the bed on his knees.

25 Q. Did you resist him in any way or try to push him

1 off? What were you doing, do you remember?

2 A. I pulled back whenever he started to pull down my
3 shorts, but there is nothing much I could do.

4 Q. Right. At some point Sister [REDACTED] knocked on the
5 door, is that correct?

6 A. Yes, ma'am.

7 Q. Did she -- don't tell me what she said, but what
8 happened when Sister [REDACTED] knocked on the door?

9 A. She was furious because I would not come and
10 unlock the door.

11 Q. Was she calling for you?

12 A. Yes, ma'am.

13 Q. After Sister [REDACTED] knocked on the door did it stop or
14 what happened?

15 A. Yes, ma'am, he stopped and told me to put my
16 shorts on and he went and unlocked the front door.

17 Q. Lets back up just so it is clear for the jury.
18 When you say she was knocking on the door what door was
19 she knocking on?

20 A. The front door.

21 Q. Not the bedroom door?

22 A. No, ma'am.

23 Q. She was trying to get back into the house?

24 A. Yes, ma'am.

25 Q. Do you remember anything else about that

1 particular incident?

2 A. Yes, ma'am. About an hour after it ended I sent
3 her a text message and it said, he licked my thing and
4 she said what are you talking about. And I said Kevin.
5 When you were outside that is what he was doing. That's
6 why I couldn't come and unlock the door.

7 Q. So you told her about that time as well?

8 A. Yes, ma'am.

9 Q. Do you remember anything else happening?

10 A. Yes, ma'am.

11 Q. Can you tell us about that? Let me stop you
12 right here. You are in school during this time; is that
13 correct?

14 A. No, ma'am this was during the summer.

15 Q. This was -

16 A. Well --

17 Q. Go ahead.

18 A. It started at the end of the school year and it
19 went on through the summer. Through July first.

20 Q. Okay. All right the incident that you just told
21 me about when you said he gave you oral sex in the
22 bedroom, do you remember when that he was?

23 A. During the summer.

24 Q. It was some time during the summer of what year?

25 A. 2011.

1 Q. Okay. All right so school was not going on?

2 A. No, ma'am.

3 Q. Can you tell me about another time after that?

4 A. Yes, ma'am.

5 Q. Go ahead.

6 A. Later on that same day he called me into his
7 bathroom and took my phone and he started going through
8 my text messages and seeing where I had sent that to her
9 and he said what is this about and I said, don't know,
10 because I didn't want -- I didn't want to get hurt for
11 telling Sister [REDACTED] what had happened and he proceeded to --
12 he was on the toilet. He was on the lid with his pants
13 down and he proceeded to pull me over to him and take
14 off my shorts.

15 Q. How did he take off your shorts? Were you
16 standing up? Were you on the floor?

17 A. I was standing up.

18 Q. Where were you in relation to him?

19 A. If I am him I was standing about here.

20 (Indicating)

21 Q. Okay.

22 A. He proceeded to take off my shorts and my
23 underwear and Sister [REDACTED] had come through the bedroom door
24 and the way his bathroom is set up there is a long
25 mirror that goes along the wall and you could see her

1 come through the door. So he pulled my pants up and he
2 pulled up his and he handed me a candy bar and told
3 Sister [REDACTED] that he was trying to get a candy bar away from
4 you.

5 Q. He was trying to get candy bar away from you?

6 A. Yes, ma'am.

7 Q. During that incident was there any touching
8 or anything like that? Did he touch you anywhere?

9 A. He didn't have enough time to.

10 Q. He just pulled your pants down?

11 A. Yes, ma'am.

12 Q. After Sister [REDACTED] saw what happened after that? Do
13 you remember? Or after she started to come towards the
14 bedroom what happened next?

15 A. That's where he pulled my pants back up on me and
16 pulled his up.

17 Q. Did you and Sister [REDACTED] discuss anything about that?

18 A. She asked me what was going on and I did tell
19 her. I told her exactly what had happened and I told
20 her about the times before that.

21 Q. All right. Can you think of anything else that
22 happened?

23 A. Yes, ma'am.

24 Q. Can you tell us about that?

25 A. There was several small times where it was just

1 groping and touching. But the Wednesday before July
2 first when my mother walked in I had asked if one of my
3 guy friends could come over and at first he said no.

4 Q. And when was this?

5 A. The Wednesday before the day my mom walked in on
6 it.

7 Q. Okay.

8 A. He said no at first and then he said, well, I
9 make a deal with you, and I said okay. He said you have
10 to make a video of you masturbating. You have to give
11 my oral sex or you have to have anal sex with me. He
12 wanted me to do all three.

13 Q. And this was so you could have a friend come
14 over?

15 A. Yes, ma'am.

16 Q. Go ahead.

17 A. I told him no. I said you are crazy. I told him
18 no.

19 Q. And where did this conversation take place?

20 A. In his bathroom.

21 Q. In his bathroom?

22 A. Yes, ma'am.

23 Q. Anybody else around when this conversation was
24 going on?

25 A. No, ma'am. They were in living room and outside.

1 Q. Mom was at work?

2 A. Yes, ma'am.

3 Q. After he told you that what happened?

4 A. I was in his bedroom watching TV. He come out of
5 the bathroom and pull me over to the side of the bed and
6 proceeded to pulled down his pants and put his penis in
7 my mouth and made me give him oral sex and ejaculated
8 some in my mouth and some of it was like on my shirt.

9 Q. Okay. This was on his bed in his bedroom?

10 A. Yes, ma'am.

11 Q. Did he say anything to you prior to starting to
12 do that?

13 A. No, ma'am. He come in there -- he come in there
14 after we had the conversation in the bathroom.

15 Q. Okay. Was he clothed? Did he have clothes on?

16 A. Yes, ma'am, but he took off his pants.

17 Q. And what about you, do you remember what you were
18 wearing?

19 A. I think I was wearing a dark blue tank top and I
20 don't remember the shorts I was wearing.

21 Q. Okay. And how long did that whole ordeal last?

22 A. Probably ten minutes.

23 Q. All right. Any of you siblings come in or
24 anything like that while that was going on?

25 A. No, ma'am.

1 Q. What happened when it was over?

2 A. Nothing. He told me to take my shirt off.

3 Q. Okay. And did you do anything after that?

4 A. I went to bathroom and washed my mouth out with
5 mouthwash.

6 Q. Did you ever -- you described several events for
7 us. Did you ever have to touch him anywhere?

8 A. Yes, ma'am.

9 Q. And when did that happen?

10 A. Some time during the time period of December 2010
11 and July 1st of 2011. He had called me into his room
12 because he said he needed help with something. He had a
13 problem. And I said what? And he was in bed naked.

14 Q. Where were you when he called you in there?

15 A. I was in the living room.

16 Q. Okay. And what did he say?

17 A. He said I need your help with a problem.

18 Q. Okay. And what did you do?

19 A. I said okay. And he was naked in the bed because
20 when he pulled the covers back he was naked and he
21 proceeded to take my hand and put it on his penis and he
22 started moving it up and down. And he told me to go
23 faster and I said I can't. My wrist hurts. And I
24 stopped and he finished himself on my shirt.

25 Q. And after it ended did he say anything to you

1 about what he did?

2 A. No, ma'am.

3 Q. Did he ever at any point tell you why he was
4 doing these things?

5 A. No, ma'am.

6 Q. He just did them?

7 A. Yes, ma'am.

8 Q. Do you remember the last time there was any
9 sexual contact or the last time he made sexual contact
10 with you?

11 A. That was July 1st but I forgot about whenever he
12 tried to penetrate.

13 Q. Tell us about that?

14 A. It was during the summer again and he told all
15 the kids to go outside and he told me to go and hide in
16 his bedroom. He told them to go outside and find me
17 because he needed me. And he told me to go hide in his
18 bedroom under a blanket. So I did. And he came in
19 after that they all had gone outside and he told me to
20 get up on the bed so I did and he took my shorts off and
21 I was at the very edge of the bed and he pulled down his
22 pants that he was wearing and he started rubbing the
23 head of his penis on my vagina.

24 Q. You indicated he did not penetrate you, correct?

25 A. No, ma'am. He asked -- he said well -- he asked

1 me if I could and I said no. No, I don't want this and
2 and I pushed him off.

3 Q. Okay. Did he ejaculate?

4 A. Yes, ma'am. After I told him no he did on my
5 shirt.

6 Q. Do you remember what happened immediately after
7 he was done or after that incident?

8 A. No, ma'am.

9 Q. Anybody walk in that time that you are aware of?

10 A. No, ma'am. After he was done he told me to go
11 hide in the boy's room behind the closet door.

12 Q. Why did he tell you to do that?

13 A. So the kids could find me.

14 Q. So they could find you?

15 A. Yes, ma'am.

16 Q. They were outside when this was going on?

17 A. Yes, ma'am.

18 Q. Why did he tell them or why would they have been
19 looking for you?

20 A. He told them to go and find me because he needed
21 me.

22 Q. Okay. Tell me about the last time?

23 A. July 1st he had -- I had cooked pancakes for
24 everybody and he had called me into his bedroom. He was
25 naked under the blanket.

1 Q. When you say, "for everybody", who did you cook
2 breakfast for?

3 A. My younger siblings, me, him.

4 Q. Okay.

5 A. He called me into his bedroom because we were
6 going to talk about what we were going to do that day.
7 We were suppose to go the mall. You know, go buy
8 clothes or whatever and he was naked and I was laying
9 down beside him and he started to put his hand down
10 inside my pants. He was rubbing my vagina again. He
11 did digitally penetrate me.

12 Q. All right. How did you end up getting in the bed
13 with him?

14 A. We were going to talk about what we were going to
15 do that day.

16 Q. Did he tell you to get in the bed? How did you
17 actually end up in the bed?

18 A. I got up there to sit down and talk to him.

19 Q. Okay. All right. And tell me what happened?

20 A. He pulled me over beside him and he had his arm
21 around me. He started to put his hands down in my pants
22 and he started rubbing my vagina and digitally
23 penetrated that day too.

24 Q. Do you remember what he had on, if anything?

25 A. Nothing.

1 Q. Nothing at all?

2 A. Yes.

3 Q. How do you know that?

4 A.. Because I seen he was naked.

5 Q. When he digitally penetrated you did he say
6 anything?

7 A. No, he just did it.

8 Q. Started doing it. Okay. And how long did that
9 go on?

10 A. Ten minutes. Until my mom pulled up in the
11 driveway and I knew it was my mom. He didn't. He
12 thought it was one of the boys or Sister coming through
13 the door and he yelled go back outside.

14 Q. How did he know somebody came through the door?

15 A. You can hear the door open. You can hear the
16 footsteps across the tile in the kitchen.

17 Q. How did you know it was your mom?

18 A. The foot steps. She has a certain way she walks
19 and she was wearing heels. You could hear it on the
20 tile.

21 Q. Okay. You heard. You knew it was her. You felt
22 confident it was your mom?

23 A. Yes.

24 Q. What happened after he says go outside?

25 A. She doesn't stop. She keeps on coming. She

1 comes to the bedroom door and she says, what is going on
2 in here and she tells me to get out and he jumps up and
3 he says nothing is going on and he starts putting on his
4 clothes. And she comes back out into the living room
5 where I am standing and she asked me what was going on
6 and I lied to her and I said we were just talking about
7 what we were going to do that day. He wasn't doing
8 anything and he was circling around me as I was telling
9 her this. Almost trying to intimidate me. And she
10 turned around and seen that and she went into the
11 bedroom and I was crying so hard the only thing I could
12 give her was the sex toy that he had given me.

13 Q. He had given you a sex toy at some point?

14 A. Yes, ma'am.

15 Q. We will cover that in a minute. Where was the
16 sex toy that you gave her?

17 A. I had put it up in my closet.

18 Q. Okay. And you gave it to your, mom is that
19 correct?

20 A. Yes, ma'am.

21 Q. And where was Mr. Laws when this took place?

22 A. He was trying to come in the door. So my mom had
23 her heel under the door where he couldn't come in. He
24 was trying to force his way into my room.

25 Q. Okay. After this conversation with your mom did

1 you at that time detail, or give her any details as to
2 what had been going on?

3 A. Yes, ma'am.

4 Q. While he was still there?

5 A. Yes, ma'am.

6 Q. Do you remember telling her then?

7 A. Yeah. I told her what had happened that morning,
8 but I gave her the rest of the details after he had
9 gone.

10 Q. Okay. So just a little bit?

11 A. Yes, ma'am.

12 Q. Did he ever come into the room?

13 A. No. She opened the door and she through the
14 vibrator at him and a she called him a sick pig.

15 Q. Do you remember anything happening after that?

16 A. No, ma'am. That was the last time I had seen
17 him. Had any conversation with him.

18 Q. Were your siblings around when that ordeal went
19 on.

20 A. Brother 1 and Brother 2 were outside. Sister was in the
21 bed asleep and she had woken up and was wanting to know
22 what was going on.

23 Q. So she heard some of it apparently?

24 A. Yes, ma'am.

25 Q. Do you know how he left the residence?

1 A. He had grabbed a couple of his clothes, some
2 socks, he took the law mower and he left.

3 Q. Did he drive himself away, do you know that?

4 A. Yes, ma'am.

5 Q. Now you mentioned that -- well, let's back up a
6 minute. You told us about all these sexual incidents?

7 A. Yes, ma'am.

8 Q. At any point did you ever see anything sexual or
9 did he show you any graphic material at any point?

10 MR. STUBBS: Objection.

11 THE COURT: That is not what he is charged
12 with.

13 MS. MINGO: May we approach, Your Honor?

14 THE COURT: No. If you got something like
15 that you don't need to try and slip it in. You
16 can come talk to me about it before the trial
17 starts. Go ahead.

18 MS. MINGO: Yes, sir.

19 Q. Let me ask you just a few more questions. You
20 indicated -- let me ask you this. You said he gave you
21 a sex toy. What type of toy was it?

22 A. It was a vibrator. It was purple and it had like
23 a wire on it. At the end was the vibrating thing.

24 MS. MINGO: May I have this marked.

25 (Whereupon, a photograph was marked as

1 States Exhibit One for Identification.)

2 Q. Okay. I am going to show you what has been
3 marked as State's Exhibit One. Do you recognize what
4 that is?

5 A. That was it.

6 Q. How did he give it to you? When did he give it
7 to you? Do you remember that?

8 A. I think it was -- I know it was the day before he
9 was going to work. He had called me out with him. He
10 said I have something to give you out of the car. He
11 went to the trunk of my mom's car. Unlocked a black box
12 and pulled it out and gave it to me and he said this was
13 your mother's.

14 Q. Did he ever use it on you, do you remember that?

15 A. No, ma'am. He told me to use it.

16 MS. MINGO: Beg the Court's indulgence for
17 one moment.

18 THE COURT: All right.

19 MR. STUBBS: Your Honor, can we approach for
20 one second.

21 (Whereupon there was an off the record
22 discussion.)

23 Q. All right. [Minor] have you had any contact with
24 Mr. Laws since that day your mom came home and saw him
25 lying in bed with you?

1 A. No, ma'am.

2 Q. That was the end of your relationship with him?

3 A. Yes, ma'am.

4 Q. Have you sought any treatment or counseling as a
5 result of all of this?

6 A. Yes, ma'am.

7 Q. Do you see a counselor?

8 A. Yes, ma'am, I see two.

9 Q. Who are your counselors?

10 A. Doctor Goldsmith and there is David Kelly.

11 Q. How long have you been seeing Mr. Kelly?

12 A. A year.

13 Q. About a year. Okay. What is he treating you for
14 do you know that?

15 A. PTSD, post traumatic stress disorder.

16 Q. And do you know when were you diagnosed with
17 that?

18 A. I was diagnosed with it by Doctor Goldsmith, so a
19 month after everything came out.

20 Q. Okay. Prior to everything coming out you were
21 not diagnosed with PTSD, is that correct?

22 A. Yes, ma'am.

23 MS. MINGO: Answer anything Mr. Stubbs may
24 have.

25 MR. STUBBS: If it please the Court.

1 CROSS EXAMINATION BY

2 MR. STUBBS:

3 Q. Miss Laws, Kevin is not your biological father?

4 A. No, sir.

5 Q. Why is it that you carry his last name?

6 A. He signed my birth certificate, a year after I
7 was born.

8 Q. The first incident that you reported happening
9 can you elaborate about on when the date was for that,
10 do you know?

11 A. Somewhere between December and February. I am
12 not sure.

13 Q. And was that -- from your testimony is that the
14 incident that your sister allegedly walked in on?

15 A. Yes, sir.

16 Q. Now you said to the solicitor that this happened
17 every day for about six months, is that correct?

18 A. Yes, sir.

19 Q. Okay, but you described maybe four or five
20 incidents here today?

21 A. Those were the biggest ones. There was several
22 incidents where it would just be grabbing my butt.
23 Grabbing my boob. Groping me. Just several incidents
24 where he would just touch me.

25 Q. So when was the first time that you told your

1 mother about these allegations?

2 A. A day after the first time anything happened.

3 Q. And that was some time between December and
4 February, correct?

5 A. Yes, sir.

6 Q. And you said that your mother set rules into
7 place?

8 A. Yes, sir.

9 Q. Can you tell me those rules again?

10 A. I was not allowed to go anywhere alone with him.
11 We were not allowed to be alone in the same room.
12 Somebody had to be with us at all times.

13 Q. But it was never reported to law enforcement?

14 A. I don't know, no.

15 Q. Did you tell a school counselor or anything like
16 that?

17 A. No, sir.

18 Q. Okay. So your mother is the only person that you
19 told?

20 A. Yes, sir because he told me that if I told
21 anybody DSS would come to the house and split up all the
22 kids and I would never see my mother again. I would
23 never see my brothers and sister again.

24 Q. What did you mother say about that?

25 A. She agreed with him.

1 Q. She agreed with him. So you are telling me that
2 you think your mother was going along with him in the
3 DSS allegations saying that your family would be broken
4 up and her main concern was that DSS might do an
5 investigation into these allegations?

6 A. Yes, sir.

7 Q. Okay. The rules that were in place, you reported
8 the next time was just two or three weeks later when he
9 allegedly touched you. So why the change of rules?

10 A. There was nobody there to enforce them.

11 Q. But your mother was not enforcing those rules?

12 A. She was never there to enforce them.

13 Q. As far as -- what incidents are you saying

14 Sister [REDACTED] witnessed?

15 A. She witnessed the first one. She witnessed one
16 with the candy bar where he told her that he was trying
17 to get candy bar away from me.

18 Q. So two incidents?

19 A. Yes, sir.

20 Q. And those were not on the same date?

21 A. No, sir.

22 Q. Did Sister [REDACTED] report these to your mother?

23 A. The first time she did, yes.

24 Q. Approximately when was that?

25 A. I don't know. In between December and February.

1 Q. Okay. So you reported it to your mother?

2 A. Yes, sir.

3 Q. Sister [REDACTED] reported it to your mother, correct?

4 A. No. Sister [REDACTED] said it first and then she come and
5 asked me about it.

6 Q. So you didn't go and report it. Sister [REDACTED] was the
7 one?

8 A. Yes, sir.

9 Q. How do you feel about Mr. Laws?

10 A. I loved him. I was trying to impress him with
11 everything I did. I was trying do get his love. I was
12 just wanting a father in my life. So whenever I turned
13 13 and I started getting approval from him I took it and
14 ran with it.

15 Q. So I guess you were always seeking his affection,
16 is that what you are telling me?

17 A. No. I was looking for a father figure in my
18 life.

19 Q. You wanted a father figure in your life and Kevin
20 was the one there at the time, correct?

21 A. Yes, sir.

22 Q. So did it make you mad when Kevin started telling
23 you to do chores around the house?

24 A. No. I still do a lot of chores around the house.
25 I go to the laundromat and do clothes for the whole

1 family. I still cook dinner for everybody I still clean
2 the kitchen.

3 Me doing chores had nothing do with it. I was
4 looking to do more chores so I could impress him.

5 Q. But you are telling me that you had no ill will
6 feelings towards Kevin?

7 A. No, sir.

8 Q. Okay. So it didn't make you mad when he told you
9 to do all these things, when you reportedly said he
10 called you stupid. Wouldn't have anything to do with
11 you and -- I forgot, but either way, those allegations
12 never made you mad? Never upset you or anything?

13 A. I mean it did upset me. It didn't make me mad.
14 It upset me. It hurt my feelings. He would ask me to
15 go and get something and I would bring him the wrong
16 thing and then he would call me stupid.

17 Q. Did you feel that he treated the other children
18 differently?

19 A. Yes.

20 Q. Why do you think that is?

21 A. Because I wasn't his daughter.

22 Q. Okay. Were you upset about that?

23 A. No.

24 Q. Did you feel that he treated you differently and
25 it obviously upset you, but is that the reason behind

1 those allegations?

2 A. No, sir.

3 Q. You told plenty of lies in the past, haven't you?

4 A. Yeah. I don't think there is anybody in this
5 courtroom who has never told a lie.

6 Q. Well, I agree with you there, but not to the
7 magnitude of the ones that you told, wouldn't you
8 believe?

9 A. I don't understand what you are asking.

10 Q. Are you the same **Minor** **[REDACTED]** that falsely reported
11 to law enforcement that a little black boy at the high
12 school--

13 MS. MINGO: Objection, Your Honor.

14 THE COURT: You can ask her about what I
15 told you you could ask.

16 Q. Did you have a police report filed against you
17 for alleged actions by someone else?

18 A. I never said the actions were false. To this day
19 they still happened. What caused the false police
20 report was I said that I had told the principal when I
21 didn't because I didn't want to get in trouble with
22 Kevin and my mother.

23 Q. So you are saying that you never admitted to it?

24 A. I never said I lied. I told them that I did not
25 tell the principal and that's whenever she said, okay,

1 this is false.

2 MR. STUBBS: Your Honor, at this time I
3 think we probably need to take something up.

4 THE COURT: You know to frame the question.
5 You just forgot. I can't practice law for you.
6 You can ask exactly what you all told me about
7 and that's it.

8 Q. Miss Laws, have you made any other allegations
9 against any other men?

10 A. No, sir.

11 THE COURT: Hold it. I am not cutting you
12 off. You can ask what you told me you were going
13 to ask. If you want me to tell you I can tell
14 you. I don't know if it is true or not.

15 What you represented was, that she accused
16 someone of whatever and it was dismissed.
17 Period. You can ask that.

18 Q. The police report was initially filed against
19 you. The allegations in the police report said that you
20 accused another person?

21 A. I never named anybody.

22 Q. I am sorry.

23 A. I never named anyone.

24 Q. But you accused a person. It wasn't a dog. You
25 accused a person of pulling you into the bathroom,

1 correct?

2 MS. MINGO: Objection, Your Honor?

3 Q. As a result of those allegations you went through
4 arbitration in Juvenile Court?

5 THE COURT: It was just dismissed. That is
6 all I said. And you all represented to me that
7 was true. We are not going into all of that.
8 She is going to deny it and so forth and so
9 forth. But for the record you all represented to
10 me, Miss Mingo and you, that she made allegations
11 that someone had pulled her into the bathroom and
12 it was dismissed. That's all.

13 Q. Let's talk about the incident of the morning that
14 your mother allegedly walked in.

15 You testified that you could tell it was your
16 mother that pulled up because of her foot steps, is that
17 correct?

18 A. Yes, sir.

19 Q. And you said that she was wearing heels?

20 A. Yes, sir.

21 Q. What type of flooring is in the hallway leading
22 to the bedroom?

23 A. She was coming through the kitchen and it is hard
24 tile.

25 Q. How is your house laid out?

1 A. It is a trailer. There two bedrooms on this end.
2 (Indicating), a bathroom and then there is a living
3 room, the dining room, their room and then the kitchen
4 and she come through the back door which is on this end
5 of the house. She walked through the kitchen, come into
6 their bedroom.

7 Q. Okay, but the door was not closed?

8 A. No, sir, the door was not closed.

9 Q. And the door obviously was not locked?

10 A. No, sir.

11 Q. You said that Kevin was under the blankets,
12 didn't you?

13 A. Yes, sir.

14 Q. Okay. You also said he was naked?

15 A. Yes, sir.

16 Q. Okay. But he was under the blankets, was he not.

17 A. Whenever he moved I saw that he was naked. When
18 he moved and turned to side of the bed when we were
19 laying I seen his bare butt.

20 Q. But you told us that he was underneath the
21 covers?

22 A. Yes, he was.

23 Q. You said Sister [REDACTED] was in the bed at that time,
24 right?

25 A. Yes, sir.

1 Q. Did Sister [REDACTED] witness anything?

2 A. No, sir.

3 Q. What was your mother and your stepfather's
4 relationship like at that time?

5 A. At that time it was going pretty good.

6 Q. There weren't any allegations?

7 A. No, sir.

8 Q. That you are aware of at least?

9 A. Yeah.

10 MR. STUBBS: I beg the Court's indulgence.

11 THE COURT: All right.

12 Q. Miss Laws, you did say there were no other
13 allegations made other than the one that we went through
14 today?

15 A. What are you asking me?

16 Q. Let me rephrase it.

17 Have you ever made any allegations against men
18 other than the one allegedly at the school whatever
19 resulted in that and Kevin Laws here today?

20 A. No, sir.

21 Q. Okay.

22 MR. STUBBS: Thank you. I don't believe I
23 have any further questions.

24 MS. MINGO: I beg the Court's indulgence one
25 moment. Nothing else Your Honor. Thank you.

1 THE COURT: You may step down.

2 MS. MINGO: Your Honor, the next witness is

3 Sister [REDACTED]

4 THE COURT: That is all right. The jurors
5 will start throwing things at me if we don't take
6 a break.

7 All right jurors, don't talk about the case
8 during this or any other break or even discuss it
9 until everything is in and I tell you can start
10 deliberating. You just hear things in pieces.
11 You got to wait to get the whole information
12 before you can start talking about it. It will
13 be about 15 minutes. Go on in the back.

14 (Whereupon, there was a recess.)

15 THE COURT: All right. Bring the jury in.

16 (Jury enters the courtroom.)

17 MS. MINGO: Your Honor, the State calls

18 Sister [REDACTED]

19 THE COURT: All right.

20 Sister [REDACTED] called as a witness,
21 having been duly sworn by The Clerk, was examined
22 and testified as follows:

23 DIRECT EXAMINATION

24 BY MS. MINGO:

25 Q. State your name please?

1 A. Sister [REDACTED] [REDACTED] [REDACTED]
2 Q. And how old are you?
3 A. Fourteen.
4 Q. Do you go to school?
5 A. Yes.
6 Q. And what grade are you in?
7 A. Eight grade.
8 Q. Sister [REDACTED] who are your parents?
9 A. Shannon Laws and Kevin Laws.
10 Q. And where did you live?
11 A.
12 Q. Do you live there with your mother?
13 A. Yes, ma'am.
14 Q. How do you know Minor [REDACTED]
15 A. She is my sister.
16 Q. And do you all have two younger siblings?
17 A. Yes, ma'am.
18 Q. Are they boys or girls?
19 A. Boys.
20 Q. Minor [REDACTED] (sic), I am going to ask you some
21 questions. Do you remember giving an interview at
22 Palmetto Citizens against sexual assault in Lancaster?
23 A. Yes, ma'am.
24 Q. Do you remember speaking to someone?
25 A. Yes, ma'am.

1 Q. Do you remember what it was in reference to?

2 A. About Kevin and Minor and what he did.

3 Q. Okay. Did you ever witness anything that he did?

4 A. Yes, ma'am.

5 Q. All right. Can you tell me what you remember
6 about that?

7 A. Yes, ma'am. I was looking for Minor one day and
8 I went to every room in the house and I couldn't find
9 her and so I went to my parent's room to go ask Kevin
10 where she was and I jumped on the bed because the
11 hallway was blocked off. I jumped --

12 Q. I am sorry to cut you off. You went in your
13 parent's bedroom looking for her?

14 A. Yes, ma'am.

15 Q. Where was everybody else?

16 A. I don't remember where Brother 1 and Brother 2 were.

17 Q. You mean little Brother 1?

18 A. Yeah.

19 Q. Tell me what happened. I am sorry.

20 A. I jumped on the bed because when I crossed around
21 it was blocked off and I couldn't go that way.

22 Q. What do you mean it was blocked off?

23 A. I saw a head and hands being held down and I
24 jumped on the bed stood up and I didn't say anything and
25 I slammed myself back down on the bed and I saw Kevin

1 holding [Minor] down holding her hands above her head and
2 he had the other hand in her vagina.

3 Q. Do you remember what she had on or anything like
4 that?

5 A. She had shorts and a t-shirt.

6 Q. Were her shorts up or down do you remember that?

7 A. They were down.

8 Q. And how do you know he had his hands in her
9 vagina?

10 A. Because I saw him.

11 Q. Do you know if Kevin Laws saw you when you came
12 in the room?

13 A. I don't think so.

14 Q. Did you say anything?

15 A. I said what are you doing and he yelled at me.
16 Get out and my little brother [Brother 2] came in and he
17 yelled again get out. And they followed behind me
18 quickly.

19 Q. Did you at any point -- and don't tell me what
20 [Minor] said. Did you question her about what was going
21 on or questioned your father as to what was going on?

22 A. Yes, ma'am.

23 Q. Who did you talk to?

24 A. I talked to [Minor]

25 Q. Did you talk to her that evening or some other

1 time, do you remember?

2 A. I don't remember.

3 Q. Did you make any comments to your father about
4 what you saw?

5 A. No, ma'am.

6 Q. You talked to **Minor** Did you tell anyone what
7 you saw?

8 A. Yes, ma'am, I told my mom.

9 Q. When did you tell your mom?

10 A. It was in the timeframe of December and July
11 first.

12 Q. Okay. In relation to this particular incident
13 though when did you tell your mom? Was it that same day
14 or some time after?

15 A. It was that night.

16 Q. You are thinking it was that same night?

17 A. Yes, ma'am.

18 A. Well, don't tell me what she said, but did she do
19 anything as a result of this?

20 A. Yes, ma'am.

21 Q. What do you remember her doing?

22 A. I remember she yelled at Kevin and I remember him
23 taking the guns out of the house and I remember her
24 slamming doors and that's it.

25 Q. Was that the first time you remember something

1 like that happening?

2 A. Yes, ma'am.

3 Q. Did you ever see anything else?

4 A. Yes, ma'am.

5 Q. Tell me about another time?

6 A. I was looking for [Minor] and I looked all over the
7 house. I looked around the house outside and I couldn't
8 find her and I went into my parent's bedroom again and
9 Kevin was sitting in the bathroom with her. But he was
10 sitting on the toilet and she was standing and I
11 remember seeing his pants down to his knees and I
12 remember him reaching out for [Minor] and [Minor] pants
13 were at her knees and I remember walking out after that.

14 Q. Okay. And where was she standing in relation to
15 Kevin, do you remember that?

16 A. She was not -- she was about an arm length away
17 from him.

18 Q. Okay. Did you say anything when you saw that?

19 A. I just walked out quickly and [Minor] followed
20 behind me and so did he.

21 Q. Don't tell me what [Minor] said. Okay. Did Mr.
22 Laws say anything?

23 A. Yeah, later on that night he did.

24 Q. Tell me about that.

25 A. He said that I didn't see anything and he called

1 me a liar and say it was nothing that she had a candy
2 bar.

3 Q. That she had a candy bar. Did you know what that
4 meant, what he was talking about?

5 A. No, ma'am.

6 Q. How did that conversation start? Did he approach
7 you or did you approach him to question him?

8 A. He approached me.

9 Q. Where was your mother when that happened and the
10 prior incident happened that you described a few moments
11 ago?

12 A. She was at work.

13 Q. Do you remember seeing anything else?

14 A. No.

15 Q. Those are the only two times you saw something
16 that caused you concern?

17 A. Yes, ma'am.

18 Q. Did you ever go back to your mother and tell her
19 again?

20 A. No, ma'am.

21 Q. A second time?

22 A. No, ma'am.

23 MS. MINGO: Beg the Court's indulgence.

24 Answer anything Mr. Stubbs may have.

25 CROSS EXAMINATION BY

1 MR. STUBBS:

2 Q. Good morning, Sister [REDACTED]. Let me ask you just a
3 few simple questions. Okay.

4 As far as the day that, the last date, July the
5 first when your mother got home. Do you remember that
6 morning?

7 A. Yes, sir.

8 Q. Do you remember where you were at?

9 A. I was in bed.

10 Q. Now take the time if you need to. There are some
11 tissues. Okay.

12 As far as -- do you remember if were you asleep
13 when you when she first arrived?

14 A. Yes, sir.

15 Q. Can you tell me what you heard that morning?

16 A. I heard screaming and yelling and I heard doors
17 slamming.

18 Q. Okay. When your mother arrived. Okay. Did you
19 hear her come into the house?

20 A. Yes, sir.

21 Q. Did you hear knocking on the door?

22 A. No, sir.

23 Q. In the interview that Miss Mingo said that you
24 gave, I believe that there was knocking on the door that
25 you reported. Are you sure there was no knocking on the

1 door?

2 A. I don't remember.

3 Q. That is fine. After you reported this to your
4 mother, were there any rules put in place?

5 A. Yes, sir.

6 Q. Okay. Tell me a little bit about those?

7 A. Kevin was not to be with Minor alone. They were
8 not to do anything alone. There had to be a child with
9 them at all times.

10 Q. Do you know if your mom did a good job of
11 enforcing those rules or were you all left alone shortly
12 thereafter? Did the rules apply to you?

13 A. They applied to everybody. They were not allowed
14 to be by themselves.

15 Q. You love your sister very dearly, don't you?

16 A. Yes, sir.

17 Q. Did you and your sister get into an argument one
18 day about being locked out of the home?

19 A. I don't remember.

20 Q. You don't remember anything like that. Did you
21 ever receive a text message from your sister alleging
22 anything had happened between her stepfather and her?

23 A. Yes, sir.

24 Q. Do you remember if you and your sister were in an
25 argument that day?

1 A. No, sir.

2 MR. STUBBS: I beg the Court's indulgence.

3 No further questions.

4 REDIRECT EXAMINATION

5 BY MS. MINGO:

6 Q. Minor (sic) Mr. Stubbs asked you about rules
7 that may have been put in place, after you and Minor
8 told your mom what happened, what you testified that you
9 saw. Now tell me if I say anything wrong.

10 Did you indicate the rules were that a child had
11 to be with her at all times?

12 A. Yes.

13 Q. Was that enforced or were you always with them?

14 A. No, ma'am.

15 Q. Why not?

16 A. Some times I had stuff to do and I wanted to go
17 do stuff.

18 Q. At times were you sent outside?

19 A. Yes, ma'am.

20 Q. By who?

21 A. My Kevin.

22 Q. Thank you.

23 MR. STUBBS: Nothing further.

24 THE COURT: You may step down.

25 (Witness excused)

1 MS. MINGO: The State would next call
2 Shannon Laws.

3 SHANNON DENISE LAWS, called as a witness,
4 having been duly sworn by The Clerk, was examined
5 and testified as follows:

6 DIRECT EXAMINATION

7 BY MS. MINGO:

8 Q. State your name for the record, please?

9 A. Shannon Denise Laws.

10 Q. How old are you Miss Laws?

11 A. Thirty-six.

12 Q. And where do you live?

13 A. Chester, South Carolina.

14 Q. Do you have any children?

15 A. I have four.

16 Q. Who are your children?

17 A. Minor [REDACTED] Sister [REDACTED] Kevin
18 Eugene Laws Jr. and Brother 2 Randall Laws.

19 Q. And how old are your children?

20 A. Minor [REDACTED] is 16, Sister [REDACTED] is 14, Brother 1 [REDACTED] is 11, and
21 Brother 2 [REDACTED] is nine.

22 Q. And do you work anywhere Miss Laws?

23 A. Yes, ma'am, Verizon Wireless.

24 Q. And what do you do there?

25 A. Currently I am a senior sales representative.

1 Q. And how long have you work for Verizon?

2 A. 14 years.

3 Q. How long have you been at your residence?

4 A. I purchased the residence when [Minor] was a year
5 old, so she is 16 now. So 15 years I had the residence.
6 We lived there and then moved to Rock Hill for a couple
7 of years and then moved back. I have been in that
8 residence since 2006.

9 Q. And it is here in Chester County, correct?

10 A. Yes.

11 Q. Are you from Chester?

12 A. No, ma'am. I am from Charlotte. My mother
13 married when I was about a 11 and moved us to Chester,
14 so I from a teenager up I was hear in Chester.

15 Q. Okay. How do you know Kevin Laws?

16 A. I met him when with I was working at Chester
17 County Hospital.

18 Q. And when was that?

19 A. 1998.

20 Q. So you met him in 1998?

21 A. Yes.

22 Q. Okay.

23 A. Wait a minute. I am sorry. [Minor] was born in
24 1996 so it was '97 when we married. We knew each other
25 for three months and married.

1 Q. Okay. And [Minor] did you say she was one years
2 old?

3 A. Yes.

4 Q. And when did you get married?

5 A. In 1997.

6 Q. How long did you stay married to him?

7 A. We stayed married until 2004. I divorced him and
8 I remarried him three months later.

9 Q. So '98 to 2004, three-month break and then
10 married again in 2004?

11 A. Yes, ma'am.

12 Q. Okay. And how long did you stay married the
13 second time?

14 A. We stayed married until 2012. From 2004 to 2012.

15 Q. Now [Minor] uses Laws as her last name, correct.

16 A. Yes.

17 Q. How did that happen?

18 A. A year after we were married, Kevin and I gotten
19 into an argument and he told me that [Minor] was his and
20 went down to the VHEC and he signed her birth
21 certificate. He did not legally adopt her.

22 Q. And at some point you had these three other
23 children, correct?

24 A. Yes, ma'am.

25 Q. Was that after the marriage?

1 A. Yes, ma'am.

2 Q. And are your other children his biological
3 children?

4 A. Yes, ma'am.

5 Q. Now during the timeframe of December 2010, July
6 2011, you worked at Verizon Wireless?

7 A. Yes.

8 Q. What hours were you working?

9 A. At that time I was assistant manager for Verizon
10 Wireless. I worked a lot of long hours, 50, 55 hours a
11 week.

12 Q. Okay. And what time were your children getting
13 out of school then before summer came?

14 A. At that time they would ride the bus home so they
15 would approximately get home about 3:30 in the
16 afternoon.

17 Q. And who was responsible for the children between
18 the time school let out and when you got home in the
19 evening?

20 A. Kevin.

21 Q. What time would you generally get home?

22 A. Some nights it wouldn't be until nine, nine-
23 thirty. Being in retail your hours vary. Some days I
24 would get home at six. Some days it would be nine,
25 nine-thirty.

1 Q. Did you work weekends?

2 A. Yes, ma'am.

3 Q. And week days?

4 A. Yes, ma'am.

5 Q. Was Mr. Laws working during that time?

6 A. At the beginning of December, no ma'am, he didn't
7 start Food Lion until later on in December of 2010.

8 Q. Okay. December 2010 he started at Food Lion?

9 A. Yes.

10 Q. How long did he stay there, do you remember?

11 A. He stayed there until July first.

12 Q. Okay. Do you know what he did he at Food Lion?

13 A. He was a meat cutter.

14 Q. Okay. Do you remember if you were working on the
15 day of July the first, 2011?

16 A. That morning I was scheduled to work as a
17 assistant manager. We had a Friday morning meeting. I
18 had to be in Lancaster at seven o'clock in the morning
19 and had to work all the way until closing that night
20 which meant that I would not get home until about nine,
21 nine-thirty.

22 I had a new manager at the time who kind of felt
23 sorry for me because I had just worked that previous
24 Wednesday from opening to close shift and had run the
25 store by myself so he kind of felt sorry for me. I

1 really wanted to spend some time with my family and was
2 asking him not to allow me to come to that morning
3 meeting and he told me I was required to be there that
4 Friday from seven a.m. until nine. After the meeting he
5 told me it is about ten o'clock or so, he told me why
6 don't you go home and spend a few hours with your family
7 and come back right around one. So I left work and came
8 home.

9 Q. That was around ten o'clock in the morning?

10 A. Yes, ma'am. I got home right around ten-thirty.

11 Q. And let me ask you this, what time were you
12 expected to leave that day? You didn't know you were
13 leaving early?

14 A. No, I did not know I was going to leave early. I
15 didn't know that he was going to be generous to let me
16 leave and then come back, but as far as expected to be
17 home that night, I was not expected to be home until
18 about nine-thirty that night.

19 Q. And how long does it take you to get home?

20 A. Thirty minutes.

21 Q. You work in another county?

22 A. Lancaster.

23 Q. So when you left work what did you do that day?
24 Where did you go?

25 A. I came straight home. I can remember pulling

1 down my road. I typically call and say hey, I am coming
2 home. I did not call that day. I felt like I don't
3 need to call I'll just show up home. I saw my two boys
4 riding their bikes down the road. We live on a dead end
5 road. I pulled into the driveway. I had several cups
6 of coffee that morning because its was early in the
7 morning. I knew it was going to be a long day. I
8 needed to use the restroom.

9 Q. So you went straight home?

10 A. I went straight home.

11 Q. What did you do when you pulled up in the
12 driveway? Start there.

13 A. Pulled up in the driveway. Normally grab my
14 pocketbook. Got out. Like I said, I had to use the
15 restroom. As soon as I walked in I heard go back
16 outside and it was Kevin, more or less and I thought he
17 was talking to one of my children. Surely he wasn't
18 talking to me. I have to use the restroom and so --

19 Q. I hate to cut you off. Were your children
20 outside when you got home?

21 A. Brother 1 and Brother 2 were outside.

22 Q. The two boys?

23 A. Yes.

24 Q. And what happened after you here go back outside
25 from Kevin?

1 A. I ignored it. I had to go to bathroom. So I
2 continued to walk through the kitchen, around the corner
3 to my bedroom. The door was kind of pulled. Maybe
4 there was two inches left open, so I kind of pushed the
5 door open and started around my bed and I thought it was
6 odd for Kevin to be in the bed seeing how he is a
7 morning bird. Excuse me. He is a morning bird. He is
8 typically up six or seven o'clock in the morning up
9 going and dressed and ready to go and da, da, da. When
10 I say da, da, da, like is ready to go. He does not
11 retire to go back to bed.

12 I thought it was odd the covers were pulled up
13 over top of him. As I was coming around my bed to go to
14 my bathroom I realize there was another figure in the
15 bed with him. I pulled up the covers to find him laying
16 naked in bed with his arm over top of [Minor] and [Minor]
17 was in between with him laying on his stomach she was
18 right here. (Indicating)

19 Q. All right. Now stop for a minute. When you
20 initially walked in that room did he see you?

21 A. Yes. Because he looked up like what are you
22 doing here.

23 Q. Right. Did he say anything?

24 A. Not until after I pulled up the covers and it is
25 not what you think it is.

1 Q. Okay. So describe to the jury exactly how you
2 saw Minor in the bed in relation to Mr. Laws?

3 A. Minor was laying on her back. Kevin was laying
4 on his stomach. She was right here (indicating) and he
5 was like pulling his arm up like this to cradle her.
6 She was laying long ways underneath. I don't know how
7 to else to describe it other than her body was laying
8 this way. He is was laying naked on his stomach kind of
9 turned on his side.

10 Q. You didn't see that until you pulled the covers
11 back, correct?

12 A. That's correct.

13 Q. Do you remember anything about Minor clothing?

14 A. She did have her clothing on. She had a pair of
15 shorts on and had on a shirt, but I could see her
16 stomach and it was exposed. From there I did not even
17 make it to the restroom because I immediately told Minor
18 to get up and go out the room and Kevin jumped up naked
19 and was still saying I wasn't doing anything. I wasn't
20 doing anything.

21 Q. Okay. And how did you react when you saw him
22 jump up naked?

23 A. I was mad. I was mad. You know the first thing
24 first I wanted to make sure Minor was out of the room
25 because I wanted to know from him what was going on.

1 What are you doing. From there I can remember coming
2 out of the bedroom kind of in shock because nobody
3 imagines their husband doing that and I can remember I
4 went in to [Minor] bedroom, was hollering for [Minor] to
5 explain.

6 Q. All right. So, once they got out of the bed you
7 indicated you walked into [Minor] bedroom. Did you
8 leave them there together?

9 A. No. [Minor] was already out of the room. I told
10 her to leave. Get out of the room. I was mad and angry
11 and kind of in a state of shock.

12 Q. Where did she go?

13 A. She went to her room.

14 Q. So you are there at least momentarily along with
15 Mr. Laws. Did the two of you have any conversation at
16 that point?

17 A. No. I mean other than he kept saying I wasn't
18 doing anything. I wasn't doing anything.

19 Q. What did you do after that?

20 A. I went in to question [Minor] to find out from her
21 what was going on. And she had -- because I had
22 hollered her name she came out to the hallway and was
23 standing in front of me and I was asking her, you know,
24 what was going on. I didn't know that Kevin was
25 standing behind me and because I could see [Minor] eyes

1 kind of twitching behind me. I told her to go into her
2 room where I could pull the door and ask her what was
3 going on. She went into the room. I followed in behind
4 her. Kind of pulled the door. At this point I had my
5 heels on and I am kind of holding the door because Kevin
6 is pushing on the other side trying to come into the
7 room. [Minor] was -- didn't know how to respond other
8 than she went into her closet and she grabbed a vibrator
9 and handed it to me and said he gave me this.

10 Q. Okay. All right. What happened next?

11 A. She went to her jewelry box. She pulled out some
12 female enhancement cream. She said --

13 Q. I am sorry, tell me what she said?

14 A. She at that point she really hadn't said anything
15 to me other than, you know, here is this. Here is this.
16 And told me because I was mad and she's like don't tell
17 him that, you know, that I have this and I was like at
18 that point I opened up the door and threw it at him and
19 called him a pig.

20 Q. When you questioned [Minor] I know you said she
21 didn't say much. What was she doing?

22 A. She was scared. She was scared. She was
23 standing there shaking and just like scared to death and
24 I never seen her that scared in my entire life. I mean
25 she was just shaking. I kept asking her what happened.

1 What happened? What happened? And again she said, mama
2 I tried to tell you before that he was hurting me.

3 Q. All right. So after you throw the vibrator and
4 enhancement cream, that stuff at him, what happened
5 after that?

6 A. I can remember coming out of the bedroom and
7 telling him he had to get out. He had to leave. I had
8 went in to the bedroom. I instructed [Minor] to go to my
9 mother's house. I had went into the bedroom and was
10 gathering his things and telling him he had to leave.
11 He had to get out. He had to leave. When I got out the
12 bedroom his mother was standing, Debra Padgett, was
13 standing in my kitchen. I tried to explain to her what
14 I had seen. What [Minor] was telling me. She looked at
15 me and called me an evil bitch, and I am sorry Your
16 Honor, and I told her she needed to leave my house.

17 Q. Okay. And do you know how she ended up coming
18 there?

19 A. I believe Kevin called her. I didn't see him
20 call her. The only thing I can think of is when I was
21 in the room packing up his things he called her.

22 Q. So this entire time when you are packing up his
23 things, is he saying anything or trying to explain
24 anything?

25 A. No. He is in the room trying to get his things

1 together too.

2 Q. Okay. Did he eventually leave?

3 A. Yes. Yes.

4 Q. How did he leave?

5 A. In his car. He took the zero-turn law mower. He
6 took the trailer with his clothes and his vehicle and he
7 left in the Durango.

8 Q. What about his mother did she leave when he left?

9 A. Yes.

10 Q. [Minor] went to your Mom's house, is that right?

11 A. Yes. [Minor] had went over to my mom's and after
12 he had left she came back over.

13 Q. How did she get to your moms?

14 A. My mom lives right across the street from me, so
15 she had walked there.

16 Q. Okay. She came back to the house?

17 A. Yes.

18 Q. What happened when she got back?

19 A. I told her I don't know what to do first other
20 than at that time I was on the phone with pediatrician.
21 I needed to get my daughter checked out. Somebody
22 needed to know that he was hurting her and I didn't know
23 to what extent he had hurt her.

24 Q. Okay. Did you go anywhere or do anything after
25 making calls to the pediatrician?

1 A. Yes. I went over to my mother's house to tell
2 her what I had seen and what my next steps were. The
3 pediatrician -- I was waiting on a call back from the
4 pediatrician, the doctor, to tell me what I should do
5 next.

6 Q. And what did you do next?

7 A. They instructed me to go to the emergency room,
8 Chester County Hospital and that's where I went.

9 Q. You went there that day?

10 A. Yes, ma'am.

11 Q. Are you aware of any examinations being performed
12 or anything on your daughter that day?

13 A. They did a UTI on her. It came back positive for
14 urinary track infection. They were going to do an
15 examination there. Minor said that day he had not
16 penetrated her on that day. So they said there wasn't
17 really a reason to do vaginal exam. It would be
18 traumatic for her to do it in the emergency room. That
19 the forensic interviewer had a forensic doctor that
20 would do that examination on her that would be less
21 traumatic then doing it in the ER.

22 Q. Was that done on a later date?

23 A. Yes, ma'am, that was done the following Tuesday.

24 Q. Okay.

25 A. Because my Monday was you forth of July.

1 Q. Where was that done?

2 A. PCASA in Lancaster.

3 Q. Okay. At any point after [Minor] went to the
4 hospital and you found out everything that happened, did
5 you discuss with her what happened?

6 A. She had said while she was in the hospital, Jim
7 Darby, a police officer was there, [Minor] started telling
8 Jim Darby that Kevin asked her to do three things.

9 MR. STUBBS: Your Honor, time and place.

10 A. Time and place would have been July first,
11 Chester County Hospital.

12 Q. Let me ask you about that. Did you talk with
13 [Minor] about what happened at any point, directly you and
14 her?

15 A. Yes.

16 Q. And when did that conversation take place?

17 A. There was two different conversations. The one
18 was in the hospital in front of the police officer. The
19 second conversation was that following day, Saturday, at
20 home.

21 Q. And you questioned her about some things?

22 A. I wanted to know what all he had done to her.

23 Q. And you can't tell me exactly what she said, but
24 can you tell us where she said something may have
25 happened?

1 A. Yes, ma'am. On the Saturday conversation she
2 told me that he had hurt her in my bathroom, in my
3 bedroom, in the living room, on my back porch, in his
4 Durango, in her bedroom, on her bunkbed. That's all I
5 can remember right now.

6 Q. Okay. Since that day, have you had any
7 conversation with Mr. Laws concerning all of this?

8 A. No.

9 Q. Did that incident effectively end your marriage
10 with Mr. Laws?

11 A. Yes.

12 Q. Had he been back to the residence since?

13 A. No, he was not allowed to come back.

14 Q. Let me ask you another question, Miss Laws -- a
15 few other questions.

16 Prior to -- I know you said this happened on July
17 the first, and the next day she told you some things,
18 which would have been July second, correct?

19 A. Yes.

20 Q. Prior to July the second, did you or did Minor
21 try to tell you anything concerning Mr. Laws?

22 A. Yes. Right around it was in between December and
23 July first, Minor and Sister had both tried to tell me
24 that Kevin had pinned Minor down and had his fingers --

25 MR. STUBBS: Your Honor.

1 Q. You don't have to go into the details of exactly
2 what they say. But they tried to tell you some things?

3 A. Yes.

4 Q. Did you report it? What did you do with that
5 information?

6 A. I didn't see -- I didn't -- I didn't want to
7 believe that my husband was capable of hurting anybody
8 in that degree, especially not my children. Not my
9 daughters. Not my daughter.

10 Q. Okay. Okay. Did you have a conversation with
11 him about it?

12 A. Yes.

13 Q. Okay. And what was his response?

14 A. He said that he didn't do anything like that and
15 I told him for everyone's safety it would be best,
16 because we have plenty of children, Kevin and Minor
17 should never be left alone in the same room together.
18 And this is prior to July first. They should never be
19 in the room together alone. They were never to go
20 anywhere together alone. That what they are accusing
21 him of is serious and I didn't want to believe that is
22 what happened and for every ones safety stay all
23 together in one group.

24 When I had to work definitely, the children there
25 should be other people in that same room with you two.

1 Q. Okay. That was the extent of you addressing it
2 with him, correct?

3 A. Yes.

4 Q. At that time?

5 A. Yes.

6 Q. All right. You said she threw some type of
7 vibrator at a you?

8 A. Yes. She took it out of the closet and she
9 handed it to me and said this is what he gave me.

10 Q. Did you recognize it?

11 A. Yes.

12 Q. What did it look like?

13 A. It was purple, had a cord on it and it had a
14 silver end to it.

15 Q. I am going to. It has already been marked as
16 States Exhibit One. Is that what we are talking about?

17 A. Yes.

18 Q. Okay. Miss Laws, I will ask you one or two more
19 questions. How old is your husband Mr. Laws?

20 A. Thirty anyone. He is three years older than me.

21 Q. When is the last time you saw this vibrator?

22 A. The last time that I saw it?

23 Q. Correct.

24 A. From what I can remember October timeframe it was
25 in a black box that I had put in the trunk of my car

1 because I wanted to get rid of that and the black box
2 had a lock and key.

3 Q. She gave it to you. Did you ever turn it over to
4 law enforcement?

5 A. They came and got it out of the Durango.

6 Q. Out off the Durango. You don't have to tell me
7 the exact date. Was it the same day or sometime after?

8 A. Some time after.

9 Q. Was the Durango his vehicle?

10 A. Yes.

11 Q. He left in his Durango on July first, correct?
12 So what were you doing with it a week later? How did
13 that work out?

14 A. The car that I was driving had no headlights and
15 so whenever I would have to work late I had already
16 gotten one traffic ticket because I didn't have any
17 working head lights. At that time Kevin did not have a
18 job and so I was the only one, this was October
19 timeframe, I was the only one going to get money --to
20 make money with my job to take care of us all so I would
21 drive the Durango. So in July after he was arrested on
22 that Friday I asked law enforcement if I could go and
23 get the Durango because at that point I knew it the was
24 middle of summer time it was hot. My car did not have
25 air conditioner in it, the Durango did have air

1 conditioner in it so I asked if I could go and pick up
2 his vehicle because he was arrested. I had the other
3 key to it and so I went and got it.

4 Q. Okay. All right. One last question, he has not
5 had any contact with you since this happened, correct on
6 July first?

7 A. He sent a text message not asking anything other
8 than do the kids have fire works for the fourth of July
9 and that was it. There was no verbal conversation. I
10 didn't respond to the text messages but that was the
11 only communication since then.

12 MS. MINGO: I beg the Court's indulgence.

13 Answer anything Mr. Stubbs may have you.

14 Thank you.

15 CROSS EXAMINATION BY

16 MR. STUBBS:

17 Q. Miss Laws, when was any allegations first
18 reported to you?

19 A. Somewhere between December of 2010 and July
20 first. Can you be more specific?

21 Q. Well, you said at one time it was reported to you
22 and that you couldn't believe it was true. When was
23 that reported to you?

24 A. Somewhere in between December of 2010, July first
25 timeframe.

1 Q. You can't give me an estimated date whether it
2 was two weeks prior to the time that you allegedly
3 walked in? Two months? Six months?

4 A. February 27th.

5 Q. February 27th. So you knew the answer there.
6 You just - - as far as the actions that you took
7 afterwards you said you set these rules into place. Did
8 you enforce the rules?

9 A. Did I enforce the rules? I trusted that he would
10 follow the rules.

11 Q. Okay. So, is it safe to say you that you trusted
12 him more about the allegations then you did your
13 daughter?

14 A. At that time, yes.

15 Q. Okay. And what would be the reason that you
16 would trust him more so then your daughter at that time?

17 A. He was my husband.

18 Q. Did [Minor] have a past of telling lies to you and
19 your husband?

20 MS. MINGO: Objection Your Honor.

21 THE COURT: She can answer the question.

22 She can answer yes or no.

23 A. No.

24 Q. So your testimony is no. [Minor] did not tell you
25 lies in the past?

1 A. Tell me lies?

2 Q. Or have a history of telling lies?

3 A. Have a history of telling lies, no. Not to me.

4 Q. Who reported this to you initially on February
5 27th?

6 A. Minor and Sister

7 Q. Both of them or did one come first and then the
8 other.

9 A. They told me together in my bedroom.

10 Q. Okay. So then you went to the authorities,
11 right?

12 A. I went to the authorities, no, I did not.

13 Q. Who did you go to?

14 A. I went to Kevin.

15 Q. What did Kevin say?

16 A. Kevin said at the time he did not do it.

17 Q. Okay. So then you said, you know what, I better
18 go talk to authorities. I better seek police. I better
19 talk to a family therapist. Talk to someone about these
20 allegations, right?

21 A. Like I said before I did not want to believe that
22 my husband was capable of doing something like that.

23 Q. Did you not want to believe or did you not
24 believe it?

25 A. I did not want to believe that he was capable of

1 doing something like that.

2 Q. Miss Laws, is it true that you are a victim of a
3 crime very similar to this in your own childhood?

4 MS. MINGO: Objection, Your Honor.

5 THE COURT: We won't go into it, but she can
6 answer yes or no and that is the end of it.

7 A. In my childhood. No.

8 Q. In your adult life?

9 A. Yes.

10 Q. Okay. Did you report those things?

11 A. No.

12 Q. But you knew something was going on here and you
13 didn't go to anyone to report it did you?

14 A. At that time like I said I did not want to
15 believe that he had done something.

16 Q. When you got home on July first, was the door
17 locked?

18 A. No.

19 Q. You said the door was open to an extent when you
20 entered your bedroom?

21 A. Yes.

22 Q. You never saw Kevin hands anywhere near Minor
23 private parts did you?

24 A. There was covers on top of them.

25 Q. Over top of them?

1 A. Yes.

2 Q. Because [Minor] said she was on top of the covers.

3 Do you know what you saw?

4 A. Yes, I was there.

5 Q. Okay. So what did you see?

6 A. I saw two figures in my bed.

7 Q. Did you sleep in that same bed?

8 A. Did I sleep in that bed?

9 Q. Yes.

10 A. Yes. It was a king size bed.

11 Q. Was [Minor] ever in the room when you were in the
12 bed?

13 A. Was [Minor] ever in the room? Be more specific.

14 Q. Was she ever in the room on the bed, on the
15 floor, anything? Did she ever enter your room when you
16 were in the room in the bed? Didn't she visit your
17 bedroom quit often?

18 Didn't the bathroom -- didn't most of the
19 individuals use the restroom in your bedroom?

20 A. No, I have two restrooms in my home.

21 Q. Okay. Wasn't one of them not functioning?

22 A. No, both of my bathrooms have always been
23 functional.

24 Q. As far as you said that Kevin was nude?

25 A. Yes.

1 Q. Kevin sleeps in the nude, does he not?

2 A. Kevin does sleep from time to time in the nude,
3 yes.

4 Q. Okay. And it was your testimony that he had gone
5 back to bed from what you were understanding. You said
6 it was odd but that is what you said you understood he
7 was doing and so typically would you believe if he
8 sleeps naked if he would go back to bed and be naked
9 again?

10 A. I would believe that but I would not believe that
11 my daughter would be in the beds with him' naked.

12 Q. Okay. Was your daughter naked?

13 A. Was my daughter naked, no, she had clothes on.

14 Q. Do you sleep in the nude from time to time?

15 A. No.

16 Q. Did you ever walk throughout the house bearing
17 any part of your body?

18 A. When I had shorts and shirt on you can see my
19 legs.

20 Q. Okay, but never any genitalia or private parts?

21 A. Absolutely not.

22 Q. Okay. Did your kids come in there when you were
23 in the restroom?

24 A. Do my kids come into the restroom while I am
25 using the restroom?

1 Q. Yes.

2 A. Sometimes.

3 Q. Do they come into the bathroom when you are in
4 the bathtub?

5 A. When I am in the bathtub, no.

6 Q. But it is regular for the children to come into
7 the restroom while you are using the restroom if they
8 have questions or anything else?

9 A. They come to the door.

10 Q. Okay. Do you leave the door open when you use
11 the restroom?

12 A. If it is in my bedroom, sometimes, yes.

13 Q. So, they come and they can see you basically is
14 what I am asking?

15 A. Yes.

16 Q. All right. Is it true that you sold pure romance
17 at one point in time?

18 A. No, I never sold pure romance.

19 Q. Did you ever attend parties where sex toys were
20 sold in a pure romance type setting?

21 A. Yes.

22 Q. And so this black box, were those things that you
23 purchased?

24 A. Yes.

25 Q. But those were not things that Kevin purchased?

1 A. No, they were not purchased by Kevin. I
2 purchased them.

3 Q. And what did Kevin say to you when you threw this
4 -- wherever the picture is. I believe it is right here.
5 Threw this thing at you. What did he say?

6 A. He said we'll see whose DNA is on this.

7 Q. Why do you think he would say something like
8 that?

9 A. I don't know. You would have to ask him.

10 Q. Probably because it is yours, right?

11 A. You would you have to ask him.

12 Q. And I intend to. As far as -- you say that you
13 were in shock when you walked in the second time.
14 Should you have been in shock. This had already been
15 reported to you?

16 A. I am in shock because I did not want to believe
17 that my husband was capable of doing it and I just found
18 him naked in the bed with her after he told me that he
19 would not be in a room alone with her again.

20 Q. Did Kevin ask her into that room to your
21 knowledge or did she go into the room?

22 A. They were in there and I wasn't home. I don't
23 know. When I walked in they were in there.

24 Q. Okay. So Kevin went back to the room. Do you
25 think she came in there or did she go in there first and

1 then he walked in the room and took his pants off and
2 got in bed. Which do you think is more likely?

3 A. I don't know. I was not there.

4 Q. Is [Minor] known to break rules?

5 A. Is [Minor] known to break rules, no.

6 Q. She is not?

7 A. No.

8 Q. Your testimony is that she is not a rule break
9 and not a liar?

10 A. No.

11 Q. As far as the -- beg the Court's indulgence for
12 just a second.

13 How close did Kevin's mother's live to your
14 house?

15 A. Ten miles.

16 Q. Ten miles. So give or take ten-minute drive?

17 A. Yes.

18 Q. Was he on the phone with anyone when you entered
19 the bedroom?

20 A. I do not know I was in the bedroom ---

21 Q. I am sorry, I couldn't hear.

22 A. I said, I do not know. I was in the bedroom with

23 [Minor] I don't know what Kevin was doing.

24 Q. But when you entered, you said yourself, entered
25 the bedroom. Was he on the telephone with anyone?

1 A. I don't know. I wasn't really paying attention
2 to him. I wanted to know what was going on with my
3 daughter.

4 Q. Well, you had to be paying attention to him if
5 you think you saw what you saw?

6 A. I had followed her into the bedroom. I don't
7 know.

8 Q. It is simple question. When you walked into the
9 bedroom did he have a phone beside his head and was he
10 on the phone?

11 A. No.

12 Q. That is all I am asking.

13 A. No, he did not have a phone to his head whenever
14 I walked into the bedroom.

15 Q. Okay. Have you ever been in touched with law
16 enforcement because of Minor other than this incident?

17 A. Yes.

18 Q. Was that because she was in trouble or someone
19 else was in trouble?

20 A. Explain what you are asking.

21 Q. When you had contact with law enforcement
22 previous to this in regards to Minor was it
23 because someone else was in trouble or because she was
24 in trouble?

25 Who was being investigated?

1 A. As far as being investigated -- in touch with law
2 enforcement -- Minor was.

3 Q. Had Minor ever made any other allegations to you
4 about sexual abuse?

5 MS. MINGO: Objection, Your Honor.

6 THE COURT: Oh, are you standing up?

7 He has kind of got you blocked.

8 MS. MINGO: I am sorry, Your Honor. I said
9 objection.

10 THE COURT: All right.

11 MS. MINGO: To the last question.

12 THE COURT: I will let you go into one thing
13 on that and that's all. We are not rehashing
14 that.

15 Q. Had she ever made any other allegations?

16 A. Yes.

17 MR. STUBBS: Beg the Court's indulgence.

18 Q. Did Minor ever admit to law enforcement that she
19 was lying to them?

20 A. Has Minor ever, yes, she admitted.

21 Q. She admitted to law enforcement that she was
22 telling them untruthful things before?

23 MS. MINGO: Objection, Your Honor, again.

24 THE COURT: Listen, we covered that. That
25 is all I am going to say as many.

1 Do not pursue that any further.

2 MR. STUBBS: Yes, sir. No further
3 questions.

4 MS. MINGO: Brief redirect.

5 THE COURT: All right, hold it just a
6 second. Let me tell the jury, I am not trying to
7 control the case. They told me, both of these
8 attorneys, in a pretrial thing that is why you
9 speed up the trial, that at a point in time as I
10 mentioned to you all, [Minor] made allegations
11 that someone at school had pulled her into a
12 bathroom and tried to make inappropriate advances
13 and that charge was dismissed.

14 I said you can do that and that is all you
15 can do because we are not going to retry that
16 because she is going to say well, that was true
17 and so forth and so forth and on and on and on.
18 That she made those allegations and that they
19 were dismissed is evidence you can consider.
20 What happened there is not what we are trying
21 today.

22 All right.

23 MS. MINGO: Your Honor, I just had a
24 question regarding clarity on that.

25 Q. When Mr. Stubbs asked you were charges dismissed,

1 dismissed against Minor correct?

2 A. That's correct.

3 MS. MINGO: Thank you.

4 THE COURT: You may step down.

5 MS. MINGO: Your Honor, may we approach.

6 THE COURT: Sure.

7 (Whereupon there was an off the record
8 discussion.)

9 THE COURT: All right, jurors they need a
10 break to go over some things with the next
11 witness. We will break for lunch rather than
12 take a break and come back and take a break.

13 Be back at 1:32.

14 (Jurors leave the courtroom)

15 THE COURT: All right. Anybody need to take
16 up anything before we break.

17 MS. MINGO: I don't think so, Your Honor.

18 MR. STUBBS: Your Honor, there is one thing
19 that counsel told me about was we saw one of the
20 jurors taking notes and so we were just going to
21 ask during the instructions just to tell them not
22 to rely on anyone else's notes.

23 THE COURT: I tell them they can take notes
24 all they want but they can't take them into the
25 jury room once deliberations start.

1 MR. STUBBS: Thank you, Your Honor.

2 (Luncheon recess was taken.)

3 THE COURT: All right, State ready.

4 MS. MINGO: Your Honor, I was looking for a
5 witness to walk in but I guess I will have to
6 skip her.

7 THE COURT: All right. Okay. Are you all
8 ready?

9 MR. STUBBS: Yes, sir.

10 THE COURT: Have you all got any surprises
11 coming up or straight forward.

12 MS. MINGO: I don't think so Your Honor. I
13 am calling the investigating officer, the
14 therapist and --

15 THE COURT: They know what they can testify
16 to. They will not try to blind side us
17 with anything.

18 MS. MINGO: Do you think we need to
19 proffer anything?

20 MR. STUBBS: The only question that I had
21 was as far as I am sure the solicitor knows what
22 is go in to but I am worried about the
23 forensic interviewer -- examiner, and I thought
24 maybe it we proffered ---

25 THE COURT: We don't have to do that. We

1 already told us what she can do. She has been
2 over it with her. You just object if she says
3 anything that is beyond what she said.

4 MR. STUBBS: Yes, sir.

5 THE COURT: If she puts her up. She hasn't
6 decided if she will put her up yet.

7 All right. Bring the jury in.

8 (Jury entering.).

9 MS. MINGO: The State is ready.

10 THE COURT: All right. Jurors, on taking
11 notes this is what you can do. You can take all
12 the notes you want. If you take notes though you
13 can't take them home with you tonight and you can
14 take notes all the way up to the time you start
15 deliberating. Once you start when I tell you to
16 go back and start deliberating you have to leave
17 your notes in here. Now if you want to keep them
18 for later and sell them to the NY Times you can,
19 but you can't have them with you when you
20 deliberate. Okay.

21 MS. MINGO: Your Honor, the State calls
22 Doctor Shaunese Singleton.

23 DOCTOR SHAUNESE SINGLETON, called as a
24 witness, having been duly sworn by The Clerk, was
25 examined and testified as follows:

1 DIRECT EXAMINATION

2 BY MS. MINGO:

3 Q. State your name please?

4 A. Doctor Shaunese Deree Singleton.

5 Q. And can you tell us a little bit about
6 educational background and training?

7 A. Yes, I am pediatrician. I did my pediatric
8 internship at my residency training at the University of
9 Texas, Houston from 1998 until 2001. Since then I have
10 been in general pediatric practice and I also do sexual
11 assault examinations and also physical abuse
12 examinations.

13 Q. And do you have any special training concerning
14 child sexual assault examinations?

15 A. Yes. During my residency training I had
16 undertaken several courses in child maltreatment,
17 physical and sexual abuse and that was part of my
18 residency training and since graduation I have been
19 practicing general pediatrics and the child abuse,
20 sexual abused, like I said since 2001.

21 Q. Okay. Have you previously qualified as an expert
22 in the field of child sexual assault examinations and
23 testified in Court?

24 A. Yes, I have.

25 Q. How many times?

1 A. I would say over one hundred easy.

2 MS. MINGO: Your Honor, at this time I offer
3 Doctor Singleton as an expert in the field of
4 child sexual assault examinations.

5 MR. STUBBS: No objection.

6 THE COURT: Okay jurors, in Court a lay
7 person is limited on the opinions they can give.
8 It is just saying as you and I will have an
9 opinion, like that car is going too fast. You
10 can say that. Any time you get in an area where
11 you have to have specialized training they ask
12 that you qualify somebody as an expert. I don't
13 vouch for them. I just say through education,
14 training or a combination of those factors a
15 person has more knowledge in a particular field
16 then you or I have and then they can give
17 opinions within their field of certainty, but
18 they have to give them to a reasonable degree of
19 certainty and it has to be in their field.

20 All right. I qualified her as -- whatever
21 it was -- a sexual thing. She can't get up here
22 and say now electrical engineering I know a lot
23 about that. She is not qualified. All right.

24 Q. Doctor Singleton, what is the hymen.

25 A. The hymen is anatomical location on a female's

1 body that is located in her genitals or in her private
2 areas. It sits behind the labia which is the outer
3 manifestations of her genitals. So that is several
4 centimeters from the outside of her body to the inside
5 of her body. It also marks the entrance point from that
6 outside to her vaginal canal.

7 Q. Okay. Does it normally have an opening?

8 A. Yes, all females are born with a hymen. The
9 majority of females have an open hymen. The common
10 misconception is that the hymen is completely closed and
11 there is no opening in that vaginal canal. That is
12 untrue. Most females do have an open hymen when they
13 are born.

14 Q. Okay. And how does it normally allow for
15 penetration?

16 A. Typically what penetration is, is going past the
17 external part of the woman's body into her genital
18 organs. The beginning portion of a female's genital
19 organ actually is not the hymen. Like I said that is
20 actually several centimeters into her body. Once you go
21 past the labia, which is the outer lips that have the
22 hair that is technically the entry point to her genital
23 area in penetration. And then you have to go several
24 centimeters more to reach your hymen area.

25 Q. And I believe you hit on this just a few minutes

1 ago, but just to go back. What is the most common myth
2 concerning the hymen? .

3 A. There are many actually. The first myth like I
4 said, is that the hymen is completely closed and that
5 there is no way anything can get into that vaginal area
6 and that it should be closed when someone looks at her.

7 The second myth is that in order for a female to be
8 penetrated there is usually going to be some type of
9 damage or injury to that hymen area. But again once you
10 get past that labia that technically that is what we see
11 as penetrating the vaginal canal. So depending on how
12 closely you get to the hymen the hymen can look
13 completely okay or if it goes past the hymen there may
14 or may not be injury.

15 Q. Okay. Did you have an opportunity to exam Minor

16 [REDACTED]

17 A. Yes, I have.

18 Q. And when was that?

19 A. This was July 5th of 2011.

20 Q. And what type of exam was performed?

21 A. For my examinations I usually perform a general
22 medical survey, which is basically looking at the ears,
23 eyes, and a regular physical exam and in addition to
24 that I will take a more specific look at her genital
25 area.

1 Q. Okay. And where was this exam taken?

2 A. At Palmetto Citizens Against Sexual Assault in
3 Lancaster, South Carolina.

4 Q. Do you know if she was referred there by law
5 enforcement?

6 A. She was referred there by law enforcement.

7 Q. How is the examination performed?

8 A. Typically at first I build a rapport with the
9 patient. I ask her just basic question about her name,
10 where she lives. Just basic information. After I
11 introduce myself and I tell her what my role is as her
12 physician then I allow them to tell me what their
13 history is.

14 Q. And what are the specific areas of the anatomy
15 that you exam concerning Minor

16 A. In addition to again doing her general medical
17 survey, so looking at her ears and her eyes and
18 listening to her heart and her lungs I also did examine
19 her genital areas.

20 Q. And what were your findings during her exam?

21 A. At that time I found that she was just puberal
22 female. She had already gone through puberty and
23 therefore her genital organs is going to look like that
24 of a woman, or girl, who has gone through puberty. At
25 that time there was no signs of any type of cleft or

1 tears of the hymen.

2 Q. Okay. Pretty much normal I guess?

3 A. Yes.

4 Q. Would you always expect to find evidence of
5 trauma following an act of digital penetration?

6 A. Actually, no. Over ninety percent of females who
7 had a history of any type of genital penetration whether
8 it is digital, meaning with the fingers or with the
9 penis, over ninety percent of females will have a
10 completely normal exam. In fact in a lot of the medical
11 literature they have documented even girls who have
12 become pregnant or have had sexually transmitted
13 diseases as a result of penetration and their hymens
14 look completely normal.

15 Q. Okay. And if an injury does occur --

16 A. Right.

17 Q. -- specifically as a result of digital
18 penetration, how quickly can an injury heal?

19 A. Actually an injury can heal anywhere from 24 to
20 48 eight hours up to a maximum of about five days. So
21 typically if there is some type of redness, lets suppose
22 it was digital penetration and there was redness or
23 irritation that redness can actually clear up within 24
24 hours. Even the more severe cases where there is a lot
25 of bruising and some times tears, that can take only

1 five days to heal, to look almost normal.

2 MS. MINGO: Beg the Court'S indulgence for
3 just one moment. Thank you Doctor Singleton.

4 CROSS EXAMINATION

5 BY MR. STUBBS:

6 Q. Doctor Singleton, just for confirmation purposes,
7 you did testify that there was no physical injuries that
8 you could tell at the time, correct?

9 A. Correct.

10 Q. No further questions?

11 THE COURT: You can step down. I guess the
12 doctor can be released if she wants to go.

13 MS. MINGO: Yes, sir, that is correct.

14 THE COURT: You can hang around if you like.

15 THE WITNESS: Thank you.

16 (Witness excused.)

17 MS. MINGO: Your Honor, the State calls
18 Officer Burley McDaniel, Jr.

19 THE COURT: Okay.

20 OFFICER BURLEY MCDANIEL, called as a
21 witness, having been duly sworn by The Clerk, was
22 examined and testified as follows:

23 DIRECT EXAMINATION

24 BY MS. MINGO:

25 Q. State your name for the record, please.

1 A. Burley McDaniel, Jr.

2 Q. And where are you employed?

3 A. With the Chester County Sheriff's office.

4 Q. In what capacity?

5 A. Investigator.

6 Q. And how long have you been an investigator?

7 A. Probably 15 years.

8 Q. How long have you been with the sheriff's office
9 in general?

10 A. Nineteen years.

11 Q. Did you help invest a matter that led to the
12 arrest of Kevin Laws?

13 A. I did.

14 Q. Okay. Do you know when the sheriff's office
15 began the investigation into this case?

16 A. July first is when we first got a call.

17 Q. July first of what year?

18 A. 2011, I think.

19 Q. Okay. And that is when you initially got the
20 call, is that what you indicated?

21 A. Yes.

22 Q. What happened as a result of you getting a call
23 regarding Mr. Laws?

24 A. Well, we had got a call and we sent an officer
25 out there for the and which I sent another one,

1 Detective Marsh.

2 Q. Sent them where?

3 A. Sent them to the Chester ER. Emergency room.

4 Q. And who was it that you sent there?

5 A. Detective Nikki Marsh.

6 Q. Were you her supervisor at the time?

7 A. I was.

8 Q. Do you know if the victim in this case, Minor
9 Laws, was actually interviewed?

10 A. Yes, she was.

11 Q. And where did that take place?

12 A. She forensic done at the Palmetto Against Sexual
13 Assault in Lancaster.

14 Q. So not at the hospital that night by any law
15 enforcement, correct.

16 A. She may have been spoke with there, but I don't
17 think she was because normally we let a forensic
18 interviewer speak with.

19 Q. Okay. Now do you know the date of that when she
20 was interviewed?

21 A. I think the day was a Monday. I think maybe
22 Tuesday, right after Independence Day I think.

23 Q. But within a few days?

24 A. Yes.

25 Q. Did you attempt to collect any evidence in this

1 case?

2 A. I did. Yes.

3 Q. When did that occur?

4 A. Some time after when I think Detective Marsh had
5 gotten some information and we got search warrants and
6 we collected some evidence.

7 Q. Okay. Did you try to get anything out of the
8 victim' room? Collect anything from the child's room?

9 A. Yes. Yes.

10 Q. Do you remember what you all took out there?

11 A. I knew we took a sheet and some clippings if a
12 mattress. Maybe a few other thing. Those two stand
13 out.

14 Q. And what do you do with it once you get it?

15 A. We collect it and we will package it up and we
16 will send it down to the state law enforcement.

17 Q. And what is the purpose of that?

18 A. Trying to get physical evidence.

19 Q. Okay. All right. Are you aware of any fluids or
20 anything like that found on the sheets?

21 A. None was found.

22 Q. All right. Prior to executing that search
23 warrant when you went in the house and got things out of
24 the child's room were there any other search warrants or
25 did you collect anything else in this case?

1 A. We executed a second search warrant on the
2 Durango.

3 Q. That was after the initial search warrant?

4 A. Correct.

5 Q. Do you know exactly when that was?

6 A. I am not sure about that. I want to say maybe
7 the 6th or some time after. I am not sure the date.

8 Q. Okay. And what were you looking for? Did you
9 know what you were looking for in the Durango?

10 A. Well, Detective Marsh had received some
11 information that there was a vibrator and some other
12 stuff, maybe a phone, that was inside the vehicle.

13 Q. Okay. And where was the vehicle located?

14 A. It was at the residence,

15 Q. You went out there. Did anybody go out through
16 with me?

17 A. Detective Perry went out there.

18 Q. And did you take any photographs?

19 A. I did.

20 Q. Okay.

21 (State's Exhibit, Two and Three,
22 Photographs, marked for identification as of this
23 date.)

24 Q. I am going to show you some photographs marked
25 States Exhibit One, Two and Three, do you recognize

1 those photographs?

2 A. Yes.

3 Q. Can you tell us what they are or what they
4 depict?

5 A. This is the vehicle that was in the yard, that
6 was on the search warrant, that we executed the search
7 warrant on the vehicle and we actually find this inside
8 the car. (Indicating)

9 Q. Okay.

10 A. This is a vibrator.

11 MS. MINGO: Your Honor, the State at this
12 time moves to introduce States Exhibit's One
13 through Three into evidence.

14 MR. STUBBS: Your Honor the only objection I
15 have is to the relevance of the first picture.

16 THE COURT: I don't know what you are
17 telling me about. Let me look at it before you
18 say it.

19 Which one do you object to?

20 MR. STUBBS: I believe it is noted as
21 Exhibit One, Your Honor, and that is for
22 relevancy purposes.

23 THE COURT: Well it can come in. They
24 already have a picture. It was put in earlier.

25 (State's Exhibit One, Two and Three,

1 Photographs received into evidence as of this
2 date.)

3 Q. Do you know if Mr. Laws was arrested on this
4 case?

5 A. He was in fact arrested on this case, yes.

6 Q. Do you know when that was?

7 A. I am not sure. Detective Marsh actually worked
8 the case.

9 Q. Was it that same month?

10 A. I would not know. As I said I didn't work the
11 case.

12 Q. Okay. And where is Detective Marsh now?

13 A. She is no longer with the agency.

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

15 Thank you. Please answer anything Mr. Stubbs may
16 have.

17 CROSS EXAMINATION

18 BY MR. STUBBS:

19 Q. Good afternoon Mr. McDaniel.

20 A. Good afternoon.

21 Q. So you never actually- - well, you worked more or
22 less evidence on this case, is that correct?

23 A. That's correct.

24 Q. When -- and just to clarify, you never found any
25 physical evidence on either the bed covers or the

1 mattress itself that had any kind of DNA, sexual DNA
2 from either the victim or the defendant in this case?

3 A. That's correct.

4 Q. When you went to execute the search warrant on
5 the vehicle who house was that vehicle at?

6 A. It was at Drive.

7 Q. Is that the address of Shannon Laws?

8 A. That's correct.

9 Q. Was Kevin reciting at that house at that time?

10 A. I am not sure I don't think he was there.

11 Q. Do you know if Shannon had picked the car up
12 already and had brought it back?

13 A. The vehicle was already there. I don't know who
14 picked it up.

15 Q. Okay. Where at in the vehicle did you find?

16 A. In the center console.

17 Q. And as far as you know the vehicle was at the
18 residence where the alleged actions happened?

19 A. Correct.

20 MR. STUBBS: I have no further questions.

21 MS. MINGO: That is all for the State, Your
22 Honor.

23 THE COURT: You may step down.

24 MS. MINGO: Your Honor, at this time the
25 State would call Mr. David Kelly.

1 THE COURT: All right.

2 DAVID KELLIN, called as a witness, having
3 been duly sworn by The Clerk, was examined and
4 testified as follows:

5 DIRECT EXAMINATION

6 BY MS. MINGO:

7 Q. State your name for record please?

8 A. Malin David Kellin.

9 Q. And can you tell the Court a little bit about
10 your background and training Mr. Kellin?

11 A. I am a licensed independent social worker with
12 clinical practice certification.

13 Q. And where are you employed?

14 A. Kershaw counseling.

15 Q. And what specific types of services do you
16 provide?

17 A. Provide trauma, focused cognitive behavioral as
18 well as forensic services for child sexual abuse,
19 physical abuse and other forms of neglect.

20 Q. Have you attended any courses seminars or other
21 training specific to child abuse or sexual assault?

22 A. Yes, I am a trained child first forensic
23 interviewer with advanced training. I am also NCAC
24 trained extended forensic interviewer. I am trained
25 trauma focused cognitive behavior therapist and

1 regularly have training each year.

2 Q. Do you teach?

3 A. I have taught in the past, yes.

4 Q. How much experience do you have counseling
5 victims of sexual assault or child victims of sexual
6 assault?

7 A. Specifically related to abuse and assault has
8 been the last five years almost exclusively. But I have
9 been counseling the victims over 21 years.

10 MS. MINGO: Your Honor, at this time I offer
11 Mr. Kellin as an expert in the field of
12 child sexual abuse counseling and treatment.

13 MR. STUBBS: No objection.

14 THE COURT: Okay.

15 Q. All right. Mr. Kellin, do you know Minor [REDACTED]

16 A. Yes, ma'am, I do.

17 Q. And is she a patient of yours?

18 A. She is.

19 Q. When was she first referred to you for
20 counseling?

21 A. April 11th of this last year.

22 Q. And for what purpose have you treated Minor [REDACTED]

23 A. I treated her for the treatment diagnosis of post
24 traumatic stress disorder.

25 Q. Has she been diagnosed with anything else?

1 A. She has a mild mood disorder which she has
2 received some medications related to upon referral, but
3 those are the two; PTSD and a mild depression.

4 Q. And what is PTSD?

5 A. Post traumatic stress disorder.

6 Q. And can you tell us what it means or what it
7 entails?

8 A. It is a series of symptoms that happens when
9 somebody experiences either what appears to them to be
10 impending death or a life threatening or a life injuring
11 experience, such as in a car wreck. Somebody having the
12 potential of dying or potential of serious injury.
13 There is a series of symptoms that develop in four
14 different basic categories. One is physiological
15 reactions. This is a fight or flight potential where we
16 get if rapid heart beat, jitters. Then there is an
17 avoidance. There is a desire not to be re-triggered
18 with those emotions, those feelings. The fight or
19 flight symptoms can be triggered by almost anything; a
20 smell, a site, a variety different things.

21 There is intrusive recall. And that is when you
22 are not wanting to remember something, not wanting to
23 think about the objects or the things that have happened
24 and then you start to remember without any prompting.
25 So it can be walking through Walmart and all of sudden

1 you start to have a memory come back or walk down the
2 street and hear a helicopter and the sensation of
3 relapse, of symptoms, memories, feelings all come back.
4 And then there is a process where we look at how much
5 impairment is in the functioning related to all that.

6 Q. Okay. How does counseling help address these
7 symptoms?

8 A. Early intervention with victims who have been
9 abused or those who have had that death experience or
10 death like experience what it does is allow them to
11 start to build or rebuild a trusting environment that
12 then allows them to talk openly about it. The
13 experience of talking about what happened overrides that
14 center section of avoidance and through that then they
15 start to reduce the fight or flight symptoms. They also
16 reduce potential for intrusive memories. About fifty
17 percent of people who have PTSD initial assessment were
18 remit within ninety days. And the other fifty percent
19 we work with overtime to slowly reduce that reactionary
20 process.

21 Q. And what, if any, at all trauma symptoms did
22 Minor exhibit?

23 A. If I may consult my notes?

24 Q. Yes, sir.

25 A. Minor was given a protocol we call UCLA PTSD RI.

1 That is a reaction index that measures specific symptoms
2 within PTSD. [Minor] score -- raw score was 55. The
3 cutoff for this test or this inventory is 35. With a
4 presence of a mood disorder or presence of other things.
5 So [Minor] her score was already above when we did the
6 initial examination.

7 There are about 21 different classifications of
8 symptoms that we look at here based in questions. I
9 will indicate those that were -- the questions run from
10 none at all to four which is much, and much is almost
11 every day almost all the time. None being none. [Minor]
12 indicated on this form that most of the time which is
13 also all the time level four, I watch out for danger.
14 Things I am afraid of. When something reminds me of
15 what happen I get upset, afraid or sad. I have
16 upsetting thoughts, pictures or sounds of what happened
17 come to my mind when I don't want them to. I have
18 dreams about what happened or other bad dreams. I feel
19 like I am back at the time when the bad thing happened
20 living through it again. I feel jumpy or startle easily
21 when I hear a loud noise or when something surprises me.
22 I have trouble going to sleep or I wake up often during
23 the night. I think that some part of what happened is
24 my fault. I have trouble remembering important parts of
25 what happened. I try to stay away from people, places

1 or things that make me remember what happened. When
2 something reminds of what happened I have strong
3 feelings in my body like my heart beat fast, my head
4 aches or my stomach aches.

5 Those were all the symptoms were indicated highest
6 level at four.

7 Q. Is she still currently in treatment with you?

8 A. Yes, she is.

9 Q. May I ask you a couple other questions. In your
10 expert opinion can you tell us why some children may
11 cooperate with abuser or become passive?

12 A. There is a process that happens. It is a fear
13 base process. When we get afraid of something we tend
14 to need to adjust to it. We need to adjust to the
15 process. So like I have been in Court a number of times
16 but even this morning my stomach was doing flips. My
17 heart was pounding. At points I thought I was going to
18 hurl and I have been doing this quite a bit. Your in
19 the courtroom quite a bit. For you to be able or for me
20 to be able to manage this fear, this potential fear
21 related to doing something that is very important, we
22 have to adjust and accommodate to the fear because we
23 deal with it all the time. Well, a child who is in the
24 home who might be afraid for a variety of reasons ends
25 up adjusting to the situation at home as a means of

1 managing the world rather than trying to make it worse.
2 And so they adjust to that painful situation or those
3 painful memories, the feelings that come like what I had
4 upstairs, but all the time. So you can't manage that
5 all the time. You have to adjust. You have to
6 accommodate to that. So they pull it inside. They
7 become secret. They maintain a secrecy about it. They
8 maintain control over behavioral symptoms. They try and
9 keep it from coming out. In fact most -- about one in
10 four children will ever disclose. About 75% of children
11 never disclose over a course of their lifetime because
12 of that need to keep it contained and keep there every
13 day life going forward. So it is actually more of
14 normal situation for a child not to disclose. And some
15 times, it is a slow process of entrapment where the child
16 eventually is led so close and so far away from the norm
17 they don't feel like they can go back and raise the
18 alarm because then they are already entrapped in this
19 process and feel like they are somehow responsible.
20 Children tend to think of them as responsible first.
21 They don't pass that responsibility on to somebody else.

22 Q. One last question. I know you said she was
23 diagnosed with post traumatic stress disorder and was it
24 a mood disorder?

25 A. With a mood disorder, yes.

1 Q. What is her prognosis?

2 A. Excellent.

3 MS. MINGO: I beg the Court's indulgence.

4 Thank you.

5 CROSS EXAMINATION BY

6 MR. STUBBS:

7 Q. Hey. How are you doing Mr. Kellin?

8 A. I am doing fine.

9 Q. Just going back. Let me ask you a few simple
10 questions.

11 April 11th of last year is when you initially
12 started seeing Minor

13 A. Yes.

14 Q. Do you know if she was treated before that?

15 A. I believe she was treated before that, yes.

16 Q. And was it you that diagnosed her with PTSD and a
17 mood disorder?

18 A. Yes.

19 Q. Would an abusive environment that relates to a
20 nasty divorce be the type of traumatic experience that
21 can also lead to PTSD?

22 A. Depending on the child any kind of traumatic
23 event and the age of the child, the child's ability to
24 cope, yes, it could potentially be part of the process.

25 MR. STUBBS: Thank you, sir. No further

1 questions.

2 MS. MINGO: Nothing else from this witness,
3 Your Honor.

4 THE COURT: Are you still upset?

5 THE WITNESS: No, sir.

6 THE COURT: I told you I would give you
7 probation. Don't worry about it.

8 MS. MINGO: One moment, Your Honor.

9 The State rests, Your Honor.

10 THE COURT: Okay. Jurors, the State moved a
11 lot faster than we anticipated. Don't talk about
12 the case. You all just go out and have a little
13 break.

14 (Jurors leave the courtroom.)

15 THE COURT: Okay. The State rests.

16 MR. STUBBS: Your Honor, I have a motion.

17 THE COURT: I am listening.

18 MR. STUBBS: The motion would be for a
19 directed verdict. I think it is clear that the
20 State doesn't have any physical evidence in this
21 case. I think if the evidence is taken in a
22 light most favorable to the State at this time a
23 directed verdict would be proper for the defense,
24 Your Honor.

25 THE COURT: Her testimony alone is enough to

1 get this far. The jury can believe it or not.

2 MR. STUBBS: Thank you.

3 THE COURT: Okay. Mr. Laws, I need for you
4 to stand up.

5 THE DEFENDANT: Yes, sir.

6 THE COURT: I don't know whether you
7 anticipate testifying or not. I am sure you
8 talked it over with your attorney. Here is the
9 situation. There are good reasons to testify and
10 good reasons not to testify. You know if you
11 testify they can cross examine and try to trip
12 you up and so forth. Chances are you don't have
13 a prior criminal record, but if you do they can
14 maybe bring that out. It is important decision
15 whether you testify or not. If you elected not
16 to testify certainly I would tell the jury they
17 couldn't consider your failure to testify,
18 whether you are guilty or not, but it is
19 important decision. You need to talk it over
20 with your lawyer.

21 How much time will you need?

22 MR. STUBBS: Well, Your Honor, I had a
23 question before we actually talked as far as he
24 does have a criminal record and I was going to
25 ask you what if any of it would be relevant.

1 THE COURT: Well, I need to know what it is.

2 MS. MINGO: Well, Your Honor, I will tell
3 you what he has on his rap sheet. Grand larceny,
4 a burglary second. That was from November 1992,
5 Your Honor. Petit larceny, breaking into a poker
6 machine. Burglary third degree --

7 THE COURT: What are the years on that?

8 MS. MINGO: I am sorry Your Honor, these all
9 look to be from 1992 and 1993.

10 THE COURT: All right. That is more than
11 ten years. They don't come in.

12 MR. STUBBS: The only thing within ten years
13 I believe is the CDV and I believe it is a first.

14 MS. MINGO: Yes, Your Honor, I got a CDV,
15 first conviction on his record and that was in it
16 looks like 2000 and another one 2004.

17 THE COURT: If he testifies he may open
18 the door of them going in to that. That
19 doesn't come in unless that happens.

20 MR. STUBBS: Yes, sir.

21 MS. MINGO: Can I make an argument about the
22 record or that's your decision.

23 THE COURT: Over ten years and it is not
24 related to this type of situation.

25 MR. STUBBS: Could I just have about ten or

1 15 minutes.

2 THE COURT: You can have as much time as you
3 want. I just asked you how much time you need.

4 MR. STUBBS: That is what I am requesting.

5 THE COURT: All right. I will step back.
6 Everybody take 15.

7 MR. STUBBS: Thank you, Your Honor.

8 (Short recess.)

9 THE COURT: Okay. What is the defense's
10 pleasure?

11 MR. STUBBS: Your Honor, we intend to call
12 one witness.

13 THE COURT: Okay. Is the State ready?

14 MS. MINGO: The State is ready, Your Honor.

15 (Jury entering.)

16 THE COURT: Okay. You may proceed.

17 MR. STUBBS: Your Honor, the defense calls
18 Kevin Eugene Laws.

19 KEVIN EUGENE LAWS, called as a witness,
20 having been duly sworn by The Clerk, was examined
21 and testified as follows:

22 DIRECT EXAMINATION

23 BY MR. STUBBS:

24 Q. Mr. Laws, can you tell me your name?

25 A. Kevin Eugen Laws.

1 Q. Mr. Laws, where are you residing?

2 A.

3 Q. Where were you residing on July 1, 2011?

4 A.

5 Q. Who did you reside there with?

6 A. My wife and my four kids.

7 Q. When were you and your wife first married?

8 A. Back in '97.

9 Q. When you met her did she have a child?

10 A. Yes.

11 Q. Can you elaborate on the relationship that you
12 built with that child?

13 A. I loved her like she was my own.

14 Q. Were there other children that came into yours
15 and Shannon's life?

16 A. Yes, sir.

17 Q. Had Sister [REDACTED] Brother 1 and Brother 2

18 Q. Have you been able to see those children since?

19 A. No.

20 Q. What -- was there a divorce in your relationship?

21 A. There was a divorce along with many separations.

22 Q. How long after the divorce was it that you
23 remarried Shannon Law.

24 A. Me and Shannon got back together before the
25 divorce papers were even finalized and we got remarried

1 shortly after.

2 Q. Kevin, do you love your kids and your family?

3 A. Dearly. My kids are my life. I didn't do
4 anything without my kids. If I went hunting, fishing,
5 anything, my kids were always invited.

6 Q. Kevin, on the date July the 1st, 2011, did you do
7 anything inappropriate with your daughter, [Minor] [REDACTED]

8 A. Absolutely not.

9 Q. Did you do anything inappropriate with [Minor] [REDACTED]
10 between the dates of December 2010 and July 1, 2011?

11 A. No, I did not.

12 Q. What was your relationship like with [Minor] [REDACTED]

13 A. [Minor] [REDACTED] was the oldest of all of them and I treated
14 her like she was my own. I was strict. I was really
15 strict. [Minor] [REDACTED] was real smart. Always bragged about
16 [Minor] [REDACTED] and her grades and her school. And I always
17 pushed my kids to do the best they could do. I was a
18 strict parent.

19 Q. Did you ever show favoritism to the two boys?

20 A. I probably did. They were -- we started off with
21 [Minor] [REDACTED] and like every man wants a boy. So, we had
22 another child, [Sister] [REDACTED] Wouldn't trade nothing in the
23 world for. But I still wanted a boy and I got my boy
24 and come up Shannon got pregnant again and I thank the
25 Lord he blessed me with another boy, [Brother 2] [REDACTED] And we done

1 everything together. I took them golfing, camping down
2 the river. I was cub scout leader and we camped with
3 the cub scouts all the time.

4 I was very active in my kids life.

5 Q. Kevin, one final question to reiterate, have you
6 ever done anything sexually inappropriate with any of
7 your children?

8 A. No. I have not.

9 MR. STUBBS: No further questions.

10 CROSS EXAMINATION BY

11 MS. MINGO:

12 Q. Mr. Laws, Mr. Stubbs asked you what your
13 relationship was like with [Minor] and you indicated it
14 was fine. Was it a father/daughter loving relationship?

15 A. Yes, ma'am.

16 Q. You are the only father she has ever known,
17 right?

18 A. Yes, ma'am.

19 Q. She didn't even know you weren't her biological
20 father until she was like 12 or 13, is that correct?

21 A. I don't know the exact age but her grandparents
22 did tell her.

23 Q. But she grew up a significant part of her life
24 believing you were her dad, is that correct?

25 A. Yes, ma'am.

1 Q. Okay. Do you agree between the timeframe of
2 December 2010 and July 2011 Shannon Laws was the primary
3 bread winner of the family?

4 A. I sacrificed everything because Shannon had that
5 job and Shannon kept trying to get promotion and
6 promotion and I always had to give up, so yes.

7 Q. She worked a lot of hours, correct?

8 A. Yes, ma'am.

9 Q. And were you the primary caretaker of the
10 children while she was at work?

11 A. Yes, ma'am.

12 Q. Okay. Lets talk a little bit more about your
13 relationship with [Minor] Did you wrestle with her?
14 Does that sound familiar to you?

15 A. I wrestled and played with all of my kids.

16 Q. So you did horseplay with her some, correct?

17 A. Yes, ma'am.

18 Q. Is it true that you often sent your younger
19 children outside?

20 A. I sent all my kids outside.

21 Q. Including [Minor]

22 A. Yes, ma'am.

23 Q. Were there times when you were alone with [Minor]
24 in the home?

25 A. I am sure there were.

1 Q. At some point didn't your wife confront you about
2 some allegations prior to July 1st, 2011 involving

3 Minor

4 A. There were allegations, yes, ma'am.

5 Q. Okay. And didn't you respond to her it was a
6 pantsing incident, right?

7 A. No, ma'am.

8 Q. What did you respond?

9 A. I don't remember my exact response but I told her
10 it was nonsense, but I did tell her that because I had
11 just taken a course with cub scouts to become a
12 leader --

13 Q. Isn't it true that you --

14 MR. STUBBS: Your Honor, I think he needed
15 to be able to explain the events and finish his
16 answer.

17 THE COURT: He can.

18 A. When dealing with kids that you need to report
19 all incidents. So when allegation was made I told her
20 that we need to go make a report.

21 Q. Let me make sure I following you. When what
22 allegation was made?

23 A. The allegation that had been made to Shannon.

24 Q. The initial time. The first time. Is that
25 right?

1 A. Yes, ma'am.

2 Q. Prior to all this coming out you told Shannon you
3 need to make a report?

4 A. Yes, ma'am.

5 Q. And was a report made?

6 A. No, ma'am.

7 Q. Why did you want a report made against yourself?

8 A. Because that was taught in cub scout training.

9 Q. After that was disclosed she didn't leave you or
10 anything like that did she?

11 A. Could you repeat that.

12 Q. Shannon, she confronted you about this is
13 allegations but your marriage stayed in tack, am I
14 correct?

15 A. Yes, ma'am.

16 Q. Is it true you and Shannon were still living
17 together as of July the 1st, 2011?

18 A. Yes, ma'am.

19 Q. She left to go to work that morning, correct?

20 A. Yes, ma'am.

21 Q. And when she left to go to work that morning,
22 your marriage was fine with with Shannon, am I right?

23 A. Not exactly.

24 Q. Was the marriage in tack?

25 A. Were we still married yes, ma'am, we were.

1 Q. Did you have any reason to believe she wasn't
2 coming home that day?

3 A. As far as ever?

4 Q. Yes. I mean, it was her plan to go to work and a
5 return home from work right, and reassume a normal day
6 with her family?

7 A. Yes, ma'am.

8 Q. That didn't happen. You left the home on July
9 first, isn't that correct?

10 A. Yes, ma'am.

11 Q. And you haven't been back since, have you?

12 A. No, ma'am.

13 Q. Do you know what the reason is for that?

14 A. The allegations.

15 Q. She confronted you with something on July first,
16 didn't she?

17 A. She confronted me?

18 Q. Yes. What happened on July first? Why was that
19 the last day you were living at that residence?

20 A. Because she accused me. The accusations were
21 made.

22 Q. Under what circumstances? How did this
23 conversation arise?

24 A. Because me and Minor was in my room. Our room.
25 Mine and Shannon's room. I had laid back down that

1 morning. [Minor] -- the boys had come in and wanted
2 breakfast. [Minor] normally fix their breakfast and I
3 told them, well, go get your sister up. So they went in
4 there and got her up. She come in there and I asked her
5 fix breakfast for them. And they wanted pancakes. She
6 complained a little bit and she eventually went and done
7 it.

8 The boys went outside because their nephew, or my
9 nephew had come over from the grandparents from across
10 the street and they wanted to go outside and play. I
11 said stay in the front yard. So, they went outside and
12 played. [Minor] went and fixed pancakes and after she got
13 done she come back in the bedroom wanting -- asking what
14 our plans were. We were going to go to Carowinds. We
15 got them season tickets for the family every Christmas
16 and I told them we are not going to be able to go to
17 Carowinds that day. And typical child, you know, a
18 little upset that we weren't going to get to go to
19 Carowinds. So I discussed it with her for a bit and
20 told her to go on back and lay back down because that is
21 where she was at was laying down.

22 Q. Laying down where?

23 A. In her room.

24 Q. In her room. Okay.

25 A. And I heard the door open and I heard foot steps

1 and then I told -- hollered out. I said boys, your food
2 is on the table. But the foot steps kind of stopped. I
3 was just laying there and all of sudden Shannon stepped
4 around the corner and I was looking. I was talking to
5 my sister on the phone at the time. She was overhearing
6 the conversation with Minor and everything and she just
7 stopped and said what is going on. I was confused.
8 Nothing. And it just went from there.

9 Q. She said, what is going on. What was she
10 referring to? Why did she ask you what is going on?
11 What is unusual about you laying in bed talking on the
12 phone?

13 A. I don't know.

14 Q. After she responded what is going on, did
15 anything happen after that?

16 A. She went outside. She left the residence. I
17 mean, she left the house. She went outside on the
18 phone.

19 Q. Okay. Did she ever come back in the residence?

20 A. Uh-huh.

21 Q. And what happened when she got back in the
22 residence?

23 A. She started accusing me of stuff and I told her
24 that no, this wasn't happening.

25 Q. And what was it that she accused you of

1 specifically?

2 A. Messing with Minor

3 Q. Okay. And did you leave the residence?

4 A. Yes, ma'am.

5 Q. Okay. So she came home, asked you what is going
6 on, steps outside and accused you of messing with Minor
7 and you just leave?

8 A. Well, she was, you know, hollering and saying
9 things. I mean, you know, I can't recall the exact
10 conversation and everything that took place.

11 Q. You admit you were laying in the bed. Were you
12 clothed when you were laying in bed?

13 A. No, ma'am.

14 Q. Okay. And do you know where Minor was when you
15 were laying in the bed?

16 A. At what point?

17 Q. When your wife came home?

18 A. Minor was laying on top of the bed. That has
19 already been said.

20 Q. Minor is laying on the top of bed in your bed?

21 A. Yes, ma'am.

22 Q. With you?

23 A. Yes, ma'am.

24 Q. Okay. Is that not unusual for your teenage
25 daughter to be laying in bed with you while you are come

1 completely naked?

2 A. Well, I wasn't exactly naked. I was covered up.

3 Q. I thought just testified you were naked?

4 A. I had a blanket and a sheet over me. I was
5 covered. I was not visibly naked.

6 Q. And why was she laying in the bed with you?

7 A. She wasn't laying in the bed with me. She was
8 laying on the bed on top of the bed. It was a king size
9 bed. Not her whole body was on the bed. Just half of
10 her body.

11 Q. Okay. Is there a reason she was on the bed with
12 you?

13 A. Other than her complaining and whining because
14 she wasn't going to get her way and go to Carowinds that
15 day.

16 Q. Okay. Was there any conversation between and
17 your daughter **Sister** about things going on between you
18 and **Minor**

19 A. No, ma'am.

20 Q. Okay. **Sister** never questioned you about
21 anything?

22 A. No, ma'am.

23 Q. Would you agree that December 1st, that was the
24 last time you had any -- or the last time you were in
25 that residence? Your marriage ended on that day?

1 A. Which date.

2 Q. On July the first 2011?

3 A. No, ma'am. That is not when the divorce was
4 final. That is when I left the residence. I filed for
5 divorce.

6 Q. That's when you separated?

7 A. That's when I left the residence.

8 Q. Okay. Mr. Laws do you have any idea why this
9 time was different from the last time your wife asked
10 you about something?

11 A. (No response.)

12 Q. What was it about July the first as opposed to
13 the incident a couple of months ago when she asked you
14 was something going on with you and Minor

15 A. Are you asking me to speak for Shannon?

16 Q. I am not asking you to speak for Shannon. What
17 was there anything more significant about this time?

18 A. No.

19 MS. MINGO: I beg the Court's indulgence.

20 Thank you, Mr. Laws.

21 MR. STUBBS: Just a quick redirect.

22 THE COURT: Sure.

23 REDIRECT EXAMINATION

24 BY MR. STUBBS:

25 Q. Mr. Laws, what did you say to Shannon the first

1 time these allegations came out? I believe it was some
2 time between December and July one?

3 A. I told her we need to make a report.

4 Q. And that was based on the class that you had on
5 these types of instances with children?

6 A. Yes, sir.

7 Q. Did Shannon take your advice and make the report?

8 A. No, sir. She even talked to her mother and dad
9 about it.

10 Q. There is all this stuff about this sex toy. Was
11 a sex toy thrown at you on the date of July first?

12 A. Yes, sir.

13 Q. What did you say in response to the sex toy being
14 thrown to you?

15 A. Check it for DNA.

16 Q. Why did you say that?

17 A. Because I knew it was hers.

18 Q. When you say "hers", who was that?

19 A. Shannon's.

20 Q. The solicitor asked you what was different about
21 the day, July first. Who moved in to your house before
22 you even got out of jail from being arrested on these
23 charges?

24 A. My best friend.

25 Q. No more questions, Your Honor.

1 MS. MINGO: I beg the Court's indulgence.
2 Nothing else Your Honor.

3 THE COURT: You may step down.

4 MR. STUBBS: The defense rests.

5 THE COURT: Anything in reply?

6 MS. MINGO: No reply, Your Honor.

7 Your Honor, may we approach briefly.

8 THE COURT: You can approach.

9 (Whereupon there was an off the record
10 discussion.)

11 THE COURT: Okay jurors. I don't want you
12 all to shout and clap and everything, but we
13 eliminated a good many witnesses because the
14 testimony, they didn't have any actual knowledge.
15 You know, it's like various law enforcement
16 people that we talked about it's just what
17 somebody told me and you all heard from the main
18 characters at this point, so the attorneys have
19 decided we are just going to break for the day.

20 All the evidence is in. Don't take your
21 notes home with you. Don't talk about the case
22 with anybody. Be back in the morning at 9:30 and
23 we will start and conclude the case. The
24 attorney's will sum up and then I will instruct
25 you on the law and then you all will go back and

1 reach your verdict. I know you all are just
2 heartbroken that it is not 6:30, but it is messy
3 out there so if you all just ease out.

4 (Jurors excused for the day.)

5 THE COURT: Okay. Anybody need anything?

6 MR. STUBBS: I just need to renew my motion
7 for a directed verdict.

8 THE COURT: Okay. With a heavy heart it is
9 denied.

10 What else?

11 MS. MINGO: Nothing from the State, Your
12 Honor.

13 THE COURT: All right. What do you all want
14 to do about a verdict. Guilty or not guilty.

15 MR. STUBBS: That would be nice.

16 THE COURT: That is all it is.

17 MR. STUBBS: Yes, sir.

18 THE COURT: Not guilty or guilty.

19 MR. STUBBS: Do you have a typical charge
20 which you use?

21 THE COURT: We will go over that in just a
22 second. Right now I am going over the verdict.
23 I really don't like to send in the indictments
24 back because it shows the Grand Jury met and they
25 decided, that you know, such and such happened.

1 I would rather not. I would rather just get
2 somebody to type a verdict, we the jury by a you
3 unanimous consent find Mr. Laws guilty or not
4 guilty of committing a lewd act upon a child.
5 Guilty or not guilty, or not guilty or guilty,
6 put it one way on one and another way on the
7 other.

8 MR. STUBBS: Yes, sir.

9 THE COURT: Of criminal sexual conduct with
10 a minor in the 2nd degree.

11 Now, if either of you all want the
12 Indictments to come back we can take a copy of
13 the front of it. It still says on there the
14 Grand Jury having met.

15 MS. MINGO: I don't really have a
16 preference.

17 MR. STUBBS: I would not like for it to go
18 back.

19 THE COURT: All right. Who is going to do
20 the verdict?

21 MR. STUBBS: I will take care of it.

22 THE COURT: That is fine. Just run it by
23 her.

24 MR. STUBBS: Yes, sir.

25 THE COURT: Now, what do you anticipate

1 about my charge. It's not much. I can't talk
2 about the facts. I can't say it is just he said
3 she said case. You all can do that.

4 MR. STUBBS: From my understanding there
5 would be no lesser charges in this.

6 THE COURT: No.

7 MR. STUBBS: I just wanted to make sure, as
8 far as your standard charge I don't think
9 anything else would be necessary.

10 THE COURT: I mean, you know, it is just
11 credibility of witnesses.

12 MS. MINGO: Yes, sir. Your Honor, do you
13 have a no corroboration charge on criminal sexual
14 conduct on cases that use.

15 THE COURT: No.

16 MS. MINGO: At some point you did mention
17 it.

18 THE COURT: It doesn't have to be
19 corroborated. I will explain why. You all can
20 do that in your statements because it is a one on
21 one encounter. How are you going to get it
22 corroborated, if it happens.

23 MR. STUBBS: Yes, sir.

24 THE COURT: Miss Mingo, in the future, you
25 almost put me in a very embarrassing situation.

1 I usually tell the jurors what the case is about
2 and I specifically asked you, criminal sexual
3 conduct with a minor what was the allegations and
4 you told me digital penetration. Period. I
5 almost told them at some point between this date
6 and that date digital penetration occurred.

7 MS. MINGO: Yes, Your Honor, there was oral.

8 THE COURT: Next time I asked you what the
9 case is about you tell me criminal sexual conduct
10 numerous times. Lewd act numerous times.

11 MS. MINGO: Right.

12 THE COURT: Over a period. Because normally
13 I say -- because it is no problem if it is murder
14 charge and says somebody was killed with malice
15 of forethought on such a such a date. That is
16 what the State has to prove. When it is between
17 dates of December the first and July the
18 eleventh, I almost told them because you told me
19 digital penetration on that charge. Now there
20 were other instances of touching. But in the
21 future ---

22 MS. MINGO: I will remember that.

23 THE COURT: So if you all come up with any
24 other charges that you want me to charge with
25 specificity.

1 MS. MINGO: What time in the morning.

2 THE COURT: We told them to be back at 9:30
3 so be ready before then.

4 MS. MINGO: Yes, Your Honor.

5 THE COURT: The people that didn't show
6 today are suppose to show at 9:15 in the morning.

7 MS. MINGO: Judge, I have I more one thing.
8 I just ask the Court if you are inclined to allow
9 Mr. Laws to remain out on bond to instruct him
10 that we can go forward in his absence tomorrow.

11 THE COURT: If you are going to let him stay
12 out it will go forward whether he is here or not.

13 MR. STUBBS: I don't know where he is
14 planning on going. He wants this day to come
15 tomorrow as much as anybody.

16 THE COURT: But if he doesn't show it does
17 go forward.

18 MR. STUBBS: Yes, sir.

19 (End of the proceedings for the day.)
20
21
22
23
24
25

1 (Continuation of trial on February 27, 2013)

2 THE COURT: The jurors are all here. Is
3 the State ready?

4 MS. MINGO: The State is ready.

5 THE COURT: Is the defense ready.

6 MR. STUBBS: Yes, sir.

7 THE COURT: Okay. Bring in the jury.

8 (Jury entering).

9 THE COURT: Okay. Jurors, final phase of
10 the trial. The attorneys are going to sum up.
11 They will have two summations. I know you always
12 hear it referred to it as closing argument. Well,
13 not really argument because you don't get to talk
14 back. Summations. Now summations are not going
15 to be evidence. You need to pay attention. They
16 represent their parties and they are going to
17 present the evidence in the light most favorable
18 to them and cover everything else probably. So
19 pay attention to their position. When that is
20 concluded -- and they will not misrepresent
21 anything to you. I am not remotely suggesting
22 that, but when they have concluded their
23 summations I will instruct you on the law and
24 then you all go back and resolve these two
25 issues.

1 MR. STUBBS: May it please the Court.

2 THE COURT: Sure.

3 MR. STUBBS: Thank you. Miss Mingo, madame
4 clerk, ladies and gentlemen, in my opening
5 argument I told you what I considered the theory
6 or the theme of this case to be. I think that
7 through the testimony a lot of those things have
8 come out, the things that I told you would come
9 out.

10 As far as the stories go there are a lot of
11 consistencies and inconsistencies in the stories.
12 Now let me tell you this, they had two years to
13 work on these stories. Okay. And I think it is
14 pretty evident that they have definitely worked
15 on these stories. You can tell 16-year old q
16 daughter Minor is using words like digital
17 penetration. I can guarantee you I didn't know
18 what that word was or what it meant until I
19 became an attorney and started working on cases
20 like these.

21 Some of the inconsistencies that I want to
22 point out to you and I am not going to go
23 through all of them. You heard it. You have
24 been here. You watched the testimony. You are
25 all smart people. You can make your own

1 decisions. Some of the inconsistencies that I
2 want to point out though is that [Minor] says these
3 actions happened every day for seven months or so
4 from December to July. She only talks about four
5 or five actual incidents. She says right after
6 that, the first time it ever happened was in
7 February some time.

8 Poor [Sister] [redacted] been thrown into this
9 thing by her family. She lives with her mother
10 and sister and she has got to live with them for
11 the next five years. I believe she is 13 so
12 until the age of 18 she will have to be in the
13 same home with them. Take that for what it is
14 worth.

15 The most recent event which was on July the
16 first is probably where there is the most
17 inconsistencies. It should be the one that is
18 most recent in there mind. The one that happened
19 last. The day that everything came to a head.
20 Some of the contradictions and this is very
21 important is that [Minor] herself said she is on
22 top of the covers. Well, Shannon says no she
23 wasn't, she was under the covers. Shannon's
24 testimony from beginning to end was shady. All I
25 tried to do when I talk to people that are

1 witnesses in the case is bring about the truth.
2 All I try to ask were questions that were fair.
3 I didn't try to do anything to undermine her. I
4 asked her questions like when was this first
5 reported to you. She said between the dates of
6 December and July first. I said, well, okay, can
7 you give me a fair estimate of when it might have
8 happened? Was it two weeks? Was it two months?
9 And she said between the dates of December and
10 July. Then she blurts out February 27, 2011.
11 What was she hiding. What was she hiding. Why
12 did she not want to answer those questions
13 truthfully the first time I asked her.

14 Shannon also gave testimony that [Minor] never
15 left. I think that it was obvious without going
16 into any details that Shannon {sic} has lied in
17 the past. Whether or not we can trust [Minor] is
18 pivotal to this case. Trust a man's life. This
19 is a great day for Kevin. Kevin for almost two
20 years now has been accused of unthinkable crimes.
21 Okay. And I told you in my opening argument that
22 there is only two ways to resolve these cases.
23 He can plead guilty and ask for the Court's mercy
24 or he can take it to trial. This is the only way,
25 that Kevin can clear his name. That is why we

1 are here today. Kevin for two years now has had
2 to live with the shame, the finger pointing, the
3 name calling about untruthful events. About
4 allegations that are not truthful. He is the
5 one that prompted this day to come. He is the
6 one that wanted this day to be here.

7 Kevin, I told you is the emotional person.
8 I think you saw a little bit of it on the stand
9 yesterday. I can't tell you how many times he
10 has literally cried to me in my office downstairs
11 saying I just don't understand why. This is
12 something that we have to do to clear his name.
13 We have to bring it to light in a trial that a
14 jury of his peers set him free.

15 Shannon had a motive. Shannon had a motive
16 to get Kevin gone. She wanted to rid Kevin of
17 her life. Her actions do not conform with the
18 actions of a mother that sincerely believes her
19 daughter has been sexually abused. I think that
20 is as obvious as anything as we have seen. If
21 she believes that the man she's lived with
22 longer than any other man, knows better than
23 other man, has really just sexually assaulted her
24 child would she bring another man that she barely
25 knows -- one of his best friends into a house

1 before he is even out on bail. Are those the
2 kinds of the actions a mother typically takes if
3 they truly believe that these allegations
4 happened. When they first came to life who was
5 it that wanted it reported. It wasn't Shannon.
6 Shannon put together some nonsense laws.
7 Didn't enforce the Laws. Kevin was the one that
8 wanted it reported.

9 I tell you Kevin is a good man. He is
10 had some very bad things that he has been accused
11 of. If it wasn't for the reliability of the
12 witness in this case, the prime witness, Minor
13 then I think my beliefs would actually be
14 different. If it wasn't for the fact that she
15 has been through these types of things before.

16 The experts. What do the experts tell us.
17 That they didn't know anything. They couldn't
18 prove that anything ever happened. There were no
19 sexual DNA from the clippings of the bed, from
20 the actual sheets that were on the bed. The
21 doctor -- the doctor said, well, her private part
22 seemed completely normal. There was no evidence
23 of any damage. The therapist did not see Minor
24 for almost a full year after these actions took
25 place. He said that he began seeing her in April

1 of 2012. Long after the last incident occurred.
2 He also testified that any traumatic events in a
3 young lady's life especially one going through
4 puberty could create PTSD as a disorder. I don't
5 want him to examine me. God knows what he think
6 I probably have. But the evidence clearly is
7 just not here. There is too much contradiction.
8 The statements are to inconsistent. It is
9 obvious that they worked on these but they still
10 can't get the story straight.

11 When it comes down to a jury finding a
12 defendant guilty or not guilty you all have to be
13 convinced that he is guilty beyond a reasonable
14 doubt.

15 I told you at the beginning of this what
16 the reasons were for these allegations. I think
17 that if you bought into **Minor** and you bought into
18 her testimony and you think, yeah, you know,
19 Kevin might have done these things. That is not
20 enough. That is not enough to convict him. If
21 you think, well, he probably did these things.
22 That is not enough. It is not enough to convict
23 Kevin of these heinous crimes. Kevin did not do
24 these things. But when you all get back there
25 and the judge will go through this in his charge

1 with you, but when you all get back there and you
2 are talking together, each one of you has to be
3 convinced beyond a reasonable doubt. There is no
4 other reasonable explanation. You have to be
5 convinced through and through that Kevin did
6 these actions. Because of the inconsistencies,
7 because of the testimony that you heard from both
8 my client and the State's witnesses, because of
9 the doctor saying that there is no physical
10 evidence, there is no DNA, there is no way that
11 we would be able to tell whether this did or
12 didn't happen. That leaves plenty of doubt for
13 you to acquit my client of these charges.

14 You have the ability today to free this man
15 ever of unthinkable crimes that he did not
16 commit. You swore to uphold the law. The law
17 says unless you are firmly convinced without any
18 reasonable doubt then you must release Kevin and
19 find him not guilty.

20 Thank you for your time.

21 MS. MINGO: May it please the Court, Mr.
22 Stubbs. Good morning.

23 You heard all the evidence in this case.
24 You are now at the point where you are going to
25 go in the jury room, deliberate and reach a

1 verdict.

2 As the Court instructs you on the law,
3 I think one thing will become very clear. If you
4 believe what Minor told you the defendant is
5 guilty.

6 In just a little while the Court will give
7 you the law but I am going to go ahead and tell
8 you and you know by now that Mr. Laws is charged
9 with criminal sexual conduct with a minor in
10 second degree as well as committing a lewd act
11 upon a minor.

12 Criminal sexual conduct in the second degree
13 has several elements, but basically it can be
14 broken down like this. A sexual battery. What
15 is a sexual battery. It can consist of
16 penetration, no matter how slight, cunnilingus or
17 fellatio. Those are the elements. If you
18 believe Minor testimony she has told you, she
19 was digitally penetrated by the the defendant
20 and on several occasions there was oral sex. He
21 forced her to perform oral sex on him. He
22 performed oral sex on her. That element is
23 satisfied. You also got to consider another
24 element of the charge is the age of the child.
25 At less 14, but under 16. It is undisputed she

1 was 14 when this all began and 15 when it got
2 reported. If you believe her that element is
3 satisfied. And finally you have to consider
4 whether the defendant was in a position of
5 familial, custodian or official authority to
6 coerce the victim. That is undisputed in this
7 case. There was that familiar relationship. He
8 was her stepfather.

9 If you accept all those things that I told
10 you as true the only thing you really need to ask
11 yourself is why should we believe Minor And I
12 will give you a couple of reasons. First of all
13 she has absolutely no incentive to lie. What
14 in the world would she get out of coming in here
15 in front of 12 strangers, everybody sitting in
16 this courtroom, to disclose the most embarrassing
17 and private details of her life. Did it look
18 like she was having fun up there. She wasn't.
19 She told you in painful detail and I am not going
20 to repeat everything she told you. You heard it
21 yesterday in graphic detail. Several occasions
22 Mr. Laws sexually abusing her. She told you
23 about a time she was in his bedroom. He began to
24 wrestle with her playfully. At some point they
25 went to the floor and he put his fingers inside

1 her vagina. She told you about a time he came in
2 her bedroom, pulled her to the edge of the bed
3 and began perform oral sex on her while her
4 siblings played out time. She told you about
5 time when she was forced to go in his room and
6 perform oral sex on him. He ejaculated on the
7 child. She told you that. She told you about a
8 time when he forced her to masturbate him and he
9 ejaculated on her. She gave you several
10 incidents of sexual abuse over about a six month
11 period. And she also told you on a day-to-day
12 basis for the most part he touched her in some
13 fashion. Groped her. Grabbing her behind.
14 Grabbing her breasts. This went on almost daily
15 for the course of six months until thankfully her
16 mother came home from work early and saw this.
17 Saw her husband completely unclothed and the
18 victim lying in the bed. That is how it was
19 stopped.

20 Now why else should you believe what Minor
21 has told you. I want you to consider Sister
22 testimony. You saw her testify. You saw her
23 demeanor up there. His daughter. His biological
24 daughter, but for what reason would she come in
25 here and tell you the things that she said. She

1 told you I walked in my dad's bedroom. I saw my
2 sister on the floor pined down with Mr. Laws on
3 top of her with his fingers in her vagina. She
4 also told you she walked into bathroom one day
5 and saw [Minor] pants down standing in front of
6 the defendant. When he sees it, you didn't see
7 anything. I was just trying to give her a candy
8 bar or something to that effect. I think [Minor]
9 told you the same thing. Consider that. Also
10 consider Shannon's testimony. She went to work
11 that day like a normal day. Came home early.
12 Walked in the house. Heard the defendant yell
13 get out. Continues to go in the house. Walks in
14 that bedroom and sees Mr. Laws in the nude and
15 her daughter cradled under him. She immediately
16 confronts him. What's going on. He jumps out
17 of bed. It is not what it looks like. That's
18 what she told you.

19 Shannon Laws doesn't have a personnel agenda
20 in this case. She has no vendetta to get her
21 husband. She told you quite honestly and
22 probably regretfully her daughters came to her
23 months prior, both of them, and told her, mom,
24 something is going on. She puts some rules in
25 place. Tried to encourage the family just to

1 stay together when she is not there. Let all the
2 children be wherever [Minor] is. Not let the
3 two of them be together alone. She said that.
4 But she didn't contact law enforcement. She
5 didn't take it any further then that because she
6 did not want to believe that Mr. Laws was capable
7 of something that drastic.

8 You heard from her counselor. He diagnosed
9 her with post traumatic stress disorder. [Minor]
10 has been victimized and she has been traumatized
11 by the events that took place in her life from
12 around December of 2010 to July of 2011. I
13 believe that is evident.

14 You also most importantly you consider why
15 you should believe her testimony. Consider the
16 corroboration that she got from the defendant.
17 Mr. Laws himself sat here on the stand yesterday
18 for one, undisputed the opportunity to commit
19 these crimes was there. Shannon worked a lot.
20 He was there with the kids. He was there primary
21 caretaker when she wasn't there. Conceded on my
22 cross examination yesterday, yeah, I was in the
23 bed. I didn't have any clothes on. [Minor] is in
24 the bed as well.

25 I submit to you ladies and gentlemen there

1 is absolutely no good reason for that to have
2 taken place. And do you think if things went
3 down the way he said it did, remember when he
4 said a couple of months ago his wife confronted
5 him about these allegations when her daughter
6 told her and what he said was I was so concerned
7 I wanted it reported. Do you believe if that was
8 truly the case and he was truly innocent he would
9 put himself in this type of situation, lying in
10 bed naked with this child. I submitted to you it
11 did not happen that way. It happened just the
12 way [Minor] told you. Up until that day he
13 continually sexually abused her, fondling her
14 just as her mother got home. That is the way it
15 happened.

16 Mr. Stubbs pointed out some things and I am
17 going to briefly address those things as to what
18 he considers to be holes in this case. One of
19 the things is he told you there is no DNA. If
20 you don't remember anything I have said you heard
21 Officer McDaniel testify some sheets were taken
22 off the victim's bed. The only incident that the
23 child described happening in her bedroom was Mr.
24 Laws coming in there one day while her siblings
25 were outside playing and performing oral sex on

1 her. No testimony of any ejaculation, bodily
2 fluids being put on that bed that day. That was
3 it. So you can't expect any DNA to be on those
4 sheets from that single incident. She described
5 it to the sheriff's office, to the forensic
6 interviewer, this is one of the things that
7 took place. She told you on the stand something
8 happened in her room as a part of that
9 investigation they collected things from her
10 room, but I submit to you absolutely nothing she
11 said on the stand would leave a reason for
12 anything to be on those sheets based on what she
13 described to you.

14 Secondly, he talked a lot about this
15 incident that happened at school. You heard it.
16 An incident totally unrelated to what brings us
17 here today. Totally unrelated. And because it
18 is unrelated you do not know the full
19 circumstances or the events surrounding that but
20 what you do no anything brought against [Minor] was
21 ultimately dismissed. What I am asking you to
22 focus on is what [Minor] told you on the stand
23 yesterday. I am asking you to consider her
24 testimony, the fact that she has absolutely no
25 incentive to lie.

1 I think Mr. Stubbs mentioned she didn't like
2 chores or something. Is that enough reason
3 for her to come in here and say those things she
4 said because she doesn't like chores, or she
5 didn't like Mr. Laws. What type of evidence has
6 been presented as to that. Consider Shannon, did
7 she appear to be the type of mother that would
8 put her children through this just so she can
9 move a man in and I submit to you the only
10 testimony you heard about her moving a man in the
11 next day came from Mr. Laws himself. Did she
12 seem to be the type of person who would put her
13 child through all of this, trial testimony,
14 both her children, subject her to a medical
15 examination just because she wanted out of the
16 relationship. It doesn't make any sense. And
17 what is the reason for **Sister** She has nothing
18 to gain to come here and testify against her
19 father. I submit to you ladies and gentlemen
20 unless she was telling you the truth about what
21 she witnessed. The three of of them didn't come
22 together, conspire and try to think of a plot to
23 get Mr. Laws charged and convicted of these
24 crimes. Absolutely no reason at all to do that.
25 **Minor** came here. She told you the truth. She

1 told you what happened. You determine the
2 credibility of the witnesses in this case. I
3 believe it is obvious she was very forthcoming.
4 Very forthcoming with her testimony. You
5 consider that. I will sit down in just a minute.
6 I want to leave you with this. A home should be
7 a place of safety of comfort and security
8 especially for children. Mr. Laws violated that
9 in the worse of ways. While his wife was out
10 making a living he consistently and repeatedly
11 sexually abused his step daughter, Minor [REDACTED]
12 And here we are two years later and the case is
13 finally where it should be. In the hands of the
14 jury. Now you decide what you believe the true
15 verdict should be in this case. I submit to you
16 he is guilty. You heard the testimony. You
17 consider she has absolutely in incentive to lie
18 about this. Her mother has absolutely no
19 incentive to about this. Sister [REDACTED] has
20 absolutely no incentive to lie about this. I
21 believe it is clear, ladies and gentlemen, Mr.
22 Laws is guilty of these crimes, and I am going to
23 ask you to convict him accordingly.

24 Thank you.

25 THE COURT: Okay jurors, final phase of the

1 trial. I am going to instruct you on the law and
2 then you all will go back and decide whether
3 Kevin Eugene Laws is not guilty or guilty of one
4 or both of these charges. Now, we have 13 jurors
5 over there, alternate juror pay attention.
6 When I conclude these remarks I will ask the
7 jury to step out. At that point if you will just
8 stay in the courtroom. Okay. I will ask the
9 deputy to stop you if you start going with them.
10 I may forget to mention that at the end.

11 It will take a unanimous decision of you 12
12 jurors to decide the case. Mr. Foreman, you
13 preside over the deliberations and act as
14 spokesperson for the jury. If questions come up
15 during deliberation I can't have any running
16 conversation with you, but if you would write the
17 question down with some specificity I will see if
18 I can answer the question. Just to forestall the
19 questions. A couple of things. You are going to
20 have to decide the case based upon the admitted
21 evidence. I don't really talk about the facts of
22 the case, but as you recall when we qualified you
23 we listed 14 witnesses. We only put up seven.
24 So don't send back a question, well, what would
25 so and so have testified too. It obviously it

1 had nothing to add to it. As you recall just the
2 one instance they listed a sled agent who
3 examined something. Somebody testified they sent
4 some documents to sled and they didn't find any
5 DNA. Well, no need to bring that person here just
6 to repeat that. None of those witnesses had
7 anything to add as far as either attorney is
8 concerned that would have added to the case. No
9 actual knowledge. So, don't send back something
10 saying we would like to hear from those other
11 seven witnesses.

12 In addition, if you would like other photos
13 forget it. You can only consider those
14 introduced into evidence. Probably you would
15 have liked to have asked another question or two
16 of several of the witnesses. Sorry. That is up
17 to the attorneys. You don't speculate as to what
18 an answer would have been to a question that was
19 not asked and I can not recall a witness and let
20 somebody ask a question.

21 In addition, just to forestall this for
22 having done this for 25 years the kind of
23 questions that come back. Don't send back one
24 saying judge, is he guilty or not guilty. That
25 is what you all are there for. All right.

1 Don't even try to figure out what the judge
2 thinks about the case. You know, I am just like
3 a referee at a basketball game. Just keeping
4 things running smoothly. I am not determining
5 the final outcome. That is up to you all. If
6 I made rulings during the case or made any
7 comments I intended no inference one way or the
8 other. That is just my style. What I do. Keep
9 it smooth. Once I rule they're stuck with it.
10 So forth.

11 Now, there was no video camera. That is
12 another question that comes back and there was
13 no DNA. So don't send that back. There probably
14 was instant reports to law enforcement. They
15 were not introduced into evidence. The people
16 who took them testified. You can assume if there
17 were any inconsistencies somebody would have
18 brought that up. So now, if you send a question
19 out Mr. Foreman and of course your vote doesn't
20 count any more than anybody's. Once I go over
21 the law and I am giving the law in the abstract,
22 except for the parties it going to be the same
23 law virtually every case where a lewd act on a
24 minor is charged and whether -- where criminal
25 sexual conduct with a minor in the second degree

1 in a familial position is charged. It is going
2 to be the same law. It is not going to deviate.
3 But if you have a question or you need
4 amplification of proposition of law if you would
5 write it down I will attempt to answer it. I
6 am going to define reasonable doubt for you
7 just one time after having gone over it with the
8 attorneys. I can't amplify that. That is just
9 reasonable doubt. The kind of doubt that would
10 cause a ordinary person to hesitate to act in
11 conducting everyday affairs. Beyond that, you
12 can say it many different ways, but it is the
13 same thing.

14 Now, I am not going to send back these
15 documents. They got the some things written on
16 them and so forth. But the bottom line the
17 Indictments are not evidence. They just start a
18 criminal proceeding. Create no inference of
19 guilt against anybody. Two Indictments in this
20 case. The first Indictment that I am looking at
21 alleges, and that's what it is, allegations.
22 That Kevin Eugene Laws, who is over the age of
23 14, did in Chester County around the time period
24 of December the first of 2010 through July the
25 first 2011 willfully and unlawfully commit a

1 lewd or lascivious act upon or with a body or any
2 part or member thereof of a child under the age
3 of 16, to which Minor the date of birth
4 March 25, 1996, with intent of arousing,
5 appealing to or gratifying the lust or passion of
6 sexual desire of himself or on said child. I
7 don't comment on the evidence as such, but
8 reading that you would think it happened one
9 time. It may not have happened at all, but it
10 could have happened based on the testimony
11 various times. They don't have to say how many
12 times and so forth. That is one reason I am not
13 sending that back. You send back a question
14 saying when are they saying it happened. You
15 heard the testimony. Of course on this
16 Indictment and on the other Indictment Mr. Laws
17 is presumed innocent. He has no burden to prove
18 he is not guilty. The State has the entire
19 burden of proof for each of these Indictments.

20 The second Indictment, alleges that Mr. Laws
21 in that same time period engaged in sexual
22 battery with Minor who was at less 14 years
23 of age but less than 16 and that he was in a
24 position of familial, custodial or official
25 authority to coerce the victim to submit or was

1 older than the victim in violation of Section
2 16-3-65 B-2 so forth and so forth. Those are the
3 two charges and again, on that Indictment if you
4 read it it looks like they are talking about one
5 time. It may not have happened at all, but
6 within that timeframe the State's position is it
7 happened several times. I am not suggesting it
8 happened at all. That is for you all to decide.
9 But they don't have to alleged with specificity
10 each time it occurred. If it occurred one time
11 it would be sufficient. Now having just read the
12 Indictments, I will go over the law on those two
13 charges.

14 The first one, since that is the first one
15 that I read to you is, lewd act on a child. As I
16 mentioned, the Indictment basically just follows
17 the words in the statute 16-15-140, which says it
18 is unlawful for any person over the age of 14 to
19 wilfully and lewdly commit or attempt any
20 lewd or lascivious act upon, or with a body, any
21 part or member thereof a child under the age of
22 16 with intent of arousing or appealing to or
23 gratifying with lust or passions or sexual
24 desires of such person or of such child. That is
25 what the statute says.

1 Now, a person acts wilfully when he asks
2 voluntarily and intentionally with specific
3 intent to do something the law forbids. That is
4 to say he acts with a bad purpose and to disobey
5 the law.

6 A lewd act is one that is obscene, lustful,
7 indecent, lecherous or wanton.

8 Now jurors, I have to cover everything in
9 the abstract that the State has to prove. Okay.
10 I didn't mention it because here we are in
11 Chester County. The State has the burden of
12 proof beyond a reasonable doubt on the element it
13 occurred in Chester County. They have to prove
14 that the victim was under the age of 16. They
15 got to prove the defendant was of legal age and
16 so forth. Those are parts of the situation.

17 Criminal sexual conduct with a minor under
18 the age of 16 is in another section. And it
19 basically alleges, states, a person is guilty of
20 criminal sexual conduct in the second degree if
21 the actor -- actor means the defendant -- engages
22 in sexual battery with a victim who is at least
23 14 but who is less than 16 years of age and the
24 defendant is in a position of familial, custodial
25 or official authority to coerce the victim to

1 submit or is older than the victim.

2 As I just mentioned, actor means the
3 defendant in a case of who is accused of criminal
4 sexual conduct. Victim means the person alleged
5 to have been subjected to criminal sexual
6 conduct. Sexual battery means, sexual
7 intercourse, oral sex or any intrusion however
8 slight of any part of a person's body or any
9 object into the genital or anal openings of
10 another person's body except when such intrusion
11 is authorized for diagnostic purposes. All
12 right:

13 So the first element the State must prove on
14 this charge beyond a reasonable doubt is the
15 defendant engaged in sexual battery with the
16 defendant {sic} and that is penetration however
17 slight within the time period as alleged
18 in the Indictment. Second element the State must
19 prove beyond a reasonable doubt is the victim was
20 at the time of incident at less 14 years of age
21 but less than 16. And finally, the third element
22 the State must prove other than it happened in
23 Chester County, is that the defendant was in a
24 position of familial, custodial authority or was
25 older than the victim.

1 The State has to prove those things beyond a
2 reasonable doubt. Now some times jurors in
3 criminal sexual conduct cases consent is a
4 defense. Where a victim is under a particular
5 age 16, don't send back a question saying did she
6 possibly consent legally lacks the authority
7 to consent. Okay. That is not a defense even
8 had it occurred and I am not suggesting that it
9 did. How are you going to decide the case
10 jurors? You are going to weigh all of the
11 admitted evidence in the case. You are not going
12 to speculate as to any evidence that was not
13 admitted, but anything that was admitted you can
14 just talk about it and weigh it and give it such
15 weight as you feel it is entitled too. Obviously
16 you will pass upon the credibility of a witnesses
17 who testify.

18 Now, I am going to explain some tests you
19 can use in evaluating testimony. I am not
20 directing these comments to any particular
21 witness. You have to understand I am talking
22 about all the witnesses who testified. Certainly
23 you would take into account the demeanor, or the
24 appearance of a witness, whether a witness's
25 testimony is consistent or inconsistent can be

1 considered. You could consider whether a witness
2 was hesitate or forthright answering questions.
3 Obviously, the opportunity the witness had to
4 see, hear or observe what the witness testified
5 to can be considered by you. Whether testimony
6 given by a witness becomes stronger or is made
7 weaker by other testimony or other evidence in
8 the case can be considered. You would consider
9 any bias that a witness had or an interest that a
10 witness has in giving testimony. Basically
11 jurors, it is just what you do every day when
12 evaluating what someone tells you. It is kind of
13 like, would I buy this used car based on what the
14 sales person tells me. You have to make a mental
15 judgement on that. You have all been around.
16 That is what you are doing in that situation.
17 You are not bound jurors to accept in its
18 entirety the testimony of any particular witness.
19 You have the absolute right to pick and choose
20 portions of testimony if you feel are believable
21 and after you have done that, the relative weight
22 that you attribute, the believable testimony is
23 entirely up to you jurors.

24 Now, as far as testimony goes jurors opening
25 statements or closing remarks by the attorneys

1 should be considered by you, but they were not
2 witnesses. I think you understand that.

3 I think I just about covered jurors
4 everything except for expert witnesses. Now
5 basically explain to you that in trial, civil
6 or criminal court, a lay person is only
7 permitted to give opinions on things that is
8 within everybody's knowledge. Beyond that
9 you have to have some expertise, either through
10 work experience, education or combination of
11 those factors. It is like in a case involving
12 electricity, I might be able to qualify an
13 electrician as an expert. But if you get into
14 the theory of electricity I might be able to
15 qualify an electrician, but it might take an
16 electrical engineer. Once a person is qualified
17 as an expert you evaluate that testimony just
18 like anybody else. Except when they give
19 opinions they have to give their opinions to a
20 reasonable degree of certainty. You are not
21 bound to accept an opinion given, but you can
22 accept the opinion within a specialty to which
23 the expert was qualified. Certainly you should
24 consider educational background and training of
25 the expert when your evaluating their testimony

1 and also any opinion consider the underlying
2 facts on which an opinion is based.

3 While it is helpful to have back up, outside
4 things -- like it is helpful, very helpful, if
5 you have a video of somebody committing a crime.
6 If testimony of a victim is believable it doesn't
7 have to be corroborated. I am not suggesting the
8 testimony is believable, but in order to get a
9 conviction it is not mandatory that it be
10 corroborated by other people. Often times crimes
11 are committed one on one. You know, you just
12 don't have any other corroboration. So whether a
13 what a witness testifies to is believable or not
14 is entirely up to the juror.

15 So while you won't have the Indictments with
16 you, you will have two verdict forms. The State
17 and Mr. Laws is entitled to independent
18 evaluation by you on each charge. Find him
19 guilty of one does not necessarily mean he is
20 guilty of the other. I am not saying that. I am
21 not suggesting he is guilty of anything. Twelve
22 jurors have to agree.

23 If you find him not guilty only the
24 foreperson signs the verdict form. It says on
25 here please check. It has got like not guilty

1 on one line and guilty on the other. You don't
2 have to check. You can underline or circle.
3 Just don't hit both of them. We need to know
4 which one you jurors unanimously agree too.

5 You will have with you while you deliberate
6 anything that has been introduced into evidence.
7 Not much has, but that will go back with you, the
8 evidence that has been introduced and you give it
9 the weight that you feel it is entitled to.
10 Beyond that you all can go back. Don't start
11 deliberating because I kept the instructions
12 short not because it is not a serious case. It
13 is just I think you have been here a day and a
14 half and you understand what the issues are. So
15 step back except for the 13th juror and if the
16 attorneys want me to mention something else to
17 you I will and I may have misspoke. It wouldn't
18 have been the first time.

19 Leave your notes.

20 (Jurors leave the courtroom.)

21 THE COURT: All right. State are you
22 relatively happy? Anything else?

23 MS. MINGO: I am sorry, Your Honor.

24 THE COURT: Is the State relatively happy?

25 MS. MINGO: Oh, yes, sir.

1 MR. STUBBS: Your Honor, the only question I
2 have is I heard you briefly mention reasonable
3 doubt, but I would ask for a more thorough
4 charge.

5 THE COURT: That is all I am going to tell
6 them. They could ask for it five times. It
7 would be the same thing. It is all I am ever
8 going to tell them.

9 MR. STUBBS: All right.

10 THE COURT: Just tell them the same thing
11 one more time.

12 MR. STUBBS: Yes, sir.

13 THE COURT: If they want it, I will tell
14 them the same thing again.

15 Hold it. Just bring the foreperson out to
16 satisfy him. Just the foreperson.

17 (Foreperson enters the courtroom.)

18 Okay, Mr. Foreperson, I don't need you to
19 say anything. We will give you the evidence.
20 You got the evidence there. You got the
21 verdict form. I explained to you the State has
22 the burden of proof beyond a reasonable doubt.
23 It is on every element the State has to prove and
24 you know, the evidence that causes an ordinary
25 person to hesitate to act.

1 They have to prove every element of the
2 crime, like age, living in Chester County.

3 THE FOREPERSON: Yes, sir. We understand.

4 THE COURT: Every element beyond a
5 reasonable doubt. Okay. Thank you. You can
6 start deliberating.

7 (Foreperson leaves the courtroom).

8 (Whereupon, the jury begins to deliberate at
9 10:20)

10 THE COURT: I think I made that clear.

11 MR. STUBBS: Thank you, Your Honor.

12 THE COURT: Okay. Alternate juror, you can
13 go home. Do you have a check?

14 THE CLERK: Well, not quite.

15 THE COURT: Do you need a statement you have
16 been here?

17 JUROR: No.

18 THE COURT: Miss Carpenter will mail you a
19 check. You don't have to go, but if you like to
20 get on with your life now would be a good time.
21 You are free to go.

22 JUROR: Okay.

23 THE COURT: We will take a little break and
24 let me know when you get some stuff. Okay.

25 (Court stands in recess.)

1 (Whereupon two notes from the jury were
2 marked as Court's One and Two in Evidence as of
3 this date.)

4 THE COURT: Bring the jurors in.

5 (Jurors enter the courtroom.)

6 THE COURT: Okay jurors. It is not like it
7 is on TV. It takes time to find the testimony.
8 Once we do find it and play it back for you it is
9 going to sound like it did the first time.
10 Between you all you should be able to recall what
11 was said.

12 (Whereupon the requested portion was
13 played back.)

14 THE COURT: All right now jurors, you also
15 wanted a definition of a lewd act. All right.
16 It is just statutorily defined. Lewd act is
17 where a person over the age of 14 commits a
18 lascivious act upon or with the body of a child
19 under the age of 16 with intent of arousing,
20 appealing to or gratifying the lust or passions
21 or sexual desires of person or of the child.
22 That's all it is. If it is a sexual battery it
23 is not an lewd act. It is something, you know, I
24 can't get into facts of this case, but you all
25 heard things and if you believe would constitute

1 obviously a lewd act. But it has to be to arouse
2 sexual passions of the victim or of the person
3 who instigated it. Since there is no specific
4 testimony --

5 THE FOREPERSON: That clarifies it.

6 THE COURT: If a male grabbed the breast of
7 a female and massaged them in depth that would be
8 a lewd act. But I am not going beyond that.

9 THE FOREPERSON: I understand.

10 JUROR: That is enough.

11 THE COURT: The purpose of it -- the person
12 who does it has to intend to get some sexual
13 pleasure to himself or to give some sexual
14 pleasure to the other person or desire. You all
15 go back to it.

16 (Jurors leave the courtroom to deliberate.)

17 THE COURT: Okay. At 2:24 they sent out a
18 note. The jury couldn't reach a verdict on
19 either count and I wrote back continue
20 deliberations and sent it back. And 2:35 they
21 say they have a verdict. We don't know what it
22 is. I know everybody involved on both sides
23 is emotional. Just try and keep it under control
24 whatever they say. Lets bring them in. Okay.

25 (Whereupon, a note from the jury was

3 (Jurors enter courtroom at 2:55 p.m.)

7 | THE FOREPERSON: Yes, sir, they have.

10 THE CLERK: Your Honor, this is case number
11 2013-GS-12-153, the State of South Carolina
12 versus Kevin Laws, we the jury unanimously find
13 the defendant in regard to the charge of
14 committing a lewd act upon a trial guilty.
15 Signed David P. Simpson, as foreperson.

22 If this is your verdict please signify by
23 raising your rights hands.

25 THE COURT: Anything else required of the

1 jury from the State?

2 MS. MINGO: Not from the State, Your Honor.

3 MR. STUBBS: Your Honor, I require the
4 polling of the jury.

5 THE COURT: All right.

6 Jurors don't gets worried. Polling doesn't
7 mean you all going to get beat up or anything.
8 Miss Carpenter is going to call your name and she
9 going to ask you two questions. Was that your
10 verdict and is that your verdict, and she is
11 talking about when she read it. She is not
12 talking about when you started deliberations.
13 Okay.

14 THE CLERK: Foreperson, David Simpson, is
15 this your verdict and do you still assent?

16 JUROR: Yes, it is, and yes, I do.

17 THE CLERK: Robert R. Ray, is this your
18 verdict and do you still assent.

19 JUROR: Yes.

20 THE CLERK: Rebecca J. Simpson, is this your
21 verdict and do you still as assent.

22 JUROR: Yes.

23 THE CLERK: Mildred E. Fisher, is this your
24 verdict and do you still as assent?

25 JUROR: Yes.

1 THE CLERK: Karen L. Abrams, is this your
2 verdict and do you still assent?

3 JUROR: Yes.

4 THE CLERK: Michael K. Gross, is this your
5 verdict and do you still assent?

6 THE CLERK: Yes.

7 THE CLERK: Rory S. Hymen, is this your
8 verdict and do you still assent?

9 JUROR: Yes.

10 THE CLERK: VICKY D. DER a /RA, is this your
11 verdict and do you still assent?

12 JUROR: Yes.

13 THE CLERK: Justin S. /PAOERS, is this your
14 verdict and do you still assent?

15 JUROR: Yes.

16 THE CLERK: /ROER D will you know Ford, is
17 this your verdict and do you still assent?

18 JUROR: Yes.

19 THE CLERK: Kristen L. Douglas, is this your
20 verdict and do you still assent?

21 JUROR: Yes.

22

23 THE COURT: Okay, jurors the next phase they
24 may make some motions, but that will take but a
25 second. I use to go ahead and sentence

1 automatically without consulting a jury
2 but after about the third week I sentenced
3 somebody who passed out and all the jurors went
4 into hysterics, so since then I give you a
5 choice. You can stay or you can go. If you
6 elect to go --

7 THE CLERK: If you need a certificate
8 to take to your employer if you would go
9 downstairs to the clerk's office someone will
10 print one out for you.

11 THE COURT: And they will mail a check
12 before Christmas.

13 THE CLERK: Oh, yes, sir.

14 THE COURT: That up to you. Anybody want to
15 leave they can leave.

16 Okay.

17 MR. STUBBS: Well, Your Honor, the motions
18 that I have, I would like to make a motion for a
19 new trial based on the verdict and also renew all
20 my objections previously stated in the trial.

21 THE COURT: All right. All those are
22 overruled.

23 Come forward. Anybody want to say anything?

24 MS. MINGO: Your Honor, the victim, Sister [REDACTED]

25 [REDACTED] {sic} is in the courtroom, as well as her

1 mother Shannon Laws. I believe they would. They
2 both want to make comments to you Your Honor.

3 THE COURT: Okay. And day individual Kelly
4 from. Many.

5 SHANNON LAWS: Your Honor, I am asking for
6 the maximum time for him to be sentenced. I am
7 asking for Kevin E. Laws to be placed on the sex
8 offender registry and a lifetime of monitoring if
9 that can happen.

10 Kevin destroyed my children's childhood.
11 Kevin has caused damage to all four children that
12 will last the rest of their lives. Kevin
13 betrayed me and my children in the worse possibly
14 way, committing sex crimes with [Minor] who was
15 raised to call him daddy. Kevin did it so many
16 times he convinced [Minor] and Allie that he would
17 kill them if they ever told or looked for help.
18 [Brother 1] and [Brother 2] felt helpless and are suffering
19 with anger issues why there father would do such
20 a thing.

21 July 1, 2011 changed all of our lives
22 forever when I walked in and found him naked with
23 [Minor] in the bed. My children have anxiety
24 attacks just thinking about being in the same
25 room with him. They still believe that he will

1 try and hurt them because they told the truth. I
2 am asking the Court to please sentence him to the
3 maximum time and put him on the sex offender
4 registry so that none of this will ever happen to
5 another little girl. Punish him for the crimes
6 that he committed.

7 Thank you.

8 MS. MINGO: Your Honor, next is Sister
9 Laws.

10 Sister For the past four years I
11 have a lot of problems. At the beginning I had
12 trouble sleeping at night. I woke up scared
13 thinking that something might happen to me and my
14 family. I had problems trusting people and a lot
15 of other problems with relationships. Other kids
16 my age are on the weekends hanging out and having
17 fun with their friends, but me I am either busy
18 dealing with this or I am too scared to walk out
19 of the house to see Kevin around and about. I
20 will never get my childhood back from him,
21 although I never really had one because of what
22 happened. It is hard for me to get the nerve to
23 talk to people. It is hard to do a lot of things
24 like go out and have fun with my friends. It is
25 hard to put things in the past. I heard once on

1 TV if you could see what I saw. Only if you
2 could hear what I heard. If you could see -- if
3 my eyes could take pictures you would know what I
4 saw on the daily basis. I would like to see him
5 get punished for what he did and get put on the
6 sex offender list and be put in jail. That way
7 other little girls my age don't have to go
8 through what we went through.

9 Minor Since I was 13 it has been
10 extremely hard and emotionally challenging. I
11 have struggled trying to cope with emotional
12 scars. For the past year and six months I have
13 had vivid nightmares and flashbacks of the
14 terrible situation I was put in. I am dependant
15 on anti-depressants. Without them I do not eat.
16 I want to sleep all day and I am very grouchy for
17 no reason.

18 I had my childhood snatched away from me. I
19 will never have a normal relationship with anyone
20 because of my trust issues. This catastrophe has
21 greatly impacted my life and my future. I don't
22 want any other poor girl to be hurt by this man.
23 I want him to be put on the sex offender
24 registry. I also want the maximum jail time to
25 be served so I have time to move on with my life

1 and time to heal. I hope he never hurts anybody
2 else.

3 MR. KELLIN: Your Honor, this whole case has
4 impacted not only these three people that just
5 spoke but everybody involved including myself. I
6 have had to hold hands as kids cry. It is not
7 just these kids but the whole family of children
8 and the mother as they cried and worked there way
9 through this.

10 I was listening on you way over to a tape
11 and it said the worse thing that anybody could do
12 would be to murder the self-determination, the
13 growth and beauty of a child and to me that is
14 what Kevin has done. He has attempted to murder
15 five people's lives by killing the individuality,
16 the beauty and the growth that they had. There
17 is no amount of time that I think would pay that
18 back. He can't. Luckily they will survive.
19 They will go forward. But not unscarred. There
20 isn't anything you can do that is going to take
21 away those scars today, but I would hope that the
22 Court and with your ruling that this man never
23 has a chance to attempt to kill another child's
24 beauty and growth or independence the way he did
25 to Minor

1 Thank you.

2 MS. MINGO: Just a few comments about the
3 facts in the case and the jury has spoken. I
4 concur completely with what the victims have told
5 you. I believe this is a classic case for the
6 maximum sentence considering the repetitive
7 nature of the abuse in this case and even more
8 importantly the relationship. He was a father
9 figure. Should have been trusted and took
10 advantage of his role as caretaker and abused
11 this child. So Your Honor, the State is
12 requesting 15 years maximum sentence in this
13 case. You heard, a little bit about.

14 THE COURT: Now, as assuming I even
15 give that you need to explain to them how that
16 operates. This is, the jury did not find him
17 guilty of the 85 percent charge.

18 MS. MINGO: Yes, sir.

19 THE COURT: If I give him the max doesn't
20 serve 15 years, and you need to cover all that
21 for them after I sentence him.

22 MS. MINGO: Sure.

23 THE COURT: Okay. I am trying to explain,
24 it is easy to stand there and say we want the
25 max. That is not what is going to happen.

1 MS. MINGO: I understand that.

2 THE COURT: What I am going to sentence him
3 to right now in my mind is going to be better
4 then that, but they won't understand it unless
5 you explain it.

6 MS. MINGO: Correct.

7 THE COURT: All right.

8 MR. STUBBS: Your Honor, if you would hear
9 from his relatives and the sister first.

10 THE COURT: I will.

11 MS. YOUNG: Your Honor, this anything but a
12 classic case.

13 THE COURT: Hold it just one second. I don't
14 know who you are.

15 MS. YOUNG: I am sorry. Carla Young. I am
16 Kevin's sister.

17 THE COURT: His sister. Go ahead.

18 MS. YOUNG: This is anything but a classic
19 case and unfortunately everyone here does not
20 have the benefit of knowing the entire story from
21 beginning to end and how much this man has
22 sacrificed and given up to keep his family
23 together including forgiving and overlooking
24 numerous, numerous insults from his wife;
25 affairs, attempts to harm him physically. She

1 has made many attempts to destroy this family.
2 And I have no doubt that these children suffer
3 from PTSD because of the turmoil that was in this
4 house and this is just another account of her
5 going to any length, any length to get him out of
6 her life. And I beg you to please take that into
7 consideration.

8 He is not a guilty man. He loves his
9 children. He lived for his children. I can't
10 tell you how many conversations we have had about
11 rearing children and trying to do the right thing
12 for his kids.

13 This is sad day for everybody. A sad day
14 for those kids. A sad day for his family and the
15 worse day possibly for my brother.

16 THE COURT: All right.

17 MS. PADGETT: My name is Debra Padgett. I
18 am the mother of Kevin. My son was raised in a
19 good christian home. He married Shannon. He
20 took on a child and he accepted her as his own.
21 He wouldn't let anybody date his stepdaughter.
22 Nothing. Then they had three more. Which nobody
23 actually knew if they were his. Between two
24 divorces. Many, many separations. Her accusing
25 him of battery. Then she would come back and say

1 it was a lie. She would tell the whole family.
2 She'd come to me. Many, many a time at my
3 kitchen table she told me how she hated her
4 parents. She would never speak to them. How her
5 stepfather had molested her.

6 THE COURT: She is not on trial.

7 MS. PADGETT: I know.

8 THE COURT: You need to speak to your son
9 and you don't need to attack her. You do not
10 need to attack her. I don't know know anything
11 about that/ so it doesn't do anything for you to
12 tell me.

13 MS. PADGETT: I didn't mean to attack her.

14 I know my son. She wanted to make the
15 money. She wanted to move up the ladder in the
16 company. So, she assigned Kevin to take care of
17 the children because she rather be at work then
18 stay at home. Kevin worked various jobs. When
19 he wasn't at work and when he was at work these
20 children were with him. Every one of them. I
21 have kept his children numerous occasions. They
22 were latchkey kids. And if I have to tell you
23 the honest truth, neither one of them were the
24 best parents. Neither one. But I can tell you,
25 that my son took them to church. My son took

1 them hunting, fishing, anything that a child
2 deserved to do. But Shannon would rather go to
3 work then be with her children. She could have
4 prevented this. She could have.

5 THE COURT: See you are still attacking her.
6 I don't need to hear anymore.

7 MR. STUBBS: Yes, sir.

8 THE COURT: She is just making it worse.

9 MR. STUBBS: Yes, sir. Okay.

10 Your Honor, this is a tough situation and
11 per the note obviously this is a hard case to
12 really determine whether or not the allegations
13 are true. I think now the jury has made their
14 decision and they did convict him only on the
15 lewd act. Not on CSC 2nd.

16 As far as some of the family said, the
17 victim, is that they are scared for any one else.
18 Your Honor, I think the registry would take care
19 of that. It would ease that. Also from Minor
20 testimony she is going to be going off to
21 college. She won't be around here any more. So
22 maybe a shorter period of time of incarceration
23 until she goes off to school and is away from
24 this area will ease her own mind.

25 Kevin has been very active in church since I

1 know him and been involved in this case. He has
2 been to the deacon's house multiple times. We
3 actually had to get the solicitor to consent to
4 him doing these types of things. But now I would
5 just ask you to hear from Kevin.

6 THE COURT: Sure.

7 THE DEFENDANT: I love my kids with all my
8 heart. I would not hurt my kids or any other
9 kids.

10 MR. STUBBS: Your Honor, I believe you can
11 see the emotional state that he is in. He has
12 been hurt by this whole experience.

13 THE COURT: Okay.

14 MS. MINGO: Your Honor, I neglected to read
15 the record.

16 THE COURT: You already read it to me.

17 MS. MINGO: Yesterday. /EUFPLTD.

18 THE COURT: I remember. Judge doesn't have
19 total recall but not bad.

20 Okay. Mr. Laws, this is absolutely no win,
21 no win. You got other children and so forth.
22 The jury did not find you guilty of criminal
23 sexual conduct in the 2nd degree which would
24 carry 20 years. You would have serve 85 percent,
25 you know, so forth. A lewd act charge carries up

1 to 15. It is not an 85 percent sentence. So if
2 I gave you 15 you are out in about what I am
3 going to do anyway. So I sentence you to 15,
4 suspended it on service of five and three years
5 probation, which is actually more than the 15.
6 Miss Mingo will explain to them all that. But
7 while you are on probation you are to have no
8 contact with the victim, unless it is
9 prearranged. By the time you get out your
10 daughter and stepdaughter will be emancipated
11 more or less. Eighteen as I calculate. To
12 register as sex offender is tough because you
13 have to do it forever.

14 I sentenced a person last month and he
15 failed to register. Mandatory one year in jail.
16 He came in a day late and said it is about time
17 to register. I said, no, you were suppose to do
18 it yesterday. I had no know choice I had to
19 sentence him for a year. So when you get out do
20 that. While you are in incarcerated
21 unfortunately before they let you out they do all
22 kind of mental exams on you as the attorney has
23 probably explained to you. They can actually
24 hold you longer if they do feel you turn out to
25 be a menace to society. Since you were not

1 convicted of the criminal sexual conduct
2 involving a minor there is a good chance they
3 won't put you all through those tests, but I
4 can't say that.

5 Has your attorney explained to you you have
6 the right to appeal?

7 THE DEFENDANT: Yes.

8 THE COURT: That's it.

9 MR. STUBBS: Your Honor, the only thing I
10 was going to ask is the credit for time served.

11 THE COURT: Yeah, he gets credit for time
12 served by statute.

13 MR. STUBBS: Thank you, Your Honor.

14 * * *

15 (END OF TRANSCRIPT)

16

17

18

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C E R T I F I C A T E

I, the undersigned Aileen Butler, Official Court Reporter for the Seventh 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 in the captioned case, in the Circuit Court for Chester County, South Carolina, on the 27th day of February, 2013.

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

April 12, 2013

Aileen Butler

WITNESSES

Nicole Marsh (CSD)

CAPT B. McDANIEL

ARREST WARRANT NUMBER/DOA

DI (DOA-7-8-2011) (Reference M252004)

ACTION OF GRAND JURY

TRUEBILL

Foreperson of Grand Jury

Date: 01/28/13

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2013-GS-12- 153

The State of South Carolina

County of Chester

COURT OF GENERAL SESSIONS

JANUARY TERM 2013

THE STATE

vs.

Kevin Eugene Laws

Indictment for

Committing a Lewd Act Upon a Child

SC Code: § 16-15-140

CDR Code: 2468

Class: Felony, D

This is a true and correct copy of original paper
 On this 28th day of January, 2013
 Clerk of Court
 2013-GS-12-153

STATE OF SOUTH CAROLINA)
COUNTY OF CHESTER)

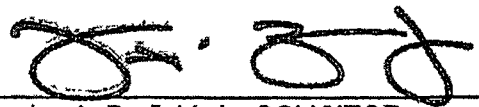
INDICTMENT

At a Court of General Sessions, convened on January 28, 2013 the Grand Jurors of CHESTER County present upon their oath:

COMMITTING A LEWD ACT UPON A CHILD

That Kevin Eugene Laws, a person over the age of fourteen (14) did in Chester County on or about December 1, 2010- July 1, 2011, willfully and unlawfully commit a lewd or lascivious act upon or with the body, or any part or member thereof, of a child under the age of sixteen (16) years, to wit: MINOR [REDACTED], date of birth [REDACTED], with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desire of himself or of said child, MINOR [REDACTED], in violation of §16-15-140, *Code of Laws of South Carolina, (1976), as amended.*

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



Douglas A. Barfield, Jr., SOLICITOR

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability, with the August 13, 2007, order from the South Carolina Supreme Court entitled "Interim Guidance Regarding Personal Data Identifiers and Other Sensitive Information in Appellate Court Filings."

November 18th, 2013



David Alexander
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S. C. 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT

ORIGINAL

RECEIVED

NOV 18 2013

SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Chester County

J. Ernest Kinard, Jr., Circuit Court Judge

THE STATE,

RESPONDENT,

V.

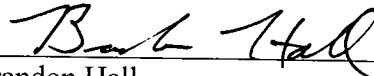
KEVIN EUGENE LAWS,

APPELLANT

APPELLATE CASE NO. 2013-000446

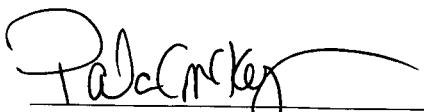
CERTIFICATE OF SERVICE

I certify that a true copy of the Record on Appeal in the above referenced case has been served upon Salley W. Elliott, Esquire, at the Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201; this 18th day of November, 2013.



Brandon Hall
Administrative Specialist

SUBSCRIBED AND SWORN TO before me
this 18th day of November, 2013.



(L.S.)

Notary Public for South Carolina

My Commission Expires: July 24, 2022.