

 ORIGINAL

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY

Robin B. Stilwell, Circuit Court Judge

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SC Court of Appeals

THE STATE,

RESPONDENT,

V.

RAY C. WARREN,

APPELLANT

APPELLATE CASE NO. 2013-002251

RECORD ON APPEAL

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THE FOLLOWING DOCUMENT IS ON FILE WITH THIS COURT:

STATE'S EXHIBIT #5 (DVD OF MINOR'S FORENSIC INTERVIEW)

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

) COURT OF GENERAL SESSIONS
) 2011-GS-23-8262; 7853

ORIGINAL

STATE OF SOUTH CAROLINA

PLAINTIFF)

VS.

TRANSCRIPT OF RECORD.

RAY' CHARLES WARREN

DEFENDANT)

October 7-9, 2013
Greenville, South Carolina

BEFORE:

THE HONORABLE ROBIN B. STILWELL, Judge; and a jury.

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

LISA BENTLEY, ESQ.
Attorney for the State

RANDY CHAMBERS, ESQ.
Attorney for the Defendant

APRIL HERRON
Official Court Reporter

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COURT EXHIBITS

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21				
22				
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24				
25				

1 October 7, 2013

2 (WHEREUPON, State's Exhibits Nos. 1-4 were marked for
3 identification only.)

4 THE COURT: -- deliver that message, we can put the
5 interviewer on the stand so that I can find -- so that I
6 can review her qualifications to conduct the interview.

7 (Court Reporter's Note: The beginning of the
8 statement above was held outside the presence of the Court
9 Reporter.)

10 THE COURT: So, let's do this. Go ahead and call her
11 to the stand and swear her in. I know that he's coming in
12 in just a second. We won't start the actual testimony
13 until he gets here. And then, after he gets here, go
14 ahead and call and ask them to come up.

15 MS. BENTLEY: Yes, sir.

16 THE COURT: Go ahead, call her up and we'll swear her
17 in.

18 MS. BENTLEY: The State calls Christine Carlberg.

19 THE CLERK: Ma'am, if you'd place your left hand on
20 the Bible, raise your right hand.

21 CHRISTINE CARLBERG, after being duly sworn,
22 testified as follows:

23 THE CLERK: Please, state your name for the record.

24 THE WITNESS: Christine Carlberg.

25 THE CLERK: Thank you.

1 MS. BENTLEY: Your Honor, do you have the disk so I
2 can show it to her?

3 THE COURT: I do.

4 (WHEREUPON, State's Exhibit No. 5 was marked for
5 identification only.)

6 THE COURT: While we're waiting, if y'all want to
7 look at the allegations on the Indictments because I
8 intend to read those to the jury pool.

9 MR. CHAMBERS: I've read looked at it.

10 MS. BENTLEY: That's fine.

11 THE COURT: Okay. Good enough.

12 Okay, you may begin, Ms. Bentley.

13 DIRECT EXAMINATION

14 BY MS. BENTLEY:

15 Q Ms. Carlberg, where are you currently employed?

16 A I'm employed by the Greenville Department of Mental
17 Health.

18 Q And do you work with anyone in addition to the
19 Department of Mental Health?

20 A I'm contracted to work at the Julie Valentine Center.

21 Q How long have you worked with Greenville Mental
22 Health?

23 A Since February 2007.

24 Q What about the Julie Valentine Center?

25 A The same.

CHRISTINE CARLBERG-DIRECT BY MS. BENTLEY (IC)

1 Q What are your primary duties?

2 A I conduct forensic interviews.

3 Q What is a forensic interview?

4 A A forensic interview is a semi-structured non-meeting
5 developmentally appropriate method of gathering
6 information from the child.

7 Q And can you please tell the Court about your work
8 experience and training in the field of forensic
9 interview.

10 A I've been conducting forensic interviews for 13
11 years. And I have been trained at Corner House which is a
12 nationally leading training facility for forensic
13 interviews. As well as Finding Words which is now called
14 Child First Training.

15 Q What about your educational background, can you tell
16 us about that?

17 A I have a Bachelor's of Science in rehabilitation
18 services education from the Pennsylvania State University
19 with a Minor in Psychology. And I have a Master of Arts
20 in marriage and family therapy from Preform Theological
21 Center in Jackson, Mississippi.

22 Q Okay. Talking about your training and educational
23 experience, what method of forensic interviewing have you
24 been employed or do you have experience in?

25 A I learned a protocol called RATAAC.

CHRISTINE CARLBERG-DIRECT BY MS. BENTLEY (IC)

1 Q Can you tell us what RATAAC is?

2 A RATAAC is a five stage semi-structure protocol that
3 stands for Rapport, Anatomy I.D.; Touch inquiry, Abuse
4 Scenario and Closure.

5 Q Do you know if this method has any research
6 supporting its use for children?

7 A It does.

8 Q Have you read articles on this method that are
9 subject to peer review?

10 A I have.

11 Q In the past 13 years, how many forensic interviews
12 would you say you've conducted?

13 A I've conducted 2,384.

14 Q All right. Let's talk about that protocol you used,
15 RATAAC. What type of questions are used in that protocol?

16 A Usually what I stay with is what's called open-ended
17 or non-leading types of questions as much as possible.

18 Q Why is that?

19 A You want the child or the person that you're
20 interviewing just to be able to tell as much as they can
21 as freely and as openly and as much in their own words and
22 language as they can.

23 Q Would there be a reason for you to deviate from using
24 non- questions?

25 A I would not ever use a leading question, I might use

CHRISTINE CARLBERG-DIRECT BY MS. BENTLEY (IC)

1 a more focused question like, for example, tell me what
2 happened in the living room. Or you might say a multiple
3 choice question such as, were her clothes on, off or
4 something else or maybe a yes/no question.

5 Q All right. Have you testified in court before
6 Ms. Carlberg?

7 A I have.

8 Q How many times?

9 A About 35.

10 Q And do you know Child

11 A I do.

12 Q How do you know Child

13 A She was referred to the Julie Valentine Center for a
14 forensic interview.

15 Q When did you receive that referral?

16 A I'm not exactly sure when the referral came into the
17 Julie Valentine Center.

18 Q Do you know approximately what date you met with
19 Child

20 A I met with her on July 20th, 2011.

21 Q How old was she at the time that you met with her?

22 A Eleven.

23 Q Was the forensic interview conducted with Child

24 A Yes, ma'am.

25 Q What method of forensic interview did you use?

CHRISTINE CARLBERG-DIRECT BY MS. BENTLEY (IC)

1 A I used the RATAc protocol.

2 Q Where did the interview take place?

3 A It took place at the Julie Valentine Center.

4 Q And who was present in the room?

5 A Just me and the child.

6 Q Was the interview preserved via audio/video
7 recording?

8 A It was.

9 Q I'm going to show you what's been marked as State's
10 Exhibit 5, do you recognize what's in this sleeve?

11 A Yes, ma'am.

12 Q And how do you recognize it?

13 A I initialed it that I looked at it.

14 Q Did you look at it recently?

15 A Yes, ma'am.

16 Q And has it been materially altered or changed in
17 anyway?

18 A No, ma'am.

19 Q Has it been altered in a way that would effect the
20 core details of the forensic interview?

21 A No, ma'am.

22 MS. BENTLEY: Your Honor, at this time the State
23 would admit Exhibit 5 into evidence for the purposes of
24 this hearing. And we would ask that the Court view it as
25 we discussed?

CHRISTINE CARLBERG-DIRECT BY MS. BENTLEY (IC)

1 THE COURT: Okay, any objection, sir?

2 MR. CHAMBERS: Not for the admission for the purposes
3 of this hearing, Your Honor.

4 THE COURT: Yes, sir.

5 Okay, it's so admitted for that purpose.

6 (WHEREUPON, State's Exhibit No. 5 was admitted into
7 evidence.)

8 BY MS. BENTLEY:

9 Q Ms. Carlberg, was Child able to provide you answers
10 to the questions that you asked her?

11 A Yes, ma'am.

12 Q And did she have any trouble understanding the
13 questions?

14 A No, ma'am.

15 Q Was she cooperative?

16 A Yes, ma'am.

17 MS. BENTLEY: And, Your Honor, those are all the
18 questions I would ask for purposes of this hearing.

19 THE COURT: Mr. Chambers any cross-examination?

20 CROSS-EXAMINATION

21 BY MR. CHAMBERS:

22 Q What was the date of this interview?

23 A July 20th, 2011.

24 Q Okay. And do you know when the initial allegation
25 was made?

CHRISTINE CARLBERG-CROSS BY MR. CHAMBERS (IC)

1 A The information I have was that it was made around
2 Easter of that year.

3 Q Prior to conducting these interviews, do you receive
4 information about the allegations, any specifics about the
5 allegations?

6 A Yes, sir.

7 Q So -- and how much do you receive beforehand? How
8 much do you know about the allegations?

9 A If varies from case to case. Sometimes I have police
10 reports, sometimes I have doctors notes.

11 Q What did you have in this particular case?

12 A I had doctors notes and I got background information
13 from a family member.

14 Q So, you knew prior to conducting this interview
15 specifically what the allegations were in this case?

16 A Yes.

17 Q All right. And you knew the timeframe that these
18 allegations -- that these things were supposed to have
19 occurred, is that correct?

20 A Yes.

21 Q And you knew that the alleged victim in this case,
22 Child had spoken to law enforcement officials on several
23 of occasions before talking to you?

24 A I don't know if I knew she talked on several
25 occasions.

CHRISTINE CARLBERG-CROSS BY MR. CHAMBERS (IC)

1 Q But you knew that she had talked to law enforcement
2 people? In other words, that she had been interviewed
3 prior to being interviewed by you?

4 A I'm not sure. I can't remember. I don't know if I
5 knew she talked to the police. I knew the police had the
6 allegations.

7 Q Well, you said you had the police report and you had
8 the medical reports?

9 A Yes.

10 Q Those would indicate that she had talk to somebody
11 prior to talking to you about this, correct?

12 A I knew she talked to the doctor.

13 Q Okay.

14 A I'm not sure if a police officer had talked to her.
15 I knew they talked to family members who had given the
16 allegations.

17 MR. CHAMBERS: Okay, that's all the questions I have.

18 THE COURT: Okay, you can step down. Thank you.

19 All right. Very, very briefly, Counsel, like to give
20 me any argument with respect to the admissibility of the
21 audio interview pursuant to 17-23-175?

22 MS. BENTLEY: Your Honor, the State believes that
23 this does meet the requirements of South Carolina Code
24 17-23-175. The child was 11 years of age. She was under
25 the age of 12 pursuant to the statute. Audio/video

1 recording were in [indiscernible] and are present. And
2 the child is expected to testify today or during this
3 trial. We believe that based on the testimony of
4 Ms. Carlberg the interview does meet the requirements of
5 providing a particularized guarantee of trustworthiness.

6 THE COURT: Okay, Mr. Chambers.

7 MR. CHAMBERS: Your Honor, I would object to the
8 admission. I would concede that the interview was
9 qualified pursuant to the statute. I would also concede
10 that if, in fact, the child does testify, that they meet
11 that element of it. The part that I have concern about
12 after having reviewed the tape on several occasions, is
13 that it doesn't represent a detailed account of the
14 alleged offense. It seems to me that the girl's
15 statement, as she was interviewed, she was very nebulous
16 as to dates and times and the manner. And for that reason
17 we would submit that it is inadmissible.

18 THE COURT: Okay. All right. Thank you for that. I
19 do find that it's admissible pursuant to Section
20 17-23-175. It does -- it does remain to be seen whether
21 the child testifies but I presume that each of you
22 anticipates that she will and she will be available for
23 the third prong first of the test. However, I find in all
24 other instances it meets the requirements under said
25 statute. With respect to the details, I find it was

1 sufficiently detailed. Particularly, in light of the fact
2 that she was an 11 year-old girl at the time of the
3 interview. And I think that there is -- I think that
4 there was sufficient detail in her testimony that would
5 meet the requirements under the statute. I do find that
6 the witness is qualified with the appropriate experience
7 and education and training in the forensic interrogation.
8 Therefore, I'm going to find that admissible.

9 Okay, anything further before we bring the jury in?

10 MS. BENTLEY: Nothing from the State.

11 MR. CHAMBERS: Not from the Defense, Your Honor.

12 THE COURT: All right, we're ready to bring the jury
13 in. It may be that we have to relocate people in the
14 courtroom because we're going to have 40 people coming in.

15 (WHEREUPON, the jury venire came into open court.)

16 THE COURT: All right, looks like we've got everyone.
17 Good morning again, welcome to courtroom six. You'll
18 remember downstairs I asked you certain questions bearing
19 upon your qualifications to serve as jurors in the state,
20 potential exemptions that you may enjoy. Now, I need to
21 ask you questions relative to the specific case that we
22 call to bar this morning. I remind you that you continue
23 under the oath that you took earlier. I'm going to ask
24 you several questions that are designed to determine
25 whether you qualify as a juror in this specific case or

1 I'd rather have you here focused and listening to the
2 evidence rather than, boy I really need to take a break
3 and I wish everybody would shut up. So, just let me know.
4 You let me know or let the bailiff know and we'll take a
5 break. Because as of right now, you're the most important
6 14 people in this courtroom. And it's important that I'm
7 catering to your needs and that y'all are in a position to
8 pay attention to what's going on.

9 All right, having that said, I'm going to ask the
10 Clerk of Court to swear you in. You've already be sworn
11 to tell the truth, now you're going to swear to fairly and
12 appropriately try this case.

13 THE CLERK: All right, please stand, raise your right
14 hand for the oath. The proper response is, I will.

15 (WHEREUPON, the jury was sworn.)

16 Thank you, please be seated.

17 THE COURT: Ms. Bentley.

18 OPENING STATEMENT

19 MS. BENTLEY: May it please the Court?

20 THE COURT: Yes, ma'am.

21 MS. BENTLEY: Mr. Chambers.

22 Ladies and gentlemen, fear comes in many forms.
23 Especially for children. You're here today because some
24 children in Greenville County have a reason to be scared.
25 The reason is not a magic monster that lives under their

1 beds or hides in their closet. The reason is not what
2 might be lurking in the dark. The reason some children in
3 Greenville County have a reason to be scared is because of
4 people that don't hide who they are, but rather what they
5 do. People that play with them during the day and look
6 their parents in the eye. The fact that an adult could
7 physically abuse a child is not something that anybody
8 wants to talk about. The fact that a trusted adult could
9 secondly abuse a child is not something that anybody wants
10 to believe. Unfortunately, child sexual abuse is a
11 reality in Greenville County. And it is the reason we are
12 all gathered here today.

13 My name is Lisa Bentley and I'm the prosecutor in
14 this case. That means I will be presenting evidence,
15 sometimes in the form of graphic testimony, that the
16 defendant Mr. Ray Charles Warren, committed the crimes of
17 criminal sexual conduct with a minor in first degree and
18 lewd act upon a child. It is entirely my responsibility
19 to prove his guilt beyond a reasonable doubt. As you
20 heard from the Judge, Ray Warren has been charged with the
21 two offenses relating to child sexual abuse. He will not
22 give you the law on the case until the very end of the
23 trial. He identified Mr. Warren as Ray Charles Warren.
24 And you heard initials SRJ. That's how the victim was
25 identified. You will soon hear and see that SRJ stands

1 for Child [REDACTED].

2 And the evidence will show that from the time that
3 Child was approximately seven years of age, she was
4 sexually abused by Mr. Warren. Due to the nature of these
5 allegations and my burden of proof, you will hear things
6 you never thought you would have to hear. This is not
7 done to upset or anger you, it is done because The State
8 has the burden of proof. Again, a Judge will not instruct
9 you on the law until the end of the case. But I want to
10 talk to you very briefly about each charge and the
11 elements. You have to listen for these elements during
12 the testimony. You have to listen to see and hear how I
13 prove them as the case unfolds.

14 First, Mr. Warren has been charged with criminal
15 sexual conduct with a minor in the first degree.
16 Essentially, I have to prove that Mr. Warren committed a
17 sexual battery on a minor who was under the age of 11 when
18 the event occurred. So, I have to prove that the victim
19 was under the age of 11 when the event first occurred.
20 And I have to prove that the event was the sexual battery.
21 A sexual battery encompasses traditional penile vaginal
22 intercourse. It also encompasses oral sex. And it
23 encompasses any penetration by any part of the Defendant
24 into the victim's mouth or vagina.

25 Evidence will show that Mr. Warren used his fingers

1 to penetrate the vagina of Child Mr. Warren's also
2 been charged with lewd acted upon a child. What is lewd
3 act? A lewd act is anything that you think of as
4 inappropriate touching, groping, fondling, any act of the
5 Defendant upon the body of the victim that is meant to
6 arouse either the Defendant or the victim. You will hear
7 testimony that Mr. Warren would touch Child breasts and
8 at one time he placed his penis across her face.

9 As you heard from the Judge, it's my duty to prove
10 this case beyond a reasonable doubt. And that is a theme
11 that will go through the entire trial. I have to prove
12 Ray Warren is guilty beyond a reasonable doubt. So, I
13 want to tell you a little bit about what you can expect as
14 this trial unfolds. I want you to keep in mind that you
15 will hear from Child You will hear from police officers.
16 You will hear from family members who were present from
17 2007 through 2011. But child sexual abuse is a secret
18 crime. People that sexually abuse children do not do so
19 with other people watching. They do not do so with the
20 help of any other person. So, the testimony of the victim
21 is of the utmost importance. Child was the only person
22 there and you will hear for yourselves from her what
23 happened. You're not going to get the benefit of a video
24 of the crime happening like you'd expect in a DUI. You're
25 not going to get fingerprint evidence like you'd expect in

1 a property crime. And sometimes in sexual assault cases,
2 you may not get evidence of physical injury like you would
3 expect in a traditional assault and battery case.

4 At this time I'm going to let the evidence speak for
5 itself. At the end of the trial I will come back before
6 you and I will discuss the evidence that The State has
7 presented. The evidence that proves Mr. Warren's guilt.
8 At this time I want to thank you. I want to thank you for
9 your attention. I want to thank for your patience. And I
10 wanted to thank for serving on this jury.

11 OPENING STATEMENT

12 MR. CHAMBERS: May it please the Court, Your Honor?

13 THE COURT: Yes, sir.

14 MR. CHAMBERS: Solicitor.

15 Ladies and gentlemen, as you heard earlier in
16 introduction, that seated over here beside me is Ray
17 Warren. You heard him referred to as the Defendant.
18 Really what he is is the accused. I was lucky enough to
19 start my career as a Navy lawyer. And one of things I
20 always liked about the military system is that when
21 somebody stands trial, they're not referred to as the
22 Defendant, they're referred to as the accused. Because
23 what's been levied against Ray Warren since back in the
24 spring of 2011 is an accusation. A series of allegations.
25 And that's all they are. Those Indictments that the Judge

1 read to your earlier, those are accusations. And now,
2 comes the point where the Solicitor, as she told you, has
3 to bring witnesses in here and she has to back up those
4 accusations, those allegations.

5 Now, all of us or at least most of us I would think
6 at this point in our lives, I know we're all different
7 ages, different experiences, we've been accused of
8 something that we didn't do. And if you've ever been in
9 that position, you know that there's not a more
10 frustrating position that you can be in. It's easy for
11 somebody to say that you did something. But it's very
12 difficult if the burden is on you to prove that you didn't
13 do that. It's not really something you can do. So,
14 that's why in a Court of General Sessions in criminal
15 court, that such a heavy burden is put on the Solicitor.
16 And frankly, ladies and gentlemen, I can't think of a
17 worse accusation to make against somebody than what Ray
18 Warren has been accused of doing in this case.

19 It is so bad that when we hear about on the TV, and
20 we often do or we hear about it talking to friends, we
21 hear about it almost daily, we have a knee-jerk reaction
22 to think what a terrible person. What a bad person he
23 must be. And we want to believe that. When somebody says
24 that about somebody, you want to believe that. But,
25 ladies and gentlemen, when that allegation is made, it

1 carries with it a stain like no other allegation. I mean,
2 I honestly believe that being accused of murder carries
3 less of a stigma than being accused of molesting a child.

4 So, as you listen to the evidence, I want you to keep
5 in mind that burden of proof that you've already heard so
6 much about, it is the safeguard that's in place. You
7 know, all of the founding fathers had something to say
8 about trial by jury. They all considered it extraordinary
9 important as a check against the government. John Adams
10 said that it's the very heart and lungs of liberty. It's
11 really the bedrock of democracy. And I tell you that not
12 to give you a civics lesson, but to let you know how
13 important it is. When we step into court and you make an
14 accusation, you have the back that up. If this were a
15 civil case, and we are supposed to have civil cases this
16 week but I think they all settled, the burden on the
17 plaintiff in that case would only be by the preponderance
18 of the evidence.

19 In other words, if you had a scale that started out
20 at the beginning of trial, the plaintiff would only have
21 to tip that scale just a little bit. And it's not because
22 things in civil court are not important, they are. I
23 mean, there are people that have been maimed, even killed.
24 And, you know, sometimes millions of dollars are at stake.
25 But we have said that preponderance of the evidence is all

1 that the plaintiff needs. There are other tribunals such
2 as arbitration and things like that that also involve very
3 important matters where the moving party has to prove by
4 clear and convincing evidence. Clear and convincing. But
5 we save the highest burden of all for criminal. Because
6 when you step into criminal court, everything that flows
7 from a conviction, is bad for the person that's being
8 convicted. You can deprive somebody of their liability.
9 Basically, you can put them away for the rest of their
10 lives in certain cases. So, there 's nothing we can do to
11 somebody short of killing them than is worst than taking
12 their liberty away from them. We can effect their
13 reputation forever. We can take away basic civil rights
14 as a result of that conviction. So, that's why the
15 Solicitor has such a heavy burden.

16 Now, I always spend a lot of time in opening
17 statement talking about it. And I do that for a couple of
18 reasons. One, is because it is extraordinarily important.
19 Two, because I know that it is human nature that when you
20 come in here and you sit down in court, whether you're a
21 juror or you're somebody sitting out there watching the
22 trial, that you want to believe that this person must have
23 done something wrong. Or the police wouldn't have
24 arrested him and the Solicitor wouldn't be prosecuting
25 him. So, I know as you sit there some of you have that

1 thought. And if it weren't for the fact that I know that
2 all of you took the oath that you took a very minutes ago
3 very seriously and I have the experience of having seen
4 jurors over the years do their jobs and hold the Solicitor
5 to their burden, then I'd probably lay awake at night.
6 But I have every confidence that you folks are going to do
7 what you came here to do. And that is to listen fairly to
8 the evidence and to hold them to their burden in this
9 case. And you're going to consider all the evidence that
10 comes from the witness stand. And you're going to take
11 the law as, His Honor, gives it to you. And you're all
12 going to use your common sense that all of you came in
13 here with and you're life experiences.

14 Because everyday we are making determinations about
15 whether what somebody is telling us is true. Do we
16 believe that person? And we do that based on, does it
17 make sense? We do that based on is there any evidence
18 that corroborates it? Do I have reason to believe this?
19 And when you go back there at the end of deliberating, you
20 have to decide whether you are firmly convinced. In other
21 words, definitely sure. Or whether there's a lingering
22 doubt in your mind. If there's a lingering doubt, that's
23 doubt.

24 Now, ladies and gentlemen, I don't know for sure what
25 evidence the Solicitor is going to put up, that's up to

1 her. But from what I know about the case and what I
2 anticipate, it's going to come down to basically one thing
3 and one thing only. And that is the statements of Child
4 [REDACTED]. As the Solicitor has already alluded to, there's
5 not going to be any physical evidence. There's not going
6 to be any forensic evidence. There's not going to be any
7 eye witnesses. There's going to be the allegation that
8 was made by Child

9 And as you consider that allegation, you need to
10 consider the fact -- and what you're going to hear, you're
11 going to hear from many witnesses as to that. You're
12 going to hear from law enforcement personal, medical
13 personal and somebody that did a forensic interview. But
14 it all amounts to one thing, the statement by Child
15 That is going to be the only evidence they are going to
16 bring you in this case. And you're going to go back and
17 decide whether that is proof beyond a reasonable doubt.
18 You're also going to get to hear about the life that this
19 girl led. That it was sometimes not a very stable life.
20 That it was a family that was in flux and moving on a
21 frequent basis and living in a house where a large number
22 of people lived. And not really the kind of thing that is
23 conducive to a child having a stable and secured sort of
24 life.

25 All that we're asking at this point is that you

1 reserve any kind of judgment until the end. We appreciate
2 you being here. And I can tell you that Ray has been
3 living under a cloud now for about two years. And he is
4 looking forward to putting this behind him. Thank you,
5 very much.

6 THE COURT: All right, ladies and gentlemen of the
7 jury, let's take a break for lunch. If you'd, please, be
8 back at 1:30 and we'll begin testimony in this case.
9 Please don't discuss the case.

10 (WHEREUPON, the jury left open court at approximately
11 12:27 p.m.)

12 THE COURT: All right, okay, come back on the record
13 at 1:30.

14 MR. CHAMBERS: Your Honor, is it okay if my client
15 remains out on bond?

16 THE COURT: For lunch but at the close of testimony
17 tonight, no.

18 MR. CHAMBERS: Okay.

19 (WHEREUPON, a lunch break was taken.)

20 THE COURT: Y'all ready for the jury?

21 MS. BENTLEY: Yes, Your Honor.

22 MR. CHAMBERS: Yes, Your Honor.

23 (WHEREUPON, the jury came into open court at
24 approximately 1:35 p.m.)

25 THE COURT: All right, I believe it's your case now.

1 MS. BENTLEY: May it please the Court, The State
2 calls David Picone.

3 THE CLERK: Sir, if you'd, please, place your left
4 hand on the Bible, raise your right hand.

5 DAVID PICONE, after being duly sworn, testified
6 as follows:

7 THE CLERK: Thank you, please be seated. State your
8 name for the record.

9 THE WITNESS: David Daniel Picone.

10 DIRECT EXAMINATION

11 BY MS. BENTLEY:

12 Q Deputy Picone, where are you employed and in what
13 capacity?

14 A Currently Greenville County Sheriff's Office and I'm
15 a property crimes investigator.

16 Q How long have you been a property crimes
17 investigator?

18 A Since January of this year.

19 Q What was your position prior to that?

20 A I worked uniform patrol.

21 Q When did you begin working for the sheriff's office?

22 A February 2007.

23 Q Were you working in April 2011?

24 A I was.

25 Q What was your position at that time?

DAVID PICONE-DIRECT BY MS. BENTLEY

- 1 A I was in uniform patrol assigned to delta platoon.
- 2 Q Were you working in April 2011?
- 3 A I was.
- 4 Q Still on delta platoon?
- 5 A Yes, ma'am.
- 6 Q Were you directed to [REDACTED] some time in
- 7 April 2011?
- 8 A I was.
- 9 Q Please tell me what date?
- 10 A It was April 23rd, 2011. It was the day after
- 11 Easter.
- 12 Q What time are you dispatched to [REDACTED]
- 13 A What time? It was during the daytime, I'm not
- 14 exactly sure of the exact time but somewhere around lunch
- 15 time, around that area probably.
- 16 Q Okay. What county is [REDACTED] located in?
- 17 A It's in Greenville County in Taylors.
- 18 Q Did you know the nature of the call that you were
- 19 responding to?
- 20 A Yes. While on dispatch, the dispatcher sent me the
- 21 call through my NBT, which is a computer. And said that
- 22 it was a call inference to a sexual assault.
- 23 Q Do you know who made the call?
- 24 A The victim's, mother, I think, Victoria Johns.
- 25 Q All right. When you arrived at [REDACTED] who

DAVID PICONE-DIRECT BY MS. BENTLEY

1 was present?

2 A It was the victim's mother, her, a couple other
3 family members.

4 Q Okay.

5 A I think it was another juvenile there. I can't
6 remember exact names of those people, I have it documented
7 in my report.

8 Q Okay. Tell me what happened when you pulled up to
9 this residence.

10 A I met Ms. Johns, Victoria Johns, the mother. She was
11 a very concerned mother about her daughter. I separated
12 her from the child to talk to her to find out what was
13 going on. She told me that, you know, she basically
14 found --

15 Q Okay, I'm going to stop you right there. Could you
16 describe Ms. Johns' demeanor that day on April 23rd?

17 A Just very concerned mother, like any parent would be
18 if something like this was going on.

19 Q Did she appear under the influence of any anything?

20 A No.

21 Q If she had would you have noted that?

22 A Absolutely.

23 Q Okay. You spoke to Ms. Johns and as a result of what
24 she told you, what was your next step?

25 A Next step was to talk to the juvenile. Just to get a

DAVID PICONE-DIRECT BY MS. BENTLEY

- 1 basis of what was going on.
- 2 Q What was the name that you got?
- 3 A Child
- 4 Q How old was Child at that time, do you recall?
- 5 A Eleven years old.
- 6 Q Where was Child located when you spoke to her?
- 7 A There was a garage that had been converted into, I
- 8 guess, like an apartment or just another room. That's
- 9 where she was at when I talked to her.
- 10 Q Did you speak to Child alone?
- 11 A Yes.
- 12 Q Where was her mother when you were speaking to her?
- 13 A I actually had her mother, I believe, I had her go
- 14 into the kitchen so I could get one-on-one time.
- 15 Q And could you describe Child demeanor when you met
- 16 her?
- 17 A She was crying, shaking. Those are two things that I
- 18 noticed the most. She was very upset. Obviously scared.
- 19 Q Okay. Did she seem to have any trouble understanding
- 20 your questions?
- 21 A Not at all.
- 22 Q Did she have any trouble -- or did you have any
- 23 concerns that she did not understand or appreciate what
- 24 was going on?
- 25 A No.

DAVID PICONE-DIRECT BY MS. BENTLEY

1 Q Okay. Did you question the victim regarding what her
2 mother called you out for?

3 A I did.

4 Q Without giving us any details, did the victim
5 disclose sexual abuse to you?

6 A She did.

7 Q Did she tell you the place or places the abuse
8 occurred?

9 A Yes, she did.

10 Q What place or places did she tell you?

11 A Two different locations. It was [REDACTED] which
12 is in Taylors. And another called [REDACTED] it was [REDACTED]

13 [REDACTED]

14 Q Okay, can you tell me what county both of those
15 locations are in?

16 A Both of those are in Greenville County.

17 Q They are?

18 A Uh-huh.

19 Q Did she tell you the timeframe of the abuse?

20 A She did.

21 Q Can you, please, tell us what timeframe she disclosed
22 to you?

23 A She told me around eight to nine years old is when it
24 started.

25 Q Okay. Were you -- what was your role as soon as the

DAVID PICONE-DIRECT BY MS. BENTLEY

1 victim disclosed that abuse to you?

2 A My role basically is to take the initial report.

3 After I gather just a little bit of information, the first

4 thing I do is call my Sergeant that's in charge of me, my

5 side of town. So, I contacted my Sergeant, notified him

6 of what was going on. At that time he had me call the

7 on-call crimes against children investigator, which was

8 Investigator Robertson.

9 Q As a uniform patrol officer, were you able to

10 continue an investigation into this case?

11 A No. Once I got to the basis of what was going on, I

12 notified the investigator. I just write the report and it

13 gets forward to him.

14 Q Did that conclude your involvement in this case?

15 A It did.

16 MS. BENTLEY: No further questions. Please answer

17 any questions Mr. Chambers may have.

18 CROSS-EXAMINATION

19 BY MR. CHAMBERS:

20 Q So, when you spoke to the alleged victim in this

21 case, Child is that her name?

22 A Yes, sir.

23 Q She indicated to you that -- or she did not say

24 anything to you about any of these alleged incidents

25 having occurred at the [REDACTED] location, is that

DAVID PICONE-CROSS BY MR. CHAMBERS

1 correct?

2 A She disclosed two other locations.

3 Q Okay. She indicated to you that these were supposed
4 to have occurred at [REDACTED] and on [REDACTED].

5 A Yes, sir.

6 Q And do you recall that in your report she indicated
7 to you that the last time she was assaulted, they were
8 living on [REDACTED].

9 A Yes, sir.

10 Q All right. So, based on that, would it be fair to
11 say that she never alleged that anything occurred on
12 [REDACTED] the place where you responded to?

13 A Yes.

14 Q And did you inquire as to how long they had been
15 living at [REDACTED].

16 A I think it was from -- sometime towards the end of
17 2010 or 2011, I'm not exactly sure.

18 Q Okay. So, it could be a year, year and a half,
19 somewhere in there.

20 A A couple.

21 Q Okay. So, at least, by her statement, for a year to
22 a year and a half, nothing had occurred based on what she
23 told you?

24 A Yes.

25 Q Certainly nothing had occurred just prior to you

DAVID PICONE-CROSS BY MR. CHAMBERS

1 being called out there?

2 A Well, I was called out there for a incident as to
3 why.

4 Q But nothing that the girl told you about, correct?

5 A No.

6 Q And did you inquire as to the timeframe when they
7 lived -- when the little girl was at [REDACTED]

8 A I don't know what times of when they lived at each
9 address at [REDACTED]

10 Q Are you aware that it was around 2005 and 2006 when
11 they lived at [REDACTED]

12 A I don't know that.

13 Q But she was clear that that's where the last incident
14 occurred?

15 A Yes, the two addresses she gave me.

16 Thank you.

17 MS. BENTLEY: No redirect, Your Honor.

18 THE COURT: Thank you, I appreciate you being here.

19 You may step down.

20 MS. BENTLEY: The State calls Michael Robertson to
21 the stand.

22 THE CLERK: Place your left hand on the Bible, raise,
23 your right hand.

24 MICHAEL ROBERTSON, after being duly sworn,
25 testified as follows:

DAVID PICONE-CROSS BY MR. CHAMBERS

1 THE CLERK: Thank you, please be seated. State your
2 name for the record.

3 THE WITNESS: Michael Robertson.

4 THE CLERK: Thank you.

5 DIRECT EXAMINATION

6 BY MS. BENTLEY:

7 Q Investigator Robertson, where are you employed?

8 A Greenville County Sheriff's Office.

9 Q What is your role there?

10 A I'm an investigator with Crimes Against Children
11 Unit.

12 Q How long have you been in that unit?

13 A Since 2010.

14 Q What did you do prior to working in Crimes Against
15 Children Unit?

16 A I worked for the judicial services division.

17 Q How long have you been with the sheriff's office in
18 total?

19 A Twenty-three years.

20 Q Okay. Always in Greenville County?

21 A That's correct.

22 Q Tell me what your role was in April 2011.

23 A At that time the unit was called the Sex Crimes Unit.

24 I was an investigator in the Sex Crimes Unit.

25 Q Okay. And in your past, as a sex crimes, crimes

MICHAEL ROBERTSON-DIRECT BY MS. BENTLEY

1 against children investigator, did you come into contact
2 with Child

3 A I did.

4 Q Tell me when you first came into contact with
5 Ms. Child

6 A I met with the mother of Child and Child I believe,
7 it was in May, first part of May, 2011.

8 Q Who is Child mother?

9 A Victoria.

10 Q Where did you meet Victoria and Child

11 A In my office.

12 Q Where is your office located?

13 A 301 University Ridge in Greenville County.

14 Q Prior to meeting them at University Ridge, have you
15 spoken to either Child or Victoria?

16 A Just when I called Victoria to set up the meeting.

17 Q Okay. Why did you set up a meeting with Victoria?

18 A I wanted to get a statement from Victoria as to what
19 the child had told her on the original disclosure.

20 Q Did this case come to you from someone else?

21 A It did.

22 Q Who did it come from?

23 A Uniform patrol Deputy Picone.

24 Q And is that the typical procedure in a crime of this
25 nature?

MICHAEL ROBERTSON-DIRECT BY MS. BENTLEY

1 A It is.

2 Q Is there a reason that this Deputy Picone would not
3 have followed up with the investigation?

4 A Uniform patrol usually don't follow up with these
5 types of incidences, they're assigned to investigations.
6 We have more time to investigate because that's what we
7 do. Uniform patrol answers calls for service.

8 Q Okay. Do you recall the date that Victoria Johns
9 came to your office?

10 A I believe it was May the 3rd.

11 Q And did she bring anyone with her?

12 A Child

13 Q Did you speak to Child that day?

14 A Not about the case. I just spoke to her, introduced
15 herself to me or me to her. Not anything about the case,
16 no.

17 Q Okay, one moment. Do you recognize what's been
18 marked as State's Exhibit 1?

19 A I do.

20 Q How do you recognize it?

21 A That's the photograph I took of Child that day.

22 Q So, you took the photograph yourself?

23 A I did.

24 Q What day was that taken?

25 A That was May 3rd, 2011.

MICHAEL ROBERTSON-DIRECT BY MS. BENTLEY

1 Q Is there -- has it been changed or altered in any
2 way?

3 A No.

4 MS. BENTLEY: Your Honor, at this time the State
5 would request to admit exhibit number one into evidence.

6 MR. CHAMBERS: No objection, Your Honor.

7 THE COURT: All right, no objection the same is
8 admitted.

9 (WHEREUPON, State's Exhibit No. 1 was admitted into
10 evidence.)

11 BY MS. BENTLEY:

12 Q You didn't speak to Child about the case, what did
13 you talk to her about in this case?

14 A Nothing, just introduced -- tell her who I was and
15 that's pretty much the extent of that.

16 Q You spoke to her mother?

17 A I did.

18 Q Was Child in the room when you spoke to her mother?

19 A She was not.

20 Q What -- did you ask Victoria any questions?

21 A I did.

22 Q Did she answer those questions?

23 A She did.

24 Q How was her demeanor?

25 A Concerned mother. She was -- at the time she did not

MICHAEL ROBERTSON-DIRECT BY MS. BENTLEY

1 appear to be upset, she appeared to be angry.

2 Q Did she appear to be under the influence of anything
3 at that time?

4 A No.

5 Q Do you know where Child and her mother were living at
6 that time?

7 A As far as I can remember, I believe, they were still
8 living on [REDACTED]

9 Q Okay. Did you ask -- or were you told the dates that
10 they lived at [REDACTED]

11 A I was.

12 Q What dates were you told that they lived on [REDACTED]
13 Drive?

14 A I'm sorry, not [REDACTED]

15 Q What time -- or what timeframe did Victoria live on
16 [REDACTED]

17 A Victoria told me between 2005 and 2009.

18 Q Okay. Did she indicate where they have lived
19 anywhere after that?

20 A I don't recall if they moved from the [REDACTED] to
21 [REDACTED] I don't recall.

22 Q Okay. But you did take a written statement from
23 Victoria?

24 A I did.

25 Q Okay. Why did you speak to Child that day?

MICHAEL ROBERTSON-DIRECT BY MS. BENTLEY

1 A It's our process, children under 12 years of age, we
2 send to the Julie Valentine Center for the forensic
3 interview.

4 Q Why is that?

5 A It's -- in the law enforcement, interviews are not
6 video taped. It's an employee over there at the Julie
7 Valentine Center that's trained in forensic interviews
8 that will interview the child. It asks questions, it's
9 not leading questions, just to get the truth of what the
10 child is going to say.

11 Q Okay. Were you present for that forensic interview?

12 A I was.

13 Q Did you follow that interview up?

14 A I did.

15 Q Based on the observations you made during the
16 forensic interview, what was your next step in the case?

17 A At that time I went and signed warrants on the
18 Defendant.

19 Q Did you speak to anyone else during your
20 investigation?

21 A I attempted to speak with the Defendant but I was
22 unable to speak with the Defendant.

23 Q Did you speak with anyone else, a member of Victoria
24 or Child family?

25 A I spoke with a cousin, I believe. That was in

MICHAEL ROBERTSON-DIRECT BY MS. BENTLEY

1 reference to another case.

2 MS. BENTLEY: Okay, nothing further for you. Please
3 answer any questions Mr. Chambers may have.

4 CROSS-EXAMINATION

5 BY MR. CHAMBERS:

6 Q So, you're what, I guess, would be characterized as
7 the lead investigator in this case?

8 A Yes, sir.

9 Q And. So, you were -- was that -- you this Victoria
10 Johns, I guess, at the law enforcement center?

11 A No, sir, our office on University Ridge right above
12 Family Court.

13 Q Your office which is on University Ridge?

14 A Yes, sir.

15 Q And then you made the referral to the Julie Valentine
16 Center?

17 A Yes, sir.

18 Q Then you observes the interview at the Julie
19 Valentine Center?

20 A Yes, sir.

21 Q Then that was pretty much the extent of your
22 involvement with this case, with Child is that correct?

23 A In an attempt to speak with the Defendant to get his
24 side, yes, sir.

25 Q Did -- are you aware through your investigation -- by

MICHAEL ROBERTSON-CROSS BY MR. CHAMBERS

1 the way, are you the one that obtained the warrant for the
2 arrest?

3 A Yes, sir.

4 Q Then you closed your case after giving the warrant
5 and the Defendant was placed under arrest?

6 A Yes, sir.

7 Q Are you aware of any physical evidence that you
8 gathered in this case?

9 A No, sir.

10 Q Are you ware of any forensic evidence that you
11 gathered in this case?

12 A No, sir.

13 Q Are you aware of any eye witnesses that you have in
14 this case?

15 A No, sir, just speaking with the mother.

16 Q Okay.

17 MR. CHAMBERS: That's all I have, thank you.

18 THE COURT: Any redirect?

19 MS. BENTLEY: No redirect, Your Honor.

20 THE COURT: All right, thank you, sir. I appreciate
21 you being here.

22 MS. BENTLEY: The State calls Lynn Rice.

23 THE CLERK: Ma'am, please place your left hand on the
24 Bible, raise your right hand.

25 LYNN RICE, after being duly sworn, testified as

MICHAEL ROBERTSON-CROSS BY MR. CHAMBERS

1 follows:

2 THE CLERK: Thank you, please be seated. State your
3 name for the record.

4 THE WITNESS: Lynn Rice.

5 DIRECT EXAMINATION

6 BY MS. BENTLEY:

7 Q Ms. Rice, how old you?

8 A Fifty.

9 Q And where were you born?

10 A Pascoag, Rhode Island.

11 Q When did you move to South Carolina?

12 A 1995.

13 Q Are you presently employed?

14 A Yes.

15 Q Where are you employed?

16 A All One Staffing.

17 Q How long have you been employed there?

18 A Almost two years.

19 Q Before All One, where else have you worked?

20 A I worked TTS Communication.

21 Q Okay, anywhere else?

22 A That's about it up here.

23 Q Okay. And do you have children, Ms. Rice?

24 A Uh-huh, I have three.

25 Q What are there names and ages?

LYNN RICE-DIRECT BY MS. BENTLEY

- 1 A Victoria 32, James 29 and Matthew 28.
- 2 Q Okay. Do your children reside in South Carolina?
- 3 A Yes, ma'am.
- 4 Q Do you have grandchildren?
- 5 A Yes, I do.
- 6 Q How many grandchildren do you have?
- 7 A I have six.
- 8 Q Could please tell me their names and ages?
- 9 A Child is 13, Samantha's nine, Alexis is nine, Antonio
- 10 is five, Travis is two and a new one and she's now a month
- 11 old almost.
- 12 Q Where do you live?
- 13 A [REDACTED]
- 14 Q How long have you lived at [REDACTED]
- 15 A This time I have been living there almost two years.
- 16 Q Who presently lives at [REDACTED]
- 17 A Okay, Kathy Stein, Robert Stein, Preston Hembree,
- 18 Debra Foster and myself.
- 19 Q Okay. And you said this time you lived there about
- 20 two years, had you previously lived on [REDACTED]
- 21 A Yes, ma'am.
- 22 Q When did you first begin living on [REDACTED]
- 23 A In 2001.
- 24 Q How long did you live there from 2001 until you moved
- 25 the first time?

LYNN RICE-DIRECT BY MS. BENTLEY

1 A About four and a half years.

2 Q Okay. If can you, tell me when you moved in 2001.

3 A Kathy Stein, it was Kathy Hunt then, her husband,
4 David Hunt, Charles Warren, Debra Foster, my son, Matthew
5 and myself. Oh, and Kathy's son, Chuck.

6 Q Okay. I want to ask you briefly about your daughter
7 Victoria. Ms. Rice, did you raise all them?

8 A The two boys, Vicky was raised by her grandmother.

9 Q When did Victoria go to live with her grandmother?

10 A She was four.

11 Q Okay. Where was she, where did she grow up?

12 A In Venus, Florida.

13 Q But the boys were raised by you?

14 A Yes, ma'am.

15 Q Okay. At any point did you develop a relationship
16 with Victoria?

17 A Uh-huh.

18 Q Please tell me approximately when that was?

19 A It was around -- well, we started talking probably in
20 September 2001. And then she actually come up for the
21 first time October 2001.

22 Q At any point did Victoria move to South Carolina to
23 be with you?

24 A Uh-huh, shortly after that she moved up here.

25 Q When did Victoria come to settle in South Carolina?

LYNN RICE-DIRECT BY MS. BENTLEY

- 1 A She came back to live, I think, it was probably
2 November of 2001, a month later.
- 3 Q At that point did she have any children?
- 4 A Yes, ma'am. Child
- 5 Q How old was Child
- 6 A A year old.
- 7 Q Okay. Did Victoria and Child live with you steadily?
- 8 A Off and on. Yes, steadily.
- 9 Q Okay. And you know the Defendant in this case,
10 correct?
- 11 A Yes, ma'am.
- 12 Q Please tell the Court how you know Mr. Warren?
- 13 A We use to be a couple.
- 14 Q You use to be a couple?
- 15 A Uh-huh.
- 16 Q Can you, please, tell me when your romantic
17 relationship with Mr. Warren started.
- 18 A April of 2003.
- 19 Q Okay. And were you living at that time?
- 20 A [REDACTED]
- 21 Q Where was Mr. Warren living?
- 22 A Same address.
- 23 Q Where was Victoria living at that time?
- 24 A I think she was in Florida.
- 25 Q 2003?

LYNN RICE-DIRECT BY MS. BENTLEY

1 A I'm sorry, she was living there too, yes, ma'am. I'm
2 sorry.

3 Q Okay. How long had Mr. Warren been living at
4 [REDACTED] before you became a couple?

5 A Almost a year.

6 Q And were Child and Victoria there as well?

7 A Uh-huh.

8 Q Whose was living at [REDACTED] when Victoria and
9 Child moved in?

10 A Kathy Hunt, Charles Warren, her son, Chuck, myself,
11 my son, Matthew, I think Debra was there, too, Debra
12 Foster.

13 Q Can you tell me how many different residents you and
14 Mr. Warren lived at during the course of your
15 relationship?

16 A Five.

17 Q Five. Can you please tell me where they were when
18 you lived there?

19 A Taylors, [REDACTED] Then we moved from
20 [REDACTED] to a trailer park, [REDACTED]

21 Q 2004?

22 A Uh-huh.

23 Q Why do you say 2004?

24 A That's when we moved out of Kathy's.

25 Q Okay, please continue.

LYNN RICE-DIRECT BY MS. BENTLEY

- 1 A Then after that we moved from trailer 19 to trailer
2 20. Then we moved to number [REDACTED]
3 Q When did you move to [REDACTED]
4 A It was like 2002.
5 Q 2009.
6 A Then we stayed there for a year. Then we moved to
7 [REDACTED] which is in Taylors.
8 Q Okay.
9 A We lived there for a year then we went back to [REDACTED]
10 [REDACTED] and stayed there for maybe about four months. Then
11 we went to TR and stayed in TR then back to [REDACTED]
12 Drive.
13 Q When did you move back to [REDACTED]
14 A It was like a week before Easter 2011.
15 Q And you lived there since then?
16 A Well, no we moved to Lyman for a little while then
17 this August I moved back to [REDACTED]
18 Q That's kind of a lot moves, isn't it?
19 A Uh-huh.
20 Q How long were you romantic with Mr. Warren?
21 A About seven and a half to eight years.
22 Q Okay. Move along. Did you and Mr. Warren live with
23 Victoria and Child the first time you were at [REDACTED]
24 Drive?
25 A Maybe about a year, year and a half. Because Vicky

LYNN RICE-DIRECT BY MS. BENTLEY

1 moved out with her boyfriend and Child

2 Q And do you remember when Victoria moved out?

3 A It was right after Christmas. I think -- I think

4 2011. No, I'm sorry, 2005 or 2004, I'm sorry.

5 Q So Christmas 2004 she moves out?

6 A Uh-huh.

7 Q Where did she move to your knowledge?

8 A [REDACTED]

9 Q Do you remember which trailer she lived in?

10 A Forty something. 40 -- I don't remember it was on
11 the other side of the park.

12 Q And how long after Victoria and Child moved out did
13 you and Mr. Warren move to [REDACTED]

14 A About three months.

15 Q Okay. During the interim did you have contact with
16 Victoria and Child

17 A Uh-huh.

18 Q What type of contact would you have?

19 A We'd go over for dinner, they'd come over to the
20 house back and forth.

21 Q Okay. Was Victoria working at that time?

22 A Oh yeah, she worked. I think at that time she worked
23 at the Behind Horse. Then she worked for the steak house,
24 too.

25 Q And while Victoria worked where was Child

LYNN RICE-DIRECT BY MS. BENTLEY

- 1 A With Vicky's boyfriend, Tommy, at that time.
- 2 Q Okay. When you moved to [REDACTED] did Victoria
- 3 and Child live with you at some point?
- 4 A She broke up with her boyfriend, Tommy, and stayed
- 5 with us.
- 6 Q When was that.
- 7 A It was right before Christmas 2005.
- 8 Q So you'd been there about a year when she moved in
- 9 with you?
- 10 A Uh-huh.
- 11 Q Did Victoria and Child live with you -- either of
- 12 them live with you at [REDACTED]
- 13 A Uh-huh, yes, ma'am.
- 14 Q Okay. Did either of them or both of them live with
- 15 you at [REDACTED]?
- 16 A Yes.
- 17 Q And what about when you moved to TR?
- 18 A No.
- 19 Q Okay. What about when you moved back to [REDACTED]
- 20 [REDACTED]
- 21 A Yes, they were living there before we moved in.
- 22 Q Okay. Ms. Rice, I want to talk to you a little bit
- 23 about your daughter, Victoria. Did you know her to have a
- 24 problem with drugs while she lived in South Carolina?
- 25 A Yes, ma'am.

LYNN RICE-DIRECT BY MS. BENTLEY

1 Q Can you tell me to your knowledge when that began?

2 A Probably towards the end of 2001.

3 Q Okay.

4 A Shortly after she moved up.

5 Q Was she always on drugs?

6 A No.

7 Q Tell me a little bit about her experience with drugs.

8 First of all, what drugs did she use, do you know?

9 A I think in the beginning she was doing cocaine. She
10 was working at Platinum Plus, she had started doing it
11 then. It was like off and off with that. She'd got for
12 months without doing anything. Then she'd be on it for a
13 little bit, then she'd go off of it again. Then later on
14 she eventually ended up doing meth.

15 Q Okay. Did you ever know her to seek professional
16 treatment?

17 A Two to three times, at least.

18 Q Okay. Tell me what would happen to the girls when
19 Victoria was using drugs.

20 A She left them with me.

21 Q Okay. So, tell me how that would happen.

22 A I think she also felt that, you know, she knew she
23 was getting into dangerous stuff and I'd keep them for
24 her. She'd usually come see them and stuff. Come by.
25 And -- and she tried to see them as much as she could but

LYNN RICE-DIRECT BY MS. BENTLEY

1 usually I had them.

2 Q Okay. Did you ever notice signs of abuse or neglect
3 on the girls?

4 A No, ma'am.

5 Q Did they ever seem fearful of their mother?

6 A No.

7 Q Did they ever complain about their treatment when
8 they came to live with you?

9 A No.

10 Q Can you tell me the last time Victoria was enrolled
11 in a treatment program?

12 A She went to Heart of Hannah right before she went to
13 jail. That was back in May or June.

14 Q How was she doing around Easter 2011?

15 A As far as I know she was doing good.

16 Q Okay. When Child did not live with you, how often
17 would she visit?

18 A Frequently.

19 Q Okay. Tell me what you mean. Often or frequently?

20 A She seemed like she was always around. There were
21 times when Vicky -- I would see the girls but most of the
22 time she'd be off on at my house. She was in and out.

23 Q Would you say that you saw her weekly?

24 A Oh, yeah, weekly. Mostly daily. Like every couple
25 of days.

LYNN RICE-DIRECT BY MS. BENTLEY

1 Q Were you working when Child would visit?

2 A Uh-huh.

3 Q Tell me what happened while you were at work and

4 Child was living or visiting with you?

5 A Usually someone -- usually Ray or somebody else in

6 the house would baby-sit.

7 Q Tell me about Ray and Child relationship.

8 A They always had a good relationship. I mean, as far

9 as I could see. They were always friends.

10 Q Were there other children living with you or staying

11 with you?

12 A Yes, ma'am. My other granddaughter and niece lived

13 with us for a while.

14 Q What was Ray's relationship with the other girls?

15 A He didn't like Samantha. He loved Child He liked

16 Jasmine and he liked my niece Taylor. But other than

17 that, he usually got along with all kids. Just a few he

18 didn't like.

19 Q What types of things would he and the girls do

20 together?

21 A Fishing, he'd take them squirrel hunting, he played

22 football with them. He was always doing something.

23 Q Did he treatment all the girls equally?

24 A Kind of. Like I said, she didn't like Samantha. So,

25 he really didn't take her. He did Taylor, some Child

LYNN RICE-DIRECT BY MS. BENTLEY

1 Q Was Ray ever--

2 A Oh, yeah, a lot of times?

3 Q How often would you say?

4 A I couldn't put a number on it. A lot. I mean, there
5 was a lot of people also living in the house. But usually
6 take them hunting and walks. He use to take them for
7 walks to the parks, stuff like that. He's always with
8 them.

9 Q Did he ever complain about the time he had to spend
10 with Child

11 A No.

12 Q Did he complain about time with the other girls?

13 A No. Maybe Samantha. Samantha was a hard kid. He
14 didn't really get along good with her.

15 Q Tell me about Child and Samantha.

16 A Child is very shy. She's very smart and quiet.
17 Samantha, she is very hyper, very outspoken. She's
18 rambunctious. She's a handful.

19 Q I want to take you back to Easter 2011. You were
20 back at [REDACTED] you said?

21 A Uh-huh.

22 Q How long had you been there by Easter 2011?

23 A Just maybe three or four days. We just moved back.

24 Q Who was living there on [REDACTED] around Easter
25 2011?

LYNN RICE-DIRECT BY MS. BENTLEY

1 A Kathy Stein, Robert Stein, Debra Foster, Vicky, Child
2 Samantha, Travis and myself and Ray.

3 Q Okay. Who -- did anybody invite you to move back to

4 [REDACTED]

5 A Kathy's husband, Robert, had talked about it. He
6 knew we were having a hard time in TR. He said we could
7 come back if we wanted to.

8 Q That cause a problem with anyone else in the home?

9 A Huh-uh, no.

10 Q Were you still in a romantic relationship with
11 Mr. Warren Easter 2011?

12 A Yes, ma'am.

13 Q I want to take you back to the Saturday before
14 Easter, how did you start off that day?

15 A I went to a Easter egg hunt with my daughter-in-law
16 and and my other grandchildren.

17 Q Who's your daughter?

18 A Lisa Rice. And then also Antonio was there.

19 Q Okay. After that what did you do?

20 A I had come home. And when I got home I was in the
21 living room talking with Kathy.

22 Q Do you remember what that time you got home?

23 A Maybe by 1:00, early afternoon.

24 Q Okay. And you're talking to Kathy think. What
25 happens when you're talking to Kathy?

LYNN RICE-DIRECT BY MS. BENTLEY

- 1 A That's when Vicky came flying out, somewhere in the
2 dinning room area or hallway area and started yelling at
3 Ray, jumping on Ray, literally attacking him, going off.
- 4 Q I want to talk to you a little bit about that house.
5 How many rooms or bedrooms were in that house?
- 6 A Four.
- 7 Q Were there computers in the home?
- 8 A Yes, ma'am.
- 9 Q How many?
- 10 A Two.
- 11 Q Where were they?
- 12 A One in the living room and one in the girls room.
- 13 Q Okay. And to your knowledge when you came home,
14 whose was home?
- 15 A Only one I now of was myself, Kathy, Debra and
16 Robert.
- 17 Q Okay.
- 18 A Well, Vicky and the kids were at home.
- 19 Q Did you know whether or not Mr. Warren was home?
- 20 A I didn't realize it until after Vicky had come out
21 right then. Come out into the living room.
- 22 Q Okay. You said you were talking to Kathy when
23 Victoria flipped on out ray?
- 24 A Uh-huh.
- 25 Q Had Victoria -- tell me about Victoria's relationship

LYNN RICE-DIRECT BY MS. BENTLEY

1 with Ray prior to that day.

2 A I thought it was the pretty good. I mean, they
3 always seemed fine.

4 Q Had she ever been angry like this at Ray before?

5 A No.

6 Q Describe to me, without telling me anything she said,
7 how she attacked Ray?

8 A Like any mom would do if their child had been
9 threatened. I mean, she was very, very upset?

10 Q Did she use physical violence?

11 A Yes.

12 Q Was she screaming?

13 A Yes, ma'am.

14 Q How long did that go on?

15 A Not long. It was like maybe two, three minutes it
16 lasted. Then she disappeared.

17 Q Then she disappeared?

18 A Uh-huh.

19 Q Did he remain in the home?

20 A I didn't know at the time but I think that he had
21 gone somewhere.

22 Q Okay. What did you do after seeing this altercation?

23 A I tried -- first I called my daughter-in-law, Lisa,
24 and talked to her. She tried for me to get out of the
25 home. During that time he had called his mom and his

LYNN RICE-DIRECT BY MS. BENTLEY

1 mother came and got us.

2 Q Tell me who he is.

3 A He called his mother.

4 Q She came to pick the two of you up?

5 A Right.

6 Q Did you speak to Victoria anymore that day?

7 A No, ma'am.

8 Q Did you speak to Child day that day?

9 A No, ma'am.

10 Q Have you ever spoken to Child about the allegations
11 that we're here for today?

12 A No.

13 Q Did you keep in contact with Victoria or Child after
14 Easter 2011?

15 A Not until I saw the girls probably in October 2011.
16 Then Vicky, I saw Vicky back again around Christmas 2011.

17 Q Between Easter and October to Christmas, have you
18 seen her?

19 A No.

20 Q And you've never spoken to Child

21 A No.

22 Q Are you still in relationship with Mr. Warren?

23 A No, ma'am.

24 Q When did that relationship end?

25 A August of 2011.

LYNN RICE-DIRECT BY MS. BENTLEY

1 Q Are these allegations the reason for the end of your
2 relationship?

3 A Uh-huh, yes, ma'am.

4 MS. BENTLEY: I have no further questions. Please
5 answer any questions Mr. Chambers may have.

6 CROSS-EXAMINATION

7 BY MR. CHAMBERS:

8 Q Okay. If I understand correctly, then you first met
9 Ray sometime in 2003?

10 A Yes, sir. It was around Easter. I think he was on
11 spring break from the school where he worked.

12 Q Did y'all meet and immediately move in together?

13 A Well, he moved with us. His father lived in the home
14 with us. And his grandmother had moved or something and
15 he ended up coming.

16 Q So when in 2003?

17 A It was around Easter.

18 Q So when did he and his mother--

19 A So, I'm sorry, he moved in 2002 because Chuck was
20 still alive.

21 Q When did he--

22 A His father also lived there. His father lived there
23 before I did. Then he came around spring break of 2002.

24 Q So you were living where his father was living then
25 he moved in later?

- 1 A Right.
- 2 Q And that was after the two of you started dating?
- 3 A Uh-huh.
- 4 Q I mean, did y'all meet there at the house?
- 5 A Yeah, I never knew him before then.
- 6 Q And that was [REDACTED] that first place y'all
- 7 lived together? Then moved out, I think you said sometime
- 8 in 2004, that's when you moved to [REDACTED]
- 9 A Uh-huh.
- 10 Q About what time in 2004 did you move to [REDACTED]
- 11 A It was around, I think, it was April.
- 12 Q And I believe you said that you lived for some time
- 13 in trailer number 19 then you moved to trailer number 20?
- 14 A Yes, sir.
- 15 Q How long did you live there? Between those two,
- 16 [REDACTED]
- 17 A Probably about three years. About three years we
- 18 lived in 19, then almost two in 20.
- 19 Q Around 2007?
- 20 A Uh-huh.
- 21 Q If I remember correctly, when you were talking to the
- 22 solicitor, you then moved to [REDACTED] and you lived
- 23 there for about a year?
- 24 A Right.
- 25 Q And then you moved to [REDACTED]?

LYNN RICE-CROSS BY MR. CHAMBERS

- 1 A Right.
- 2 Q Is you lived there for about a year?
- 3 A Uh-huh.
- 4 Q And then you moved back to [REDACTED]
- 5 A Uh-huh.
- 6 Q Was there for just a few months then finally at
- 7 [REDACTED]
- 8 A No, we went back to TR. That's where his brother was
- 9 living.
- 10 Q What's that address?
- 11 A I don't remember the street address, circle, I think.
- 12 Q So, the last time that y'all lived on [REDACTED] I
- 13 guess, really was in the year 2004?
- 14 A No, we lived there 2004 until about -- I can't
- 15 remember exactly whether it was 2007 or 2008.
- 16 Q So, you moved out 2008?
- 17 A I don't remember exactly what year.
- 18 Q But you never went back there after 2009?
- 19 A No.
- 20 Q So you lived there 2004 until the time -- you never
- 21 went back?
- 22 A No.
- 23 Q All right. And at any of those locations, were the
- 24 two of you ever living alone?
- 25 A Well, we lived alone for like maybe a month. Other

LYNN RICE-CROSS BY MR. CHAMBERS

1 than that we never lived alone.

2 Q How many lived in the house the first time on

3 [REDACTED]

4 A There was people in and out. I mean, the main ones
5 would be one, two, three, four, five -- between seven to
6 eight that I can say at one time. There was always
7 people, it was a revolving door.

8 Q Then when you lived there the second time, how many
9 people were living there?

10 A About the same amount. Then maybe a little bit more.
11 When we moved, probably moved in with his wife and their
12 two daughters.

13 Q [REDACTED] same number?

14 A No, [REDACTED] it was four of us living there plus
15 the girls.

16 Q And then [REDACTED], how many people were living
17 with y'all?

18 A Four of us plus two adults. Ray and myself and four
19 kids.

20 Q Then finally on [REDACTED] when these events
21 began to sort of be alleged, how many people -- I know you
22 told us but how many people were living there at that
23 time?

24 A One, two, three, four, five, six, seven, be eight.

25 Q All right. So eight people living there?

LYNN RICE-CROSS BY MR. CHAMBERS

1 A Uh-huh.

2 Q Was everybody -- again, so pretty much always
3 somebody at the house?

4 A Uh-huh.

5 Q All right. And you talked about Victoria having some
6 problems with drugs. Were there periods that you're aware
7 of, would it be fair to say, that you didn't know that she
8 was keeping it from you?

9 A I'm sure. She's been through drug treatment. At
10 least three or four times she's sought treatment.

11 Q Inpatient or outpatient?

12 A Most of them she was outpatient. Until one time for
13 inpatient?

14 Q And you said that she started out with cocaine, do
15 you know of any use of crack cocaine?

16 A No.

17 Q And you said that she then moved to meth as far as
18 you know that was the last drug that she was fooling with?

19 A Uh-huh, as far as I know.

20 Q You mentioned somebody named Tommy, how long was that
21 relationship with Tommy?

22 A They were together about maybe three years.

23 Q And did she along with Tommy and Child ever live with
24 you?

25 A Yeah. They lived with us on [REDACTED] with her other

LYNN RICE-CROSS BY MR. CHAMBERS

1 daughter.

2 Q What was that daughter's name?

3 A Samantha.

4 Q That's the one you said that she was trouble?

5 A She's a handful, I didn't say she was trouble.

6 Q I understand. She was much harder to be around than

7 Child was?

8 A Yes, she was.

9 Q Just kind of acting up, getting into trouble, not
10 doing what she's told, that sort of thing?

11 A Yeah.

12 Q All right. Then there were other children that lived
13 in the house or would visit on a frequent basis?

14 A Yeah.

15 Q And you said that Ray had a good relationship, like
16 to do things with them, sort of tomboy things like playing
17 football, going squirrel hunting?

18 A Uh-huh, fishing.

19 Q Look like they had a good relationship with him?

20 A Uh-huh.

21 Q Do you know of any other boyfriends that Victoria had
22 beside Tommy?

23 A Larry who was Samantha's father. Then she had -- she
24 had quite a few. I mean, there's been many, many
25 boyfriends.

LYNN RICE-CROSS BY MR. CHAMBERS

1 Q Would they at times live with y'all, too?

2 A Yes, we had a few.

3 Q Now, you've talking about since you met Ray back in
4 2002, 2003, whenever that was that y'all together lived
5 one, two, three, four, five, six different places together
6 in that time frame between 2003 and 2011?

7 A [REDACTED] trailer park, [REDACTED]
8 and TR, so that's six -- that's five.

9 Q [REDACTED] two different trailer
10 numbers 19 and trailer 20, [REDACTED] Road, [REDACTED]
11 again then [REDACTED]

12 A That's right.

13 Q You said that Victoria moved in and out so she lived
14 at least those many places if not more, is that correct?

15 A Uh-huh.

16 Q She lived at four of them with sometimes her
17 daughter, sometimes they would be with you.

18 A Yeah.

19 Q Did her daughters ever live with anybody beside
20 Victoria or you during that timeframe?

21 A They stayed with their stepmother one time for a
22 little while for the summer.

23 Q So, would the -- you mentioned the name Larry, is
24 that one of the girls dad?

25 A Samantha's.

LYNN RICE-CROSS BY MR. CHAMBERS

1 Q Okay.

2 A Yeah, she lived with Larry next door with us.

3 Q Was your, I believe, recollection of when these
4 allegations, when you first heard about it, that they were
5 trying to force Ray out of the house?

6 A Yes, Uh-huh.

7 MR. CHAMBERS: That's all the questions I have.

8 MS. BENTLEY: Brief redirect, Your Honor.

9 THE COURT: Yes, ma'am.

10 REDIRECT EXAMINATION

11 BY MS. BENTLEY:

12 Q Can you tell me the different residents that you
13 lived in, which ones either Child lived at with you or
14 visited you at -- I'm sorry that come play at?

15 A All of them.

16 Q And what residents, if any, would Child had spent
17 alone time with Ray?

18 A The only one she didn't spend was TR, other than that
19 all of them.

20 Q You said that Victoria lived in four residents with
21 you, can you tell me those?

22 A [REDACTED] [REDACTED] [REDACTED] and

23 [REDACTED].

24 Q Mr. Chambers asked you if your initial reaction was
25 to those allegations was that they wanted Ray out of the

LYNN RICE-REDIRECT BY MS. BENTLEY

1 house, is that correct?

2 A Well, it could have been me or him. I mean, at the
3 time that's what I thought.

4 Q Had anyone told you they wanted you out?

5 A No.

6 Q Had anyone encouraged you to leave?

7 A No.

8 Q Why would you think that's?

9 A Because me and my daughter, we've had problems in the
10 past. And I thought maybe she didn't want us there. That
11 was my gut first reaction.

12 Q And did you ask her if that was the case?

13 A I didn't get the chance to talk to her.

14 Q Is that still your impression?

15 A No. No.

16 MS. BENTLEY: No further questions.

17 THE COURT: Recross?

18 MR. CHAMBERS: No more questions, Your Honor.

19 THE COURT: Okay. Thank you, ma'am, appreciate it.

20 You may step down.

21 MS. BENTLEY: The State calls Victoria Johns.

22 THE CLERK: Ma'am, please place your left hand on the
23 Bible, raise your right hand.

24 VICTORIA JOHNS, after being duly sworn,

25 testified as follows:

LYNN RICE-REDIRECT BY MS. BENTLEY

1

2 THE CLERK: Thank you, please be seated. State your
3 name for the record.

4 THE WITNESS: Victoria Johns.

5

DIRECT EXAMINATION

6 BY MS. BENTLEY:

7 Q Ms. Johns, are you currently employed?

8 A No, ma'am, I'm not.

9 Q When were you last employed?

10 A Around 2009, 2010.

11 Q I'm going to ask you to speak up just a little bit,
12 you're soft spoken. Are you originally from South

13 Carolina?

14 A No, ma'am, I'm from Florida.

15 Q How long did you live in Florida?

16 A Until 2001.

17 Q What brought you to South Carolina?

18 A My mother.

19 Q Who is your mother?

20 A Lynn Rice.

21 Q Did you grow up with your mother?

22 A No, I did not.

23 Q Did you grow up with contact with your mother?

24 A No, I did not.

25 Q When did you first have contact with your mother?

VICTORIA JOHNS-DIRECT BY MS. BENTLEY

- 1 A In 2001.
- 2 Q How old were you then?
- 3 A Nineteen.
- 4 Q How old are you today?
- 5 A Thirty-two.
- 6 Q Do you have children?
- 7 A Yes, ma'am.
- 8 Q How many?
- 9 A I have three.
- 10 Q What are their names and ages, please?
- 11 A Child 13, Samantha is nine and Travis is three.
- 12 Q And do your children live with you right now?
- 13 A No, they do not.
- 14 Q Can you tell the Court where your children live?
- 15 A My son Travis was adopted by Janet Manasian who is
- 16 our neighbor. My daughters, Child and Samantha live with
- 17 my brother and sister-in-law, sorry.
- 18 Q What are there names?
- 19 A Lisa Rice and James Rice.
- 20 Q Okay. Can you tell me what kind of work you did when
- 21 you last worked?
- 22 A I worked as a waitress at Fatz Cafe and Denny's. And
- 23 I worked at a answering service, TSA Communications..
- 24 Q Okay. You said that your mother brought you to South
- 25 Carolina?

VICTORIA JOHNS-DIRECT BY MS. BENTLEY

- 1 A That's correct.
- 2 Q When did you -- when would you consider yourself to
- 3 have settled in South Carolina, when you lived here for
- 4 good?
- 5 A About 2002, maybe.
- 6 Q Did you have children at that time?
- 7 A I did, I had Child
- 8 Q How old was Child at that time?
- 9 A She would be two or three.
- 10 Q Okay. Tell me where you first lived in South
- 11 Carolina.
- 12 A At [REDACTED]
- 13 Q Who moved to [REDACTED]
- 14 A Kathy hunt and her husband, David hunt, Charles
- 15 Warren, My mom, Lynn Rice and my brother, Matthew Rice and
- 16 Chuck, Kathy's son.
- 17 Q Charles Warren Mr. Ray Warren's father?
- 18 A That's correct.
- 19 Q Was Ray Warren living there when you first moved in?
- 20 A No, he was not.
- 21 Q Did he visit?
- 22 A Yes.
- 23 Q Was [REDACTED] your mother's home?
- 24 A No, it was Kathy and David's.
- 25 Q Kathy's home?

VICTORIA JOHNS-DIRECT BY MS. BENTLEY

- 1 A Yes.
- 2 Q And what's your relationship to the victim in this
- 3 case?
- 4 A She's my daughter.
- 5 Q You also know Ray Warren?
- 6 A I do.
- 7 Q Can you tell me how you met Ray Warren?
- 8 A At [REDACTED] He was coming over to spend
- 9 sometime with his father.
- 10 Q Okay. Did Mr. Warren become involved with your
- 11 mother?
- 12 A Yes, he did.
- 13 Q When do you remember their relationship happening?
- 14 The romantic relationship, I'm sorry.
- 15 A I would guess about 2004.
- 16 Q Okay. I want you to describe your children for me.
- 17 What is Travis' personalty?
- 18 A Very outgoing and bubbly and into everything.
- 19 Q What about Samantha?
- 20 A She's a burst of sunshine. She is outgoing, friendly
- 21 and she just completely love.
- 22 Q She's a handful, though, would you disagree with
- 23 that's?
- 24 A No, I would not.
- 25 Q Describe Child for me.

VICTORIA JOHNS-DIRECT BY MS. BENTLEY

1 A Child is shy, quiet, she -- once she opens up she's
2 the most wonderful little girl on the inside.

3 Q Okay. How long did you live at [REDACTED] when
4 you first lived there with your mother and Child

5 A Until about 2004 when I got pregnant with Samantha,
6 2003.

7 Q Okay. Was Ray Warren -- did Ray Warren move in at
8 some point during that period of time?

9 A Yes, he did.

10 Q When did he move in, approximately? Were you
11 expecting Samantha when he moved in? Were you pregnant
12 with Samantha?

13 A I don't remember.

14 Q When was Samantha born?

15 A [REDACTED] -- [REDACTED].

16 Q Okay. When did you move from [REDACTED] to
17 [REDACTED] Were you pregnant with Samantha then?

18 A Yes, I was.

19 Q Do you remember what time of year it was?

20 A No, I do not.

21 Q How long did you live at [REDACTED] before your
22 mother and Ray followed?

23 A I say about six months.

24 Q Okay. Did they move into the same trailer that you
25 were?

VICTORIA JOHNS-DIRECT BY MS. BENTLEY

1 A No, they did not. They moved across the street.

2 Q At any point did you leave your residence and move
3 into their residence?

4 A Yes, I did.

5 Q Do you remember when that was?

6 A No, I do not.

7 Q Okay. Would there be times that you would be living
8 at your residence but Child would not be living with you?

9 A Yes.

10 Q Tell me how often that happened?

11 A While we were at [REDACTED] or just in general?

12 Q While you were at [REDACTED]

13 A When the -- but she would always go over there for
14 like the weekends. It was directly across the street so
15 the kids could just come back and forth.

16 Q What happened from 2010 to 2011, how often did you say
17 that Child did not live with you?

18 A Quite a bit.

19 Q Quite a bit. Where do you currently live?

20 A I live at a recovery house called Foundation House.

21 Q How long have you lived at the Foundation House?

22 A For one week.

23 Q Before that where did you live?

24 A Leath Correctional Institution.

25 Q Is that a women's prison in South Carolina?

VICTORIA JOHNS-DIRECT BY MS. BENTLEY

- 1 A That's correct.
- 2 Q How long were you there?
- 3 A About a year and a half.
- 4 Q Why were you in there?
- 5 A For manufacture meth.
- 6 Q Okay. Can you tell me when you remember your drug
- 7 use started?
- 8 A It was around -- after Samantha was born.
- 9 Q June of 2004?
- 10 A That's correct.
- 11 Q What kind of drugs did you start using?
- 12 A I used cocaine before that off and on but it was not
- 13 very often. But my drug use, I switched to meth after
- 14 Samantha was born and just occasionally. And my disease
- 15 was progressive.
- 16 Q What do you mean by progressive?
- 17 A At times when I was on it, I'd be on it for weeks.
- 18 Q Did you make attempts to get clean on your own?
- 19 A I did.
- 20 Q How many would you say?
- 21 A I went about three.
- 22 Q Okay. Did you seek professional help?
- 23 A I did.
- 24 Q Where did you seek professional help?
- 25 A I went -- when I found out I was pregnant with

VICTORIA JOHNS-DIRECT BY MS. BENTLEY

1 Travis, I went to Marshall Pickens, I checked myself in.

2 I continued with alcohol anonymous, narcotics anonymous

3 and I stayed clean for about two and a half years.

4 Q When did you relapse?

5 A I just went blank, I'm sorry.

6 Q That 's okay.

7 A Let's see.

8 Q Would you say it effected your memory?

9 A Yes, ma'am.

10 Q Okay. How did you act when you were using meth?

11 A Withdrawn.

12 Q Okay. What did you do with your children?

13 A I usually took them to my mother's.

14 Q Did you use drugs in front of your children?

15 A No, I did not.

16 Q You sure?

17 A I'm confident about that.

18 Q Okay. Who would be at your mother's when you would

19 leave the children there?

20 A It was always her, Ray, depending on where we lived,

21 there was also family in and out, so.

22 Q Did your mother work?

23 A Off and on.

24 Q Did Ray work?

25 A Yes, he did.

VICTORIA JOHNS-DIRECT BY MS. BENTLEY

1 Q Who would watch Samantha -- or would watch Samantha
2 and Child when you worked?

3 A Usually Kathy, my mom or Ray.

4 Q So, each of those people spent time along with your
5 daughters?

6 A That's correct.

7 Q Did you check in with them when you were using your
8 drugs and they were living there?

9 A Yes, I did.

10 Q How did your drug use effect your relationship with
11 your children back when you're still living together and
12 using?

13 A I wasn't using daily so I know it had to be hard on
14 them. Disappearing for times. But most of the time I was
15 there. But there's no doubt that there were times I
16 should have been there and I wasn't.

17 Q Okay. I want to take you back to Easter 2011, do you
18 remember that weekend?

19 A Yes, ma'am.

20 Q Okay. Hold on a second. Before -- where were you
21 living in Easter 2011?

22 A [REDACTED]

23 Q How long had you been living there that time?

24 A About five or six months.

25 Q Okay. Who else was living there?

VICTORIA JOHNS-DIRECT BY MS. BENTLEY

- 1 A Kathy Stein and Robert Stein.
- 2 Q Were your mother and Ray living there?
- 3 A No, not at that time.
- 4 Q Did they move in at some point?
- 5 A Yes, they did.
- 6 Q Do you remember when?
- 7 A Yes it was Easter weekend prior.
- 8 Q Okay. And how did you feel about them moving in?
- 9 A I was happy.
- 10 Q Why were you happy?
- 11 A Because I was sick at the time and it would have
- 12 given me another baby-sitter. And it would have given me
- 13 someone to help clean. And that's just being honest.
- 14 Q Okay. Do you remember Easter weekend 2011?
- 15 A I do.
- 16 Q Has the drug use impaired you of what happened that
- 17 weekend?
- 18 A No, it has not.
- 19 Q Why is that?
- 20 A Because I'll never forget that weekend.
- 21 Q Okay. I want to take you back to the start before
- 22 Easter. What had you been doing that morning?
- 23 A Just sitting around the house.
- 24 Q Around the house. Who was home?
- 25 A Myself, Child Samantha, David, Kathy Stein, Robert

VICTORIA JOHNS-DIRECT BY MS. BENTLEY

1 Stein.

2 Q Where was everybody in the house, you remember or do
3 you know?

4 A I know that Robert was in his room and Kathy was in
5 the living room with my mom. And Child was in the room
6 with Ray and I was in our room.

7 Q Okay. Prior to your mom and Ray moving into
8 [REDACTED] around Easter 2011, how long had it been
9 since either you or Child had lived with your mom and Ray?

10 A I don't remember.

11 Q Okay. Take me through the Saturday before Easter.
12 You're sitting around the house, tell me what happened?

13 A I had gone in to find Child and. . .

14 Q Where did you think Child would be?

15 A In her room on the computer.

16 Q Why did you think that?

17 A She was usually in there playing games.

18 Q Okay.

19 A And when I walked in I saw Child sitting in the
20 computer chair and--

21 Q How was she sitting?

22 A Can I show you?

23 Q Yeah.

24 A She had her legs up like this in a chair and she was
25 like this. And Ray was draped over her and he had his

VICTORIA JOHNS-DIRECT BY MS. BENTLEY

1 hands where I could not see them. And a light bulb just
2 went off and I knew something did not appear right.

3 Q I'm going to stop you right there. Talk to you for a
4 minute. Was -- how were they facing when you walked in
5 the room?

6 A Towards the computer.

7 Q Okay. Was the door opened or closed?

8 A It was closed.

9 Q Was it locked?

10 A No, I just walked in.

11 Q You just walked in?

12 A (The witness nods.)

13 Q Tell me what happened when you walked in and saw
14 this?

15 A Ray jumped and Child just looked at me.

16 Q And you say he was draped over her?

17 A That's correct.

18 Q Can you, please, describe that to us?

19 A He was leaning over her like -- his arms were over
20 her shoulders and his hands were like where her feet or
21 her vagina would be.

22 Q But you could not see his hands?

23 A No, I could not.

24 Q Tell me what happened when Ray jumped up?

25 A I looked at Child and I said, Child come here.

VICTORIA JOHNS-DIRECT BY MS. BENTLEY

- 1 Q Okay.
- 2 A And I took her straight back to my room.
- 3 Q Okay. Did you say anything to Ray at that point?
- 4 A No, I did not.
- 5 Q You took Child to your room. Where was your room?
- 6 A It was the garage that was made into a room.
- 7 Q Okay. And what did you do -- pardon, did Child
- 8 follow you?
- 9 A Yes, she did.
- 10 Q What happened when you went to your room?
- 11 A I sat her down on my bed and I sat down beside her.
- 12 Q Okay. What did you say to her?
- 13 A I asked her if Ray had ever touched her
- 14 inappropriately.
- 15 Q Without giving me any details or anything that she
- 16 said, did Child disclose sexual abuse to you?
- 17 A Yes, she did.
- 18 Q Did you continue to question her at that time?
- 19 A I honestly do not remember.
- 20 Q Tell me what you remember next?
- 21 A I remember going after Ray.
- 22 Q Okay. Tell me what you mean by going after Ray.
- 23 A Well, I went to talk to Robert first, I'm sorry.
- 24 Q No, that's okay. Where was Robert?
- 25 A Robert was in his room.

VICTORIA JOHNS-DIRECT BY MS. BENTLEY

- 1 Q Okay. Did Child come with you?
- 2 A No.
- 3 Q Where did you leave Child
- 4 A In my room.
- 5 Q Why did you go to Robert?
- 6 A Because I trust Robert. I look at him like a father.
- 7 Q Okay. After you talked to Robert, do you remember
- 8 what you said to Robert?
- 9 A I just told him that he needed to come talk to me and
- 10 Child
- 11 Q Okay. Did he follow you?
- 12 A Yes, he did.
- 13 Q Where did he go?
- 14 A He came in the room with me and Child
- 15 Q Did you stay in the room while he spoke to Child
- 16 A Not for long.
- 17 Q Okay. Where did you go?
- 18 A I went after Ray.
- 19 Q Tell me what you mean by you went after Ray.
- 20 A I literally -- I was yelling and screaming and I
- 21 literally pushed him out the front door.
- 22 Q So, you became physically combative with Ray?
- 23 A Yes, I did.
- 24 Q Did you scream at Ray?
- 25 A Yes, I did.

VICTORIA JOHNS-DIRECT BY MS. BENTLEY

- 1 Q Did you curse at Ray?
- 2 A Yes, I did.
- 3 Q Where did this take place?
- 4 A In the living room.
- 5 Q Who else was around?
- 6 A My mother, Lynn Rice and Kathy, Kathy Stein.
- 7 Q Okay. Tell me how Child -- tell me Child demeanor
- 8 when you were talking to her?
- 9 A She looked relieved. Like someone finally asked her.
- 10 Q Okay. Would you say that you were calm or rational
- 11 after you spoke to Child
- 12 A No.
- 13 Q Okay. After you shoved Ray away, what did you do
- 14 next?
- 15 A I took my children, Child and Samantha, and I went to
- 16 the neighbor's house. It was two streets over.
- 17 Q Who is the neighbor?
- 18 A Janet Menasian.
- 19 Q How do you know Janet?
- 20 A She's been a friend of the family for several years.
- 21 Q Okay. This is the Janet that adopted Travis?
- 22 A That's correct.
- 23 Q What did you do at Janet's house?
- 24 A We sat down and I explained to her what had happened.
- 25 And we discussed what further action to take because I had

VICTORIA JOHNS-DIRECT BY MS. BENTLEY

1 no idea. And we discussed the calls that we would make
2 and what we would do.

3 Q Okay. What call, if any, did you decide to make?

4 A I called Greenville County Sheriff's Office and I
5 called DSS.

6 Q Did you make those calls that day?

7 A I called the next day. It was the Easter weekend so
8 I called that Monday.

9 Q That Monday?

10 A Yes.

11 Q Why did you wait?

12 A Because we didn't know if anyone would be available
13 to respond. We had a lot of family in town. We didn't
14 want Child to be -- we didn't want her to have to deal
15 with all that with everyone there.

16 Q Okay. Did anyone else go over to Janet's house?

17 A Yes, we called Lisa Crawford to pick us up.

18 Q Who did she pick up?

19 A Myself, Child and Samantha.

20 Q Okay. And where did she take you?

21 A To her house.

22 Q And how long did you stay there?

23 A I don't remember.

24 Q Okay. Did you -- where did you spend Easter Sunday,
25 do you remember?

VICTORIA JOHNS-DIRECT BY MS. BENTLEY

- 1 A No, I don't.
- 2 Q Okay. When was the next time you saw Ray Warren?
- 3 A Right now.
- 4 Q Okay. Ray Warren's in this courtroom?
- 5 A Yes, he is.
- 6 Q Okay. And you've not seen him since that Saturday?
- 7 A No, I have not.
- 8 Q Okay. Tell me who responded when you called -- who
- 9 did you call on that Monday?
- 10 A I called Greenville County Sheriff's Office. And
- 11 Officer Picone came out.
- 12 Q Okay. And did you call anybody else?
- 13 A I called DSS.
- 14 Q Okay. Did you cooperate in the investigation?
- 15 A Yes, ma'am.
- 16 Q Did you cooperate in the investigation knowing you
- 17 were still using drugs?
- 18 A Yes, ma'am.
- 19 Q How long was it until your children were taken away
- 20 from you?
- 21 A It was July, 2011.
- 22 Q So, it was just a few months?
- 23 A Uh-huh.
- 24 Q Were you still -- was Child still living with you
- 25 when she had to go for her medical examine?

VICTORIA JOHNS-DIRECT BY MS. BENTLEY

1 A Yes, she was.

2 Q Was she still living with you when she had to go for
3 her forensic interview?

4 A That was at that Julie Valentine, yes.

5 Q Okay. When were the children taken away from you?

6 A In July of 2011.

7 Q Okay. Since July 2011, when was the last time you
8 saw Child

9 A That was the last time.

10 Q So, today is first time you've seen her since then?

11 A (The witness nods.)

12 Q Have you had any communication with her since July?

13 A No, ma'am.

14 Q What about Samantha?

15 A No, ma'am.

16 Q What about Lisa?

17 A No, ma'am.

18 Q What about your mom?

19 A Yes.

20 Q When did you next have communication your mother?

21 A It was Christmas.

22 Q 2011?

23 A That's correct.

24 Q And where were you?

25 A I was living in Gaffney at the time.

VICTORIA JOHNS-DIRECT BY MS. BENTLEY

1 Q Okay. And aside from that, have you had contact with
2 really anybody else in this case?

3 A No, ma'am.

4 Q Okay.

5 MS. BENTLEY: I have no further questions. Please,
6 answer any questions that Mr. Chambers may have.

7 CROSS-EXAMINATION

8 BY MR. CHAMBERS:

9 Q When you walked into the room, you were in the living
10 room, I think, prior to going into this bedroom, is that
11 correct?

12 A Either living room or my room.

13 Q Okay. Well, I thought you said you were talking to
14 some people prior to going back into the living room.

15 A Prior -- I'm sorry.

16 Q In other words, before you walked into -- you
17 referred to it as Child room, did Child have a room to
18 herself?

19 A She shared it with Samantha.

20 Q Okay. So, Child and Samantha had a room, did you
21 have your own room?

22 A Yes, I did.

23 Q And did Ray and Lynn have their own room?

24 A I don't remember if they were going to have a room or
25 not.

VICTORIA JOHNS-CROSS BY MR. CHAMBERS

1 Q And Robert and who else?

2 A Robert has his own room, yes.

3 Q Okay. Was there anybody else living there besides
4 the people I just named?

5 A I don't remember if Debra lived there at that time or
6 not.

7 Q How many people were in the living room at this time
8 when you said you walked into Child bedroom?

9 A I believe it was just my mom and Kathy.

10 Q Okay. And where is the living room in relation to
11 Child and Samantha's bedroom?

12 A There's the living room and you go down a hall and
13 it's the end of the hall, there's the room.

14 Q And you said you might have been in your room. Where
15 was your room in relation to that room?

16 A Straight in the other direction.

17 Q So just straight across the hall?

18 A Well no, it's down the hall.

19 Q Okay. And you said when you walked in the door was
20 not locked?

21 A No, it was not.

22 Q All right. So, you were able to just open the door
23 and walk in? And when you walked in she was sitting in
24 her chair, you said sort of -- heard it referred to as
25 Indian style with her legs up and she was looking at the

VICTORIA JOHNS-CROSS BY MR. CHAMBERS

1 computer screen. Was there anything on the computer?

2 A I don't remember.

3 Q Okay. But that's the direction that she was looking?

4 A Yes, sir.

5 Q All right. And you said that Ray was leaning over
6 her with his hands down somewhere around her feet?

7 A Right. His hands -- his arms were here and his hands
8 were down here.

9 Q And he was also looking at the direction of the
10 computer screen?

11 A Correct.

12 Q She wasn't undressed, was she?

13 A No.

14 Q She didn't have any of her clothes or anything off?

15 A No.

16 Q Pants not unbuttoned, nothing like that?

17 A No, sir.

18 Q Ray didn't have any of his clothes off?

19 A No, sir.

20 Q In fact, did she tell you at some point that he was
21 tickling -- that he was tickling her toes?

22 A She never told me that.

23 Q Okay. She did say that, do you recall that?

24 A No, sir.

25 Q All right. And so that's what you saw and that's

VICTORIA JOHNS-CROSS BY MR. CHAMBERS

1 what kicked this whole thing off?

2 A That's correct.

3 Q All right. Now, you said that shortly after this
4 occurred, sometime in 2011 was when the children were
5 removed from your care. Was that part of a DSS case?

6 A No, sir, it was a separate DSS case.

7 Q But I meant a DSS case?

8 A Yes, sir.

9 Q And there was -- so, there was removal, what were the
10 grounds of the removal?

11 A That I was an unfit mother.

12 Q On what basis?

13 A On that I wasn't working and we had just moved out of
14 Kathy's and I had no where to go.

15 Q Okay.

16 A So, I had taken them to my brother's.

17 Q Was your drug use a part of it?

18 A At some point, yes, sir.

19 Q Did you go to these removal hearings? I think,
20 generally, there's a 72 hour removal hearing, a 30 day
21 merits hearing on through the process?

22 A Yes, sir, I did.

23 Q And was there a finding of abuse and neglect?

24 A Yes, sir.

25 Q And did you enter into a treatment plan?

VICTORIA JOHNS-CROSS BY MR. CHAMBERS

1 A Yes, sir.

2 Q Was the ultimate goal of that treatment plan
3 reunification with your children?

4 A Yes, sir.

5 Q Apparently, you were not able to complete that
6 treatment plan, is that correct?

7 A That's correct.

8 Q And the reason for that again would be because of
9 your drug use?

10 A Yes, sir.

11 MR. CHAMBERS: That's all the questions I have.

12 MS. BENTLEY: One brief redirect.

13 THE COURT: Yes, ma'am.

14 REDIRECT EXAMINATION

15 BY MS. BENTLEY:

16 Q Have your parental rights been terminated?

17 A No, they have not.

18 MS. BENTLEY: I have no further questions.

19 THE COURT: All right, you may step down, ma'am.

20 Who's your next witness?

21 MS. BENTLEY: It's Lisa Rice.

22 THE COURT: All right, let's take a brief break.

23 Ladies and gentlemen, let's take a break. Please,

24 don't discuss the case. We'll come back on the record in

25 just a few minutes.

1 (WHEREUPON, the jury left open court at approximately
2 2:45 p.m.)

3 THE COURT: Counsel, if y'all come up real quick.

4 (WHEREUPON, an off-the-record bench conference was
5 held.)

6 (WHEREUPON, a short break was taken.)

7 THE COURT: All right, ready for the jury?

8 MS. BENTLEY: Yes.

9 MR. CHAMBERS: Yes, sir.

10 THE COURT: Okay, bring the jury in, please.

11 (WHEREUPON, the jury came into open court at
12 approximately 3:00 p.m.)

13 MS. BENTLEY: May it please the Court, The State
14 calls Lisa Rice.

15 THE CLERK: Ma'am, if you'd, please, place your left
16 hand on the Bible, raise your right hand.

17 LISA RICE, after being duly sworn, testified as
18 follows:

19 THE CLERK: Thank you, please, be seated. Please,
20 state your name for the record.

21 THE WITNESS: Lisa Crawford Rice.

22 DIRECT EXAMINATION

23 BY MS. BENTLEY:

24 Q Ms. Rice, how old are you?

25 A Twenty-eight.

LISA RICE-DIRECT BY MS. BENTLEY

- 1 Q And how long have you lived in South Carolina?
- 2 A Probably 24 years.
- 3 Q Are you currently married?
- 4 A Yes, I am.
- 5 Q To who?
- 6 A James Rice.
- 7 Q And what is your relation to the victim in this case,
- 8 Child
- 9 A Well, right now she's under my custody, we take care
- 10 of her. She's my niece.
- 11 Q She's your niece?
- 12 A Yes.
- 13 Q And what is your relationship with Victoria Johns?
- 14 A She's my sister-in-law.
- 15 Q You're married to her brother, James?
- 16 A Yes, I am.
- 17 Q Okay. And do you have children?
- 18 A Yes, I do.
- 19 Q How many children do you have?
- 20 A We have three.
- 21 Q What are their names and ages, please?
- 22 A Alexis Crawford, she's nine. Antonio, he's five.
- 23 And my new baby is almost a month.
- 24 Q Almost a month old?
- 25 A Yes.

LISA RICE-DIRECT BY MS. BENTLEY

- 1 Q Are you employed?
- 2 A No, ma'am, stay at home mom.
- 3 Q When was the last time you were employed?
- 4 A About six years ago, I think.
- 5 Q So, before you had children?
- 6 A Yeah.
- 7 Q Okay. You said that Child in your custody right
- 8 now?
- 9 A Uh-huh.
- 10 Q Do you have custody of anyone else?
- 11 A Samantha.
- 12 Q And how long have you had Child and Samantha?
- 13 A Two years.
- 14 Q Okay. Do you remember when they moved in with you?
- 15 A They moved in with me the day after Easter -- I mean,
- 16 no, the day before Easter. That's where we did our Easter
- 17 with us.
- 18 Q Okay. Did the girls move out after that?
- 19 A I'm not really say moved out. They went maybe with
- 20 their mother, but not really moved out.
- 21 Q Okay. So, you had them pretty much except a little
- 22 bit on and off since Easter 2011?
- 23 A Uh-huh.
- 24 Q And how did you feel about taking them in?
- 25 A I love them. I mean, my daughter and her daughter is

LISA RICE-DIRECT BY MS. BENTLEY

1 like best of friends already. And I had already been
2 knowing them before I got custody of them. It's not just
3 like they just came all over there at once. And I love
4 it.

5 Q Okay. And tell me a little bit about their
6 personalities, Child and Samantha?

7 A Well, like everybody said, Samantha, she's not a
8 handful, she just likes to talk a lot. She's got a bubbly
9 personality. Child she's the shy one and quiet one and
10 the most seclusive one. Kind of always, you know, reading
11 a book to herself.

12 Q Okay. And how long have you been close to the
13 Johns/Rice family? When did you meet Jimmy?

14 A I met James when I stayed across the street on [REDACTED]
15 Street.

16 Q Okay. And what was your address on [REDACTED]

17 A Two, I think, if I'm not mistaken. No, [REDACTED]
18 [REDACTED], actually.

19 Q Okay. And where did he live?

20 A I think at maybe [REDACTED] on this side of the
21 road.

22 Q Okay.

23 A But Lynn and them stayed across from me.

24 Q Okay. So, he did not live with his mother?

25 A No.

LISA RICE-DIRECT BY MS. BENTLEY

1 Q Do you remember when Lynn moved to [REDACTED] [REDACTED]

2 A I think maybe they might have already been there
3 before we moved in if I'm not mistaken.

4 Q Okay, that's fine. Do you remember when you moved
5 in?

6 A I think I might have moved in over there in like, I
7 want to say 2008, I guess. I ain't for sure, it's been a
8 while.

9 Q Okay. And is it fair to say that your memory's not
10 the best about what minor details from years ago?

11 A No, no.

12 Q Okay. Tell me when you first -- tell me about when
13 you first met Ray Warren.

14 A When I first met Ray -- see, I met Ray before I met
15 Vicky and them. Because it was a dude who stayed down the
16 street and him and Ray was pretty good hunting and fishing
17 buddies and stuff.

18 Q What was his name?

19 A I don't remember his name, I don't.

20 Q Okay.

21 A Redding was his last name. Mr. Redding is what I use
22 to call him.

23 Q Okay.

24 A And him and Ray use to go hunting and fishing and
25 that's how I met Ray.

LISA RICE-DIRECT BY MS. BENTLEY

1 Q At some point did Ray and essentially his family move
2 to [REDACTED]

3 A Uh-huh. They was already there.

4 Q Okay. Were you dating Jimmy when that happened?

5 A No, we just -- yeah kind of courting, I guess. Just
6 courting, not really dating, dating.

7 Q Okay. Did you and Jimmy spend time at his mother's
8 house?

9 A Yeah, I mean, I stayed straight across the street
10 from them. I mean, yeah, of course, that's momma.

11 Q Okay. Did you -- how did you -- is that how you got
12 to know Child and her mother?

13 A Yeah, kind of, yeah. Because my daughter and
14 Samantha are the same age and play dates and I just got to
15 know them like that.

16 Q Okay. What observations did you have, if any, about
17 Ray's interaction with your girls, Child and Samantha?

18 A Well, when I first moved -- when I was living at
19 [REDACTED] we -- you can just -- I don't know, you just
20 know something's not right, you know--

21 MR. CHAMBERS: Objection, Your Honor.

22 THE COURT: I'll sustain the objection.

23 You may continue.

24 BY MS. BENTLEY:

25 Q Let me rephrase that. Did you observe Ray interact

LISA RICE-DIRECT BY MS. BENTLEY

1 with Samantha?

2 A Yeah.

3 Q Did you observe Ray interact with Child

4 A Yes.

5 Q Did you observe Ray interact with Alexis?

6 A Uh-huh.

7 Q Did he interact with them the same way?

8 A No.

9 Q Tell me what was --, who--

10 A Just favoritism, I think. It was a little like he
11 favored one more than the other.

12 Q Who did he favor?

13 A Child

14 Q Tell me how you observed him favoring Child

15 A Just like in going places and doing stuff. Like the
16 hunting and the fishing and stuff like that. It was
17 mainly Child would get to go, the other kids wouldn't be
18 able to go.

19 Q Okay. Are you close with Lynn Rice?

20 A Kind of sort of, yes.

21 Q Tell me what you mean by that.

22 A If the DSS, if we didn't have stipulations with DSS,
23 I would be really close with her. Because that's my
24 mother-in-law.

25 Q Prior to Easter 2011, were you close with her?

LISA RICE-DIRECT BY MS. BENTLEY

- 1 A Yeah.
- 2 Q What about Victoria?
- 3 A Yeah.
- 4 Q Similar situation?
- 5 A Yeah.
- 6 Q Okay. I want to take you back to Easter 2011, Easter
7 weekend, where were you living at that time?
- 8 A [REDACTED]. I was living in Greer.
- 9 Q Okay. Who were you living with?
- 10 A Me and James and our kids.
- 11 Q Your two children?
- 12 A Two children at the time.
- 13 Q And what were your plans that weekend?
- 14 A Well, we was going to go Easter egg hunting like
15 normal stuff that we was going to plan to do with the
16 kids.
- 17 Q And who was supposed to be a part of that?
- 18 A Us -- well I say us because Lynn and Vicky--
- 19 Q Y'all, you have tell us because we don't know.
- 20 A Lynn, Vicky and the kids. That's probably what it
21 would have been because that's always what it is with our
22 kids.
- 23 Q Okay. And when was that supposed to take place?
- 24 A On Easter Sunday.
- 25 Q Did that happen?

LISA RICE-DIRECT BY MS. BENTLEY

1 A Yeah, we still had it. Just not with Lynn. Lynn
2 wasn't there.

3 Q Okay. Tell me what happened that Saturday. Where
4 did you spend the day?

5 A This is before or after Vicky went over there to pick
6 them up?

7 Q Before that.

8 A Before --

9 Q Tell me how you started that day?

10 A Just a normal every day Saturday. Get up get, get
11 ready and plan on doing something with the kids. Like
12 maybe going to the park or something like that.

13 Q Okay. Did something happen that changed your plans
14 that day?

15 A Oh, yes, when I got a call.

16 Q Tell me who called you but don't tell me what they
17 said.

18 A Vicky. Actually, no, I called Vicky because Lynn
19 called me.

20 Q Okay. You called -- excuse me, Victoria Johns?

21 A Uh-huh.

22 Q Tell me what time you made that call.

23 A I'm going to say it was like maybe 12, 1, 12ish,
24 mid-afternoon, after lunch time. I'm not for sure.

25 Q Okay. And as a result of that phone call, what did

LISA RICE-DIRECT BY MS. BENTLEY

- 1 you do?
- 2 A I went up there to see what -- to get my niece, to
- 3 check on her to see was she okay. To see was she good.
- 4 Q Where did you go?
- 5 A I went to Janet's house.
- 6 Q Who's Janet?
- 7 A The one who has Travis.
- 8 Q Janet Menasian?
- 9 A Yes.
- 10 Q Where does she live?
- 11 A She stay right across -- two streets up.
- 12 Q Two streets away from [REDACTED]
- 13 A Yeah, away from [REDACTED]
- 14 Q Okay. When you got to Janet's, who was there?
- 15 A Vicky and the two girls and Janet and Travis, too.
- 16 And that was it. I don't know whether her husband were
- 17 there or not. I'm not for sure.
- 18 Q That's fine. Did you go to [REDACTED] at that
- 19 point?
- 20 A Huh-uh.
- 21 Q Did you go to [REDACTED] later that day?
- 22 A No.
- 23 Q Okay. Where was everyone when you got to Janet's
- 24 house?
- 25 A In her living room, kitchen like den area because

LISA RICE-DIRECT BY MS. BENTLEY

1 it's kind of opened up.

2 Q Okay.

3 A So, we was just all in there.

4 Q Everybody was in there?

5 A Uh-huh.

6 Q Tell me how Victoria was when you saw her?

7 A Frantic. She was very frantic, upset, still. In
8 disbelief, I think.

9 Q Okay. How was Child

10 A Just crying, scared, maybe, I guess. Upset, very
11 emotional.

12 Q What about Samantha and Travis?

13 A They was just playing normally. Samantha was a
14 little upset because her mother and sister was crying and
15 she kind of didn't know what was going on. So, she was
16 crying, too.

17 Q Okay. Lisa, I want to ask you, how long did you stay
18 at Janet's house that day?

19 A Not long. Because I got them and we all left and I
20 took them back to my house. Far, far away from there.

21 Q Okay. So, you took them away and since then Child
22 pretty much stayed with you?

23 A Yeah.

24 Q Did you discuss -- did you speak to Child about the
25 allegations?

LISA RICE-DIRECT BY MS. BENTLEY

1 A Not really.

2 Q Not that day?

3 A No.

4 Q Have you spoken to her at any point?

5 A Yeah, I have.

6 Q Okay. Who would initiate those conversations?

7 A It just depends on if like we had to get ready to
8 prepare for court or something. She wants somebody to
9 talk to because it's kind of scary and we would talk about
10 it. Both ways, vice versa.

11 Q Okay. Tell me when, if ever, you next had contact
12 with Lynn Rice?

13 A Maybe, I think, when DSS closed the case and we
14 went -- I went to visit her. Maybe a year after that,
15 maybe. Maybe a little longer.

16 Q What about Ray Warren?

17 A I never seen him again.

18 Q Okay. Do you remember when you saw him prior to
19 today the last time you saw him?

20 A We was at Family Court -- we was at Family Court and
21 DSS and we seen him there.

22 Q What about in a social setting?

23 A No.

24 MS. BENTLEY: I have no further questions, please
25 answer any Mr. Chambers may have.

LISA RICE-DIRECT BY MS. BENTLEY

1 MR. CHAMBERS: Your Honor, I don't have any questions
2 for Ms. Rice.

3 THE COURT: Okay, thank you, ma'am. I appreciate you
4 being here. You may step down.

5 MS. BENTLEY: The State calls Robert Stein.

6 THE CLERK: Sir, if you'd, please, place your left
7 hand on the Bible, raise your right hand.

8 ROBERT STEIN, after being duly sworn, testified
9 as follows:

10 THE CLERK: Please, state your name for the record.

11 THE WITNESS:: Robert Stein.

12 DIRECT EXAMINATION

13 BY MS. BENTLEY:

14 Q Mr. Stein, how old are you?

15 A Fifty-six.

16 Q Where are you from originally?

17 A New York City.

18 Q And when did you move to South Carolina?

19 A I'm sorry?

20 Q When did you move to South Carolina?

21 A I moved here -- I came down in Greenville in 2003.

22 Q And what brought you to Greenville?

23 A My wife. Well, at that time I met my -- Kathy Hunt
24 at that time. We met online.

25 Q Okay.

ROBERT STEIN-DIRECT BY MS. BENTLEY

1 A And I moved down here. We lived together for about a
2 year then got married.

3 Q Okay. Tell me where you lived when you moved down
4 here.

5 A [REDACTED]

6 Q Okay. Have you lived anywhere else in the past 10
7 years?

8 A No.

9 Q Okay. What about Kathy?

10 A No.

11 Q I want to ask you a little bit about [REDACTED]
12 When you moved down here in 2003, who else was living
13 there?

14 A It was Lynn Rice, Victoria Johns, Tommy, I don't
15 remember his last name, Jimmy, Lynn's son, her other son
16 and that's about it, I believe.

17 Q Okay. Was Mr. Warren living there?

18 A Yes, I'm sorry, yes, he was.

19 Q Ray Warren or Charles Warren?

20 A Ray Warren and Charles Warren. I forgot, sorry.

21 Q There were a lot of people at [REDACTED]

22 A I'm old.

23 Q Okay. So both Ray and Charles Warren were living at
24 [REDACTED] when you moved in?

25 A Yes.

ROBERT STEIN-DIRECT BY MS. BENTLEY

1 Q When you moved in, where did you -- what were the
2 sleeping arrangements?

3 A Me and Kathy had the same bedroom, the master
4 bedroom. And I don't remember where -- Lynn and Ray were
5 living in the bedroom next to us. And Ray's father was
6 living in the room down the hall in the third bedroom.

7 Q Near the garage or the third bedroom?

8 A No, the third bedroom.

9 Q Okay. And who lived in the converted garage?

10 A Victoria Johns and Tommy.

11 Q Okay. And her girls?

12 A They stayed down there, too.

13 Q All right. Now, how long was it before Victoria and
14 Child moved out the first time?

15 A To be honest, I don't remember. Maybe -- I don't
16 remember.

17 Q That's okay.

18 A I really don't.

19 Q Okay. What about Lynn and Ray, how long was it
20 before Lynn and Ray moved out?

21 A Everybody -- I think everybody was pretty much out of
22 there by 2005.

23 Q Okay.

24 A I mean, I could be wrong, you know, the dates.

25 Q I'm just asking you. So, you think by 2005 Victoria

ROBERT STEIN-DIRECT BY MS. BENTLEY

1 and Child and Lynn and Ray were out?

2 A They were living in that trailer.

3 Q Okay. Did they visit?

4 A Yeah.

5 Q How often did they visit?

6 A Whenever, you know, I never really counted.

7 Q How would you describe your relationship with Lynn
8 and Victoria?

9 A Victoria is like a daughter to me, I love her more
10 than anything in the world. Lynn's like my sister, I love
11 her more than anything, too. I mean, they're both family
12 as far as I'm concerned, my family.

13 Q Okay. And did you come to have a relationship with
14 Mr. Ray Warren?

15 A Yes.

16 Q How was your relationship with him?

17 A It was good. I mean, we talked, we were friends.

18 Q Okay. And I want to take you back to 2011. At any
19 point did Victoria and her children move back to [REDACTED]
20 Drive?

21 A Yes, I had them move back.

22 Q You did?

23 A Yes. I was at work and she was living at this other
24 place. And I went over there--

25 Q You said she, who?

ROBERT STEIN-DIRECT BY MS. BENTLEY

1 A Victoria and the two girls were living at this other
2 place. And I went over. I don't know why, I felt like
3 something was wrong. And I went over there. And she was
4 upset and all that. And I just told them, you know, come
5 back to the house.

6 Q Okay. Did they move back?

7 A Yes.

8 Q Do you remember approximately when that was?

9 A You're asking me dates.

10 Q Maybe a season?

11 A It was, I believe, it was in the summertime.

12 Q Of 2011?

13 A No, no, no. You talking about 2011? Well, you got
14 me confused.

15 Q I'm sorry, I'm confused. Everybody moved out in
16 2005?

17 A Right.

18 Q When was the next time they moved back?

19 A About 2011.

20 Q Okay. Do you remember when in 2011?

21 A It was, I would say February or March.

22 Q Okay. And how were things when they moved back in?

23 A It was great. I loved having them there.

24 Q Okay. At any point did anyone else move back into

25 [REDACTED]

ROBERT STEIN-DIRECT BY MS. BENTLEY

- 1 A Yes, Lynn and Ray moved back in.
- 2 Q Do you remember when that was?
- 3 A About a month, month and a half later.
- 4 Q Okay. I want to take you back to Easter weekend,
- 5 2011, okay?
- 6 A Okay.
- 7 Q Do you remember what you were doing the day before
- 8 Easter? How you spent the morning?
- 9 A I was in my room watching TV.
- 10 Q Okay.
- 11 A And I got a knock on my door.
- 12 Q Okay. Do you remember approximately what time that
- 13 was?
- 14 A About 10:30. Somewhere, the mid-morning, you know.
- 15 Q Okay.
- 16 A I know it was morning time.
- 17 Q Okay.
- 18 A I got a knock on the door and I said, Come in.
- 19 Victoria opened the door and I saw by the look on her face
- 20 that something was terribly wrong.
- 21 Q Okay.
- 22 A And she said to me you need--
- 23 Q I'm sorry, you can't say what she said.
- 24 A Okay, I'm sorry.
- 25 Q Tell me what you said to Victoria.

ROBERT STEIN-DIRECT BY MS. BENTLEY

- 1 A What's wrong?
- 2 Q Okay. Based on what she said, what did you do?
- 3 A I went down to the bedroom that use to be the garage.
- 4 Q Okay. Who was in there?
- 5 A Victoria, you know, we went in there together and
- 6 Child was siting on the bed.
- 7 Q Okay. How was Child
- 8 A Very distraught.
- 9 Q What do you mean --
- 10 A She was scared, she was crying.
- 11 Q Okay. What did you do?
- 12 A I sat down next to her and I asked her what happened.
- 13 What was wrong. And she told me.
- 14 Q Okay. I'm sorry, I'm just trying to make sure you
- 15 don't--
- 16 A Well her mother told me what happened.
- 17 Q Her mother told you what she interpreted as
- 18 happening?
- 19 A Right. And I asked Child did this person touch you
- 20 in places where he wasn't supposed to? And she said--
- 21 Q I'm sorry to cut you off. At that point did Child
- 22 discloses sexual abuse? Yes or no question?
- 23 A Yes.
- 24 Q Did you continue to question her at that time?
- 25 A No.

ROBERT STEIN-DIRECT BY MS. BENTLEY

1 Q Okay. What did you do after that?

2 A I got up and I went out to the living room to see my
3 wife and let her know--

4 Q Who else was in the living room?

5 A I believe Vicky was in there with me, if I remember
6 correctly. And, I believe, Lynn and Ray come home. And
7 that's when Vicky confronted Ray.

8 Q Tell me about the confrontation between Victoria and
9 Ray without telling me what anybody said. Just describe
10 the confrontation.

11 A Well, she started swinging on him.

12 Q She physically assaulted him?

13 A Yes.

14 Q Did she scream at him?

15 A Yes.

16 Q Tell me what happened. How long did that go on?

17 A A few minutes.

18 Q And what did you do after the confrontation?

19 A I pretty much stayed with my wife because she was
20 very upset. And I pretty much stayed in the living room.

21 Q Okay. Did Victoria and the children stay the night
22 at [REDACTED]

23 A I don't remember. I don't think so.

24 Q Okay. Had you ever seen Victoria lash out at Ray
25 before?

ROBERT STEIN-DIRECT BY MS. BENTLEY

1 A No.

2 Q Had you seen Victoria lash out at other people
3 before?

4 A No.

5 Q What was Victoria and Ray's relationship like prior
6 to this weekend?

7 A It was good.

8 Q Okay.

9 MS. BENTLEY: I have no further questions, please
10 answer any questions Mr. Chambers may have.

11 CROSS-EXAMINATION

12 BY MR. CHAMBERS:

13 Q So you had a close relationship with Vicky Johns, is
14 that correct?

15 A Yes.

16 Q So you were aware over the course of these certain
17 years the issue that she had with drug usage and
18 involvement with DSS and all sort of things?

19 A Yes.

20 Q You were aware that she lived in all these numerous
21 places over this time, is that correct?

22 A Yes.

23 Q You had some issues yourself with drug usage, did you
24 not?

25 A Yes.

ROBERT STEIN-CROSS BY MR. CHAMBERS

1 Q In other words, you used methamphetamine, the same
2 thing that Vicky used?

3 A Yes.

4 Q You had the same sorts of problems, same level of
5 addiction that she had?

6 A Yes.

7 Q And y'all used drugs together at times, did you not?

8 A Yes.

9 MR. CHAMBERS: That's all the questions I have for
10 you.

11 MS. BENTLEY: Nothing further.

12 THE COURT: Thank you, sir. I appreciate your being
13 here.

14 MS. BENTLEY: Your Honor, the next witness involves
15 the video, if we can have a few minutes to arrange that.

16 THE COURT: Sure.

17 Ladies and gentlemen, they got to set up the video.

18 And there's no reason for us to sit here and stare at them
19 set it up. So, we'll take another short break. We'll
20 come back in after they've set it up and we've done a
21 quality control check and know it's going to work. Okay.
22 Please don't discuss the case.

23 (WHEREUPON, the jury left open court at approximately
24 3:25 p.m.)

25 THE COURT: All right, y'all let me know when it's

ROBERT STEIN-CROSS BY MR. CHAMBERS

1 ready and we'll come back in. Okay?

2 MS. BENTLEY: Yes, sir.

3 (WHEREUPON, a short break was taken.)

4 (WHEREUPON, the jury came into open court at
5 approximately 3:35 p.m.)

6 THE COURT: All right.

7 MS. BENTLEY: The State calls Christine Carlberg to
8 the stand.

9 THE CLERK: Ma'am, please place your left hand on the
10 Bible and raise your right hand.

11 CHRISTINE CARLBERG, after being duly sworn,
12 testified as follows:

13 THE CLERK: Thank you, please be seated. State your
14 name for the record.

15 THE WITNESS: Christine Carlberg.

16 THE CLERK: Thank you.

17 DIRECT EXAMINATION

18 BY MS. BENTLEY:

19 Q Ms. Carlberg, where are you currently employed?

20 A I'm employed by the Greenville County Department of
21 Mental Health and I'm contracted to work at the Julie
22 Valentine Center.

23 Q How long have you worked at the Department of Mental
24 Health?

25 A Since February 2007.

CHRISTINE CARLBERG-DIRECT BY MS. BENTLEY

1 Q What about your contract with the Julie Valentine
2 Center?

3 A The same.

4 Q What is the Julie Valentine Center?

5 A It use to be known as the Greenville Rape Crisis and
6 Child Abuse Center. It's a place where children and
7 adults could receive services who might have been victims
8 of sexual assault.

9 Q Prior to beginning your work at the Department of
10 Mental Health in 2007, where were you employed?

11 A I was employed by the Mississippi Advocacy Center in
12 Jackson, Mississippi.

13 Q When did you begin your employment in Mississippi?

14 A In may 2000.

15 Q Okay. Ms. Carlberg, what services do you provide?

16 What are your primary duties with the Department of Mental
17 Health and the Julie Valentine Center?

18 A I conduct forensic interviews.

19 Q What is a forensic interview?

20 A A forensic interview is non-leading developmentally
21 appropriate method of gathering information from a child
22 or we also interview adults.

23 Q Okay. And what is the purpose of a forensic
24 interview?

25 A It allows the child to tell what may have happened to

CHRISTINE CARLBERG-DIRECT BY MS. BENTLEY

1 them and that information is given over to investigating
2 agencies.

3 Q Why would you speak to a child instead of a police
4 officer?

5 A We have special training to speak to children.

6 Q Could you please tell me a little bit about your work
7 experience and training in the field of forensic
8 interviewing?

9 A I've been conducting forensic interviews for 13
10 years. I did that in Mississippi and have been doing that
11 here.

12 Q And what is your educational background?

13 A I have a Bachelor's of Science in rehabilitation
14 services education from the Pennsylvania State University
15 with a Minor in Psychology. And I have a Master of Arts
16 in marriage and family therapy from Preform Theological
17 Center in Jackson, Mississippi.

18 Q Do you have particularized training, certifications
19 or experience in forensic interviewing?

20 A I do. I have been trained at Corner House, which is
21 a nationally leading training facility for forensic
22 interviewers. And I also have been trained in Finding
23 Words, which is now called Child First. Which is also a
24 week long training facility as well as various
25 conferences.

CHRISTINE CARLBERG-DIRECT BY MS. BENTLEY

1 Q What method or methods of forensic interviewing are
2 you trained in?

3 A I'm trained in a protocol called RATAC.

4 Q Please tell us what RATAC is.

5 A RATAC is a semi-structure protocol that stands for
6 Rapport, Anatomy Identification, Touch Inquiry, Abuse
7 Scenario and Closure.

8 Q And is RATAC a method that is supported by peer
9 review?

10 A It is.

11 Q What about scientific journalist?

12 A Yes.

13 Q Do you know if this method has any research
14 supporting its use in children?

15 A It does.

16 Q And have you read articles on this method and do you
17 continue your education on RATAC method?

18 A Yes.

19 Q How many forensic interviews have you conducted in
20 the past 13 years?

21 A 2,384.

22 Q Have you previously testified in court before?

23 A I have.

24 Q Approximately how many times?

25 A About 35 times.

CHRISTINE CARLBERG-DIRECT BY MS. BENTLEY

1 Q Okay. Let's go back to the RATAC protocol that
2 you're trained in and use. What type of questions are
3 used in that protocol?

4 A You want to ask as many non-leading or open-ended
5 questions as you can.

6 Q Why is that?

7 A You want the child or the adult to be able to tell as
8 much as they can in their own words and their own
9 experience.

10 Q Would there be a reason that you would deviate from
11 using those non-leading questions?

12 A Yeah, you can. You might want to ask more what I
13 call focused questions. Like if they -- like what
14 happened in the living room, for example. You might also
15 need to ask a multiple choice question like, Was his
16 clothes on or off or something else or maybe a yes or no
17 question. Especially a lot of times with younger
18 children.

19 Q Do you have any kind of police or investigator
20 training?

21 A No.

22 Q Is your job to substitute in for a police officer?

23 A No.

24 Q Okay. Do you know Child

25 A Yes.

CHRISTINE CARLBERG-DIRECT BY MS. BENTLEY

- 1 Q Please tell me when you first met Child
- 2 A I met with her on July 20th, 2011.
- 3 Q And how old was Child
- 4 A She was 11.
- 5 Q Where did you meet with her?
- 6 A At that time the Julie Valentine Center.
- 7 Q How or why did she get referred to the Julie
- 8 Valentine Center?
- 9 A She was referred to our center from the Greenville
- 10 County Sheriff's Office for allegations of abuse.
- 11 Q And when you received that referral, did you also
- 12 receive any information along with it about the
- 13 allegations?
- 14 A I received the initial allegations that the sheriff's
- 15 office would have sent over and the incident report.
- 16 Q Okay. To your knowledge, prior to your interview,
- 17 had Child spoken within anyone else?
- 18 A I know she talked with Dr. Henderson and possibly the
- 19 police.
- 20 Q Okay. What method of interviewing did you use with
- 21 Child
- 22 A The RATAC protocol.
- 23 Q When did that interview take place?
- 24 A It took place July 20th, 2011.
- 25 Q Who was present in the room when you conducted the

CHRISTINE CARLBERG-DIRECT BY MS. BENTLEY

1 interview?

2 A Just me and the child.

3 Q Was that interview audio and video recorded?

4 A It was.

5 Q I'm going to show you what's been marked as State's
6 Exhibit 5. And tell me if you recognize what this is?

7 A That is a copy of my interview.

8 Q How do you know that?

9 A Because I initialed it.

10 Q Okay. Have you recently viewed this video?

11 A I have.

12 Q And have there been material changes made to it?

13 A No.

14 Q Okay. Has anything been done to it that effects the
15 substance of what Child told you?

16 A No, ma'am.

17 Q It is a fair and accurate depiction of your forensic
18 interview of Child

19 A Yes, ma'am.

20 MS. BENTLEY: Your Honor, at this time The State
21 wishes to admit this interview into evidence.

22 THE COURT: Any objections?

23 MR. CHAMBERS: No, Your Honor.

24 THE COURT: All right, without objection. The same
25 is admitted into evidence.

CHRISTINE CARLBERG-DIRECT BY MS. BENTLEY

1 MS. BENTLEY: Thank you.

2 (WHEREUPON, State's Exhibit No. 5, having been marked
3 in previous testimony, was received into evidence.)

4 BY MS. BENTLEY:

5 Q Was Child cooperative during the interview?

6 A She was.

7 Q Did she appear to have any difficulty understanding
8 your questions or what was happening?

9 A No, ma'am.

10 Q Did she appear to have any mental deficiencies that
11 would have been problematic?

12 A No, ma'am.

13 Q Was Child able to provide responses to your
14 questions?

15 A Yes, ma'am.

16 Q What was Child demeanor during the interview?

17 A Well, I guess I should say she was cooperative but
18 she got emotional during the interview and teary.

19 Q During your interview did Child disclose sexual
20 abuse?

21 A Yes.

22 Q Was she able to provide you information regarding the
23 time or times the abuse occurred?

24 A Yes.

25 Q What about the place or places?

CHRISTINE CARLBERG-DIRECT BY MS. BENTLEY

1 A Yes.

2 Q It is your job to interrogate a victim during
3 forensic interview?

4 A No, ma'am.

5 MS. BENTLEY: Your Honor, at this time The State
6 would request permission the publish this interview to the
7 jury.

8 THE COURT: Objections?

9 MR. CHAMBERS: Only subject to my prior objection,
10 Your Honor.

11 THE COURT: I understand.

12 Okay, you may publish it.

13 (WHEREUPON, State's Exhibit 5 was published.)

14 MR. CHAMBERS: Your Honor, I know this is probably
15 not a great time but my client really needs to take a
16 break.

17 THE COURT: Okay.

18 Do you have additional questions for this witness?

19 MS. BENTLEY: I do.

20 THE COURT: Okay, let's ask a few more questions then
21 we'll break at right before you begin your
22 cross-examination.

23 MR. CHAMBERS: Okay.

24 THE COURT: Okay.

25 MS. BENTLEY: Briefly.

CHRISTINE CARLBERG-DIRECT BY MS. BENTLEY

1 BY MS. BENTLEY:

2 Q Ms. Carlberg, I'm going to show you what's been
3 marked as State's Exhibits 2, 3 and 4. Do you recognize
4 these Exhibits, ma'am?

5 A Yes. These two are copies of anatomical drawings I
6 showed her. And this a copy of the easel paper that I
7 drew on.

8 Q And how do you recognize those and know that they're
9 the same copies?

10 A It's my writing on them.

11 Q And what's the writing on the bottom?

12 A And I signed the bottom. And then I also would have
13 signed this on the back of the easel drawing.

14 Q Okay. Since you touched those, is what we saw --
15 have any other changes or alterations, deletions been made
16 to these copies?

17 A Other than the hole punches to put in the file.

18 Q Okay. Any other changes to these?

19 A No.

20 Q Do these fairly and accurately represent the drawings
21 that you circled and wrote on and the easel that you wrote
22 on with Child

23 A Yes, ma'am.

24 MS. BENTLEY: Your Honor, at this time The State
25 wishes to admit Exhibits 2, 3 and 4 into evidence.

CROSS-EXAMINATION

3 Q Now, prior to -- what was the date that this
4 interview was conducted that we just saw?

6 Q Okay. And so, this was approximately -- well it was
7 about right at three after this initial allegation was
8 made, is that correct?

10 Q So, about three months? And you were aware when she
11 came in for that interview that during that three months
12 that Child had obviously spoken to her mother, is that
13 correct?

15 Q Regarding these alleged incidences?

17 Q Had talked to law enforcement on at least one
18 occasion?

20 Q Had been for a medical evaluation where she also
21 talked to the doctor, is that correct?

23 Q And so, prior to coming to you she had already been
24 talking about these events with several other people?

25 A Yes, sir.

CHRISTINE CARLBERG-EXAMINATION BY MR. CHAMBERS

1 Q And you were very specifically aware of the
2 allegations, what had been alleged, prior to sitting down
3 and talking with her, is that correct?

4 A Yes, sir.

5 Q And part of what you do as a forensic interviewer is
6 you also put together some background, is that correct?

7 A Yes, sir.

8 Q Did you do that prior to meeting with her prior or
9 did you do that after meeting with her?

10 A Prior to meeting with her.

11 Q And so, you had a report that you prepared, in part,
12 prior to meeting with her; is that correct?

13 A I gathered the background information prior to
14 meeting with her.

15 Q So you were aware, then, prior to meeting with her
16 about that extremely unstable circumstances that she had
17 lived in pretty much her whole life?

18 A Yes, sir.

19 Q You were aware that she hadn't had any contact with
20 her father since she was about four?

21 A Yes, sir.

22 Q You were aware that her mother had ongoing problems
23 with drugs where she would actually leave the children in
24 other peoples care and be gone for weeks at a time,
25 correct?

CHRISTINE CARLBERG-EXAMINATION BY MR. CHAMBERS

1 A Yes, sir.

2 Q You were aware that they bounced around from house to
3 house to house on a continual basis?

4 A Yes, sir.

5 Q You were aware that with Victoria Johns son, Travis,
6 that she even left him, at one point, alone in a hotel
7 room with a strange man; is that correct?

8 A That's what I was told.

9 Q And that that young man had eventually tested
10 positive for methamphetamines himself?

11 A Yes, sir.

12 Q Were you aware that the house that she was living in
13 at the time that these allegations came to light, she was
14 living with other people who was using methamphetamines
15 and had actually used drugs with her? Vicky Johns, that
16 is.

17 A I don't think I knew that.

18 Q Okay. Were you in here earlier when there was
19 testimony to that effect?

20 A No, sir.

21 Q Okay. You were aware that -- that Samantha, for
22 example, had indicated that she had not been molested in
23 any way?

24 A I was told that she had not made a disclosure, yes.

25 Q But she did indicated that she had exhibited some

CHRISTINE CARLBERG-EXAMINATION BY MR. CHAMBERS

1 sexualized behavior, that being Samantha?

2 A Yes, sir.

3 Q And that means, specifically, that she indicated some
4 knowledge or awareness of --

5 MS. BENTLEY: Objection, Your Honor --

6 BY MR. CHAMBERS:

7 Q Sex and sex acts?

8 THE COURT: Hold on.

9 Yes, ma'am.

10 MS. BENTLEY: Ms. Carlberg has never testified about
11 meeting Samantha or having any direct knowledge of
12 Samantha Johns. I don't know that this is relevant.

13 MR. CHAMBERS: I mean, it was contained in her
14 report, Your Honor, that this girl, Samantha had exhibited
15 some sexualized behavior and I was just. . .

16 THE COURT: The two of you are looking at a report
17 that was prepared by this witness?

18 MR. CHAMBERS: Yes, sir.

19 THE COURT: And it's contained that -- that is
20 contained in the report?

21 MR. CHAMBERS: It is, Your Honor. Yes, sir.

22 THE COURT: Yes, ma'am.

23 MS. BENTLEY: I argue that it's hearsay in her
24 report. She never spoke to Samantha.

25 THE COURT: All right, I'm going to sustain that

CHRISTINE CARLBERG-EXAMINATION BY MR. CHAMBERS

1 objection.

2 You may proceed.

3 BY MR. CHAMBERS:

4 Q Now, in watching that report or in watching that
5 interview, it appeared that Child referred to her vaginal
6 area as woo-hoo, is that correct?

7 A Yes, sir.

8 Q And she never referred to it as anything else, did
9 she?

10 A No, not in that video.

11 Q Okay. In preparing your report, where you summarized
12 it, did you put down that referred to it as a coochie?

13 MS. BENTLEY: Objection, Your Honor. I think he
14 needs to give the witness time to review this. And again,
15 that's--

16 MR. CHAMBERS: I'm giving her time, Your Honor.

17 THE COURT: I overrule the objection. I agree, he's
18 letting her look at it.

19 BY MR. CHAMBERS:

20 Q If I can direct you to page three, right under
21 History of Allegations.

22 A That information was coming from Ms. Lisa Crawford,
23 not from Child.

24 Q And that was -- so was that a word that Lisa was
25 using or Child referring to her vaginal area as a coochie?

CHRISTINE CARLBERG-EXAMINATION BY MR. CHAMBERS

1 A I don't know if Child referred to it as a coochie to
2 her, to Ms. Crawford, or that's how she was explaining it
3 to me. I don't recall.

4 Q But at any rate, when you were given that history,
5 that was the term that was used for the vagina, was a
6 coochie?

7 A That's what Ms. Crawford told me, yes.

8 MR. CHAMBERS: That's all the questions I have.

9 THE COURT: Redirect?

10 MS. BENTLEY: No redirect, Your Honor.

11 THE COURT: All right, thank you, Ms. Carlberg, I
12 appreciate you being here, ma'am.

13 You may call your next witness.

14 MS. BENTLEY: The State calls Dr. Nancy Henderson.

15 THE CLERK: Dr. Henderson, please, place your left
16 hand on the Bible, raise your right hand.

17 NANCY HENDERSON, after being duly sworn,
18 testified as follows:

19 THE COURT: Thank you, please be seated. State your
20 name for the record.

21 THE WITNESS: Nancy Henderson.

22 DIRECT EXAMINATION

23 BY MS. BENTLEY:

24 Q Dr. Henderson, where are you employed?

25 A I'm employed at Greenville Health System.

NANCY HENDERSON-DIRECT BY MS. BENTLEY

1 Q And do you work with any other agencies besides the
2 Greenville Health System?

3 A I work at other agencies but all of it is through my
4 employment at Greenville Hospital.

5 Q Can you, please, tell me what other agencies you work
6 at or with?

7 A I work at the Child Advocacy Center in Spartanburg
8 and do medical examines there as part of my job. I work
9 at the Julie Valentine Center and do medical there as part
10 of my job. I work at Pendleton Place, the children's
11 shelter, and see children there for initial evaluations
12 and ongoing medical care. And I also work in the Center
13 for Pediatric Medicine and see children there along with
14 the residents. And also work in the hospital.

15 Q And what are your primary duties at each of these
16 locations?

17 A At the -- both at the Julie Valentine Center and the
18 Children's Advocacy Center in Spartanburg, I see referrals
19 from Department of Social Services, law enforcement, other
20 pediatricians. Children are evaluated when there's
21 concerns of abuse. And I'll do the medical examines
22 there. At Pendleton Place, which is a shelter, I will do
23 examines for children that have been removed and placed
24 there. Then do their ongoing medical care for any other
25 pediatric problem. At the Center for Pediatric Medicine,

NANCY HENDERSON-DIRECT BY MS. BENTLEY

1 I am the attending physician there and supervise pediatric
2 residences and made pete [verbatim] residences as they are
3 evaluating children and also medical students. And then
4 in the hospital I am -- have a service where I am asked as
5 a consultant when there is concerns for abuse.

6 Q What types of patients do you typically see?

7 A Well, the majority of patients, as I mentioned, are
8 as an outpatient. Are either referrals because of
9 concerns of abuse and neglect. At Pendleton Place is
10 because the children had been removed because of ongoing
11 concerns in the family. At the Center for Pediatric
12 Medicine it is well child care and sick visits. And then
13 in the hospital, again, it's because of concerns of some
14 type of abuse and they'll ask for me to come take a look.

15 Q So, you typically see children?

16 A Yes, ma'am.

17 Q Dr. Henderson, please tell me about your educational
18 background.

19 A I attended the Rector School of Pharmacy for my
20 undergraduate education. And then attended Boman Gray
21 School of Medicine and got my medical degree. I did a
22 three year pediatric residency at TC Thompson Children's
23 Hospital. And then I've been working with Greenville
24 Hospital since 1991.

25 Q Okay. And how long have you been a medical doctor?

NANCY HENDERSON-DIRECT BY MS. BENTLEY

1 A Well, I received my medical degree once I graduated
2 from medical and then became board certified in
3 pediatrics. And subsequently, board certified in
4 adolescent medicine which is a sub-board under pediatrics.
5 And then in 2009 sub-boarded in a new speciality which is
6 child abuse pediatrics.

7 Q Okay. So, do you have special training to examine
8 children who are suspected of abuse or neglect?

9 A Yes. I have, as I mentioned, that certification
10 which is a subspecialty in the area of pediatrics. So,
11 you had to see about 50 percent of your practice over a
12 five year period. It had to be due to abuse and neglect.
13 And then had to sit for a board and take an examine. And
14 then that has to be updated every 10 years, recertified.

15 Q Do you have special training? Did you attend any
16 special seminars in the area of child abuse or neglect?

17 A Yes, I'm part of what's called Scammers, which is our
18 statewide network on child abuse pediatricians. There are
19 seven in our state. And we meet three times a year to
20 kind of do peer review and talk about updates in the area.
21 I've attended many conferences in the area of child abuse
22 and neglect as well.

23 Q Okay. Have you ever taught or presented at seminars
24 or conferences?

25 A Yes, I have. Well I do ongoing teaching for the

NANCY HENDERSON-DIRECT BY MS. BENTLEY

1 residence, pediatric residence and for the medical
2 students that come through Greenville Hospital. I also
3 have lectured for USC Upstate which has a child advocacy
4 program as well as Charleston at the Sara Schuh Conference
5 a number of times.

6 Q Okay. Do you keep up with literature in child abuse
7 pediatrics?

8 A Well, as part of my job and ongoing training, in able
9 to pass the boards, you really have to keep abreast of all
10 the latest literature, yes, ma'am.

11 Q And you still do that to this day?

12 A Yes.

13 Q Do you continue your education by attending seminars
14 that's taught by other people?

15 A Right. You have to attend seminars. We, as part of
16 the Scammers network, we have to get ongoing, continuing
17 medical education credits in the area of child abuse and
18 neglect. So, it has to be very specific. And then,
19 again, for the child abuse pediatrics I have to take an
20 examine every ten years to keep that certification.

21 Q Are there any special methods that you use in
22 examining children suspected of abuse or neglect?

23 A I'm not sure about methods.

24 Q Okay.

25 A There is an approach that I do when I'm evaluating

NANCY HENDERSON-DIRECT BY MS. BENTLEY

1 children.

2 Q Okay. Could you, please, discuss that approach with
3 us?

4 A Sure. So, when the children are coming either to the
5 advocacy center in Spartanburg or to Julie Valentine
6 Center, again, they're usually coming at the request of
7 another physician or Department of Social Services or law
8 enforcement. And they're usually coming with a caretaker.
9 So, I have a child life specialist that works with me and
10 helps to prepare the child because we want to make the
11 examine as child friendly as possible and as comfortable
12 for the child for the examine. So, she will greet the
13 child and that caretaker and bring them back. And then
14 they will go through what the examine is going to be like.
15 Identifying body part names so that we understand that
16 we're talking about the same things. And they kind of
17 will go through with medical play, just going through the
18 entire examine so that the child will be comfortable with
19 the examine and know exactly what's going to happen to
20 them.

21 And then I usually talk with the caretaker, the child
22 is often in the room at that time, just to try to get
23 medical history, background, any problems that the child
24 may be having, understanding what questions the parent
25 might have about with the upcoming examine. And then at

NANCY HENDERSON-DIRECT BY MS. BENTLEY

1 that point I usually have the child separated or talk to
2 the child themselves to try to get an understanding of
3 about what may have happened, to get any questions they
4 might have. And then we'll do the medical examine. The
5 child has the opportunity to have whoever they like in the
6 examine or no one. And I just try to give them some
7 choices again so they feel more comfortable during the
8 examine. And I do a complete head to toe physical examine
9 which is looking in the ears, eyes, listen to the heart
10 and lungs, looking at their belly and then looking at
11 their gentile area. And I use a piece of equipment called
12 culdoscope which--

13 Q May I interrupt you right there, I'm so sorry.

14 A That's all right, no problem.

15 Q Are there any other special methods or anything else
16 that you do in a child examine? Sorry.

17 A Besides what I was getting ready to say?

18 Q Yes, ma'am.

19 A Up to that point there's not anything different.

20 Q Okay. Have you previously been certified as an
21 expert in General Sessions Court?

22 A Yes, I have.

23 Q Approximately how many times has that happened?

24 A I'm usually called to court maybe about 10 to 15
25 times a month. Some are in Family Court. Some are in

NANCY HENDERSON-DIRECT BY MS. BENTLEY

1 General Sessions.

2 Q Okay. And have you previously been qualified as an
3 expert?

4 A Yes, I have.

5 Q In what?

6 A Well, sometimes it's the area of just general
7 pediatrics and sometimes in the area of child abuse
8 pediatrics.

9 MS. BENTLEY: Your Honor, at this time The State
10 would offer this witness as an expert in child abuse
11 pediatrics.

12 THE COURT: Any objections, sir.

13 MR. CHAMBERS: Well, I would agree that she's an
14 expert and certainly that would lend itself to conducting
15 an examine. I worry that if she's here to offer up an
16 opinion regarding the ultimate issue of fact, then I would
17 object to that. I don't think she's an expert as to that.
18 But if it's merely does she have the expertise to have
19 performed this examine and talk about it, then I don't
20 have any objection to that.

21 THE COURT: Okay. With respect to the qualification
22 in and of itself, I do find that she's qualified as an
23 expert witness and I'll accept her as the same. With
24 respect to your additional objection in anticipation, I
25 happen to agree with your recitation of the law.

NANCY HENDERSON-DIRECT BY MS. BENTLEY

1 Ladies and gentlemen, this witness has been qualified
2 as an expert witness. An expert witness is someone by
3 virtue of his or her expertise or education or experience,
4 has highly specialized -- highly specialized area, may
5 testify as to opinion testimony that regular lay witnesses
6 can't necessarily testify to. Understand that expert
7 witnesses are put on the stand to assist you in your
8 analysis of the evidence. However, the testimony of an
9 expert witness is just like the testimony of any other
10 witness or any other piece of evidence. And that is, you
11 put whatever weight on it you think is appropriate. You
12 decide whether it's credible or whether it's not credible.
13 Just like you do any other testimony that you hear in this
14 case.

15 Having said that, Ms. Bentley, you may proceed.

16 MS. BENTLEY: Thank you, Your Honor.

17 THE COURT: Yes, ma'am.

18 BY MS. BENTLEY:

19 Q Did you examine the child in this case,
20 Dr. Henderson?

21 A Yes, I did.

22 Q Who did you examine?

23 A I examined Child

24 Q By whom was she referred?

25 A She was referred by Greenville County Sheriff's

NANCY HENDERSON-DIRECT BY MS. BENTLEY

1 Office.

2 Q Do you know why she was referred?

3 A --Because of concerns of sexual abuse.

4 Q How old was Child when you preformed a medical
5 examine on her?

6 A She was 11.

7 Q Can you tell us the date of the examine?

8 A It was May 16th, 2011.

9 Q Okay. Can you, please, explain the process of a
10 forensic medical examine. What special tools you might
11 use.

12 A That's what I had started talking about prior. So, a
13 lot of the medical examine is just like a regular physical
14 examine, as I mentioned. Looking at -- using the otoscope
15 to look at the ears and mouth and a stethoscope to listen
16 to the heart and lungs. One thing that is different is
17 that we use something called a culdoscope. And it's not
18 anything that touches the child, it just provides a really
19 good light source, it provides magnification to look at
20 the genital area and help us to access for any kind of
21 trauma in that area.

22 The child, just like with the other piece of
23 equipment, gets to look at that ahead of time so that they
24 feel comfortable with that. And then we decide if we need
25 to do any kind of testing for concerns about any kind of

NANCY HENDERSON-DIRECT BY MS. BENTLEY

1 infections. Depending on the situation.

2 Q All right. Dr. Henderson, is part of a forensic
3 medical examine also discussion with the patient herself?

4 A As I mentioned, part of any medical examine is part
5 of getting a history from the patient. So, that's always
6 part of my examine no matter where I'm doing it.

7 Q Child was 11 years old when you examined her?

8 A Yes, ma'am.

9 Q Did she have any trouble giving her medical history
10 to you?

11 A She was very verbal. Tearful but verbal.

12 Q Okay. And during that history, did Child disclose
13 sexual abuse to you?

14 A Yes, she did.

15 Q Did she tell you the timeframe the abuse occurred?

16 A She gave me an age, her age.

17 Q And what was her age that she said.

18 A She said eight or nine.

19 Q Did it concern you that she wasn't able to narrow it
20 down anymore than that?

21 A Well, I -- no, it did not. That is pretty common for
22 children when they're talking to me. Especially, you
23 know, in the medical history a lot of times they will give
24 me about an age. Unless, you know, it happened -- often
25 it's not something that just happened that they can say it

NANCY HENDERSON-DIRECT BY MS. BENTLEY

1 happened last week or something like that. So, a lot
2 times it can be somewhat more vague.

3 Q Okay. Was she able to give you a place or places the
4 abuse occurred?

5 A I did not ask her that specific question so I don't
6 think that was included in my history.

7 Q Okay. And did you perform a forensic medical
8 evaluation on Child

9 A I did.

10 Q And can you, please, tell us the results of that
11 medical examination?

12 A In looking at the examine, everything on her kind of
13 head and neck and chest looked fine. When I looked at her
14 genital area, she definitely had finished going through
15 puberty, she had already started having her period. And
16 it was a little bit difficult to look at her hymenal area.
17 She had quite a bit of discharge, a white discharge. But
18 I did not see any trauma to the hymen and did do some
19 subsequent testing because of the discharge.

20 Q Were any infections noted or anything like that?

21 A The only infection that was noted was we do something
22 called a wet prep. Which shows -- can look for yeast and
23 things like that. And that came back positive for clue
24 cells which is an indication of what's called bacterial
25 vaginosis. Which is not a sexually transmitted infection.

NANCY HENDERSON-DIRECT BY MS. BENTLEY

1 It's kind of an overgrowth of bacteria. And that is not
2 uncommon to cause a lot of discharge. And I think that's
3 what was causing that problem that was seen on the exam.
4 And that was treated with an antibiotic.

5 Q Were you able to get a clear view of Child hymenal
6 area?

7 A I was. There was, like I mentioned, there was a lot
8 of discharge. It was a little bit difficult but there was
9 not anything on my examination that, besides a discharge,
10 that was concerning to me.

11 Q So, she had a normal examine?

12 A Yes, ma'am.

13 Q Would a normal examine -- pardon me. Does a normal
14 examine rule out the possibility of child sexual abuse?

15 A No, it does not.

16 Q Please tell me why that is.

17 A Okay. In my field children often will have normal
18 exams. And if you look at the literature, about
19 90 percent of children who come in for evaluation of
20 abuse, have normal exams. There's a number of reasons for
21 that. One is that they don't often tell right away. So,
22 there often is a delay in disclosure. Weeks, months
23 sometimes even years before a child feels comfortable in
24 coming forward and shared what has happened to them.
25 Another reason is that a lot of times what happens to them

NANCY HENDERSON-DIRECT BY MS. BENTLEY

1 never causes any trauma to the area. So that children can
2 have oral sex to that area, can be touched and sometimes
3 kind of penetration to the outer genital area. Either
4 digitally by a finger or sometimes with a private part and
5 will have a normal exam. Because it doesn't actually
6 cause penetration kind of into their vaginal area through
7 the hymen. So, they can have normal exams.

8 And then, once you start going through puberty, once
9 you have those hormones around, that allows that hymenal
10 tissue, which is kind of the outer area of the vaginal
11 opening, to really become very stretchable. So, a lot of
12 times, even with full intercourse, I see a lot of
13 adolescence who have normal exams and have been sexually
14 active.

15 Q Based on Child disclosure, would you have expected
16 signs of physical abuse?

17 A I think it would have been very uncommon for her to
18 have a finding on her examine, a tear or some other kind
19 of trauma relating to the information that she had shared
20 with me.

21 MS. BENTLEY: I have no further questions, please,
22 answer any questions that Mr. Chambers may have.

23 CROSS-EXAMINATION

24 BY MR. CHAMBERS:

25 Q So, if I understand it, the reason the child comes to

NANCY HENDERSON-CROSS BY MR. CHAMBERS

1 you is, at least ostensibly, to have you do a medical
2 exam?

3 A Yes, sir.

4 Q And yet you just said that, in this particular case,
5 that Child exam was normal, correct?

6 A The actual exam was normal but she did have a
7 discharge that needed medical attention.

8 Q I understand that. That's not anything that would
9 come from somebody having molested her?

10 A No, sir.

11 Q Okay. So, other than that it was a normal exam?

12 A Yes, sir.

13 Q And you said that based on the history, you would
14 have expected it to be a normal exam?

15 A Yes, sir.

16 Q And, in fact, you said that almost 90 percent of the
17 exams that you do are normal exams?

18 A Correct.

19 Q Sort of begs to question then, why do the medical
20 exam?

21 A Oh, there's lots of reasons to do the medical exam.

22 A lot of times children come and they have a lot of
23 misconceptions about their body, a lot of worries about
24 what has happened to them. And kind of think there is a
25 lot of visible trauma there and things are normal. So, I

NANCY HENDERSON-CROSS BY MR. CHAMBERS

1 think the medical exam, from a medical standpoint, is very
2 helpful for a child as they work through some of the
3 issues that they have been through.

4 Q So, you're going to subject a child to what would
5 seem to be a fairly invasive medical exam just for that
6 reason?

7 A You call it subject, I call it -- it's done in a
8 very, very child friendly way. I think it's very
9 therapeutic. And I think most of the children who leave
10 my office are very thankful they've come through. I've
11 had the opportunity to answer any questions that they have
12 had. The parents are very helpful. So, I think it is a
13 very helpful exam and they're really not being subjected.

14 Q And it's also another opportunity for somebody to
15 elicit information from that child, isn't it?

16 A Are you asking me a question?

17 Q Yes, ma'am, you're on the witness stand.

18 A It's an opportunity for me to talk with them and
19 answer any questions that they might have, yes, sir.

20 Q And for you to elicit information from them? You
21 talk about taking history, you're asking questions about
22 what you already know to be the allegations in this case?

23 A I am asking questions to try to understand what may
24 have happened.

25 MR. CHAMBERS: Thank you, very much.

NANCY HENDERSON-CROSS BY MR. CHAMBERS

1 MS. BENTLEY: Brief redirect.

2 THE COURT: Yes, ma'am.

3 REDIRECT EXAMINATION

4 BY MS. BENTLEY:

5 Q Do you interrogate children as part your forensic
6 medical exam?

7 A No, I don't.

8 MS. BENTLEY: No further questions.

9 THE COURT: All right, thank you, doctor. I
10 appreciate you being here.

11 MS. BENTLEY: Excuse me, Your Honor.

12 THE COURT: Yes, ma'am.

13 MS. BENTLEY: May Dr. Henderson be excused?

14 THE COURT: Yes, ma'am.

15 MS. BENTLEY: And may Ms. Carlberg be excused?

16 THE COURT: Yes, ma'am.

17 How many witnesses do you intend to call to the
18 stand?

19 MS. BENTLEY: One more witness, Your Honor. She will
20 be rather lengthy.

21 THE COURT: All right, ladies and gentlemen, we're
22 going to adjourn for the day. And we'll come back
23 tomorrow morning. Please be here at nine o'clock. We'll
24 start testimony. I suspect that The State will rest about
25 mid-morning and then the Defense will have the opportunity

1 obvious physical discomfort yesterday. So, I excused him
2 from the jury. And I placed Ms. Halka, you're the first
3 alternate, and you are among the first primary jurors at
4 this point.

5 Okay. All right. Your case, ma'am.

6 MS. BENTLEY: May it please the Court. The State
7 calls Child

8 THE CLERK: Ms. Child, please place your left hand on
9 the Bible, raise your right hand.

10 Child after being duly sworn, testified
11 as follows:

12 THE CLERK: Thank you, please be seated. State your
13 name for the record.

14 THE WITNESS:: Child

15 THE CLERK: A little louder, please.

16 THE WITNESS: Child

17 DIRECT EXAMINATION

18 BY MS. BENTLEY:

19 Q Child how old are you today?

20 A Thirteen.

21 Q When is your birthday?

22 A [REDACTED].

23 Q Where do you go to school?

24 A Greer Middle School.

25 Q Greer Middle School. And what grade are you in?

Child

DIRECT BY MS. BENTLEY

- 1 A Seventh.
- 2 Q How long have you gone to Greer middle?
- 3 A Two years.
- 4 Q Where did you go to school before that?
- 5 A Chandler Creek.
- 6 Q Chandler Creek Middle School?
- 7 A Chandler Creek Elementary School.
- 8 Q Was Chandler Creek the only elementary school you
- 9 went to?
- 10 A No, ma'am. So I've gone some to Woodlands, Brookland
- 11 and another one I don't remember.
- 12 Q Okay. Do you have brothers and sisters?
- 13 A Yes, ma'am.
- 14 Q What are your parents names?
- 15 A Matthew Johns and Victoria Rice.
- 16 Q Okay. And what are you brothers and sisters names?
- 17 A Samantha S. and Travis M.
- 18 Q Okay. And how old are Travis and Samantha?
- 19 A Travis is three and Samantha is nine.
- 20 Q Who do you live with right now?
- 21 A My Aunt Lisa Rice and James Rice.
- 22 Q Okay. And are you related to Lisa or Jimmy?
- 23 A Jimmy. I'm related to both of them because they got
- 24 married.
- 25 Q How long have you lived with them?

Child

DIRECT BY MS. BENTLEY

1 A Three years.

2 Q Okay. Do you remember when you first moved in with
3 them?

4 A Yes, ma'am.

5 Q When was that?

6 A I think it was the beginning of August.

7 Q Of what year?

8 A 2011.

9 Q Okay. Did you ever live with anyone else?

10 A I lived with my mom and my grandma.

11 Q Okay. When did you live with your mom and grandma?

12 A Pretty much my whole life.

13 Q Okay. And, Child, were you born in South Carolina,
14 do you know?

15 A No, ma'am.

16 Q Where were you born?

17 A Fort Lauderdale, Florida.

18 Q Do you remember a time before you lived in South
19 Carolina?

20 A No, ma'am.

21 Q Okay. Do you remember moving to South Carolina?

22 A Yes, ma'am.

23 Q How old were you? Tell me what you remember about
24 moving to South Carolina.

25 A We had like this gray car and I was like -- I use to

1 be in a car seat.

2 Q Okay. And tell me where you lived, where you first
3 remember living in South Carolina.

4 A On [REDACTED]

5 Q Okay. Who lived on [REDACTED] when you first
6 lived there?

7 A Cathy Hunt, Robert Stein, then me, my mom and then my
8 grandma.

9 Q Okay. And who's your grandma?

10 A Lynn Rice.

11 Q Okay. Child do you know why we're here today?

12 A Yes, ma'am.

13 Q And in your own words tell the Court why we're here
14 today.

15 A I was molested.

16 Q By whom?

17 A Ray Warren.

18 Q Is Ray Warren in the courtroom today?

19 A Yes, ma'am.

20 Q Can you please tell us where he's sitting?

21 A Right there.

22 Q At the defense table?

23 A (The witness nods.)

24 Q When was the last time that you saw Ray Warren before
25 today?

Child

DIRECT BY MS. BENTLEY

1 A When my -- when we visited them in Traveler's Rest.

2 Q Okay. When was that?

3 A That was during -- that was like a long time ago.

4 Q Okay. Tell me, do you remember when the -- when Ray
5 started touching you?

6 A I was least five or six years old.

7 Q Okay. When you say five or six, why do you say that?

8 A Because that's like when I first remember it ever
9 happening.

10 Q Tell me what you first remember about it happening.
11 Where were you living?

12 A I think I was living in Trailer 19.

13 Q Okay.

14 A But it happened in Trailer 20.

15 Q Okay. Tell me what happened in Trailer 20.

16 A In the beginning it was like nothing major. First,
17 it started off with like tag. Where he would like tag
18 your butt or like he'd like touch you in your chest.

19 Q Okay. Now, you said playing tag, nothing major. Can
20 you explain that a little bit more?

21 A It was like, like pretty much like groping.

22 Q What would you be doing that he would touch you on
23 your butt or chest?

24 A It would either be when he's in tag.

25 Q So, you're playing the game of tag?

- 1 A Yes.
- 2 Q Okay. Who would you be playing with?
- 3 A We would be playing like me and Alexis and Samantha.
- 4 Q Okay. And with Ray?
- 5 A Yeah.
- 6 Q Okay. And you said he would be it and what would
- 7 happen?
- 8 A We would just have to not get tagged.
- 9 Q Okay. Did you ever play it? Were you ever it?
- 10 A I have.
- 11 Q Where would you tag people?
- 12 A On the shoulder.
- 13 Q Where would Alexis tag people?
- 14 A The shoulder or the back.
- 15 Q And what about Samantha.
- 16 A The shoulder or the back, the same.
- 17 Q Where would Ray tag you?
- 18 A He would either touch you like right there on the
- 19 back.
- 20 Q Okay.
- 21 A Or in the middle of your back or on your butt.
- 22 Q Okay. And how old were you when you started playing
- 23 tag?
- 24 A I was six, I believe.
- 25 Q Okay. Do you remember what grade you were in?

Child

DIRECT BY MS. BENTLEY

1 A I think I was in second grade, first grade.

2 Q Okay. Do you remember what school your were at, who
3 your teacher was?

4 A I believe I was at Brookland Elementary School.

5 Q Okay. I want to ask you, do you remember moving to

6 [REDACTED]

7 A [REDACTED]

8 Q To Trailer 20?

9 A No, but I remember living there.

10 Q Okay. You said you think you lived at Trailer 20.

11 Who lived there with you?

12 A It was me, my mom and my sister.

13 Q Okay. Did you ever live with your grandma in Trailer
14 20?

15 A I never lived there but we lived close so we could
16 just go over whenever we wanted.

17 Q Okay. And who lived with your grandma at her
18 trailer?

19 A It was -- I know it was my grandma, Lynn Rice,
20 Taylor, I think -- I think Ronnie lived there at one
21 point. Or they would just visit sometimes. I'm not sure.
22 Then -- oh yeah -- I don't remember.

23 Q So, it was your grandmother and Ray.

24 A Yeah.

25 Q And Taylor and sometimes Ronnie would live there or

1 visit?

2 A Uh-huh.

3 Q Okay. Child you said a few minutes ago that when
4 the touching first happened it wasn't anything major.

5 A No.

6 Q When would you say that it changed?

7 A It changed when I turned like -- when I got older,
8 like when I turned seven.

9 Q Okay. Tell me what you remember about turning seven.

10 A I was like seven -- well, like before that, when it
11 started progressing.

12 Q Okay.

13 A We would be -- he would like pull up your pants -- he
14 would actually, like, put his hand inside your pants when
15 you pulled them up. Like, I noticed that, like, when we
16 would be in the pool swimming.

17 Q Okay. Tell me what pool you were at.

18 A We had like this little mini pool at the trailer.
19 Like one of those blow up ones.

20 Q Okay.

21 A Like the little blue intex [verbatim] ones.

22 Q Okay.

23 A And then that's when I noticed him doing it to like
24 the other kids.

25 Q I just want to talk about what happened to you.

Child

DIRECT BY MS. BENTLEY

1 A Okay.

2 Q So, tell me, do you ever remember him putting his
3 hands in your pants in the pool?

4 A No, not in the pool.

5 Q Okay. Tell me when you first remember Ray touching
6 you inside your pants.

7 A I think the first time I might have been, I believe,
8 I was in the living room.

9 Q Of what house?

10 A Trailer 20.

11 Q Okay. The one that you lived at?

12 A No. The one my grandma lived at.

13 Q Okay. So, who -- whatever trailer your grandma lived
14 at, it is there?

15 A Yes.

16 Q Okay. And you're in the living room, what were you
17 doing?

18 A I was turning on the TV.

19 Q Okay. Where had you been?

20 A That morning I had been at my mom's house. But she
21 was tired.

22 Q Okay.

23 A Because she had to work last night. So, she was
24 sleeping so I took my sister over to grandma's house. So
25 we wouldn't wake her up.

1 Q Okay. So tell me what happened when you were
2 turning on the TV?

3 A Like he just -- like he walked over just like acting
4 like pretty much normal.

5 Q You said he, who is he?

6 A Ray Warren.

7 Q Okay.

8 A So, I was just sitting on the couch and he just
9 walked over and was like trying to make like common talk.
10 Like, hey, what you watching and all that. So, he just
11 came and sat down beside me.

12 Q What happened next?

13 A Pretty much we just sat there and watched TV for a
14 minute. And then he put his hand on my leg.

15 Q Okay. Do you remember what you were wearing?

16 A I think I was wearing like capris.

17 Q Okay. So, where did he put his hand on your leg?

18 A Like on my thigh.

19 Q Okay. Tell me what happened after he put his hand on
20 your thigh?

21 A He like -- he left it there for like two minutes.

22 Q Okay.

23 A So, then he just brought it up to like on my
24 waistline.

25 Q Okay.

Child

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1. A Then he just like put his finger on there. Like
2 inside.
- 3 Q Inside your waistband?
- 4 A Yeah.
- 5 Q Did he do anything else?
- 6 A No, not that day.
- 7 Q Okay. Tell me how soon after that it was that he did
8 something else to you.
- 9 A At least two days.
- 10 Q Okay. What happened then?
- 11 A It's pretty much the same situation.
- 12 Q Okay.
- 13 A My sister had went to go play with, I think, Lisa's
14 kids. She went to play with Alexis and Antonio.
- 15 Q Where were you?
- 16 A I was inside.
- 17 Q Inside whose trailer?
- 18 A My grandma's.
- 19 Q Okay. And what happened?
- 20 A Pretty much the same deal. I had been watching TV
21 for like half an hour. And like pretty much the same
22 thing happened. But this time he actually put them inside
23 my pants.
- 24 Q He put what inside your pants?
- 25 A His hands.

Child

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1 Q Okay. Did he keep your pants fastened or were they
2 unfastened?

3 A They were fastened.

4 Q Okay. How far into your pants did his hand go?

5 A To like at least like right there.

6 Q We can't see that. So, can you just kind of describe
7 like --

8 A Right here.

9 Q To the bottom top of your. . .

10 A Uh-huh.

11 Q So, can you tell me what part that is?

12 A Thigh.

13 Q Okay. Inside your pants?

14 A Yes.

15 Q Were you wearing panties?

16 A (The witness nods.)

17 Q Did he touch inside your panties at all?

18 A Yes, ma'am.

19 Q That day?

20 A Yes, ma'am.

21 Q Tell me what he did inside your panties.

22 A He was just like rubbing like the lip.

23 Q Like the skin?

24 A Uh-huh.

25 Q Did he go inside your vagina that day?

Child

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1 A I think so.

2 Q Okay. Now, how soon after that was it that something
3 else happened?

4 A At least like the end of the week.

5 Q Okay.

6 A I believe it was Friday.

7 Q Okay. Now, did you tell anybody about--

8 A (The witness shook her head.)

9 Q --those incidents?

10 A No, ma'am.

11 Q Did you know it was wrong?

12 A Not until I got older.

13 Q Okay. Tell me what happened that Friday?

14 A Friday it was same thing.

15 Q Tell me --

16 A Except he actually went and like touched inside my
17 vagina.

18 Q Okay. So, same thing. I want you to kind of walk us
19 through that again.

20 A Okay.

21 Q I know it's hard.

22 A That morning -- that morning I went with my sister to
23 go play with Alexis and Antonio.

24 Q Okay. Where did you go to play with them?

25 A Over to Auntie's house.

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- 1 Q So, Lisa's house?
- 2 A Uh-huh.
- 3 Q You call her Auntie?
- 4 A Yes, ma'am.
- 5 Q Okay. And what happened after you were done playing
- 6 with them?
- 7 A Once we were done playing we all went inside.
- 8 Q Inside?
- 9 A Trailer 20 to go get something to drink because we
- 10 were tired.
- 11 Q Okay.
- 12 A And then me and Samantha watched TV for like an hour.
- 13 Q Okay.
- 14 A Then she said she wanted to go back outside to go
- 15 play. So, I just stayed inside.
- 16 Q Okay. Was anybody else home?
- 17 A I think grandma was in her room.
- 18 Q Okay. And what happened when you were watching TV?
- 19 A He left her room and came into the living room.
- 20 Q You said he, who is he?
- 21 A Ray.
- 22 Q What happened when he came in the living room?
- 23 A He touched my vagina again.
- 24 Q Can you tell us how he did that, please?
- 25 A He just came up, put his hand in my pants.

Child

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- 1 Q Okay.. Were you sitting or standing?
- 2 A I was sitting.
- 3 Q Okay. How far into your pants was he able to put his
- 4 hand?
- 5 A To like at least 'like the top of my panties.
- 6 Q Okay. Did he stay touching you on top of your
- 7 panties?
- 8 A (The witness shook her head.)
- 9 Q What happened?
- 10 A He put them in my underwear.
- 11 Q Okay. And what happened when his hands were in your
- 12 underwear?
- 13 A He -- first he just was like touching the lip and
- 14 then he started rubbing the inside.
- 15 Q Okay. How long do you think that went on?
- 16 A Not long.
- 17 Q Okay. Did he talk to you?
- 18 A (The witness shook her head.)
- 19 Q Did you say anything to him?
- 20 A No, ma'am.
- 21 Q How did it feel when he was touching inside you?
- 22 A Weird, like tingling.
- 23 Q Did it hurt?
- 24 A (The witness shook her head.)
- 25 Q Did you know that it was wrong?

Child

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- 1 A I knew -- I felt like there was something really
2 wrong with that.
- 3 Q Did you have a name for that body part at that time?
- 4 A I called it the woo-hoo.
- 5 Q Who taught you that name?
- 6 A My mom.
- 7 Q Okay. Did you and your mom talk about your woo-hoo
8 often?
- 9 A Not a lot.
- 10 Q So, she just kind of told you what it was?
- 11 A (The witness nods.)
- 12 Q What happened after he stopped touching you?
- 13 A He just go back to his room.
- 14 Q And what would you do?
- 15 A I probably just act like nothing happened and try to
16 go play with the other kids.
- 17 Q Okay. Tell me how often this happened, Child when
18 you were living at Trailer 19 and 20?
- 19 A At least a couple of times a week.
- 20 Q Okay. So, did it ever happen anywhere other than the
21 living room?
- 22 A Sometimes when I'd be in grandma's room on the
23 computer.
- 24 Q Okay. Tell me about being in your grandma's room on
25 the computer.

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1 A Like when she -- when she would go to the store or
2 something, she said say that I was allowed to go in her
3 room and get on the internet.

4 Q Okay. What would you like to look at on the
5 internet?

6 A I'd go to a website called Girl Go Games.

7 Q Girl Go Games?

8 A Uh-huh.

9 Q What was that?

10 A It was just a website that had like little names
11 where you could like -- they had like girl racing games
12 sometimes. It had like categories.

13 Q Okay.

14 A And they had like dress up games. Then you can like
15 make your own little mansion thing. Stuff like that.

16 Q Okay. So, tell me what would happen when you would
17 be playing on Go Girl Games?

18 A He'd just come in and act like he was going to watch
19 TV.

20 Q Now, when you say he, again, I'm sorry, tell us who.

21 A Ray would just go in there and like act like he was
22 going to go like watch a hunting show. And. . .

23 Q Okay.

24 A And he'd sit there and watch TV for like ten minutes.

25 Q Then what would happen?

Child

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- 1 A He would just walk over and see what I was doing.
- 2 Q Okay.
- 3 A Then he put his hands on my shoulders.
- 4 Q And what would happen after he put his hands on your
- 5 shoulders?
- 6 A He would like -- he would like -- he just like rub
- 7 his hands down to my waistline.
- 8 Q Okay. Would he rub down the front or the back?
- 9 A The front.
- 10 Q Okay. Tell me what would happen when he got to your
- 11 waistline?
- 12 A He just kept his hands there for like a minute or
- 13 two. And--
- 14 Q Go ahead.
- 15 A And then he'd put them in my pants.
- 16 Q Okay. When he would put them in your pants when you
- 17 were on the computer, did he stay on top of your panties?
- 18 A Yes, ma'am.
- 19 Q Okay. Where would he touch you on top of your
- 20 panties?
- 21 A Just on my bottom.
- 22 Q On the bottom, what do you mean by bottom?
- 23 A Like -- like, you know, like the crease.
- 24 Q Crease of your vagina?
- 25 A Yeah.

Child

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- 1 Q What would he do when he was touching there?
- 2 A He just rub it.
- 3 Q Okay. How long would he rub it?
- 4 A Not long. Like three minutes.
- 5 Q Okay. What would you do while he was rubbing you
- 6 there?
- 7 A The whole time I just wanted to know what to do.
- 8 Q Okay. Did you ever tell anybody about that?
- 9 A No, ma'am.
- 10 Q Why not?
- 11 A Because I was scared.
- 12 Q What were you scared of?
- 13 A I was scared that if I told my grandma that like she
- 14 like never get another boyfriend again or he'd like hurt
- 15 my family.
- 16 Q So you were worried about your grandmother?
- 17 A And my family.
- 18 Q And your family. Child did he ever touch inside
- 19 your panties while you were playing on the computer?
- 20 A No.
- 21 Q Okay. Did he ever touch you outside of the house?
- 22 A Yes, ma'am.
- 23 Q Please, tell me where that would happen.
- 24 A It only happened one time.
- 25 Q Okay.

- 1 A I was at Cannon's fishing lake.
- 2 Q Okay. Where is Cannon fishing lake?
- 3 A It's near the um, the um, gas station that has the
- 4 Hot Spot and the McDonald's near the highway.
- 5 Q Okay. Was that close to Trailer 19 or 20?
- 6 A I think -- I think, it was like moderate.
- 7 Q How would you get there?
- 8 A We'd drive there.
- 9 Q Okay. Who would go fishing with you?
- 10 A Usually just me and him.
- 11 Q Just you and who?
- 12 A Ray.
- 13 Q Okay. Tell me about the time he touched you when you
- 14 went fishing.
- 15 A We'd usually go fishing a lot.
- 16 Q What time would you go fishing?
- 17 A It just depends. Sometimes we'd go early in the
- 18 morning and then stay until the afternoon.
- 19 Q Okay.
- 20 A Or we'd go to the afternoon and just stay there for a
- 21 couple of hours.
- 22 Q Okay. On the day that he touched you, do you
- 23 remember what time you got there?
- 24 A It was like, like 12:00 o'clock.
- 25 Q In the afternoon?

Child

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1 A Uh-huh. Yes, ma'am.

2 Q Do you remember what month it was or what year it
3 was?

4 A I think it was -- I think it was fall.

5 Q Okay. Why do you say that?

6 A Because I remember it was cold and we had jackets.

7 Q Okay. Do you remember what kind of jacket you were
8 wearing?

9 A I think I had a brown jacket.

10 Q Do you remember what Ray was wearing?

11 A A gray jacket.

12 Q Tell me what happened when you got to Cannon's lake
13 that day.

14 A When we got there we set up the fishing stands.

15 Q Okay.

16 A And the fishing poles and the bait.

17 Q Okay. What did you use for bait?

18 A I'm not exactly sure, he never told me.

19 Q Okay.

20 A But it was like -- like this yellow, like, this weird
21 like almost -- it's kind of like play dough but not play
22 dough. It's like grainy.

23 Q Okay. Do you think what kind of fish you were
24 fishing for?

25 A We'd either catch catfish, carp and I think that's

1 about it.

2 Q Okay.

3 A Maybe bass.

4 Q Tell me what happened after you set up poles and
5 everything?

6 A We set up everything and we were just sitting there
7 waiting. Like, we were sitting on the little, like, the
8 bench thing that had the overhead thing that covers from
9 the sun.

10 Q Like an outhouse?

11 A Yeah, I think it was a outhouse.

12 Q Okay.

13 A So -- so, um, we were just sitting there, like, we
14 caught at least one fish before.

15 Q Before he started?

16 A (The witness shook her head.)

17 Q And tell me, were there other people at the lake that
18 day?

19 A Not that many.

20 Q Okay. Where were the closest people to you?

21 A All the way on the other side of the lake.

22 Q Okay. And tell me what happened when you were sitting
23 under the outhouse?

24 A We were just sitting there waiting to see how many
25 more we could catch because we had to go home in like two

Child

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1 hours.

2 Q Okay.

3 A So, we caught two fish, two like little tiny catfish.

4 And I caught like a big one, like that big. But so, we

5 were sitting there after we rebaited the hook and

6 everything. And like he just scooted over. He just like

7 put his arm around me.

8 Q Okay.

9 A And when he put his hand right there on my waistline,
10 on my side.

11 Q Okay. And how long did he keep his hand in your
12 waistband?

13 A For at least a minute.

14 Q Okay. And what happened next?

15 A He would -- the same hand on the inside of my pants.

16 Q Did he stay outside your panties or inside your
17 panties?

18 A Outside.

19 Q Excuse me?

20 A Outside.

21 Q Okay. Did he ever go inside your panties that day?

22 A Yes, ma'am.

23 Q How long did it take for him to go inside your
24 panties?

25 A Two minutes.

- 1 Q Okay. What did he do when he was inside your
2 panties?
- 3 A First, he was like rubbing the outside.
- 4 Q Okay.
- 5 A Then rub the inside.
- 6 Q How did it feel when he was rubbing the inside?
- 7 A Weird.
- 8 Q Did it feel the same way that it felt when he was
9 rubbing the outside or did it feel different?
- 10 A It felt different.
- 11 Q What did you do while he was doing that at the lake?
- 12 A Watching the lines.
- 13 Q Watching the fishing lines?
- 14 A (The witness nods.)
- 15 Q How long did he rub inside your vagina that day?
- 16 A I think it was three minutes.
- 17 Q How long did it feel?
- 18 A At least two or three. It felt like a long time.
- 19 Q Did he say anything to you?
- 20 A (The witness shook her head.)
- 21 Q Did you say anything to him?
- 22 A No, ma'am.
- 23 Q Why not?
- 24 A I was terrified.
- 25 Q Okay. How long did you stay fishing after that?

Child

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1 A At least an hour.

2 Q Okay. What happened when you got home?

3 A When we got home he would gut all the fish and like
4 clean them and gut them.

5 Q Okay. Where did you go when you got home? Was
6 anybody there?

7 A (The witness nods.)

8 Q Who was home?

9 A My mom, my grandma and then Uncle Jimmy and then Lisa
10 had the kids over.

11 Q Did you tell anybody what happened?

12 A (The witness shook her head.)

13 Q What did you do?

14 A I went inside, took a shower and then I went and
15 asked the other kids what they were doing when I got
16 home -- when I was gone.

17 Q Okay. Child did Ray ever take any of your clothes
18 off?

19 A No, ma'am.

20 Q Okay. Did he ever take any of his clothes off?

21 A No, ma'am.

22 Q Did he ever touch you anywhere aside from outside and
23 inside your vagina?

24 A No, ma'am.

25 Q Okay. You said during the forensic that he kissed

Child

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1 you, do you remember that?

2 A I do.

3 Q Can you tell me the first time you remember him
4 kissing you?

5 A It was when I came back. When I was eight I came
6 back from my best friend, Mia's house.

7 Q Okay.

8 A And I just come back from her house like I said. So,
9 I came inside and. . .

10 Q Where did you go? What house was that?

11 A She lived in Greenville in, um, I think, it was
12 called Rivera Road.

13 Q Okay. But what house did you go back to?

14 A Oh. Well, first I went to my mom's house to see if
15 she was there.

16 Q Okay.

17 A But they weren't there so they were at grandma's
18 house. So, then I went over there.

19 Q Okay. Is this still Lot 19 or 20?

20 A Uh-huh, I think so.

21 Q So, tell me what happened when you got home after
22 being at Mia's house.

23 A When I got home it was -- it was Taylor's mom,
24 Veronica, that was there.

25 Q Okay.

Child

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1 A And like, I guess, they just came over to visit.

2 They brought -- Ronnie and Jasmine were there.

3 Q Okay.

4 A So, when I got home it was like, hey. So then he

5 gave me a big ole bear hug.

6 Q Who did?

7 A Ray.

8 Q Okay.

9 A And like he kissed me like right on the mouth.

10 Q Were other people there?

11 A I think Veronica in there. She gave him like this

12 real weird look.

13 Q Okay. Did he ever kiss you when nobody else was

14 around?

15 A No.

16 Q Okay. Did he ever touch -- did he ever touch you

17 anywhere aside from [REDACTED] and Cannon's Fishing Lake?

18 A At the trailers, at Trailer 20.

19 Q Well, that's [REDACTED] right? Like trailer 19 and

20 20?

21 A I guess.

22 Q Okay. Did you keep track of what the address was

23 when you were seven, eight, nine?

24 A Not really.

25 Q Okay. Do you remember leaving [REDACTED] moving

Child

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1 out of [REDACTED] or moving out of Trailer 19 or 20?

2 A When we moved out of there I think we moved to, I
3 think -- I think it was [REDACTED]

4 Q Okay. Do you remember who lived at [REDACTED]

5 A I think by then auntie had moved in with us.

6 Q Okay.

7 A So, it was Lisa, Alexis, Antonio and I think my mom
8 was living there.

9 Q Okay.

10 A Me and my two sisters.

11 Q Your two sisters?

12 A Not my two -- me and my sister.

13 Q Okay.

14 A And then I think -- I think Taylor was still living
15 there, I'm not positive.

16 Q Okay.

17 A And Uncle Jimmy was living there.

18 Q Okay. Did anything ever happen at [REDACTED] with
19 Ray?

20 A I mean, I don't recall any, like, times -- I'm not
21 sure.

22 Q Okay.

23 A I think it might have.

24 Q Okay. But you don't remember anything happening
25 there?

Child

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1 A No.

2 Q On the video -- or let me just ask you this question.

3 Did you ever see Ray's private parts?

4 A Yes.

5 Q Tell me how many times did you see them?

6 A One time.

7 Q Can you tell us about the time you saw Ray's private
8 parts? Where was that?

9 A It was Trailer 20.

10 Q Okay.

11 A And it was like nine o'clock. And my sister, she was
12 supposed to go to sleep at 8:00 o'clock. So, she was like
13 passed out by then. And we were having a sleep over at
14 grandma's house.

15 Q You said, We. Who's we?

16 A Me and my sister.

17 Q Okay.

18 A And then, like, no one was home. Grandma had went to
19 the grocery store.

20 Q Okay.

21 A I felt like if she left like something bad was going
22 to happen. There was just like this weird feeling there.

23 Q And what happened?

24 A When she left I stayed in the living room. And I was
25 watching Sponge Bob.

Child

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1 Q Okay.

2 A I was sitting -- there was like two couches. And
3 there was one towards like the door and there's another
4 one on the other side. And I was sitting on the floor in
5 front of TV.

6 Q Okay.

7 A Not right in front of it. So, I was just sitting
8 there watching TV on the floor. Because I was scared.
9 So, I just sat there. And was like watching TV. So, at
10 least -- when she said she was going to be right back.

11 Q Your grandmother said that?

12 A Yeah. She was gone for like 40 minutes.

13 Q Okay.

14 A He didn't come at least for 20 minutes. I was just,
15 um -- so, when he walked in he went and sat on the couch.
16 The one that I was closet to.

17 Q Okay.

18 A And he sat down and he told me to come here. To go
19 get on the couch. And he told me to sit down beside him.

20 Q Did you obey him?

21 A (The witness nods.)

22 Q Why did you do that?

23 A Well, he's adult and like. . .

24 Q Okay.

25 A I thought I was supposed to.

Child

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1 Q Okay.

2 A Because he was in charge if someone else was
3 [verbatim] there.

4 Q So what happened when you sat down next to him?

5 A I sat down next to him. He stood up and like he
6 walked in front of the TV where I was sitting down
7 watching. And he unzipped his pants. And he, um, he took
8 it out.

9 Q What did he take out?

10 A His penis.

11 Q Okay.

12 A And then he sat down next to me again and he made me
13 put my face on it.

14 Q Tell me how he made you do that.

15 A He pushed my face down, like the side of my head.

16 Q Okay. How did that make you feel?

17 A I was scared. I started crying.

18 Q Okay. And how long did he keep -- hold your face
19 down there?

20 A Not long because I started squirming and crying.

21 Q Okay.

22 A And freaking out.

23 Q Okay. And what happened after that?

24 A He said, Okay, okay, I guess you're not ready yet.

25 Then he zipped -- he said not ready yet and he went back

Child

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1 in his room.

2 Q Okay. Did anything like that ever happen again,

3 Child

4 A No, ma'am.

5 Q I'm going to talk to you about your relationship with

6 your mom for a little bit, okay? How long has it been

7 since you've seen your mom? Aside from yesterday?

8 A The last time I saw her was when she brought me to

9 Auntie's house.

10 Q Do you remember when that was?

11 A It was -- I think it was after she had broken up with

12 her boyfriend, Josh.

13 Q Okay. Was that before or after you told your mom

14 about what Ray had been doing?

15 A I think it was -- she broke up with him before.

16 Q Okay.

17 A But we were staying with Auntie for a while. I think

18 when we started staying with her it was after.

19 Q Okay.

20 A Because that's when I told her what happened after

21 that.

22 Q Okay.

23 A So, we were -- we were staying at Auntie Lisa's house

24 and we went to -- we went to -- it was this guy my mom

25 knew.

Child

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1 Q Okay.

2 A So, we went to stay there for the night. I'm not
3 sure where she went though.

4 Q Okay. Have you seen your mom in the past couple of
5 years, Child

6 A No.

7 Q When you were living with your mom, where was the
8 last place that you were living with your mom before you
9 moved in with your Auntie?

10 A At [REDACTED]

11 Q Okay. Do you remember when you moved in there?

12 A That was after my mom and Josh broke up.

13 Q Okay. Do you remember how long you lived at
14 [REDACTED] before Easter?

15 A At least two months.

16 Q Okay. Do you remember how old you were at that time?

17 A I was 11.

18 Q Okay. And how long had it been since Ray had touched
19 you any type in a sexual way?

20 A It had been like one or two years.

21 Q Okay. What kind of relationship did you have with
22 your mom, Child Were you close to her?

23 A I was.

24 Q Did you tell her secrets?

25 A Not that many.

Child

DIRECT BY MS. BENTLEY.

1 Q Why not?

2 A Because I just -- I didn't know how to bring it up.

3 Q Okay. Where there other adults that you trusted or
4 that you knew loved you?

5 A My grandma.

6 Q Did you ever try to tell your grandma?

7 A No.

8 Q Why not?

9 A Because I was -- I didn't want her -- I didn't want
10 her -- I was scared because she was getting old. And I
11 was scared she was going to have trouble if they broke up.
12 She would like -- I didn't want her to grow [verbatim] up
13 alone. Because I felt she was going to like die soon or
14 something.

15 Q So you wanted her to be happy?

16 A (The witness nods.)

17 Q Is that what you're saying? Did you have any friends
18 that you could talk to?

19 A No. I was really shy around people.

20 Q Are you still shy?

21 A I have trust issues.

22 Q Okay. I want to talk to you about Easter weekend
23 2011, okay? Where were you living?

24 A At [REDACTED]

25 Q Who was living with you by that point?

Child

DIRECT BY MS. BENTLEY

1 A It was -- you mean once they moved in with us?

2 Q By Easter, who was living there?

3 A It was me, my sister, Travis, my mom, Ray, Grandma,
4 Auntie and Robert.

5 Q Okay. Do you remember Easter weekend of 2011?

6 A (The witness nods.)

7 Q What grade were you in?

8 A I think I was in fourth grade.

9 Q Okay. What did you do that Saturday?

10 A That morning I woke up and I made me and my sister
11 some breakfast.

12 Q Do you remember what you made?

13 A I think I made cereal.

14 Q Okay.

15 A And then we just sat down and ate. And it was her
16 turn that morning. She got an hour on the computer. Some
17 while she was doing that I was in there helping momma
18 Travis.

19 Q Okay. You said that she had an hour on the computer,
20 where was the computer?

21 A I think -- I think we were sharing, I don't remember.
22 We had two. There's one in the garage with my mom, in my
23 mom's room.

24 Q Okay.

25 A And then there's one in Lynn and Ray's room.

Child DIRECT BY MS. BENTLEY

1 Q Okay. And you said Samantha had her hour first?

2 A Uh-huh.

3 Q Did y'all have set times or set amounts of time that
4 you could play?

5 A Uh-huh.

6 Q So, while Samantha was on the computer, what did you?

7 A I went downstairs and was helping mom take care of
8 Travis.

9 Q Okay. Tell me about the rest of that day?

10 A After Samantha's hour it was my turn. It was like,
11 like still early. It was like, I think, it was 11:00.

12 Q Okay.

13 A And then -- so, it was my turn to go get on the
14 computer. So, we used the one that was in their room.

15 Q Okay.

16 A Because that use to be our room and it was my
17 computer.

18 Q Okay.

19 A So, Samantha was in there. So, when it was her
20 [verbatim] turn, I went in there. Like, there was no one
21 in there at the time.

22 Q Okay.

23 A So, I just went in and got on the website I told you
24 about.

25 Q Okay. Was the door opened or closed when you went in

Child

DIRECT BY MS. BENTLEY

1 there?

2 A It was closed.

3 Q Okay.

4 A So, I just got on. And I had my feet like up on the
5 chair. And then he just walked in.

6 Q He who?

7 A Ray walked in.

8 Q Okay.

9 A And he put his arms around me, he was like pulling on
10 my toes.

11 Q Okay. And where were your toes?

12 A Um, on the chair.

13 Q Okay. So, could you kind of show us how you were
14 sitting?

15 A Like this.

16 Q So, your feet are in front of you?

17 A Uh-huh.

18 Q And did Ray say anything when he walked in?

19 A I don't think so.

20 Q Okay. Did he leave the door opened or closed when he
21 walked in?

22 A He closed it.

23 Q Tell me what happened. You said he was touching your
24 toes?

25 A (The witness nods.)

Child

DIRECT BY MS. BENTLEY

- 1 Q Had he touched your toes before?
- 2 A Yeah.
- 3 Q Okay. Did you like him to touch your toes?
- 4 A No, it kind of hurt.
- 5 Q Okay. What happened while he was touching your toes?
- 6 A My mom walked in.
- 7 Q What did Ray do when your mom walked in?
- 8 A He jumped.
- 9 Q Okay. What happened next, Child
- 10 A My mom told me to go downstairs to her room.
- 11 Q And how did you feel?
- 12 A I was actually excited. Because I was hoping she
- 13 would ask me about it. And she did.
- 14 Q Okay. Tell me what happened when you got to the
- 15 room?
- 16 A She asked me if -- if somebody had ever touched me
- 17 where they weren't supposed to.
- 18 Q And what did you tell her?
- 19 A I told her, Yeah.
- 20 Q Did you tell her who?
- 21 A (The witness nods.)
- 22 Q Who did you tell her?
- 23 A I told her it was Ray.
- 24 Q Did she ask you anymore questions at that time?
- 25 A No, ma'am.

Child

DIRECT BY MS. BENTLEY

1 Q What happened next?

2 A She got angry and ballistic.

3 Q Did you talk to anyone else after you told your mom
4 that day?

5 A I think I talked to Auntie about it.

6 Q Okay. You said your mom went ballistic, what
7 happened?

8 A She was like -- she ran to -- because she left the
9 door opened, she ran down the hallway when he walking out
10 of the room. And she was like screaming and yelling and
11 like was pushing him.

12 Q Okay. How long did that go on?

13 A I think, like, it was like ten minutes, 20 minutes.

14 Q Okay.

15 A She was angry for like a long time.

16 Q Child you said you were hoping your mom would ask
17 you?

18 A (The witness nods.)

19 Q Why were you hoping your mom would ask you?

20 A Because it been bottled up inside of me for so long.

21 Q If your mom hadn't asked you, would you have told
22 her?

23 A I think I might have.

24 Q Tell me what happened after your mom finished
25 fighting with Ray?

Child

DIRECT BY MS. BENTLEY

- 1 A She started asking Grandma if she knew anything about
2 it. And Grandma was like -- she said that he didn't do
3 anything.
- 4 Q Okay. Did y'all stay at that house?
- 5 A No, ma'am.
- 6 Q Where did you go?
- 7 A We went to Janet's house.
- 8 Q Now, you said We, who all is we?
- 9 A Me, Samantha, mom and Travis.
- 10 Q Okay. And how long were you at Janet's house?
- 11 A We went there -- we were there for 15 minutes.
- 12 Q And what -- did you leave?
- 13 A Yeah, we left after that.
- 14 Q Where did you go?
- 15 A We went to -- to Lisa's house.
- 16 Q Okay. Did you see Ray again after that?
- 17 A No, I don't think so. After that.
- 18 Q Did you see your Grandmother after that?
- 19 A I think one time.
- 20 Q Okay. When was that?
- 21 A It was after I had been living at Lisa's house for a
22 while.
- 23 Q Okay. Did you ever talk to the police about this,
24 about what Ray had been doing, Child
- 25 A Yes, ma'am.

Child

DIRECT BY MS. BENTLEY

- 1 Q Do you remember when you first talked to the police?
- 2 A It was that day.
- 3 Q Okay. And do you remember who -- let's say where
- 4 were you?
- 5 A I think she called the cops when we were still at
- 6 Robert's house.
- 7 Q Okay. And that's [REDACTED] Robert's house?
- 8 A Yes, ma'am.
- 9 Q Who came over?
- 10 A I think his name was Officer Robertson.
- 11 Q Okay. Did you know what his name was at the time?
- 12 A Not really.
- 13 Q Okay. Where were you sitting when you talked to the
- 14 police officer?
- 15 A On my mom's bed.
- 16 Q So, who else was in the room?
- 17 A I think it was just my mom.
- 18 Q How did you feel talking to the police officer?
- 19 A It wasn't anything -- it wasn't -- it wasn't like --
- 20 not exactly how -- it hurt. It hurt to talk about it.
- 21 Q Why was that?
- 22 A Because I was depressed.
- 23 Q Okay. Did the police officer ask you questions?
- 24 A He did.
- 25 Q Do you remember what questions he asked you?

Child DIRECT BY MS. BENTLEY

- 1 A He asked, um, if, um, he asked how long it was going
2 on. And like, if I could like name addresses.
- 3 Q Okay. Do you remember going to Dr. Henderson and
4 having the medical examine?
- 5 A (The witness nods.)
- 6 Q Do you remember talking to her?
- 7 A I do.
- 8 Q How did you feel about the medical examine?
- 9 A I was kind of scared about it.
- 10 Q Did Dr. Henderson ask you questions?
- 11 A She did.
- 12 Q Do you remember what questions she asked you?
- 13 A She talked about like which part of my body that he
14 touched. And she asked if there's any other, like, if he
15 ever made me touch part of his body.
- 16 Q Okay. I want to talk to you about going to the Julie
17 Valentine Center, do you remember that?
- 18 A (The witness nods.)
- 19 Q Who took you there?
- 20 A My mom.
- 21 Q Do you remember talking to Christine Carlberg?
- 22 A (The witness nods.)
- 23 Q Did you know in advance that you were going to talk
24 to her?
- 25 A Um --

Child

DIRECT BY MS. BENTLEY

1 Q Somebody tell you about that.

2 A I think she told me. It was either a day or week
3 before.

4 Q Who told you?

5 A My mom.

6 Q Okay. How did you feel when you were going there to
7 talk to her?

8 A I was like nervous.

9 Q Why were you nervous?

10 A I didn't know what to expect.

11 Q Okay. Tell me how you got once you started talking
12 to Christine?

13 A I kind of relaxed a little bit.

14 Q Why was that?

15 A She seemed like a really nice person.

16 Q Okay. Was that different than talking to a police
17 officer?

18 A It was.

19 Q How?

20 A Police officers are like stern and they want
21 everything like -- like they want every detail.

22 Q Okay.

23 A But she wanted the same thing but she was like more
24 nicer about it.

25 Q Okay. Hold on just a second, Child okay?

Child

DIRECT BY MS. BENTLEY

1 MS. BENTLEY: Child I don't have anymore questions
2 for you. I want you to answer any questions that
3 Mr. Chambers has.

4 CROSS-EXAMINATION

5 BY MR. CHAMBERS:

6 Q Okay, Child I'm not going to ask you a lot of
7 questions, I'm not going to keep you up there too much
8 longer. You said you remember moving from Florida here to
9 South Carolina with your mom, is that correct?

10 A Yes, sir.

11 Q And did -- do you remember your father at all?

12 A I do.

13 Q And have you had any kind of relationship with him
14 over the years?

15 A I knew him. Like I spent the summer in Florida with
16 him before.

17 Q Okay. And how old were you when y'all moved here to
18 South Carolina?

19 A I was probably like three, maybe.

20 Q Okay. And so it was your mom and you?

21 A Yeah. I think it was just me and my mom.

22 Q And what about Samantha, did she come along later?

23 A She does.

24 Q And then you have a little brother named Travis.

25 Now, is he the youngest?

Child

CROSS BY MR. CHAMBERS

1 A He is.

2 Q All right. And where was the first place that you
3 lived with your mom and you?

4 A [REDACTED]

5 Q All right. And y'all moved a lot while you were
6 growing up, is that true?

7 A Uh-huh.

8 Q From the time that you got here to South Carolina
9 until you went to live with your Auntie, y'all moved
10 around a lot?

11 A Yeah.

12 Q And you lived -- was there ever a place that y'all
13 lived where there weren't lots of other people living
14 there with you?

15 A Yeah, a couple.

16 Q Where was that?

17 A One was in, not exactly sure where it was, but it was
18 like far away. I think it might have been up in like,
19 maybe near the Traveler's Rest area, maybe further than
20 that. I'm not exactly sure. But I remember one of those
21 places.

22 Q But when you lived on [REDACTED] when you lived
23 on [REDACTED] when you lived on [REDACTED] and all
24 those places, there were all lots of other people living
25 there besides just you and your mom, is that correct?

1 A Correct.

2 Q And over this time did your mom date a lot of
3 different guys?

4 A She did.

5 Q Would those guys been in and out of the house on a
6 fairly regular basis?

7 A She would at least date them for like a week or two.

8 Q Okay. Would there be times when you and Samantha
9 would have to sleep on the couch because your mom would
10 have somebody over?

11 A Uh-huh.

12 Q Okay. And would there be times when there would be
13 some guy that would sleep on the couch?

14 A Uh-huh.

15 Q All right. And--

16 A It was never like people like we didn't get to know
17 first, before she'd bring them over.

18 Q So you'd know them for at least a week or two?

19 A Yeah.

20 Q Did -- were you aware that your mother had problems
21 with drugs, were you every exposed to that?

22 A I knew she had a problem about it. Because my
23 Grandma told me that she'd been going to rehab about it.

24 Q Okay. Would there be times that she would disappear,
25 that she would just be gone from your life periods of

Child

CROSS BY MR. CHAMBERS

1 time?

2 A Yeah.

3 Q How often would that happen?

4 A She'd go -- like in a year, she'd probably be gone,
5 maybe like, a month or two. Maybe three.

6 Q Okay. And where would you stay when that was going
7 on?

8 A I stayed at my Grandmother's house.

9 Q And were you aware when you were living with Robert
10 and about his drug use and his using drugs with your
11 mother?

12 A No.

13 Q Do you know why you're not with your mom now?

14 A I think it was because she was doing drugs.

15 Q Okay. Now, when -- right after this occurrence on
16 Easter, when your mom got mad at Ray, for a period after
17 that, she was close with you and paid a lot of attention
18 to you, is that correct?

19 A Yeah, she did.

20 Q Okay. And -- but then there was shortly after that,
21 she kind of dropped out of sight again, didn't she?

22 A (The witness nods.)

23 Q Shortly after that--

24 A I think it had gotten to her.

25 Q Yeah. And that's when you went to life with Auntie

1 again?

2 A (The witness nods.)

3 Q And you said that Easter 2011, by your account,
4 nothing had happened with you and Ray since you were about
5 eight or nine years old, is that right?

6 A Yes, sir.

7 Q And so, when you were on the computer that day, that
8 was Lynn and Ray's room that you were in, correct?

9 A (The witness nods.)

10 Q And when you went and you shut the door and you had
11 the door shut and you were sitting in there on your
12 computer?

13 A Uh-huh.

14 Q And then you said Ray came in and touched you on your
15 toes?

16 A (The witness nods.)

17 Q And your mom came in and apparently, immediately,
18 became alarmed, would that be fair to say?

19 A (The witness nods.)

20 Q And that's when she took you down to talk to you and
21 asked you if Ray had ever touched you before?

22 A Yes, sir.

23 Q And then after that, you talked not only to her
24 because you said you talked to the police, correct?

25 A Yes, sir.

Child

CROSS BY MR. CHAMBERS

1 Q And then a couple of months went by and you went to
2 have a medical examine and you talked to the doctor about
3 it, is that correct?

4 A (The witness nods.)

5 Q Then another month or so went by and you went to the
6 Julie Valentine center, correct?

7 A Correct.

8 Q And you knew why you were going to the Julie
9 Valentine Center, that they wanted to talk to you about
10 Ray, is that correct?

11 A That is.

12 Q And leading up to trial, I would imagine that you met
13 with the Solicitor And you talked to her about this on
14 probably several occasions, is that correct?

15 A Yes, sir.

16 Q And prepared for your testimony here today?

17 A (The witness nods.)

18 Q Is that correct?

19 A Yes, sir.

20 Q Probably even brought you into courtroom so you would
21 know what the courtroom was like and everything, is that
22 right?

23 A It is.

24 Q And she went over the questions with you that she was
25 going to ask you, is that right?

Child

CROSS BY MR. CHAMBERS

1 A Uh-huh.

2 Q Okay.

3 MR. CHAMBERS: That's all the questions I have for
4 you, Child Thank you, very much.

5 THE COURT: Hold on a second, Child

6 Any redirect?

7 MS. BENTLEY: No redirect, Your Honor.

8 THE COURT: Okay. Go ahead, Child Thank you.

9 All right, anything further from The State?

10 MS. BENTLEY: Your Honor, the State rests.

11 THE COURT: All right, ladies and gentlemen, at this
12 point the State rests. And they don't intend to put
13 anymore more evidence into the record at this time. At
14 that point in the trial, it's appropriate for me to take
15 up legal matters with the attorneys outside of your
16 presence. So, I'm going to ask you to return to your jury
17 room. Please don't discuss the case. We'll come back in
18 and resume the case in a fairly short order.

19 (WHEREUPON, the jury left open court at approximately
20 10:35 a.m.)

21 THE COURT: All right, motions?

22 MR. CHAMBERS: Your Honor, I make a motion for
23 directed verdict.

24 THE COURT: All right, sir. And I respectfully deny
25 the same based on the legal standard. I must view the

1 (WHEREUPON, a short break was taken.)

2 MR. CHAMBERS: Yes, sir.

3 THE COURT: Okay, bring them in, please.

4 (WHEREUPON, the jury came into open court at
5 approximately 10:35 a.m.)

6 THE COURT: All right, Mr. Chambers, your case, sir.

7 MR. CHAMBERS: Your Honor, I call Ronnie Warren.

8 THE CLERK: Mr. Warren, please come forward. If
9 you'd place your left hand on the Bible and as raise your
10 right hand.

11 RONNIE WARREN, after being duly sworn, testified
12 as follows:

13 THE CLERK: Thank you, please be seated. State your
14 name for the record.

15 THE WITNESS: Ronnie Warren.

16 THE COURT: Thank you.

17 DIRECT EXAMINATION

18 BY MR. CHAMBERS:

19 Q Ronnie, I believe that you're Ray's brother, is that
20 correct?

21 A Yes, sir.

22 Q Are you -- be sure to speak up so everybody can hear
23 you. If you need to, you can pull that mic closer to you.

24 Is he your older brother or younger brother?

25 A My younger brother.

RONNIE WARREN-DIRECT BY MR. CHAMBERS

1 Q And do you know some of the other people that we've
2 seen here in trial, do you know Lynn?

3 A Yes, sir.

4 Q Do you know Vicky Johns?

5 A Yes, sir.

6 Q Do you know Child

7 A Yes, sir.

8 Q Do you know that whole family?

9 A Yes, sir.

10 Q How is it that you know those people?

11 A I met them back in 2005.

12 Q In 2005?

13 A Yes, sir. And they were living with my younger
14 brother.

15 Q Okay. That's how you met them because they were
16 living with Ray?

17 A Yes, sir.

18 Q Where were they living at the time that you met them?

19 A They were living in number 19 at [REDACTED]

20 Q Is that a trailer park?

21 A Yes, sir.

22 Q How many trailers do you recall that are in that
23 trailer park?

24 A I think it's like 22 trailers all together.

25 Q And the trailer that Ray and Lynn were living in, how

RONNIE WARREN-DIRECT BY MR. CHAMBERS

1 big was that trailer, do you remember?

2 A It was a three bedroom at the time. And that was
3 number 19.

4 Q Who was living with Ray in that trailer?

5 A It was Lynn Rice, Victoria Johns, Child Samantha,
6 James Rice and Charlie Warren and one of Matt Rice's
7 friend.

8 Q So, all of those people lived there?

9 A Yes, sir.

10 Q Did you move in with them at some point?

11 A I did after I helped them move out of number 19 into
12 number 20.

13 Q When did he move into number 20?

14 A He moved into number 20 probably about right around
15 in the summer time of 2005.

16 Q And when you helped him move in, you moved in with
17 him, too?

18 A Yes, sir.

19 Q And when you were living there, how many people were
20 living there?

21 A When I was living there, a total count I got, it was
22 right at 15 people.

23 Q Can you recall who those 15 people are?

24 A Well, me, Charlie, Matt Rice, James, it was
25 Victoria -- or it was Ray Warren, Me, Lynn, Vicky, Child

RONNIE WARREN-DIRECT BY MR. CHAMBERS

1 and Samantha. And then Matt Rice's friend, I can't
2 remember what his name was. And then eventually it was
3 Taylor Sanders, Veronica, it was Tiffany and Andrew. And
4 then it was a boy named Jason that come in. Matt Johns
5 was living there. Which is Child dad.

6 Q Okay. Is that also a three bedroom?

7 A No, sir, it was a four bedroom.

8 Q Four bedroom. Did you -- were you working anywhere
9 during that time?

10 A I was not at the time until after November of 2005.
11 Then I started working at Dunearn Mill Plant.

12 Q And what hours did you work at Dunearn Mills?

13 A I worked eight hour shifts.

14 Q Would it be different shifts?

15 A Yes, sir. I went from first to second to second to
16 third and so on.

17 Q How about Ray, was he working during that time?

18 A Yes, sir, he sure was.

19 Q Where was he working?

20 A He was working at Wal-Mart.

21 Q And did he work different shifts?

22 A I can't remember.

23 Q But he would be out of the house working a good bit?

24 A Yes, sir.

25 Q With that many people living there, would people be

RONNIE WARREN-DIRECT BY MR. CHAMBERS

1 there all the time?

2 A Yes, sir.

3 Q Is somebody always there?

4 A Yes, sir, all the time.

5 Q Now, did you get to know Vicky Johns during that
6 time?

7 A Yes, sir.

8 Q Tell us what you know about her during that time.

9 A Well, what I know about her from the first time I did
10 meet her, she was -- she was on drugs a lot.

11 Q Okay.

12 A And she -- and she was with different -- different
13 guys just about every other week.

14 Q Would they come to the trailer there where all of you
15 lived?

16 A Yes, sir.

17 Q And where would they stay when they were at the
18 trailer?

19 A Wherever.

20 Q Okay. Did you see these people interact with Child
21 and Samantha?

22 A I've seen Child and Samantha around them and all
23 that, yes, sir.

24 Q What -- did were you able to observe Child and
25 Samantha and basically how they -- how their mother took

RONNIE WARREN-DIRECT BY MR. CHAMBERS

1 care of them and what they did and those sorts of things?

2 A Well, whenever Victoria Johns was there, she did
3 spend sometime with them. And then whenever she was not
4 there, she was out -- the kids were out with whoever was
5 there.

6 Q Okay. Did the kids come and go as they pleased there
7 in the trailer park?

8 A Yes, sir, they sure did.

9 Q All right. And you said there was how many trailers
10 there?

11 A Practically right at 20 trailers.

12 Q Now, did Ray spend time with these kids? Did he do
13 things with them?

14 A Yes, sir. He played football, he took them fishing,
15 he was -- we was all out in the yard playing with kids.

16 Q So, you say you were all out there--

17 A Yes, sir --

18 Q --playing. Who all besides Ray was out there?

19 A It was Ray, me, bunch a people around in the
20 neighborhood and -- and. . .

21 Q What about the hunting and the finishing, who would
22 go hunting and fishing with Ray?

23 A There's times my older brother would go, there's
24 times that I would carry them up there. And there's times
25 that Jimmy and Lisa went with them.

RONNIE WARREN-DIRECT BY MR. CHAMBERS

1 Q Okay. Did Ray ever take them by himself?

2 A Not as far as I know of, no, sir.

3 Q Did -- did you ever see anything about the
4 relationship between Ray and Child that gave you any kind
5 of concern?

6 A No, sir. No, sir.

7 MR. CHAMBERS: That's all the questions I have for
8 you, Ronnie. Please any the Solicitor might have.

9 CROSS-EXAMINATION

10 BY MS. BENTLEY:

11 Q Ronnie, how old are you?

12 A I'm 34.

13 Q You're 34? And how old is your brother, Ray.

14 A I think 32, 31.

15 Q Are you currently married?

16 A No, ma'am.

17 Q Are you separated?

18 A I'm separated, supposed to getting my divorce.

19 Q And you're married to Veronica, is that right?

20 A Yes, ma'am?

21 Q And before you got in a relationship with Veronica,
22 Ray was in a relationship with Veronica, is that right?

23 A I think so.

24 Q How old is Veronica?

25 A She's 46, I think.

RONNIE WARREN-CROSS BY MS. BENTLEY

1 Q Okay. Does she have any children?

2 A Yes, ma'am.

3 Q What kind of children does she have?

4 A She has two girls and a boy.

5 Q Okay. And how long did Ray date Veronica?

6 A I couldn't really tell you because I moved back up
7 here in '05 and they were together before I moved back up
8 here.

9 Q Okay. You said that you moved in with this -- with
10 this trailer of 15 people in 2005?

11 A Yes, ma'am.

12 Q And why would you choose to live in a trailer --

13 A Well, what --

14 Q -- that had 15 people in it?

15 A -- well, what it was, whenever I first moved back up
16 mere from Florida, I was staying with my sister. And then
17 I went and -- went started hanging out with my younger
18 brother and his fiance', Lynn. And then they were talking
19 about getting a bigger place but they was needing some
20 help with the bills and stuff. And I told them, Yeah, I
21 was willing to do that.

22 Q You were willing to move into a trailer with 14 other
23 people?

24 A Yes, ma'am.

25 Q And that wasn't crowded for you?

RONNIE WARREN-CROSS BY MS. BENTLEY

1 A Well -- well -- well, what it was, when we first --
2 when we first got the trailer -- or when they first got
3 the trailer, that's -- the people that were living in
4 number 19 had moved over to number 20. And then that's
5 when they started moving more people in after we got into
6 number 20.

7 Q And how long did you live at number 20?

8 A I lived there for about six months.

9 Q Six months. That's the whole amount of time that you
10 know, six months?

11 A That's about practically about what I would. . .

12 Q And how long did they live at [REDACTED] either in
13 19 or 20?

14 A They were in number 19, I couldn't tell you for how
15 long because I just got back up here in '05.

16 Q Right.

17 A Then when we moved there from 19 to number 20, they
18 were in there for a good little bit.

19 Q What does a good little bit mean?

20 A Maybe a year, a little over a year.

21 Q Could it have been more than a year?

22 A It could have been.

23 Q Yep. But you weren't there that whole time?

24 A No, I was in and out. Just about everyday.

25 Because--

RONNIE WARREN-CROSS BY MS. BENTLEY

1 Q I'm sorry, let me finish the question. So, you said
2 you lived there for six months off and on?

3 A Yes, ma'am. No. No. I was there for a whole total
4 of six months.

5 Q Okay. But they lived there longer than six months?

6 A Yes, ma'am.

7 Q And you did not live there?

8 A No, ma'am. But I did live in the trailer park.

9 Q But you didn't live in that trailer?

10 A No, ma'am.

11 Q So, you really have no idea what happened in that
12 trailer when you weren't there?

13 A No, ma'am.

14 Q Okay.

15 MS. BENTLEY: No further questions.

16 THE COURT: Redirect, sir?

17 MR. CHAMBERS: No redirect, Your Honor.

18 THE COURT: Thank you, Mr. Warren, I appreciate it.

19 You can step down.

20 Any additional witnesses?

21 MR. CHAMBERS: Call Ray Warren, Your Honor.

22 THE CLERK: Please, place your left hand on the

23 Bible, raise your right hand.

24 RAY WARREN, after being duly sworn, testified as

25 follows:

RONNIE WARREN-CROSS BY MS. BENTLEY

1 THE CLERK: Thank you, please be seated. State your
2 name for the record.

3 THE WITNESS: Ray Charles Warren.

4 DIRECT EXAMINATION

5 BY MR. CHAMBERS:

6 Q Ray, where are you from?

7 A I was born and raised in Greenville, South Carolina.

8 Q Okay. And how old are you right now?

9 A I'm 33 years old.

10 Q Do you have a job, do you work?

11 A Yes, sir.

12 Q Where do you work?

13 A Custom Lawn and Tree.

14 Q How long you been working there?

15 A I been working there ever since April the 21st of
16 this year.

17 Q And have you pretty much maintained a job pretty much
18 your whole adult life?

19 A Yes, sir.

20 Q Now, you heard testimony earlier that you met Lynn
21 Rice. Why don't you just start at the beginning and tell
22 us how it is that you and Lynn came to meet one another.

23 A In the year of 2002 I moved in at [REDACTED]
24 with my dad.

25 Q Okay.

RAY WARREN-DIRECT BY MR. CHAMBERS

1 A Charles Warren. Me and Lynn had took and got
2 together in 2003, April the 18th of 2003.

3 Q Now, when you and Lynn started dating and you were
4 living there at [REDACTED] who all was living
5 there at that time?

6 A Victoria Johns, Child Charles Warren, Kathy Hunt
7 Chuck Hunt and Matthew Rice was living there.

8 Q And what -- just what -- how did this relationship
9 with you and Lynn develop and how would you characterize
10 your relationship with Lynn?

11 A My and Lynn's relationship was good. Everything was
12 perfect. No fussing, no arguing.

13 Q Did you get along with the other people in the house?

14 A Yes, sir, I did.

15 Q Excuse me. Did you get along with Vicky?

16 A Yes.

17 Q And she had two kids at that time?

18 A She just had one, Child in 2003. Samantha was
19 born in 2005.

20 Q And Child would have been about I guess three years
21 old, is that correct?

22 A Yes, sir.

23 Q And what kind of -- from the beginning, what kind of
24 relationship did you have with Child when she was three?

25 A Child was still a baby.

RAY WARREN-DIRECT BY MR. CHAMBERS

1 Q Okay. And as -- at some point did y'all move from

2 [REDACTED]

3 A Yes, sir, we did.

4 Q Where did you move to?

5 A Number 19 -- trailer 19 over at [REDACTED]

6 Q Where is that located? What part of town is that
7 located in?

8 A That's in Taylors.

9 Q Okay. And how close is that to [REDACTED]

10 A It's about a mile and a half from [REDACTED]

11 Q Okay. So, you didn't move very far away?

12 A No, sir.

13 Q And when you moved into a that trailer -- you heard
14 your brother say it was three bedrooms, is that accurate?

15 A Yes, sir.

16 Q And who all moved into that trailer 19, number 19?

17 A Me, Lynn, my dad, Debra Duncan, Felicia Duncan, James
18 Rice, Elliott and Dante.

19 Q Did Vicky and her girls move there with you?

20 A No, sir.

21 Q All right. What was -- why so many of you moving
22 into that trailer together, I'm just curious?

23 A Everybody -- I was always open door to a friend, to
24 whoever needed a roof over their head.

25 Q Were you working at that time?

RAY WARREN-DIRECT BY MR. CHAMBERS

- 1 A Yes, sir.
- 2 Q Where were you working?
- 3 A A Cut Above.
- 4 Q Cut Above, what is that?
- 5 A It's a landscaping company.
- 6 Q All right. And so, how long did you stay at that
- 7 trailer number 19?
- 8 A I stayed there from up till July the 11th of 2005.
- 9 Q And you moved in there when?
- 10 A In 2004.
- 11 Q Okay. So, from 2004 to 2005 you lived in number 19?
- 12 A (The witness nods.)
- 13 Q Did Vicky and or Child or Samantha ever live there in
- 14 number 19 with you?
- 15 A Yes, sir, after certain ones had moved out.
- 16 Q All right. So, they moved in after some other people
- 17 moved out?
- 18 A Yes, sir.
- 19 Q And so, since that was 2004, 2005, Child would have
- 20 been around four or five years old during that time?
- 21 A Yes, sir.
- 22 Q You said you moved out in July of 2005. Is that when
- 23 you moved to number 20?
- 24 A Yes, sir.
- 25 Q Is that where Ronnie helped you move?

RAY WARREN-DIRECT BY MR. CHAMBERS

1 A Yes, sir.

2 Q And you heard him say that people had been living
3 there, was that accurate what he said?

4 A Yes, sir.

5 Q All right. Again, why so many people living in that
6 four bedroom trailer?

7 A Like I said, I was being nice to let everybody and
8 anybody move in with me to give them a chance to get on
9 their feet until they could find work.

10 Q So, you lived in number 20 [REDACTED] from July of
11 2005 until -- when did you move out?

12 A Up till 2008.

13 Q Okay. So, you lived there for about three years?

14 A Uh-huh, yes, sir.

15 Q And so when you -- did -- did Child live there the
16 whole time with her family?

17 A No, sir. Child Vicky and Samantha were not there
18 all the time.

19 Q Okay. When did they move out?

20 A Vicky had went back to work at Task Communication
21 Answering Service and got her on place, again. In the
22 same park.

23 Q All right. So, did -- while they were living in a
24 different trailer, did Child and Samantha still come and
25 stay at the trailer that you were in?

RAY WARREN-DIRECT BY MR. CHAMBERS

1 A Off and on. But it wasn't and everyday thing.

2 Q All right. And so, when you moved out of that
3 trailer on [REDACTED] Child would have been about eight
4 years old, is that right?

5 A Yes, sir.

6 Q Where did you move when you left [REDACTED]

7 A We moved from there to [REDACTED] Because
8 Lynn's son, James Rice, Matthew Johns, Brittany Redding
9 and Taylor Sanders had moved into the house at number [REDACTED]
10 together.

11 Q And how long were you at [REDACTED]

12 A For like six months.

13 Q And did Vicky and Child and Samantha live there?

14 A They would -- Vicky would come by and let her mom see
15 the kids and then take off.

16 Q And then after [REDACTED] -- and when did you move
17 out of [REDACTED] do you remember?

18 A I moved out of there sometime in 2008. We moved over
19 the [REDACTED].

20 Q In 2000 -- So, you lived there. And who lived at
21 [REDACTED] with you?

22 A Lisa Crawford, James Rice, Me and Lynn and--

23 Q How about Vicky, Child and Samantha?

24 A They were living with Vicky's boyfriend, Josh.

25 Q How long -- so you moved there in 2008 you said after

RAY WARREN-DIRECT BY MR. CHAMBERS

- 1 living a short while at [REDACTED] When did you leave
2 [REDACTED]?
- 3 A I left [REDACTED] in 2009.
- 4 Q Okay. Where did you go then?
- 5 A I went back to [REDACTED]
- 6 Q Back to [REDACTED] How long did you stay at [REDACTED]
7 Street?
- 8 A I stayed there for a year and a half.
- 9 Q All right, when you left [REDACTED] where did you
10 move?
- 11 A I moved to -- I went and stayed with my brother for a
12 little while in Traveler's Rest at [REDACTED].
- 13 Q Did you stay by yourself or did Lynn go with you?
- 14 A Lynn went with me.
- 15 Q Up to your brother's. That was in TR?
- 16 A Yes, sir.
- 17 Q After you left TR where did you go?
- 18 A I went back to [REDACTED] Taylors, South
19 Carolina.
- 20 Q All right. Is that where you lived up until this
21 Easter in 2011?
- 22 A Yes, sir.
- 23 Q Over the years did you have a relationship with
24 Vicky's children, Child and Samantha? She had a son, too,
25 is that right?

RAY WARREN-DIRECT BY MR. CHAMBERS

1 A Well, Travis was born later on whenever we lived at [REDACTED]
2 [REDACTED]. That's when Travis was born.

3 Q All right. Did you have some kind of relationship
4 with the kids?

5 A Yes, sir, I did. I took the kids and tried to help
6 them in the best way and raise them and everything that I
7 could.

8 Q When you say kids, what kids you talking about?

9 A I'm talking about Child and Samantha.

10 Q Now, you heard testimony that you didn't care much
11 for Samantha, is that true?

12 A No, it is not.

13 Q Did you -- when you said that you tried to raise
14 them, did you do things with them. Were there activities
15 that you did with them?

16 A They was activities that we done and me trying to
17 work so many hours. Some night I wun't [verbatim] able to
18 come until six or seven o'clock the next morning from me
19 working and trying to put a roof over their head.

20 Q What kind of activities?

21 A Football, tag, fishing and hunting.

22 Q Kind of tomboy stuff with those girls, is that right?

23 A Yes, sir.

24 Q Now, you have, at this point, heard the allegations,
25 you've seen the recording of Child and heard Child sit

RAY WARREN-DIRECT BY MR. CHAMBERS

1 there and testify, those things that she said you did.

2 Did you do those things?

3 A No, sir, I did not.

4 Q Did you -- have you ever put your hands in her pants
5 and touched her vagina?

6 A No, sir.

7 Q Have you ever had her in any way touch your penis?

8 A No, sir.

9 Q Have you ever sexually molested her in any way?

10 A No, sir.

11 Q Do you have any idea why she would say something like
12 that about you?

13 A I do not, no.

14 MR. CHAMBERS: That's all the questions I have for
15 you. Please answer any that the Solicitor may have.

16 CROSS-EXAMINATION

17 BY MS. BENTLEY:

18 Q Hi, Mr. Warren. You dated Veronica before you dated
19 Lynn, correct?

20 A Yes, ma'am.

21 Q How long did you date Veronica?

22 A Six months.

23 Q And did Veronica have children?

24 A Yes, ma'am.

25 Q What children did she have?

RAY WARREN-CROSS BY MS. BENTLEY

- 1 A Tiffany.
- 2 Q Okay. And how old was Tiffany?
- 3 A Tiffany was 25.
- 4 Q Okay.
- 5 A And Kevin.
- 6 Q Okay.
- 7 A That's her son. And Taylor.
- 8 Q Okay. And how old was Taylor?
- 9 A Taylor was seven years old.
- 10 Q Okay. And how old was Vicky?
- 11 A Vicky was -- Vicky?
- 12 Q I'm sorry, Veronica. How old was Veronica?
- 13 A Veronica was 39.
- 14 Q And. And how old were you?
- 15 A I was 22.
- 16 Q Okay. And when you met Lynn how old were you?
- 17 A I was 22 whenever I met Lynn.
- 18 Q Okay. And how old was Lynn, do you know?
- 19 A Lynn had just turned 40.
- 20 Q Okay. Now, were Victoria and Child around when you
- 21 first met Lynn?
- 22 A Yes.
- 23 Q They were already living at [REDACTED]
- 24 A Yes.
- 25 Q And let's talk a little bit about your work history.

RAY WARREN-CROSS BY MS. BENTLEY

1 We heard you worked at -- that you currently work, where
2 is it?

3 A Custom Lawn and Tree Care.

4 Q And you worked at A Cut Above, is that true?

5 A Yes, ma'am.

6 Q How long did you work there?

7 A I worked there for a ear and a half.

8 Q Okay. And we heard your brother say you worked at
9 Wal-Mart, how long did you work at Wal-Mart.

10 A I worked at Wal-Mart for two years.

11 Q Okay. Did you work anywhere else?

12 A I worked for Lowe's?

13 Q Okay.

14 A And Upstate Restoration.

15 Q Okay. So you bounced around from jobs a little bit?

16 A Yes.

17 Q Okay. Were there periods where you were unemployed?

18 A There was in -- at the beginning of '04.

19 Q Okay. But other than that you kind of maintained
20 steady employment?

21 A (The witness nods.)

22 Q Were you an hourly employee?

23 A Yes, ma'am.

24 Q Okay. So, you were not full-time, salary, things
25 like that?

RAY WARREN-CROSS BY MS. BENTLEY

1 A No, I was -- it was 40 hours a week on weekly pay.

2 Q Okay. You said that you lived on [REDACTED] two
3 different place, correct?

4 A Yes, ma'am.

5 Q Nineteen and 20?

6 A Uh-huh.

7 Q And you lived there the same time Child lived there?

8 A Yes.

9 Q And Child was seven when y'all lived there together?

10 A Yes.

11 Q And she was eight when y'all lived there together?

12 A Yes.

13 Q And you played tag while she was living there?

14 A Yes.

15 Q And you went fishing when she was living there?

16 A Yes.

17 Q And you would baby-sit her while the others were at
18 work when you were living there?

19 A Yes.

20 Q So, you spent time with Child

21 A Yes.

22 MS. BENTLEY: No further questions.

23 THE COURT: Any redirect, sir?

24 REDIRECT EXAMINATION

25 BY MR. CHAMBERS:

RAY WARREN-REDIRECT BY MR. CHAMBERS

1 Q When you were baby-sitting, was Samantha also there?

2 A Yes.

3 MR. CHAMBERS: That's all the questions that I have.

4 THE COURT: Okay. Thank you, Mr. Warren, I

5 appreciate it, sir, you may step down.

6 THE WITNESS: Thank you.

7 MR. CHAMBERS: Your Honor, the Defense rests.

8 THE COURT: All right, anything in reply from the

9 Plaintiff? Excuse me, The State?

10 MS. BENTLEY: No, Your Honor.

11 THE COURT: All right, ladies and gentlemen, the

12 Defense has rested, you've heard all the testimony and you

13 received all of the evidence that you will receive in this

14 case. Therefore, we'll move to closing arguments and the

15 final charge on the law. What I'm going to do is take a

16 short break. I'm going to discuss the charge on the law

17 with these attorneys so they can fashion their arguments

18 in keeping with the law that I charge. Also, I'm going to

19 give you the opportunity to order lunch. There are menus

20 that the Bailiffs have and they'll present you with those

21 menus. So hopefully, what will happen is we'll have about

22 15, 20 minutes, you can look over the menu and order. And

23 we'll be working and make sure that we're ready to argue

24 and charge. Hopefully we'll be done with that before one

25 o'clock. I know that my charge won't take long and I'll

1 the opportunity to be heard and a voice in the jury room.

2 Okay? All right, good enough.

3 Mr. Chambers.

4 CLOSING STATEMENT

5 MR. CHAMBERS: May it please the Court, Your Honor.

6 Solicitor.

7 Ladies and gentlemen, you heard from Ray Warren a few
8 minute us ago. Even though he didn't have to, he got up
9 there on the stand and testified and he subjected himself
10 to cross-examination from the Solicitor. And he did the
11 only thing that a person in this situation who has been
12 falsely accused of doing something could do. And that was
13 to tell you his side of the story. To deny what happened
14 in this case. And as I told you at the outset, the entire
15 case that they have for you comes down to one thing and
16 one thing only. It comes down to the statement of Child
17 Johns. That's it. They don't have any physical evidence,
18 they don't have any forensic evidence, they don't have any
19 eye witnesses, they have the statement of Child

20 And the way the system works, you get to hear,
21 essentially, that statement over and over again. You get
22 to hear some details about it from her mother. Some
23 details about it from law enforcement. Some details about
24 it from the medical doctor who does this medical examine.
25 Then you get to hear from the woman who does the forensic

1 examine. And you get to watch the forensic interview.
2 Then you get to hear her testimony. And so, that is an
3 effort to just keep telling that story, keep telling it.
4 Because it doesn't do anything about the fact that that is
5 their case in its entirety. And the law allows for that.

6 His Honor, is going to tell you that under the law,
7 that they don't have to corroborate. But you, as a jury,
8 have to decide whether you believe that statement that
9 Child made to you beyond a reasonable doubt. You
10 have to find back there, a unanimous decision that we are
11 going to brand Ray Warren a child molester. We're going
12 to convict him of a violent felony. And we're going to
13 take his liberty away from him based on that statement.
14 So, as you go back and deliberate, you need to consider
15 the statement, how it came about and all of the details
16 surrounding it. Because it's very important.

17 Now, when she took the stand a little bit earlier,
18 she gave compelling testimony. There's no question about
19 it. You have to remember though, folks, that before she
20 got on that witness stand, she has been living with this
21 story now for, you know, two years at least. She has
22 talked to multiple people in law enforcement, she's talked
23 to multiple health professionals and she prepared for that
24 with the solicitor. And here's the other thing I want you
25 to keep in mind. She may actually believe what she said.

1 That doesn't make it true. I'm not standing here calling
2 that little girl a liar. I don't know whether she
3 believes what she said or not. She may very well believe
4 it and it still not be true.

5 So, here's what I want you to think about. You have
6 to look at whether or not there were inconsistencies in
7 her story. Of course, the Solicitor would say, as they
8 always do, well, she's a little girl, of course there's
9 going to be inconsistencies, you need to ignore those.
10 You need to concentrate on what she had to say. But you
11 can't ignore those. Because they're important. You
12 always can't ignore the way this girl grew up and the
13 background that she has coming into to this. You know,
14 everything, -- when you walk into a courtroom everything is
15 clean and nice and you don't get context. You don't know
16 what things was like for this girl as she was growing up
17 and what she was exposed to. You know, I tried as best I
18 could on cross-examination and otherwise to kind of give
19 you some of that. But it's still very sanitary as you
20 hear it in the courtroom.

21 Here's what we know. We know that Child and
22 her mother came here from Florida. She basically has had
23 no relationship with her father at all. We know that her
24 mother has been a drug addict for pretty much all of
25 Child life. We know that she's has no stability in her

1 life at all until about two years ago when she was removed
2 by DSS from her mother's care and has been living with her
3 aunt. We know that she lived in multiple houses. We know
4 that she moved just an ungodly number of times. Where
5 there was just more people than you can even imagine
6 living in each house. That her mother had boyfriends in
7 and out all the time, spending the night, in bed with her,
8 on the couch. This little girl being exposed to all of
9 that. Now, you got to wrap your head around that.. That
10 was the life she had growing up.

11 So clearly, just based on what's going on with her
12 mother, she's been exposed to multiple men. She's been
13 probably exposed to situation that involved sex. She did
14 not lead a sheltered life. This is not somebody that grew
15 up with the white picket fence. That was the life she had
16 growing up. And mother who had, let's face it, could not
17 have been very attentive to her. Who basically parceled
18 out the care of her children to other people. You heard
19 testimony that even her son was left with a stranger in a
20 hotel room and later tested positive for methamphetamines.
21 You heard testimony that these girls ran around that
22 trailer park pretty much as they pleased. And not only
23 was her mother using drugs, but they were living with
24 people that used drugs. You heard Robert say -- when he
25 first took the stand he sounds like salt of the earth.

1 Just plain, spoken guy from New York. Guess what? On
2 cross-examination you find out that not only is he a meth
3 head, but he's using meth with Vicky Johns. These are the
4 situations that this little girl grew up in.

5 So, you have to think about her mind set. And what
6 that would do to a child. And whether you can trust
7 enough to find beyond a reasonable doubt that a statement
8 that comes from a situation like that is enough to brand
9 this man a child molester and send him to prison. And you
10 need to think about what Vicky said when she talked to the
11 to police officer the first time. He testified, the
12 reporting officer, that she said these things happened
13 when she was about eight or nine. And the last time was
14 on [REDACTED] and nothing happened after [REDACTED]

15 When she went in and talked to the medical doctor,
16 which seemed completely unnecessary, I mean, honestly.
17 The doctor said even before doing that examine, that she
18 didn't expect to find anything. She said 90 percent of
19 the cases they don't find anything. It's just another
20 opportunity to bring a child in and talk to them about
21 what goes on. And in each set they know beforehand, what
22 the allegations are. The doctor knew. The lady that did
23 the interview at the Julie Valentine Center knew. They
24 know. Okay. And you have to figure that at each step,
25 she's been prepared for what she's about to undergo. So

1 she knows what she is going to be talking about.

2 But -- but she told the doctor about age eight or
3 nine. And then when she was -- when we watched the
4 forensic interview, and you can go back and watch it again
5 if you want to, and you can listen to any testimony that
6 takes place. She was inconsistent at that point. At one
7 point she says, I don't remember when any of this first
8 happened to me. Then she said that she was eight or nine
9 the last time it happened. But then later on in the same
10 interview she said she was seven. I mean, she will
11 remember specific things like it was trailer -- we lived
12 in trailer 19, we moved to trailer 20. But she as trouble
13 remembering the ages. But then when she comes in and
14 testifies today, two years in talking to all these people
15 and all this preparation, all of a sudden we get all sorts
16 of new facts. Things that we've never heard before.

17 Why would that come to light for the very first time?
18 Because she is not telling you what happened. She has --
19 once this allegation was made, she was finally removed
20 from that home. And she's been in a stable environment
21 since then. She's not only had to go off and talk to
22 these other people, but you heard that there was referral
23 made to Piedmont Mental Health. So, you have to figure
24 that through that whole time, talking about this, keep
25 talking about this. Whether something starts out true or

1 not, it becomes true after a while. After you've lived
2 with it. I don't know, I mean, I can stand up here and
3 speculate forever. I mean, I can say that maybe she was
4 molested by somebody else and she wants to put a face to
5 it by blaming Ray. Saying that she made the whole thing
6 up and this is a way to get some attention. Or maybe get
7 them out of the house as the grandmother first believed.
8 But to say that she really believed this happened but it
9 didn't. Anything is possible when you consider the
10 environment that this girl grew up. When you consider the
11 way that she was raised. When you consider the trauma
12 that must have had on her. It's not surprising that
13 somebody that's been raised in an environment like that,
14 would be shy and retiring, to keep to herself.

15 But you also have to remember that at no point during
16 any of this, up until this Easter of 2011, when apparently
17 Vicky walked in and thought something was going on but
18 nothing was going on, that's the part that's so bazaar
19 about this. This whole thing was triggered off and nobody
20 said he was doing anything wrong. He walked into his room
21 where this little girl was on the computer. Somebody that
22 he had known for years, and he leaned over to look at the
23 computer and he touched her feet. Then mom walks in and
24 for some reason just freaks out about it, calls the little
25 girl down the hall and then all this begins to unravel.

1 But she said, if what he said is true, that nothing had
2 happened since she was eight or nine years old. So, we're
3 now two or three years later.

4 But as you look back -- and it's one of those things,
5 whenever we hear something has happened and we hear
6 somebody has been alleged to do something, we start
7 thinking about things differently. And you think, Well,
8 you know, he hung around her, he did this, he did that.
9 Think about this folks, there were always people around.
10 There were so many people that lived in all those houses
11 that it would have been hard to get any time along. But
12 let's say that those opportunities presented themselves.
13 Which we know because everybody testified that Ray had,
14 not only with Child but with all the kids, that he would
15 take Child hunting and fishing and places like that. Now,
16 while it is perfectly logical that a little girl might be
17 afraid, although you never heard anything about any
18 threats being made or anything like that. Might be afraid
19 or not know how to speak up, we all know from being around
20 our own kids and other peoples kids, if there's something
21 that's unpleasant to them, that they don't want to do,
22 they let you know that. They may not exactly articulate
23 why.

24 But if this man were doing those things to her, she
25 would not have wanted to go places with him. She would

1 not have had to go any place with him. She may not be
2 able to avoid the fact that he lived in the same house
3 with her but she didn't have to go hunting with him. She
4 didn't have to go fishing with him. She didn't have to
5 play with him. And she could have made that clear to
6 anybody and she didn't. She readily spent time with him.
7 On her own.

8 And out of all these people that lived there, you
9 haven't heard anybody come in here and say that they ever
10 saw anything that was out of the ordinary. But as time
11 goes on, you start to make everything a bad thing. Just
12 like when we heard her testify today and for the very
13 first time, she wants to say the fact that they were
14 playing tag together when she was five or six years old.
15 By the way, that was the first time you heard anything
16 about him doing anything when she was five or six years
17 old. That there was something nasty or bad about the fact
18 that he was playing tag with them. All of a sudden that's
19 sexual.

20 All this time growing up, not only did she not reach
21 out to anybody, but she didn't try to avoid him. That's
22 something that clearly she would have done. And she could
23 easily have done. Because they were always people around.
24 There was always somebody else that she would with. Now,
25 Ray worked all the time. He was out of the house. The

1 other people in that house worked. But there was pretty
2 much always somebody there. I mean, there really seem to
3 be at one point, no fewer than eight or nine people living
4 at any house and as many as 20 people living in that
5 house.

6 So folks, as you go back there, you have to consider
7 the way this girl was raised, the environment that she
8 comes out of, the way that that must have messed her up.
9 And that's going to make anything that she has to say
10 suspect. You have to look at the inconsistencies. And
11 you have to look at the fact that she did not do anything
12 to try to avoid contact with somebody who was supposed to
13 be doing these things.

14 You know, I haven't spoken very long, I normally take
15 a lot longer than this. There's just not a lot of
16 evidence in this case. There's not a lot to go over. As
17 I told you before, no matter how many times you hear it,
18 it comes down to her statement. That's it. And you have
19 to go back there and be willing to find beyond a
20 reasonable doubt that that statement alone is enough to
21 send him away. That's what you have to find. You can't
22 leave here later and have lingering doubts. Did I do the
23 right thing? You don't get any makeups. You don't get
24 any makeups. You know, she's moved on, she's living with
25 her aunt, she seems to be doing well. But Ray's entire

1 future is in your hand.

2 And as you go back there and you consider this case,
3 I want you to keep in mind, and I'm going to talk about it
4 just a little bit, this concept of reasonable doubt. Now,
5 His Honor, is going to tell you that you have to find that
6 there is no real possibility that he didn't do it. Based
7 on the evidence that you heard. But you got to keep in
8 mind reasonable doubt. Remember, we talked about civil
9 cases where it's only the preponderance of the evidence.
10 You just have to make it more likely than not. We talked
11 about sometimes there's this concept of clear and
12 convincing evidence. But in cases like this, we reserve
13 the highest burden. And it's for a very good reason.
14 Because there's nothing you can do to somebody that's
15 worst than convicting them and denying them their liberty.
16 So bear that in mind as you consider this statement. When
17 you leave here are you going to feel comfortable with what
18 they presented to you. Comfortable enough that you find
19 him guilty.

20 Ladies and gentlemen, he has done the only thing that
21 he can do. He doesn't know why these charges have been
22 levied against him. He only knows what he told you. And
23 that he don't do anything. He doesn't have a explanation
24 for it. But you know what, the good is that he doesn't
25 have to have an explanation for it. Hold them to their

1 burden. She's going to get up here and she's going to
2 tell you all the reasons that I'm wrong. I'm going to
3 have to do the hardest thing I'm going to do all day. I'm
4 going to go sit down. And I'm going to have to listen to
5 it. I'm not going to get to respond. But at the end of
6 the day, no matter what she says, you can't get away from
7 the fact that all they have presented to you is Child
8 [REDACTED] statement. And you know all of the inconsistencies
9 and problems that go along with that statement. We look
10 forward to your decision. Thank you for being here.

11 MS. BENTLEY: May it please the Court.

12 THE COURT: Yes, ma'am.

13 CLOSING STATEMENT

14 MS. BENTLEY: Mr. chambers.

15 She looked like she'd been waiting for somebody to
16 ask her. When I asked Victoria Johns how Child looked
17 when she asked her if anyone had been touching her
18 inappropriately, that was her answer. Child looked like
19 she had been waiting for somebody to ask her that
20 question. Because Child had been keeping it inside for
21 two years. I'm -- I'm going to talk you about Child and
22 I'm going to talk to you about the other witnesses the
23 State presented and why. But first, let's talk about
24 reasonable doubt. I had to prove beyond a reasonable
25 doubt that Ray Charles Warren committed the crimes of

1 criminal sexual conduct with a minor in the first degree.
2 And lewd act upon a child.

3 Beyond a reasonable doubt. That's is a legal
4 definition and the Judge will define it for you in his
5 charge. If anything I say contradicts anything he says,
6 you listen to him. He is the law. Beyond a reasonable
7 doubt is a heavy burden. It is the heaviest burden in the
8 judicial system. Like Mr. Chambers told you, it is not
9 the civil case of more likely than not, it's not the
10 preponderance of the evidence, it's not clear and
11 convincing evidence, it's beyond a reasonable doubt. The
12 State must leave you firmly convinced that Ray Warren put
13 his fingers inside Child [REDACTED]'s vagina and that he touched
14 her in a lewd manner. That he touched her breasts, that
15 he kissed her, that he placed his penis on her face. The
16 State has to prove that to you beyond a reasonable doubt.

17 What is a reasonable doubt? Well, if you are firmly
18 convinced that Ray Warren committed these acts, then that
19 is beyond a reasonable doubt. If you go back in those
20 jury chambers, if you go back and you deliberate, if you
21 discuss, if you pick a part witnesses, if you look and
22 think back for inconsistencies, that's not reasonable
23 doubt. That's your job. You're job is to deliberate.
24 It's to look for those things. But if at the end of your
25 discussions, at the end of your deliberations, you think

1 back, you think back on what the policy told you, the
2 pieces that Lynn and Victoria and Lisa and Robert gave
3 you, the pieces from the doctor and the forensic
4 interviewer, and you think back on what Child told you.
5 Child at 11 years old on the video and Child at 13 years
6 old today. If you think back on those things and you are
7 firmly convinced, if you don't hesitate or you wouldn't
8 hesitate to sign your name to a verdict of guilty, then
9 The State has met its burden. You're convinced beyond a
10 reasonable doubt that will Ray Warren is guilty.

11 Mr. Chambers has told you a lot, he's tried to hammer
12 home that all The State has is this one statement. This
13 one statement that we just told you about over and over
14 and over again. And all we've done is have Child tell the
15 statement to this person, that person, that's not entirely
16 true. She has had to tell the story over and over.
17 First, when her mother caught Ray Warren drapped over her
18 with his hands pulling on her toes, which happened to be
19 in front of her vagina that day. Her mother was
20 suspicious. Was he touching her in a sexual manner that
21 day? No. He's not accused of touching her in a sexual
22 manner that day. That's not what we're here about.
23 That's just what brought all this will forward.
24 Ask yourselves, I don't have children, it is
25 suspicious that a grown man is not just looking at a

1 computer screen, he don't have his hands on the back of
2 the chair. His hands aren't on her shoulders. His hands
3 are drapped over her body, pulling up on her toes. Is
4 that suspicious to you? Would you want to inquire further
5 about why he might be doing that? Victoria Johns was
6 suspicious and she asked her daughter. And that's what
7 brought this out to light. What did Child tell her
8 mother? Her mother asked her one question. Has anyone
9 ever touched you inappropriately? Has Ray touched you
10 inappropriately. And you heard from Child that she told
11 her mother, yes. The mother didn't question her anymore.
12 Her mother got Robert. Robert asked her that same one
13 question. Child answers affirmatively and that was it.

14 Mom went ballistic. She acted like a protective
15 mother. She hears that this man, who has lived with them
16 for seven, eight years, whom she has entrusted not one but
17 both of her children to. Who has taken her daughter
18 fishing and hunting and she thought taking good care of
19 her, has been molesting her. Has put his fingers in her
20 vagina. And she goes ballistic. She punches him, she
21 shoves him, she screams at him, she does whatever she can
22 to get him out of that house. Victoria Johns was not the
23 best mother. Nobody has said that she was. But on
24 April 21st, 2011, she did the right thing. She protected
25 her daughter. She shoves him out but she still takes her

1 girls and her son and she goes to a safe place. Not some
2 strangers house, to Janet Menasian's house. Janet has
3 currently adopted Travis. After that they go to her
4 sister-in-law, Lisa's, house. And that's where the girls
5 pretty much remained since that time.

6 After that, Child does have to tell the story some
7 more. The police come out. She has a police officer sit
8 on her bed and ask her personal questions about -- about
9 whether this man has molested her. And she tells him yes.
10 And what else does she tell him? She gives him the time
11 and place. Eight or nine years old, [REDACTED] lot --
12 maybe she doesn't say [REDACTED] lot 19 and 20. Was
13 there anything inconsistent between what she told her
14 mother and what she told the officer? No. Who does she
15 tell next? She goes to the doctor at the Julie Valentine
16 Center, Dr. Henderson that you heard from. Does
17 Dr. Henderson investigate her, interrogate her? No. She
18 asked her basic medical questions. She asked her when it
19 took place. Child tells her, I was eight or nine years
20 old. Is that inconsistent? What's inconsistent about
21 that statement? Nothing.

22 I asked Dr. Henderson, Does it concern you that she
23 couldn't pinpoint a closer date. That she said, I was
24 eight or nine years old.

25 Dr. Henderson said, No. Developmentally, that's not

1 a problem. Especially from children who don't come
2 forward right away. Which is common. That timeframe was
3 not a concern for her.

4 I'm not saying that it's not something that you don't
5 consider but it's not a inconsistency. She gave the same
6 time frame to her mother, to the police officer, to
7 Dr. Henderson and then again to Christine Carlberg.

8 Now, that interview speaks for itself. You saw
9 Child You saw Christine, you saw the whole thing. Was
10 there any sort of magic trick? Was there any sort of
11 sketchy language that Christine used to plant this idea?
12 No. And you can watch this video again, it's in evidence.
13 If you want to go back and see Child close in time to when
14 this happened, a few months after the fact, you can watch
15 it.

16 Mr. Chambers told you about the inconsistencies that
17 I'm going to gloss over. I'm not going to gloss over
18 them. I'm going to ask you what inconsistencies? He
19 didn't point out any. They're aren't any. She tells
20 Christine that it happened at trailer 19 and trailer 20.
21 That it happened when she was seven, eight, nine years
22 old. So, she has gone back and said maybe I was seven
23 when I lived there. And we heard from Mr. Warren himself,
24 yes, she was seven, eight when they lived there. So, she
25 thinks seven, eight, nine. Is that inconsistent? No.

1 That's what she's maintained all along. She said it
2 happened at trailer 19 and 20 and she said it happened one
3 time at Cannon's Lake.

4 Does Christine interrogate her further? No. That's
5 not her job. Her job is to elicit the basic details of
6 what happened. And then to turn it back over. There was
7 nothing inconsistent about what Child told her then and
8 there was nothing inconsistent about what Child told us
9 today. I asked her more direct questions and she answered
10 them. Did she tell you anything different? Did she tell
11 you that it happened at another place? No. Did she tell
12 you that it happened longer? No. Did she tell you that
13 it happened in a different way than she told any of the
14 other people? No. Was she able to clearly describe the
15 difference between touching the outside and inside of her
16 vagina? Yes. She said they both felt weird but when he
17 put his fingers inside, it tingled. This is not someone
18 just saying the same statement over and over. In addition
19 to giving her a chance to tell the story, it's equally a
20 chance for her to add details. To make inconsistencies in
21 the story. She doesn't do that.

22 Mr. Chambers told you that in order for you to find
23 Ray Warren guilty, you have to believe Child And that's
24 true. But I'm going to put it to you a different way. In
25 order for you to find Ray Warren not guilty, in order for

1 you to let him walk out that door, you have to believe
2 that that 11 year-old girl, crafted an elaborate lie of
3 sexual abuse. That she's innocently playing on a computer
4 one minute, GirlsGames.com, whatever it was that she told
5 us about, her mother asked her a question and she just
6 makes up this elaborate tale of abuse. With no reason.
7 Nobody, including Mr. Warren, could think of any possible
8 reason that Child would make this up. That she
9 would be able to provide all of these details.) The
10 sensations, the places, who was there, how it started, how
11 long it lasted, how it felt.

12 In order for you to find him not guilty, you have to
13 believe that all of that was a lie. That the emotion on
14 the video was all of that. That she came in here today at
15 13 years old and still is this wonderful, Oscar worthy
16 actress, perpetuating this lie. She hasn't seen Ray
17 Warren in over two years. She hasn't seen her mother in
18 over two years. What reason would she have to perpetuate
19 this? To come in here in this courtroom, full of
20 strangers, and to tell them this most inmate, terrifying
21 horrible secret? Strange men and women. A Judge on a
22 bench. Police officers over there. Ray Warren right
23 there. She said it in front of him. She didn't get to go
24 to some special room and tell everybody in secret. She
25 said it right here in open court. In front of Ray, his

1 whole family, her whole family. You have to believe all
2 of that was a lie. That she made up for no reason to find
3 him not guilty.

4 Mr. Chambers posed another question. Why would she
5 go with somebody willingly who is doing these things to
6 her? Well, he answered his own question. Child did
7 not have the upbringing that the average person you
8 believe has. She had a mother who was addicted to
9 methamphetamines. She lived off and on with her
10 grandmother. She lived in a lot of turmoil. She lived in
11 houses packed with people. In and out. Ray, offered her
12 an escape. He took her hunting. He took her finishing.
13 They played games. He gave her attention.

14 Well, for the few minutes of terror for this abuse
15 that she was suffering, she balanced it out. She could
16 stay at home with all of that or she can at least get to
17 go finishing. She could at least go outside. Someone
18 could at least give her a little bit of attention. Is
19 that unreasonable to a child of seven, eight, nine? Does
20 that put doubt in your minds? Like Mr. Chambers said,
21 think about where this girl is coming from. Does it give
22 you pause that she would go with someone who otherwise,
23 aside from the abuse, was a good friend. That treated her
24 well. That showed her extra attention.

25 Ladies and gentlemen, there's not only no reasonable

1 doubt in this case, there is no doubt in this case that
2 Child came in here and told you the truth. That
3 she's has told the truth all along. That Ray Charles
4 Warren abused her from the time she was a little girl
5 until they left trailer 19 or 20. You heard from Ray that
6 when they moved out, Child and her family moved in with
7 one of her mom's boyfriends. Why did it suddenly stop?
8 She wasn't around anymore. She visited but there was
9 always somebody there. They lived somewhere else. Until
10 Easter 2011. They'd been back a week and what happens?
11 He's already starting on her, touching her again.

12 Ladies and gentlemen, I ask you to go back there,
13 deliberate as long as you need. To think and look for
14 inconsistencies in Child story. I ask that you look for
15 reasonable doubt. But you're not going to find any. I
16 ask that you come back and return a verdict that speaks
17 the truth in this case. The verdicts of guilty of
18 criminal sexual conduct with a minor and guilty for lewd
19 act.

20 JURY CHARGE

21 THE COURT: All right, ladies and gentlemen of the
22 jury, it's time for me to give you the charge on the law.
23 As told you, I'm the judge of the law, you're the judges
24 of the facts. An incident to my role as Judge of the law,
25 I will give you a charge on the law that is applicable to

1 the evidence in this case. Now, under your oath that you
2 have sworn to accept the law as I give it to you. So, if
3 you come into this courtroom with any predisposition, any
4 notion or any opinion about what you think the law is or
5 what you think the law ought to be, then I would suggest
6 to you that you should forget that. Disabuse yourself of
7 that notion and accept the law as I give it to you.

8 Now, your role, of course, is to be the finders or
9 judges of the facts in this case. And you will determine
10 what the facts are in this case by looking at all the
11 evidence that has been presented in this case. Now, you
12 have two charges to consider in this case. And there are
13 two separate Indictments. You will consider those
14 independent and autonomously. That is they're each
15 separate and distinct. And you will look at each of them
16 separately. And you will make a determination in each
17 instance as to whether The State has met its burden of
18 proof on each charge. Understand that just because you
19 find the Defendant either guilty or not guilty on one of
20 the Indictments, that does not mean that you
21 correspondingly must find him likewise guilty or not
22 guilty on another Indictment. There a separate and
23 distinct. They can have separate conclusions based on
24 your analysis of the evidence.

25 Ladies and gentlemen, as I told you when we first

1 began this case, the Defendant has the presumption of
2 innocence. And he retains that presumption of innocence
3 until the 12 of you determine that The State has met its
4 burden of proof on each of the Indictments. He retains
5 that presumption of innocence even now. And you will make
6 a determination as to whether The State has met its burden
7 of proof. Now, you have heard me say that several times.
8 Because it's important for you to know it's not just a
9 legal theory, it's not just a legal theory. It's an
10 important and substantial right that each and every
11 Defendant in the United States of America enjoys under our
12 Constitution.

13 Now, we have talked a lot about reasonable doubt.
14 And The State has the burden of proving its case beyond a
15 reasonable doubt. And you may have had prior experiences
16 in courtrooms where you may have heard other standards of
17 prove. That is prove beyond a reasonable doubt. But you
18 may have also heard of preponderance of the evidence or
19 clear and convincing evidence. In preponderance of the
20 evidence, it's simply more likely than not. Greater than
21 50 percent. Clear and convincing evidence is more
22 substantial than that. However, in this case, and in all
23 criminal cases, it's proof beyond a reasonable doubt.
24 It's the highest burden in American jurisprudence.

25 Now, you wonder what is prove beyond a reasonable

1 doubt? Prove beyond a reasonable doubt is prove that
2 leaves you firmly convinced of the Defendant's guilt.
3 Now, understand there are very few things in this world
4 that can prove absolutely and beyond any question. And
5 the law does not require that The State prove it with
6 absolutely no possible doubt. However, if after your
7 review of the evidence you are firmly convinced of the
8 Defendant's guilt, you must find him guilty under your
9 oath. However, understand that after having reviewed the
10 evidence, if you find that there is a real possibility
11 that he is not guilty, then you must under your oath find
12 him not guilty of the offense.

13 You are going to determine whether The State meets
14 its burden of proof by looking at the evidence. Attaching
15 value and weight to the evidence. You'll do that by
16 looking at the witnesses and determining whether you think
17 there are credible or not credible. You will decide what
18 weight to put on their testimony. You will decide whether
19 it's very valuable or whether it's not very valuable. You
20 will do likewise with all of the evidence that's presented
21 in the case. And determine what has weight and value and
22 what doesn't. Understand that you can take a part of a
23 witness' testimony and you can determine that it's very
24 credible and very valuable. And then you can take another
25 part of it and determine that it's not. It's all in your

1 discretion.

2 Also, know that when you look at the credibility of
3 witnesses, you use your common sense to determine whether
4 you believe they're credible or not. You look at them and
5 determine whether they have a bias, whether they have any
6 prejudice, whether they have something to gain or
7 something to lose as a consequence of their testimony.
8 You also look at them and you determine from their body
9 language, from their facial expressions, from what they
10 have to say and the manner in which they express
11 themselves whether they're credible or not. And you'll
12 make that determination.

13 Now, ladies and gentlemen, they're two types of
14 evidence which can be presented in court. And that's is
15 direct evidence and circumstantial evidence. Direct
16 evidence is that type of evidence which immediately
17 establishes the fact to be proven. Circumstantial
18 evidence is proof of collateral facts which when taken
19 together prove the main fact. So, that's a very similar
20 definition of circumstantial versus direct evidence. But
21 I'm going to give you an example that hopefully will help
22 you conceptualize it a little bit more. Let's say that
23 one January afternoon or one January evening you decide to
24 go to bed and you walk past your front door or front
25 window and you go to bed. And the next morning you wake

1 up and you walk past that same front door or window. The
2 night before there was no precipitation, nothing on the
3 ground. It is either a blank front lawn or a parking lot.
4 The next morning when you get out and you walk past that
5 very same window you see a blanket of snow covering the
6 ground. You also see in that snow footprints which lead
7 to your doorstep and then lead away.

8 Well, under that scenario, you have direct evidence
9 that it snowed last night. Because it's immediately
10 established by and through the fact that it's there. You
11 can pick it up, you can touch it, you can taste it, you
12 can feel it, it's there. But you also have circumstantial
13 evidence that someone came to your door either that
14 morning or late that night and left. And you know that
15 because those footprints appear in the snow that fell in
16 that period of time. Therefore, that's circumstantial
17 evidence. The law does not prefer circumstantial evidence
18 over direct evidence or direct evidence over
19 circumstantial evidence. There's no legal distinction in
20 value to be made by and between the two.

21 However, to the extent that the State relies on
22 circumstantial evidence, all the circumstances must be
23 consistent with each other. And when taken together point
24 conclusively to the guilt of the accused beyond a
25 reasonable doubt. If these circumstances merely betray

1 the Defendant's behavior as suspicious, the proof has
2 failed. The State has the burden of proving the Defendant
3 guilty beyond a reasonable doubt. The burden rests with
4 The State regardless of whether The State relied on direct
5 evidence or circumstantial evidence or a combination of
6 the two.

7 Now, ladies and gentlemen, you heard testimony from
8 witnesses in this case. And you heard testimony from
9 witnesses who may have had a prior record. That does not
10 disqualify somebody from testifying. It only effects
11 their believability and their credibility. That is you
12 can consider that. Along with all of the other factors
13 that I talked to you about this morning to determine
14 whether that witness was either credibility or not
15 credible. Ladies and gentlemen, you also heard the
16 testimony of a child in this case. I'm going to read a
17 little bit for you. I try not to read but sometimes when
18 I'm doing precise definitions, it's helpful to me and to
19 you to read it to you so that I get it right.

20 Where a witness is a child, you must determine, as
21 with any witness, whether that testimony is believable.
22 And in deciding believability you may consider not only
23 matters that I've discussed with you but you may also
24 consider the age of the child, the child's ability to
25 observe and remember facts and the child's ability to

1 understand and answer questions. Because young children
2 may not fully understand what is happening, it is up to
3 you to decide whether the child understood the seriousness
4 to appeared as a witness at this trial. Whether the child
5 understood the questions. Whether the child has a good
6 memory and whether the child understands the difference
7 between lying and telling the truth. In addition, young
8 children maybe influenced by the way that questions are
9 asked. It is up to you to decide whether the witness
10 understood the questions asked. Ladies and gentlemen, I
11 further charge you that the testimony of a victim in a
12 criminal sexual conduct prosecution need not be
13 corroborated by other testimony or evidence.

14 You have two charges in this case. I'm going to read
15 the definition of each of them for you. The first
16 Indictment the charge is first degree criminal sexual
17 conduct with a minor. The State must prove beyond a
18 reasonable doubt that the Defendant engaged in a sexual
19 battery with the victim. Sexual battery is sexual
20 intercourse, cunnilingus, fellatio, anal intercourse or
21 any intrusion however slight of any part of a person's
22 body or any object into the genital or anal openings of
23 another person's body. Except for when the intrusion is
24 accomplished for medically recognized treatment or
25 diagnostic purposes. The State must then move beyond a

1 reasonable doubt that the victim was less than 11 years of
2 age at the time of the sexual battery. Consent,
3 willingness and difference or ignorance on the part of the
4 minor, if any, as to what was taking place, does not in
5 anyway effect the charge of criminal sexual conduct with a
6 minor. Because an unmarried woman under the age of 14
7 cannot legally consent to sexual intercourse.

8 Ladies and gentlemen, the second Indictment is for
9 lewd act on a minor. The State must first prove beyond a
10 reasonable doubt that the Defendant was over the age of
11 14. Next, the State must prove that the Defendant
12 willfully and lewdly committed or attempted a lewd or
13 lascivious act on or with the body or its parts of a child
14 under the age of 16 years, with the intent to arouse,
15 appeal to or gratify the lust, passions or sexual desires
16 of the Defendant or the child. Willfully means
17 voluntarily and intentionally with the specific intent to
18 do something the law forbids. Lewd means obscene,
19 lustful, indecent or lecherous. Lascivious means tending
20 to excite lust, lewd, indecent, obscene or tending to
21 deprave the morals and the respect of sexual relations.

22 All right, ladies and gentlemen, I have now read the
23 law to you with respect to the evidence in this case. You
24 have two verdict forms. The reason you have two verdict
25 forms is because you have two separate Indictments. And

1 as I charged you previously you must consider them
2 separately and independently. So, these are very, very
3 simple. And I'll explain them to you. Has the caption,
4 then it has the indictment number. Then with respect to
5 each of the Indictments it says, We the jury, duly
6 impaneled and sworn to try the issues in the
7 above-referenced case, entering the following unanimous
8 verdict. To the charge of lewd act upon a child, we, the
9 jury, find Mr. Ray Charles Warren, then you have to
10 choices. Two choices. Understand that your verdict must
11 be unanimous. You must all agree on the verdict. It
12 can't be 11 to one or ten to two or any other combination
13 that adds up to 12. It must be a unanimous verdict. Your
14 verdict must be based on the evidence that was presented
15 at trial. It cannot be based on any outside influence.
16 It can be based on emotion, sympathy or prejudice or
17 caprice. It must be based on the evidence that was
18 presented in trial and the law that was charged to you in
19 this case.

20 Also, know that on this verdict form it has two
21 choices, guilty or not guilty. It has to be in some
22 order. Don't take away from the order that the choices
23 that are listed that there's a preference from the Court
24 for your to enter one or the other. There truly is not.
25 Understand that I prepare these, I have to put it in some

1 order. It doesn't mean that the first one listed is
2 preferential or the second one listed is preferential. It
3 is up to you. And please take nothing away from the order
4 in which I've listed these. Once you have come to a
5 unanimous verdict, then you mark, obviously, where in the
6 space beside the verdict. And then please sign as e
7 foreperson. And then date it. And let the bailiff know
8 that you have reached a unanimous verdict. And then we'll
9 bring you back in to receive the verdict.

10 Now, please don't start discussing the case yet. I'm
11 going to send you back but don't start yet. The attorneys
12 are going to have the opportunity to talk to me about
13 mistakes that I may have made, misstatements of law that I
14 may have made or any other irregularity that I may need to
15 correct to you before you begin your deliberations. So,
16 just told tight for the immediate time being and I will
17 send you a very clear and direct signal when you're to
18 begin your deliberations. Okay.

19 (WHEREUPON, the jury left open court at approximately
20 12:08 p.m.)

21 THE COURT: All right, Counsel, exception to the
22 charge?

23 MS. BENTLEY: Nothing from The State, Your Honor.

24 MR. CHAMBERS: Not from the Defense, Your Honor.

25 THE COURT: Okay. If y'all want to do a quick

1 inventory of the evidence and we'll send it back to the
2 jury and let them begin their deliberations.

3 I also say before we recess and wait for the verdict,
4 that I applaud everyone for having been civil. For
5 everyone having been respectful of everyone else in the
6 courtroom. It certainly makes a difference. And I also
7 want to applaud the attorneys for having tried an
8 excellent case and having been well prepared in this
9 instance. I don't know what the verdict will be and I've
10 stated to you before, I really am not concerned one way or
11 the other. It's only my concern that everyone receives a
12 fair trial and I hope that we've accomplished this. In
13 this case, from my perspective, I believe that we have.
14 So good luck and we'll be in recess until we have a
15 verdict.

16 You can take that back to the jury and tell them to
17 begin their deliberations. I do need you to bring
18 Mr. Pritchett. Before they begin their deliberations, ask
19 Mr. Pritchett to come into my chambers and I will dismiss
20 him in chambers.

21 (WHEREUPON, deliberations began at approximately
22 12:10 p.m.)

23 (WHEREUPON, court was in recess awaiting a
24 verdict.)

25

1 (WHEREUPON, Court's Exhibits Nos. 1 & 2 were marked
2 for identification and received into evidence.)

3 THE COURT: All right, ladies and Gentlemen, we have
4 received a note from the jury indicating they that are
5 still deliberating and right now they are at not entirely
6 a impasse but they're split. And they want to go home and
7 come back in the morning and deliberate. I've discussed
8 it with the attorneys and they're no objections to the
9 same so I will bring them in and we'll let them go home
10 for the evening. We'll resume tomorrow at zero-nine.

11 April, will you make this a Court's Exhibit, please.
12 Bring the jury in, please.

13 (WHEREUPON, Court's Exhibit No. 3 was marked for
14 identification and received into evidence.)

15 (WHEREUPON, the jury came into open court at
16 approximately 5:04 p.m.)

17 THE COURT: All right, ladies and gentlemen of the
18 jury, it's my understanding that y'all want to go home,
19 you're not really in favor of me holding you hostage here
20 for the next several hours until you come to a verdict.
21 So, I'm going to let you go home and we'll resume tomorrow
22 at nine o'clock. If y'all, please, will be here promptly
23 at nine o'clock, if not a little bit before, so y'all can
24 begin your deliberations. I will tell you that I usually
25 don't let the jury go home during deliberations. And the

1 reason for that is that once you begin your deliberations,
2 it becomes more sensitive. Because as I told you before,
3 it's not appropriate that you discuss the case with anyone
4 else. And that's particularly important once you've begun
5 your deliberations. So, please be very careful when you
6 go home tonight. Don't discuss the case with anyone.
7 Don't discuss it with your family or any of your friends.
8 And if they invite you to discuss it with them, tell them
9 that you're under very strict orders not to do so. This
10 is an important case. It's important for The State, it's
11 important for the Defense. So please, honor that request
12 and don't discuss the case with anyone.

13 The other reason is because there has to be 12
14 jurors. And if during the evening for whatever reason one
15 of you gets sick or incapacitated or for some reason can't
16 be here, then we have to start over. So, come back
17 tomorrow. Even if you have to crawl back tomorrow. Even
18 if you're throwing up, come back tomorrow, okay? So,
19 having said that, I'll see y'all tomorrow morning. Y'all
20 have a good evening. I hope you sleep well. Nine
21 o'clock. Thanks.

22 (WHEREUPON, the jury left open court at approximately
23 5:07 p.m.)

24 THE COURT: All right, ladies and gentlemen, we'll be
25 back tomorrow morning at nine o'clock.

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1 (WHEREUPON, the jury left open court at approximately
2 11:48 a.m.)

3 THE COURT: All right, Counsel, be in recess until we
4 get a verdict.

5 MR. CHAMBERS: Your Honor, did they order lunch in?

6 THE COURT: They did.

7 WHEREUPON, court was in recess awaiting a
8 verdict.

9 (WHEREUPON, Court's Exhibit No. 6 was marked for
10 identification and received into evidence.)

11 THE COURT: All right, ladies and gentlemen of the
12 jury, I've been advised that the jury has their verdict.
13 Ready to receive the verdict?

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

15 MR. CHAMBERS: Yes, sir, Your Honor.

16 THE COURT: All right, bring the jury in, please.

17 (WHEREUPON, the jury came into open court at
18 approximately 2:10 p.m.)

19 THE COURT: All right, Mr. Baluta, has the jury
20 reached a unanimous verdict, sir?

21 MR. BALUATA: We have, Your Honor.

22 THE COURT: Would you hand the verdict forms, please,
23 to the bailiff.

24 All right, Madam Clerk, if you'd publish the verdict,
25 please.

VERDICT

1

2

THE CLERK: Your Honor, in this case of

3

2011-GS-23-7853, The State of South Carolina vs. Ray

4

Charles Warren, we, the jury, duly impaneled and sworn to

5

try the issues in the above-entitled case, enter the

6

following unanimous verdict. To the charge of lewd act

7

upon a child, we, the jury, find Mr. Ray Charles Warren

8

guilty.

9

In the case of 2011-GS-23-8262, we, the jury, duly

10

impaneled and sworn to try the issues in the

11

above-entitled case, enter the following unanimous

12

verdict. As to the charge of criminal sexual conduct with

13

a minor in the first degree, we, the jury, find Mr. Ray

14

Charles Warren not guilty. These are both signed by

15

Mr. Baluta, Foreperson.

16

Ladies and gentlemen, if you agree these are the

17

verdicts you reached in your deliberation room, would you,

18

please, raise your right hand.

19

(WHEREUPON, all members of the jury panel raised

20

their right hand.)

21

THE CLERK: Thank you.

22

THE COURT: All right, lady and gentleman, anything

23

in additional for this jury?

24

MS. BENTLEY: Nothing from The State, Your Honor.

25

MR. CHAMBERS: No, Your Honor.

1 all the members of our population.

2 Sentence of the Court is that you be committed to the
3 Department of Corrections for the period of 15 years,
4 provided upon the service of 11 years. The balance is
5 suspended to five years. Credit for any time served.
6 Placed on the registry. During your term of probation
7 random drug and alcohol testing, mental health counseling.

8 Good luck to you, sir.

9 (WHEREUPON, the proceedings were concluded.)

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Child

- 11

Trailer 19
- 11 (m)

Aunt Lisa

Uncle Jimmy :

Walter - 7

Samantha S.

Sister - 7

Antonio - 3

Trailer 20

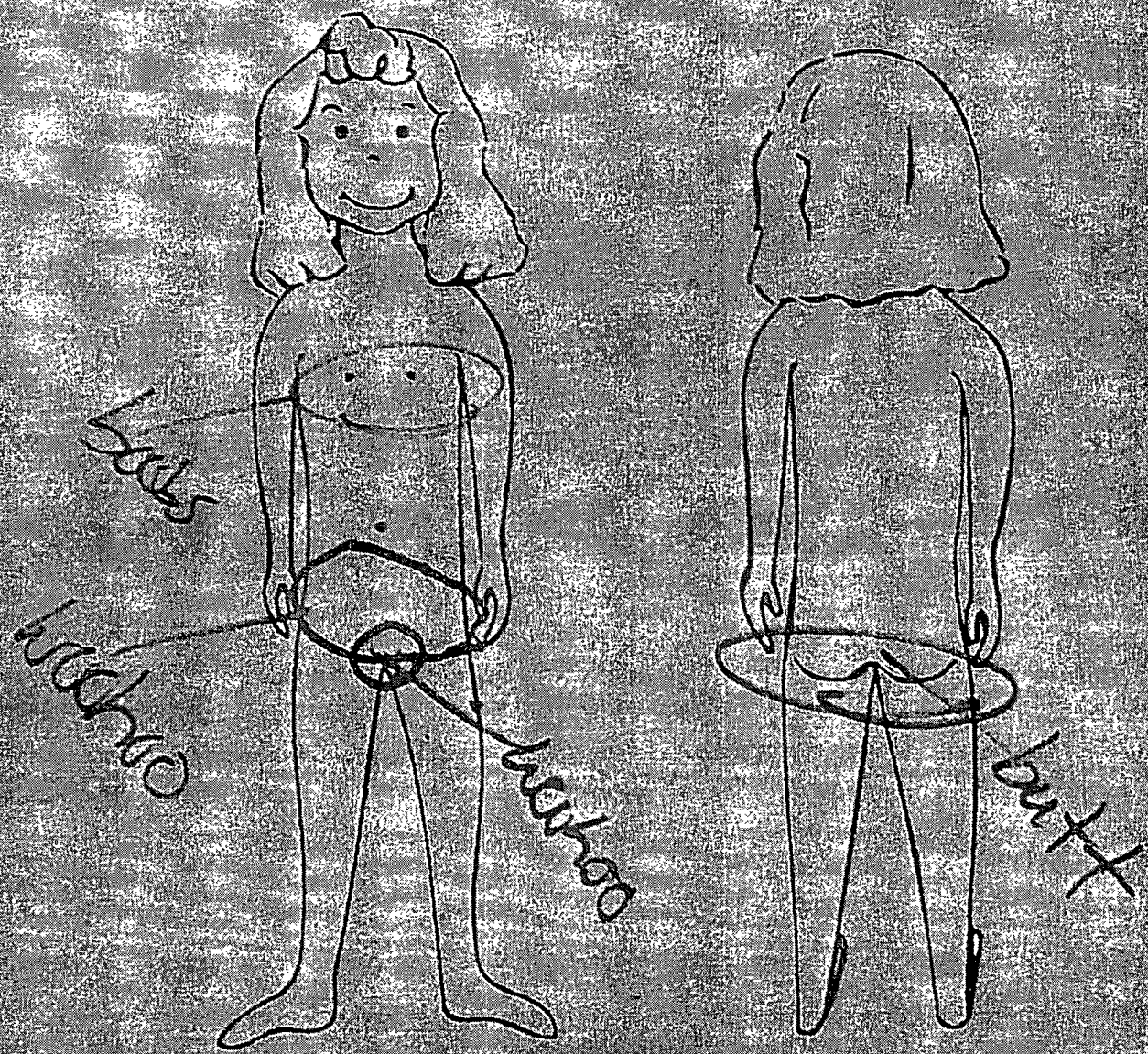
- Taylor (16) (m) Veronica
- Jason - 11
- (m) + Ray
- Ray's (B) - Ray
- Jermi Warren (8)

Travis : 1
Tina

Grandma (B) - Ray Warren
Lynn Rice

State of Ohio

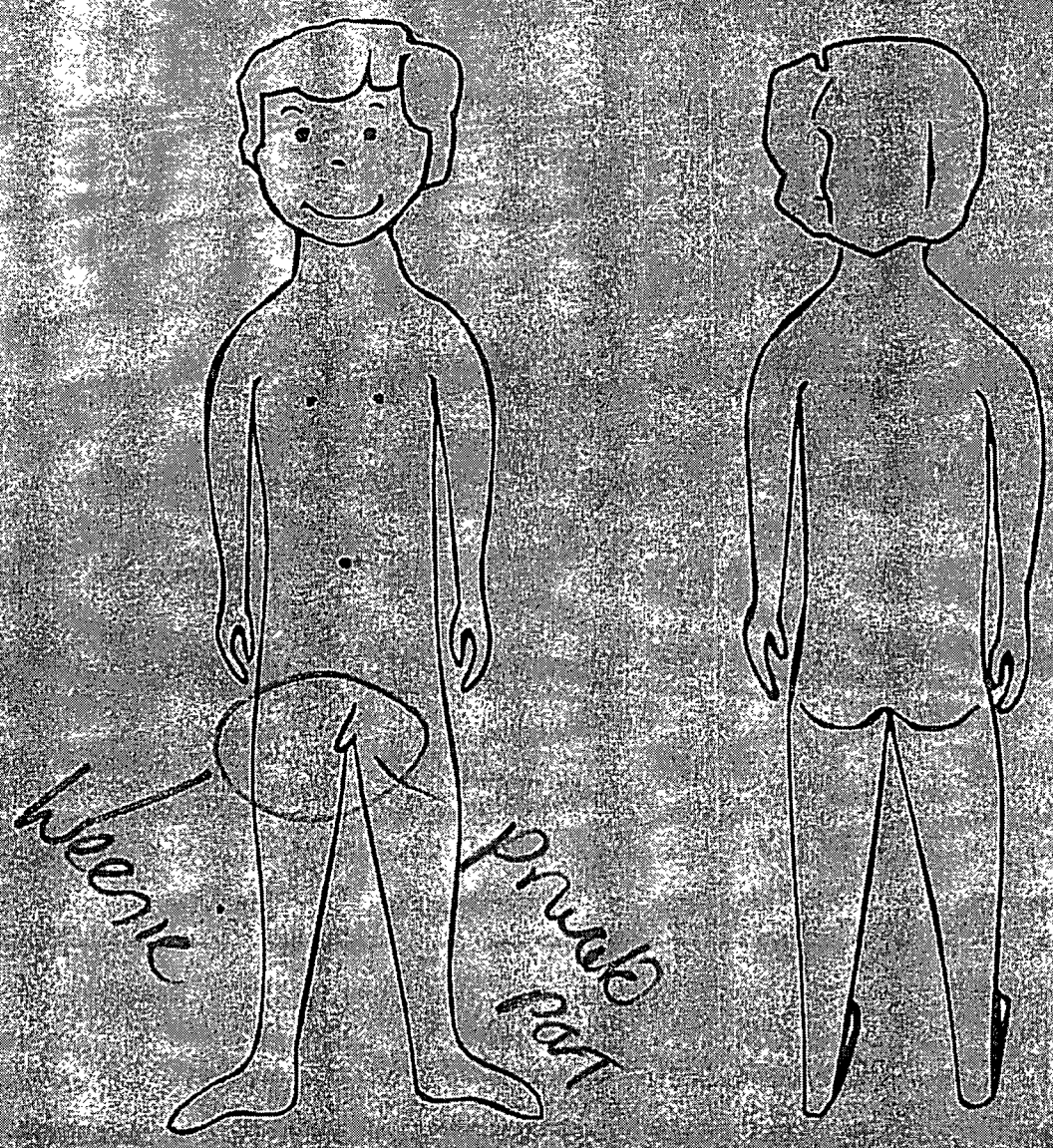
STATE'S EXHIBIT
3
10 7 13



cc: [illegible]
[illegible]

Jodie Johns

PERIOD 800-81-6883	STATE'S
	EXHIBIT
	4 AD
10-7-13	



Chadwick
7/24/11

WITNESSES

Michael Robertson

Greenville County Sheriffs Office

8/30/2011

ARREST WARRANT NUMBER

J993350

ACTION OF GRAND JURY

TRUE BILL

FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2011-GS-23-

BSD

007853

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

November

TERM 2011

THE STATE

vs.

RAY CHARLES WARREN

Indictment for

2468

LEWD ACT UPON A CHILD

VIOLATION §16-15-140

RECEIVED

OCT 06 2011

Clerk of Court
Greenville County

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

INDICTMENT FOR
LEWD ACT UPON A CHILD

At a Court of General Sessions, convened on

NOV 20 2012

the Grand Jurors of Greenville

County present upon their oath:

That RAY CHARLES WARREN did in Greenville County, on or about the 23rd day of April 2011, being over the age of fourteen years, willfully and lewdly commit or attempt a lewd and lascivious act upon or with the body, or its parts, of Child a child under the age of sixteen years, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of himself or such child. This is in violation of §16-15-140 of the South Carolina Code of Laws (1976) as amended.

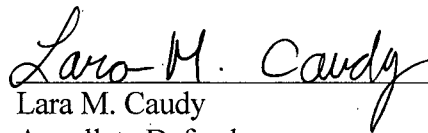
Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


SOLICITOR

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

November 21, 2014


Lara M. Caudy
Appellate Defender

RECEIVED

NOV 21 2014

SC Court of Appeals

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S. C. 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT