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SC Court of Appeals

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM AIKEN COUNTY

D. Garrison Hill, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

BRUCE DEWAYNE HALL,

APPELLANT

APPELLATE CASE NO. 2013-002390

RECORD ON APPEAL

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1 STATE OF SOUTH CAROLINA
2 COUNTY OF AIKEN

CIRCUIT COURT
2007-GS-02-00117, -118, -119

4 STATE OF SOUTH CAROLINA,

5 -vs-

TRANSCRIPT OF RECORD

6 BRUCE DEWAYNE HALL,
7 Defendant..

8
9 HEARD ON TUESDAY, APRIL 22, 2008

10 & WEDNESDAY, APRIL 23 2008

11
12 BEFORE:

13 THE HONORABLE D. GARRISON HILL

14 AND A JURY

15 APPEARANCES:

16 Counsel on behalf of the State:
17 Brenda Brisbin, Esq.
18 Rochelle Oldfield, Esq.

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1 those people in any way or related to them by blood or
2 marriage? If so, please stand.

3 (No response.)

4 THE COURT: Has anyone ever been employed or had a
5 member of their immediate family be employed by the
6 solicitor's office for Aiken County, or Mr. Williams'
7 firm? If so, please stand.

8 (No response.)

9 THE COURT: Has anyone been involved in a dispute
10 where Ms. Brisbin or Ms. Oldfield or Mr. Williams either
11 represented you or represented the other side to the
12 dispute, including any lawsuits that you might have been
13 involved in? If so, please stand.

14 (No response.)

15 THE COURT: All right. Ladies and gentlemen, I'm
16 going to read to you the indictments. Case Number 07-GS-
17 02-117 alleges that Bruce Dewayne Hall being over the age
18 of 15 years did in Aiken County on or about August 5th,
19 2006 willfully and lewdly commit or attempted to commit a
20 lewd or lascivious act upon or with the body of Minor
21 [REDACTED], a child under the age of 16 years with the intent of
22 arousing, appealing to or gratifying the lusts, passions
23 or sexual desires of himself or such child, all in
24 violation of 16-15-140 of the South Carolina Code of Laws.

25 The second indictment is 07-GS-02-118. It alleges

1 that Bruce Dewayne Hall did in Aiken County on or about
2 August 5th, 2006, possess or visibly display a firearm or
3 visibly display a knife during the commission or attempted
4 commission of a violent crime, to wit, criminal sexual
5 conduct second degree, all in violation of the law..

6 The third and final indictment alleges in Case Number
7 07-GS-02-119 that Bruce Dewayne Hall did in Aiken County
8 on or about August 5th, 2006, commit the crime of criminal
9 sexual conduct with a minor in the second degree and that
10 the Defendant did commit a sexual battery, to wit, sexual
11 intercourse upon Minor , a minor who was 11 years of
12 age at the time of the incident, all in violation of
13 Section 16-3-655 of the Code of Laws of South Carolina.

14 Now those are the allegations. Does anyone know
15 anything about this case other than what you've heard here
16 this morning in this courtroom, or have any information
17 about this case? If so, please stand.

18 (No response.)

19 THE COURT: All right. Ladies and gentlemen, I'm
20 going to read to you a list of people who may testify in
21 this case. And I'm going to ask you if you know any of
22 these people or have any personal or social or business
23 relationship with them or if you're related to them by
24 blood or marriage. And they include: Theresa Hendrix and
25 that's Hendrix with an X; Betsy Hendrix; David Blevins;

1 have agreed to sequestering the witnesses pursuant to Rule
2 615 except for the mother of the victim and the
3 investigating officer, Mr. Blevins. Is that correct?

4 MR. WILLIAMS: That's correct, Your Honor, on behalf
5 of the defense.

6 MS. BRISBIN: Yes, Your Honor. The State agrees.

7 THE COURT: Okay. Well, I've got a list of 17 people
8 who are going to testify. Obviously I don't know who they
9 are or what they look like. So I'm going to have to rely
10 on y'all to help me police that so we don't have a
11 situation where someone has been in here listening to
12 testimony when they shouldn't have been. So, okay.

13 Yes, Ms. Brisbin, you said you had another matter?

14 MS. BRISBIN: Yes, Your Honor. I believe we need to
15 put on the record the fact that Mr. Hall was, did have a
16 Court-ordered evaluation at DMH and DDSN. And it's my
17 understanding that Mr. Williams is not contesting he's
18 competent. However, I will pass up the results, the
19 reports from DDSN and DMH.

20 THE COURT: Thank you.

21 MR. WILLIAMS: Your Honor, based on what the
22 evaluation indicated, I don't believe I could contest the
23 -- or am not -- let's put it that way, am not contesting
24 it.

25 THE COURT: Okay. We'll make these part of the

1 record.

2 (Court's Exhibit No. 1, reports from DDSN and DMH,
3 received into the record.)

4 THE COURT: Anything further?

5 MS. BRISBIN: Nothing further from the State, Your
6 Honor.

7 MR. WILLIAMS: Nothing from the Defendant, Your Honor.

8 MS. BRISBIN: We may need to take a break after the
9 first couple of witnesses to set up the, we call it the
10 monster. It's a huge screen. You've probably seen it.

11 THE COURT: Okay. That sounds like it would be a good
12 time for one.

13 MS. BRISBIN: Thank you.

14 THE COURT: Yes, sir. You can bring the jury on in.

15 (Jury enters courtroom at 10:13 a.m.)

16 THE COURT: All right. Ladies and gentlemen, I want
17 to first of all thank you for your service this week.

18 And we're about to begin this case of the State versus
19 Bruce Dewayne Hall. And I know it's an inconvenience for
20 you to be here this week. And I know you probably groaned
21 when you got the summons in the mail to come report to the
22 courthouse for jury duty this week. And I know you didn't
23 come here voluntarily.

24 That being said, I do know that you're here at least
25 in part because you recognize and respect the right to a

1 I thank you for your attention to me. And this case
2 is important to both sides, both the State and Mr. Hall.
3 It is their day in court. And I know that you will give
4 both sides the same keen attention you've given me. So
5 thank you very much.

6 Time for the opening statement.

7 Ms. Brisbin?

8 MS. BRISBIN: May it please the Court. Ladies and
9 gentlemen, the Defendant, Bruce Hall, is charged with
10 sexually assaulting his 11-year-old niece, Minor or
11 Minor, his sister's daughter, when she was 11 years
12 old.

13 He's also charged with possessing a knife during the
14 commission of that crime on August 5th of 2006, in a
15 deeply-wooded area of Aiken County. It's Batesburg, if
16 you're familiar with that. It is part of Aiken County.
17 And it happened between [REDACTED] and [REDACTED]
18 [REDACTED] in Batesburg.

19 Minor had been visiting with her cousin at a house on
20 [REDACTED] when her uncle, Bruce Hall, offered
21 to walk her home through the woods to her home on [REDACTED]
22 [REDACTED]. It was starting to get dark and he led her through
23 the woods, told her she had to stay with him because bears
24 would get her. He led her through a path that they
25 normally took between the two homes through the woods.

1 And then he led her off of the path into the, deep into
2 the woods and sexually assaulted her. He held a knife to
3 her throat and told her he would cut her throat if she
4 screamed.

5 When he finished her walked her back out of the woods
6 towards her mother's home. Her mother and her Aunt
7 Theresa who are both his sisters had been searching for
8 her for hours.. They saw Bruce Hall walk out of the woods
9 with Minor and saw that Minor was upset and dirty and
10 asked her what happened and she told them. Her Aunt
11 Theresa called 9-1-1.

12 The sheriff's office came. The bloodhound team was
13 called out because Bruce Hall had taken off at that point
14 and they couldn't locate him.

15 You will hear she was taken, Minor was taken to the
16 hospital for a sexual assault examination and a sexual
17 assault kit was obtained. You'll hear about the forensic
18 evidence that SLED analyzed. You will hear about it from
19 the doctor at the emergency department and the nurse at
20 the emergency department who examined Minor immediately
21 after this happened and the evidence that they had.

22 And you will hear from the officers who tracked the
23 Defendant through the woods. And you'll hear from the
24 officer who interviewed Minor at the hospital to find out
25 what had happened. And you'll hear from Minor herself who

1 is 13 now. She was 11 at the time this happened. And she
2 will get up on that witness stand and -- which would be a
3 very difficult thing for any adult to do, but she will
4 tell you all of the details about what this man did to
5 her, her uncle who she trusted to walk her home through
6 the woods.

7 All I ask is that you listen carefully to all the
8 witnesses and use your good common sense and render a
9 verdict that speaks the truth. Thank you.

10 THE COURT: Thank you, Ms. Brisbin. Mr. Williams?

11 MR. WILLIAMS: Thank you.

12 I'm Theo Williams. I introduced myself earlier to
13 you. I would remind you that it's going to be a short
14 opening. Essentially an opening argument is simply a time
15 during in which the attorneys can give you, if they wish,
16 their view of the case or what they intend to prove.

17 You've had more than enough information that has been
18 poured into you from the Judge about what your job is in
19 this particular case. So I'm not going to go through all
20 of that again.

21 The thing I'm simply going to remind you of is that
22 when you hear our statements, when we come up here and say
23 something to you, that that is not evidence of any kind in
24 the case. That is just a story that we're trying to tell
25 you, or it's our opinion on something. I'd ask that you

1 not be swayed by simply what we say, that you make your
2 decisions based on what the evidence is, after you
3 evaluate the evidence.

4 Because, indeed, your job, you -- actually I know we
5 have 14 people, but your job of the 12 who will be left at
6 the time that you make the decision is to determine what
7 the truth is in the case, what the facts are, what is
8 trustworthy, who's telling the truth, who's not telling
9 the truth, how much of the truth can you believe, how much
10 of the facts can you believe to be the truth. Let's put
11 it that way.

12 Now I would remind you also that this is a criminal
13 case. I know you haven't been on any, but you need to
14 remember that in a criminal case you don't simply weigh
15 evidence. You don't say, well, one side's got more than
16 the other. You make the State prove their case beyond a
17 reasonable doubt. And if you have an issue or if you have
18 a doubt, you have something in the back of your mind that
19 you question, it's your job as a juror to find the
20 Defendant not guilty. He has nothing to prove. He has
21 nothing to say. He doesn't have to do a thing. Indeed in
22 these types of cases that may be appropriate because, you
23 know, obviously what could you say except to dispute what
24 the charges are?

25 And as you watch the evidence, I would ask that you

1 keep in the back of your mind that a charge like this
2 tends to inflame peoples' emotions. It's a terrible,
3 terrible charge that someone is charged with. I'd ask
4 that you try to remain objective in this. And simply
5 because someone is charged with doing a very bad thing
6 that you not let your emotions overtake you, that you not
7 let sympathy because someone is charged with a terrible
8 thing indicate to you that the person must be guilty.
9 Because it's not an indication of that, because we must be
10 level headed, we must be above all of that.

11 I thank you for your attention. If periodically I
12 should stand and object or say it something like, Your
13 Honor, I object to that, that's what we lawyers do when we
14 think that there's an issue which we think the Court needs
15 to determine whether or not you should hear it, whether or
16 not it's trustworthy or not. And the Judge will rule on
17 that.

18 I thank you again for coming and hopefully it may be a
19 little bit lengthy of a trial but hopefully we'll be
20 through by Thursday. Thank you.

21 THE COURT: Thank you, Mr. Williams.

22 MR. WILLIAMS: Thank you, Your Honor.

23 THE COURT: Ms. Brisbin, you may call your first
24 witness.

25 MS. BRISBIN: Thank you, Your Honor. The State calls

Minor

- DIRECT

1 Minor [REDACTED].

2 Minor having been duly sworn, was examined and
3 testified as follows:

4 THE CLERK: Have a seat in the witness box. State
5 your full name for the Court and spell your last name.

6 DIRECT EXAMINATION

7 BY MS. BRISBIN:

8 A. Minor [REDACTED]

9 Q. Minor, do you have a nickname?

10 A. Minor

11 Q. Minor

12 A. (Nods head.)

13 Q. Okay. You're going to have to speak louder because we
14 all need to be able to hear you. I'm sorry. There is a
15 microphone right in front of you. If you try to speak
16 into that you might -- you can even hold it in your hands
17 if you'd like.

18 How old are you, Minor

19 A. Thirteen.

20 Q. And what's your birth date?

21 A. [REDACTED].

22 Q. What year?

23 A. 1994.

24 Q. '94. And try to speak kind of slow too because this
25 lady here has to take down everything that you say.

Minor

- DIRECT

- 1 Okay? What grade are you in now?
- 2 A. Sixth.
- 3 Q. And what school do you go to?
- 4 A. Batesburg.
- 5 Q. Batesburg?
- 6 A. (Nods head.)
- 7 Q. Okay. And is that a middle school or a high school?
- 8 A. Middle school.
- 9 Q. Okay. Now, how do you know the Defendant, Bruce Hall?
- 10 A. My uncle.
- 11 Q. How is he related to you?
- 12 A. My mama brother.
- 13 Q. Okay. What's your mama's name?
- 14 A. Betsy Sue Hendrix.
- 15 Q. Betsy Sue Hendrix?
- 16 A. (Nods head.)
- 17 Q. Okay. Have you known him all your life?
- 18 A. (Nods head.)
- 19 Q. You have to say yes or no. You can't nod.
- 20 A. Yes, ma'am.
- 21 Q. Okay. And where do you live now?
- 22 A. My aunt.
- 23 Q. Which aunt?
- 24 A. Theresa.
- 25 Q. Okay. Take a deep breath. I'm sorry. I know this is

Minor

- DIRECT

1 hard. Okay. And who were you living with back on August
2 5th of 2006?

3 A. My mama.

4 Q. And what -- do you remember what road you lived on
5 back there?

6 A. [REDACTED]

7 Q. [REDACTED]?

8 A. (Nods head.)

9 Q. Is that a dirt road or a paved road?

10 A. Dirt road.

11 Q. Okay. And what were you doing on August 5th of 2006?

12 A. Staying at my cousin Whitney.

13 Q. Do you remember what road she lived on?

14 A. (Shakes head.)

15 Q. Okay. Was it near your mama's house?

16 A. (Nods head); yes, ma'am.

17 Q. Okay. What separated her house, your cousin's house
18 from your mama's house? What was in between?

19 A. Another house and trees.

20 Q. And trees?

21 A. (Nods head.)

22 Q. A lot of trees, wasn't there?

23 A. (Nods head.)

24 Q. Okay. On the evening of August 5th of 2006, when you
25 were at your cousin's house, what happened?

Minor

- DIRECT

1 A. It was time for me to go home and my aunt told me to
2 go with my uncle because I wanted to go the other way and
3 they said I couldn't go back through there.

4 Q. They said you had to go with your uncle?

5 A. (Nods head.)

6 Q. And so then, what happened? Who was your uncle?

7 First, which uncle are we talking about?

8 A. Bruce.

9 Q. Bruce Hall?

10 A. (Nods head.)

11 Q. Okay. And then what happened?

12 A. We walked through the woods.

13 Q. Okay. You walked through the woods?

14 A. (Nods head.)

15 Q. And then what happened?

16 A. He drunk a couple beers and I told him I was ready to
17 go home. He said, wait until I finish this beer.

18 Q. Okay. And then what happened?

19 A. And then I screamed for Ted, his name.

20 Q. I'm sorry. I can't hear you.

21 A. I screamed for Ted, his name.

22 Q. You were screaming?

23 A. For Ted name.

24 Q. Ted's name?

25 A. (Nods head.)

Minor

- DIRECT

1 Q. Who's Ted?

2 A. The police across the road.

3 Q. There's a police officer who lives across the road?

4 A. (Nods head.)

5 Q. Okay. So you were screaming. Why were you screaming?

6 A. Because I wanted to go home.

7 Q. Well, had something bad happened --

8 MR. WILLIAMS: Objection to that, Your Honor.

9 Leading.

10 THE COURT: All right. Sustained.

11 BY MS. BRISBIN:

12 Q. What had happened that made you scream?

13 A. His knife.

14 Q. Okay. Tell me about the knife.

15 A. He said if I scream again he was going to cut my
16 throat.

17 Q. Okay. Well, what happened then?

18 A. He made me get down and he raped me.

19 Q. Okay. You said he made you get down. What do you
20 mean by that?

21 A. He put his private part in my private part.

22 Q. Where did that happen?

23 A. In the woods.

24 Q. Okay. Was -- can you describe where he was and where
25 you were in the woods or what position you were in when

Minor

- DIRECT

1 that happened?

2 A. On the ground.

3 Q. Okay. And how did you end up on the ground?

4 A. He made me go to the ground.

5 Q. Okay. Did he have the knife at that point?

6 A. (Nods head.)

7 Q. Okay. What did the knife look like?

8 A. Black. And when he opened it, it was silver.

9 Q. The blade was silver when he opened it?

10 A. (Nods head.)

11 Q. What did he do with the knife?

12 A. (Shrugs shoulders.)

13 Q. You said, he did, he -- tell me again what happened
14 with the knife.

15 A. He put it close to my neck.

16 Q. Put it close to your neck?

17 A. (Nods head.)

18 Q. Did he actually touch your neck with it?

19 A. (Shakes head.)

20 Q. And what did he say?

21 A. He said, if you scream again I'm going to cut your
22 throat.

23 Q. Okay. Did he ever actually cut you with the knife?

24 A. (Shakes head.)

25 Q. You have to say it out loud. Yes or no?

Minor

- DIRECT

1 A. No.

2 Q. Okay. Did -- were your clothes on or off when this
3 happened?

4 A. My pants was off.

5 Q. Okay. How did they get off?

6 A. He made me pull them down to my knees.

7 Q. Okay. Were his clothes on or off?

8 A. On.

9 Q. Okay. And were they all the way on or were they
10 pulled down too?

11 A. He zipped his pants.

12 Q. Okay. Did he say anything to you when he was doing
13 this?

14 A. (Nods head.)

15 Q. What did he say?

16 A. He make me tell him, F me.

17 Q. He made you tell him what?

18 A. F me.

19 Q. F me?

20 A. (Nods head.)

21 Q. And did he make you say that one time or more than one
22 time?

23 A. More than one.

24 Q. Do you remember how many times?

25 A. Three or four.

Minor

- DIRECT

- 1 Q. You said he put his private in your private?
- 2 A. (Nods head.)
- 3 Q. When that happened, how did that feel?
- 4 A. Hurt.
- 5 Q. Okay. Did you say anything to him?
- 6 A. I say, he told me not to tell and I said I was going
7 to tell.
- 8 Q. Okay. And what happened -- did anything come out of
9 his private part?
- 10 A. (Nods head.)
- 11 Q. What was it like?
- 12 A. Water.
- 13 Q. Okay. Do you know where it went?
- 14 A. (Nods head.)
- 15 Q. Where did it go?
- 16 A. Inside of me.
- 17 Q. Okay. What happened after that?
- 18 A. He stopped.
- 19 Q. Okay. And then after he stopped, what happened?
- 20 A. He took me home.
- 21 Q. Okay. Did he walk you all the way home or what?
- 22 A. Walked me all the way home.
- 23 Q. Okay. And was there anybody there when you came out
24 of the woods?
- 25 A. (Nods head.) My mama and my Aunt and Uncle Gary.

Minor

- DIRECT

- 1 Q. Your mom and your aunt. Which aunt?
- 2 A. Theresa.
- 3 Q. Okay. And how is she related to Bruce Hall?
- 4 A. Sister.
- 5 Q. Okay. Who else did you say was there?
- 6 A. My uncle and my mama.
- 7 Q. Okay. And which uncle was there?
- 8 A. Gary.
- 9 Q. And how is he related?
- 10 A. My Aunt Theresa husband.
- 11 Q. Okay. And did you tell them what had happened?
- 12 A. (Shakes head.) She asked me what was wrong with me
- 13 and I told her.
- 14 Q. Who asked you what was wrong with you?
- 15 A. Theresa. Theresa.
- 16 Q. Were you crying?
- 17 A. (Nods head.)
- 18 Q. Okay. So she asked you what happened, what was wrong
- 19 with you and you told her?
- 20 A. I told her that Bruce messed with me.
- 21 Q. Okay. And what happened after that?
- 22 A. She called the police.
- 23 Q. Okay. And did the police come right away?
- 24 A. (Nods head.)
- 25 Q. You have to say yes or no.

Minor

- DIRECT

- 1 A. Yes.
- 2 Q. Okay. And what did they do?
- 3 A. I guess, looked for him.
- 4 Q. Okay. What did they do with you?
- 5 A. I went to the hospital.
- 6 Q. Okay. How did you get to the hospital?
- 7 A. Ambulance.
- 8 Q. Ambulance?
- 9 A. (Nods head.)
- 10 Q. Did anybody ride with you; do you remember?
- 11 A. (Shrugs shoulders.)
- 12 Q. You don't remember?
- 13 A. (Shakes head.)
- 14 Q. Okay. Did you -- do you remember talking to a lady
- 15 officer from the sheriff's department at the hospital?
- 16 A. (Nods head.)
- 17 Q. And did you tell her what happened?
- 18 A. (Nods head.)
- 19 Q. You have to say yes or no.
- 20 A. Yes.
- 21 Q. Okay. And did you have an examination at the
- 22 hospital?
- 23 A. Yes.
- 24 Q. Did you see the doctor and nurse there?
- 25 A. Yes.

Minor

- DIRECT

1 Q. Okay. And do you remember if you told the nurse what
2 happened?

3 A. (Shakes head.) No.

4 Q. You don't remember?

5 A. (Shakes head.)

6 Q. Okay.

7 MR. WILLIAMS: Your Honor, I would object to the
8 leading. She's shaking her head which could be called a
9 no and the solicitor is saying, you don't remember.

10 THE COURT: Okay.

11 MS. BRISBIN: I asked, do you remember, Your Honor.

12 THE COURT: Okay. Don't lead. All right.

13 BY MS. BRISBIN:

14 Q. Do you see the person who did this to you, Bruce Hall,
15 in the courtroom today?

16 A. Yes.

17 Q. Would you please point him out for the jury?

18 A. (Complying.)

19 Q. Okay. What's he wearing?

20 A. Orange shirt.

21 Q. Orange-ish shirt?

22 A. (Nods head.)

23 Q. Okay.

24 MS. BRISBIN: I don't have anything further.

25 THE COURT: Cross-examination.

Minor

- CROSS

1 MS. BRISBIN: Please answer Mr. Williams' questions.

2 MR. WILLIAMS: May it please the Court.

3 THE COURT: Yes, sir.

4 CROSS-EXAMINATION

5 BY MR. WILLIAMS:

6 Q. Ms. Minor, you are 13 now; is that correct?

7 A. Yes.

8 Q. And as I understand it, you go to Batesburg. You're
9 in the sixth grade there?

10 A. Yes.

11 Q. Now, you said that you were spending the night with a
12 cousin?

13 A. Yes.

14 Q. What is your cousin's name?

15 A. Whitney.

16 Q. I'm sorry?

17 A. Whitney.

18 Q. Wendy?

19 A. Whitney.

20 Q. And what is Whitney's last name?

21 A. Hall.

22 Q. Hall?

23 A. (Nods head.)

24 Q. How old is Whitney?

25 A. Fifteen, I think.

Minor

- CROSS

1 Q. She's older than you are?

2 A. Yeah.

3 Q. So she's 15. And who lives with Whitney?

4 A. Her mama and her brother and sister, her step daddy.

5 Q. Her mama, her brother, her sister and her step daddy;
6 is that right?

7 A. Yeah.

8 Q. So, when were you spending the weekend with them?

9 A. When?

10 Q. Uh-huh.

11 A. I don't know.

12 Q. What date was it?

13 A. I don't know.

14 Q. You don't remember what date it was?

15 A. No.

16 Q. And how long were you supposed to spend the weekend --
17 the time with her, was it a weekend or several days or?

18 A. Just a night.

19 Q. Just one night?

20 A. (Nods head.)

21 Q. But you don't remember when that was?

22 A. No.

23 Q. And do you remember what day of the week it was?

24 A. No.

25 Q. Now, you said something about seeing your Uncle

Minor

- CROSS

1 Bruce. When did you see your Uncle Bruce?

2 A. That day.

3 Q. That day. What time that day?

4 A. Morning.

5 Q. I'm sorry?

6 A. Morning.

7 Q. That morning.

8 Your Honor, is there a mic or something that she
9 can -- I'm getting old, I guess.

10 THE BAILIFF: Hold this up close to your mouth and
11 speak loudly into it.

12 BY MR. WILLIAMS:

13 Q. Can you hear me okay?

14 A. Yeah.

15 Q. Okay. All right. You saw your Uncle Bruce that
16 morning. How many uncles do you have?

17 A. Three.

18 Q. Three?

19 A. (Nods head.)

20 Q. And who would those be?

21 A. Bruce, Ike and Stephen.

22 Q. Bruce?

23 A. Ike.

24 Q. Ike?

25 A. And Stephen.

Minor

- CROSS

- 1 Q. Now is Ike the same person as Isaac?
- 2 A. Yes, sir.
- 3 Q. Okay. Now you said you saw Bruce that morning?
- 4 A. Yes, sir.
- 5 Q. Did you see either one of your other uncles that
- 6 morning?
- 7 A. No.
- 8 Q. Where did you see your Uncle Bruce that morning?
- 9 A. In the yard.
- 10 Q. In the yard?
- 11 A. Yes, sir.
- 12 Q. And where does he live?
- 13 A. With his mama, I think.
- 14 Q. And where does his mother live?
- 15 A. Right beside Ella.
- 16 Q. Beside who?
- 17 A. Ella.
- 18 Q. Ellie?
- 19 A. Ella.
- 20 Q. Eloise?
- 21 A. Ella.
- 22 Q. Who is Ella?
- 23 A. His sister.
- 24 Q. Now how far is that from where your cousin, Whitney
- 25 Hall, lives?

Minor

- CROSS

1 A. Not far.

2 Q. Okay. Is it all on the road?

3 A. Huh?

4 Q. It is?

5 A. Yeah.

6 Q. Okay. Now, the house, you said something about a
7 house a while ago. You said that there was a house in
8 between your cousin's house --

9 A. And my mama.

10 Q. I'm sorry?

11 A. And my mama's.

12 Q. Your mama's house is in between?

13 A. It's a house between my mama and my aunt house.

14 Q. And who lives in that house?

15 A. I don't know.

16 Q. All right. When you say between, maybe I need to put
17 that in my head. You've got your cousin's house here and
18 you got your mama's house over here and there's a house in
19 between; right?

20 A. With trees.

21 Q. A house with trees around?

22 A. (Nods head.)

23 Q. All right. And all the houses are on a road; right?

24 A. No. One of them, my mama's on a dirt road.

25 Q. Your mama's is on a dirt road?

Minor

- CROSS

1 A. Uh-huh.

2 Q. Are you saying that the other houses are on a paved
3 road?

4 A. No.

5 Q. No? Are they on a dirt road also?

6 A. No. They on -- they got a road in front of their
7 house.

8 Q. All right. But it's not a dirt road or a paved road?

9 A. It's a dirt road over there where my mama house at.

10 Q. What about your cousin's house? Is there a dirt road
11 next to your cousin's house?

12 A. Yeah, behind it. You got to go through woods to go in
13 the dirt road.

14 Q. So there's no road next to the house?

15 A. It's woods.

16 Q. Okay. But there's no road next to the house where
17 your cousin lives?

18 A. No, but in front.

19 Q. I'm sorry?

20 A. It's a road in front of they house.

21 Q. So is there a road in front of their house?

22 A. Yes, sir.

23 Q. Can you walk down the road from your cousin's house to
24 your mama's house?

25 A. Yeah.

Minor

- CROSS

1 Q. Okay. But on this day that you don't remember, you
2 walked through the woods instead of going down the road
3 from your cousin's house to your mama's house; is that
4 right?

5 A. Yes, sir.

6 Q. Why did you do that?

7 A. Because I couldn't go through the other path.

8 Q. I'm sorry. I couldn't hear you.

9 A. Because I couldn't go through the other path.

10 Q. You couldn't go through the other path?

11 A. Yes, sir.

12 Q. Why couldn't you go through the other path?

13 A. Because they say I couldn't. Because if I do they're
14 going to call the police on me.

15 Q. Who said that?

16 A. Eloise and Bruce done.

17 Q. Okay. So you're saying -- you're talking about your
18 Uncle Bruce?

19 A. Yes, sir.

20 Q. So you say your Uncle Bruce said you couldn't go
21 through a path because if you did that they'd call the
22 police on you but you went with your Uncle Bruce?

23 A. Through the other path.

24 Q. Through another path?

25 A. Yes, sir.

Minor

- CROSS

- 1 Q. What, what would they call the police on you for?
- 2 A. I guess going through the path behind their yard.
- 3 Q. Do they own that property there?
- 4 A. I don't know.
- 5 Q. But you couldn't go right down the road?
- 6 A. No.
- 7 Q. So you're not really on good terms with Bruce?
- 8 A. Sir?
- 9 Q. You're not really -- you and Bruce don't get along; is
- 10 that right?
- 11 A. We used to.
- 12 Q. But he was telling you you couldn't go down a path,
- 13 that you and Bruce did not get along because of that?
- 14 A. Huh?
- 15 Q. You said that there was a problem going down the path
- 16 and that --
- 17 A. That man was going to call the police if we walked
- 18 back down his path.
- 19 Q. Which man was going to call the police?
- 20 A. The one that lived between my mama and my aunt.
- 21 Q. And who is that?
- 22 A. I don't know.
- 23 Q. But it's not Bruce; right?
- 24 A. No.
- 25 Q. But Bruce is the one that said he would call the

Minor

- CROSS

1 police on you; right?

2 A. Yes.

3 Q. Okay. All right. Anyway, you were at your aunt's
4 house and you were staying with your cousin. You stayed
5 the whole night; is that right?

6 A. Yes, sir.

7 Q. So, you got up the next morning after staying the
8 night there?

9 A. Yes, sir.

10 Q. And that's when you saw your Uncle Bruce?

11 A. Yes, sir.

12 Q. And he was out in the yard. And did your aunt ask him
13 to go with you?

14 A. Yes, sir.

15 Q. Which aunt is this?

16 A. Ella.

17 Q. Now your Aunt Ella is the sister of your mama?

18 A. Yes, sir.

19 Q. Was your mama there when your Aunt Ella asked Bruce to
20 walk you to your mama's house?

21 A. No.

22 Q. So it was just Aunt Ella who was there?

23 A. And CJ.

24 Q. And CJ who is your cousin?

25 A. Yes, sir.

Minor

- CROSS

1 Q. All right. So do you remember anything about what
2 time it was?

3 A. No, sir.

4 Q. Was it in the morning?

5 A. Kind of.

6 Q. It had to have been morning because that's when you
7 saw your uncle; right?

8 A. Yes, sir.

9 Q. Do you remember if it was nine o'clock? 10 o'clock?

10 A. No.

11 Q. Had you eaten breakfast yet?

12 A. No, sir.

13 Q. So it was real early because you hadn't had anything
14 to eat yet?

15 A. No. Jamie and them was going to Wal-Mart to get us
16 something to eat.

17 Q. Well, who is Jamie now?

18 A. Whitney's step daddy.

19 Q. And did you wait around until Whitney's step daddy
20 came back with the food for y'all to eat?

21 A. No.

22 Q. No?

23 A. No.

24 Q. So you left early in the morning, hadn't had breakfast
25 yet?

Minor

- CROSS

1 A. Yes, because Ella told me it was time for me to go
2 home.

3 Q. Who told you that?

4 A. My aunt.

5 Q. Now, did you have any bags with you, like an overnight
6 bag or a book bag --

7 A. No.

8 Q. -- or something like that?

9 A. No.

10 Q. Well, now, when you went to stay at your cousin's
11 house you didn't carry any, like, PJs or a toothbrush or
12 deodorant or anything like that with you?

13 A. No, because I had supposed to go home that morning.

14 Q. Well, what about that night?

15 A. I had took a bath before I went over there.

16 Q. So you went over the night before but you didn't carry
17 any, like, PJs or clothes to --

18 A. No.

19 Q. Okay. All right. So, your aunt asked your Uncle
20 Bruce to take you to your mama's house. Do you remember
21 what you had on?

22 A. A blue shirt with little white dog on it with my black
23 gauchos.

24 Q. I can't hear you. Can you say it again?

25 A. My blue shirt with my black gauchos.

Minor

- CROSS

- 1 Q. Your blue shirt with your black?
- 2 A. Gauchos.
- 3 Q. Are those pants?
- 4 A. They like capris.
- 5 Q. Okay. Now, what kind of shoes did you have on?
- 6 A. My cousin Whitney wore my shoes.
- 7 Q. Your cousin went and wore your shoes?
- 8 A. Yes, sir.
- 9 Q. Well, what kind of shoes did you have on?
- 10 A. None.
- 11 Q. Okay. How many times have you and the solicitor gone
- 12 over your testimony?
- 13 A. Sir?
- 14 Q. How many times have you and the solicitor talked about
- 15 what happened that day?
- 16 A. Two.
- 17 Q. Two times? Now -- what did your Uncle Bruce have on?
- 18 A. I think -- I don't know.
- 19 Q. Do you know anything, how the weather was that day?
- 20 A. No.
- 21 Q. All right. So, you leave. You're walking through the
- 22 woods. How long do you walk through the woods before you
- 23 get home?
- 24 A. I don't know.
- 25 Q. An hour?

Minor

- CROSS

1 A. No.

2 Q. Thirty minutes?

3 A. I don't know.

4 Q. Were you hungry?

5 A. Not really.

6 Q. Not really. Based on that, do you think it might have
7 been a short period of time because you hadn't had
8 breakfast; right?

9 A. No.

10 Q. I'm sorry?

11 A. No.

12 Q. So you think it was a short period of time that you
13 walked through the woods?

14 A. No.

15 Q. All right. Can you give me some idea how long you
16 think it was?

17 A. A long time.

18 Q. A long time. All right. What to you is a long time?

19 A. Hours.

20 Q. How many hours?

21 A. Three or four.

22 Q. Three or four hours. Okay. So if you left early
23 before you had your breakfast, what would that be? Seven
24 or eight o'clock in the morning? Something like that?

25 A. I don't know.

Minor

- CROSS

1 Q. And if you're gone three or four hours, that would put
2 it a little after lunch, is that about right, before you
3 got to your house?

4 A. I got home at dark.

5 Q. You got home at dark? So you were in the woods for
6 eight hours?

7 A. I think.

8 Q. Did you have a watch on?

9 A. No.

10 Q. Okay. Now, you said that when your Uncle Bruce took
11 or walked you, or was walking you over there he had some
12 beer with him?

13 A. Yes.

14 Q. How many beers did he have?

15 A. Probably, like, two or three.

16 Q. Two or three. And where were they?

17 A. He had one in his pocket and one here in his arm. I
18 think he was drinking one.

19 Q. One in his pocket. And he had one he was drinking at
20 the time?

21 A. (Nods head.) Uh-huh.

22 Q. So your aunts (verbatim) would have seen him drinking
23 the beer when he came up; right?

24 A. No, he had finished them.

25 Q. When he came to pick you up, did he have any beer with

Minor

- CROSS

1 him when he came to pick you up?

2 A. Oh, yeah.

3 Q. How many beers did he have?

4 A. Like, three or two.

5 Q. Three or two?

6 A. Yes, sir.

7 Q. And where were they?

8 A. One in his pocket and one right here (indicating).

9 Q. If he had one in his pocket and he had one right
10 here --

11 A. No, he was holding one. He had one in his pocket.

12 Q. So how many is that?

13 A. And he had one he was drinking.

14 Q. So he was drinking one at the time?

15 A. Yeah.

16 Q. Okay. So he had three beers?

17 A. Yeah.

18 Q. So when he picked you up, he was drinking a beer at
19 the time?

20 A. Yes, sir.

21 Q. Okay. So, I'm going to take you back again. So, your
22 Uncle Bruce shows up early in the morning, you hadn't had
23 breakfast yet. Your aunt asked your Uncle Bruce to take
24 you to your house, to your mama's house?

25 A. Yes, sir.

Minor

- CROSS

1 Q. When he shows up you don't remember what he had on but
2 he had two beers on him and he was drinking a beer and
3 your aunt asked him to take you to your mama's house. And
4 y'all head out through the woods and you stay there for
5 about eight hours before you show up at your mama's house;
6 right?

7 MS. BRISBIN: Your Honor, I would object to this
8 narrative form of questioning. He's kind of testifying
9 for her.

10 THE COURT: Overruled. Go ahead.

11 BY MR. WILLIAMS:

12 Q. Is that about right?

13 A. Yes, sir.

14 Q. Okay.

15 A. But he raped me. He put his private part in me before
16 he took me home.

17 Q. I hear you. Well, let's go back to that; all right?
18 At what point in time in the woods did he rape you?

19 A. It was getting night.

20 Q. It was getting night?

21 A. Yes, sir.

22 Q. So, essentially y'all were walking through the woods
23 for about seven hours before he started to assault you?

24 A. Yes, sir. He kept standing there drinking his beer
25 and smoking cigarettes.

Minor

- CROSS

1 (Cell phone goes off.)

2 THE COURT: Anyone has a cell phone, please cut it
3 off.

4 BY MR. WILLIAMS:

5 Q. Now, okay. So let's talk about that. You said you
6 were in the woods about seven hours before he assaulted
7 you. And during that time span he was drinking his beers
8 and he was smoking cigarettes?

9 A. (Nods head.)

10 Q. All right. And when he finished, when he finished
11 drinking his beers, is that when this assault occurred?

12 A. No. I was calling for Ted and then he got up with the
13 knife.

14 Q. Can you say that again?

15 A. I was calling for Ted and then he got up with the
16 knife in his hand.

17 Q. You were kind of --

18 A. Calling for Ted.

19 Q. You were calling for Ted?

20 A. Yes, sir.

21 Q. And you were calling for Ted because, why?

22 A. I was ready to go home.

23 Q. Because you were ready to go home?

24 A. (Nods head.)

25 Q. And that's when he pulled the knife out?

Minor

- CROSS

1 A. Yes, sir.

2 Q. And what did he do with that knife?

3 A. He put it right here (indicating).

4 Q. Put it up next to your throat?

5 A. Yeah. But he didn't touch my neck with it.

6 Q. But he didn't touch your neck with it?

7 A. No, sir.

8 Q. What kind of knife was it?

9 A. Black. When you open, it was silver.

10 Q. So it had a black handle?

11 A. Yes, sir.

12 Q. How long was it?

13 A. (Indicating.)

14 Q. And then what happened?

15 A. Then he said if I scream he was going to cut my
16 throat.

17 Q. And then what happened?

18 A. He made me take off my pants.

19 Q. So you took off your pants. All right. And what did
20 you do with them when you took them off?

21 A. I didn't take them all the way off. I pulled them
22 down.

23 Q. Okay. And then what did you do, or what did he do?

24 A. Then he put his private part inside my private part.

25 Q. Well now, when you refer to your pants being pulled

Minor

- CROSS

1 down, are you referring to the pants which you call --

2 A. Gauchos.

3 Q. Black gaucho, or gauchos?

4 A. Gauchos.

5 Q. All right. Did you pull anything else down?

6 A. My panties.

7 Q. So you pulled your panties down too?

8 A. Yes, sir.

9 Q. Now who did that, you or he?

10 A. Me.

11 Q. Well, who pulled your pants down, you or he?

12 A. Me. He made me.

13 Q. Okay. And did he take his pants off?

14 A. No, sir.

15 Q. He kept them on?

16 A. Yes, sir. He unzipped them.

17 Q. He unzipped them?

18 A. Yes, sir.

19 Q. All right. And then what did he do?

20 A. Put his private part in my private part.

21 Q. And how long did he do this?

22 A. I don't know.

23 Q. Then what happened?

24 A. And then he stopped.

25 Q. Okay. Then what happened?

Minor

- CROSS

1 A. Then he walked me home and told me not to tell. And I
2 said I was going to tell my mama.

3 Q. Okay. Is that all that happened? What you just told
4 me, is that all that happened?

5 A. Yes, sir.

6 Q. Okay. Now, did you take the police back to the area
7 in the woods to show them where this happened?

8 A. No, sir. They seen my footsteps.

9 Q. I'm sorry?

10 A. I think they seen my footsteps.

11 Q. They saw your footsteps but you didn't take them where
12 it happened?

13 A. No, sir.

14 Q. Did you describe to them what kind of beer container?
15 Was he drinking beer?

16 A. Yes, sir.

17 Q. Did you describe to them what kind of beer he was
18 drinking?

19 A. No, sir.

20 Q. And what did you tell them?

21 A. He was drinking. I think he was drinking a Bud Light.

22 Q. Bud Light?

23 A. Yes, sir.

24 Q. And what color was that can?

25 A. Red and white.

Minor

- CROSS

1 Q. Red and white. All right. Now, when you got to your
2 house, who did you tell about this assault?

3 A. Nobody. My aunt asked me why I was crying. I told
4 her Bruce messed with me.

5 Q. You didn't tell your mama about it?

6 A. She was right there.

7 Q. Okay. And did you tell your aunt everything that
8 you've just told this jury?

9 A. No, sir. She wouldn't let me talk.

10 Q. She wouldn't let you talk?

11 A. She was talking on the phone with the police.

12 Q. All right. Well, when did you first tell your story
13 about what happened?

14 A. When I was at the hospital.

15 Q. And who did you tell that story to?

16 A. A lady, police lady.

17 Q. All right. It's a lady at the hospital. Did you tell
18 anybody else?

19 A. Her.

20 Q. Her who?

21 A. (Pointing.)

22 Q. The solicitor?

23 A. Yes, sir.

24 Q. So you didn't tell anybody else besides the solicitor
25 and the lady at the hospital?

1 A. And I told my mama when I got home.

2 Q. Told your mama when you got home. Did you tell
3 anybody else?

4 A. No, sir.

5 Q. No?

6 A. No.

7 Q. So those would be a total of three people that you
8 told?

9 A. Yes, sir.

10 Q. All right.

11 MR. WILLIAMS: That's all the questions I have, Your
12 Honor.

13 THE COURT: Redirect?

14 REDIRECT EXAMINATION

15 BY MS. BRISBIN:

16 Q. Minor was it daylight or dark when you left Whitney's
17 house to go home?

18 A. Daylight.

19 Q. And was it daylight or dark when you got back to your
20 house?

21 A. Dark.

22 MS. BRISBIN: Thank you.

23 THE COURT: Recross?

24 MR. WILLIAMS: No recross.

25 THE COURT: Thank you. You may step down, Ms. Minor .

THERESA H HENDRIX - DIRECT

1 You may call your next witness.

2 MS. BRISBIN: State calls Theresa Hendrix.

3 (Pause.)

4 MS. BRISBIN: Somebody get Ms. Hendrix.

5 THERESA H. HENDRIX, having been duly sworn, was
6 examined and testified as follows:

7 THE CLERK: Have a seat in the witness box, stating
8 your full name, spelling your last for the Court, please.

9 THE WITNESS: Okay. Theresa H. Hendrix,
10 H-E-N-D-R-I-X.

11 DIRECT EXAMINATION

12 BY MS. BRISBIN:

13 Q. Ms. Hendrix, do you know the Defendant in this case,
14 Bruce Hall?

15 A. Yes, ma'am.

16 Q. And how do you know him?

17 A. He's my brother.

18 Q. And do you know the victim, Minor [REDACTED]?

19 A. Yes, ma'am.

20 Q. And how do you know her?

21 A. She's my niece.

22 Q. And how long have you known her?

23 A. Thirteen years.

24 Q. All her life?

25 A. All her life.

THERESA H HENDRIX - DIRECT

1 Q. Okay. Where were you on August 5th of 2006?

2 A. I was at home until I got a call.

3 Q. And then where did you go?

4 A. I went to my sister's house where my niece lives.

5 Q. Okay. And at that time their house was on what road?

6 Do you remember the name?

7 A. [REDACTED].

8 Q. Is that a dirt road or a paved road?

9 A. Dirt road.

10 Q. And what did you do when you got there?

11 A. Well, I had asked my sister had my niece got there yet
12 and she said no. So we started looking for her.

13 Q. And do you remember about what time of the day or
14 night that was?

15 A. It had to have been after eight.

16 Q. Morning or afternoon?

17 A. Afternoon. The evening.

18 Q. Was after eight in the evening?

19 A. Uh-huh.

20 Q. When you started looking for her?

21 A. Yeah.

22 Q. Okay. And do you remember how long you looked for
23 her?

24 A. It must have been about 30 minutes to a hour --

25 Q. Okay.

THERESA H HENDRIX - DIRECT

1 A. -- before she came up.

2 Q. Okay. You said she came up?

3 A. Uh-huh.

4 Q. And where did you see her come up from?

5 A. Walking up the dirt road.

6 Q. Which dirt road?

7 A. [REDACTED].

8 Q. [REDACTED]?

9 A. Uh-huh.

10 Q. Okay. And can you describe the area that she came
11 from?

12 A. It's -- she was walking up the dirt road. I mean, I
13 don't know what --

14 Q. What's around the dirt road?

15 A. Mobile homes. Mainly mobile homes.

16 Q. Okay. Are there woods in the area?

17 A. There's woods in the area.

18 MR. WILLIAMS: Objection to leading, Your Honor.

19 THE COURT: Overruled. Go ahead.

20 BY MS. BRISBIN:

21 Q. Okay. And what was -- how did Minor look when she --
22 who was she walking with?

23 A. My brother.

24 Q. Which brother?

25 A. Bruce Hall.

THERESA H HENDRIX - DIRECT

1 Q. Okay. And can you describe how Minor looked when you
2 saw her?

3 A. She had straw all in her hair and her clothes were
4 dirty.

5 Q. What about her demeanor, her facial expression, how
6 was she acting?

7 A. Her face was red, sort of red.

8 Q. And what -- how was she acting?

9 A. She wasn't saying anything.

10 Q. Okay. Did -- can you describe her emotional state
11 that you witnessed?

12 A. How do I say this. After I asked her, did he mess
13 with her.

14 Q. What made you ask her that?

15 A. Because of the way she looked, because --

16 Q. That's what I'm asking.

17 A. Yeah, yeah.

18 Q. How did she look?

19 A. After I asked her that she broke down. She broke down
20 and started crying.

21 Q. Okay. And did she tell you that she had been -- what
22 did she tell you?

23 A. She said yes.

24 Q. To what question?

25 A. Did this man mess with you.

THERESA H HENDRIX - DIRECT

1 Q. Okay. And what man were you referring to?

2 A. My brother, Bruce Hall.

3 Q. Okay. Why did you ask her that?

4 A. Because she has been -- she was gone for so long and
5 when I seen her like that, that's the only thing that came
6 to my mind.

7 Q. All right. You saw her like what?

8 A. The straw in her hair and her clothes all dirty and
9 messed up.

10 Q. Okay. What did you do at that point after she said
11 yes, he had messed with her?

12 A. I called 9-1-1.

13 Q. Okay. And did anyone come out? Did 9-1-1, did they
14 send someone out?

15 A. Yes, they did.

16 Q. Okay. And then what happened?

17 A. They -- I think, if I can remember they took Minor
18 but the ambulance came out to get Minor [REDACTED].

19 Q. And did you see what happened to Bruce Hall?

20 A. Yes. When I had asked Minor that question, he had
21 went around behind the house and left.

22 Q. Okay.

23 A. Behind the mobile home.

24 Q. Okay. So he was no longer there?

25 A. He was no longer there.

THERESA H HENDRIX - CROSS

1 Q. Okay. Is your -- any doubt -- is there any doubt in
2 your mind that that was Bruce Hall, your brother, Bruce
3 Hall, that you saw come up with her?

4 A. It was Bruce Hall.

5 Q. Okay.

6 MS. BRISBIN: Please answer any questions Mr. Williams
7 has.

8 THE COURT: Cross-examination.

9 MR. WILLIAMS: Thank you, Your Honor.

10 CROSS-EXAMINATION

11 BY MR. WILLIAMS:

12 Q. How many brothers do you have?

13 A. Four. Four in all.

14 Q. And who are they?

15 A. Who are they?

16 Q. Uh-huh.

17 A. Kenny Hall, Isaac Hall, Stephen Hall, Bruce Hall.

18 Q. How many sisters do you have?

19 A. Four.

20 Q. And they are?

21 A. Eloise Hall, Sue Hall, Linda Gunter, and myself.

22 Q. So there are eight children?

23 A. Yes;

24 MR. WILLIAMS: That's all I have, Your Honor.

25 THE COURT: Any redirect?

BETSY SUE HENDRIX - DIRECT

1 trial, one of your jobs is to assess the credibility of
2 the witnesses. And don't become so engrossed in taking
3 notes that you don't observe them on the stand so you can
4 gauge their credibility or believability.

5 Secondly, as we all know, notes can be wrong. So
6 don't rely on them over your memory of what occurred. And
7 certainly someone's notes don't take precedence over
8 someone's memory. And they don't have any greater
9 weight. Your notes are for your own personal use.
10 They're not to be used in any other personal manner. And
11 at the end of the trial we'll collect all the notes and
12 have them destroyed.

13 So with that, Ms. Brisbin, you can call your next
14 witness.

15 MS. BRISBIN: Thank you, Your Honor. The State calls
16 Betsy Sue Hendrix.

17 BETSY SUE HENDRIX, having been duly sworn, was
18 examined and testified as follows:

19 THE CLERK: Please have a seat in the witness's box.
20 State your full name for the Court, and spell your last.

21 THE WITNESS: My name's Betsy Sue Hendrix,
22 H-E-N-D-R-I-X.

23 DIRECT EXAMINATION

24 BY MS. BRISBIN:

25 Q. Ms. Hendrix, do you know the Defendant, Bruce Hall?

BETSY SUE HENDRIX - DIRECT

1 A. Yes.

2 Q. How do you know him?

3 A. He's my brother.

4 Q. And to your knowledge, does he have a twin brother?

5 A. No.

6 Q. And do you know the victim, Minor [REDACTED]?

7 A. Yes. That's my daughter.

8 Q. Okay. And where were you living on August 5th of
9 2006?

10 A. [REDACTED] in Batesburg.

11 Q. [REDACTED]?

12 A. Uh-huh, Batesburg.

13 Q. Is this a dirt road or paved road?

14 A. Dirt road.

15 Q. And do you know where the Defendant, Bruce Hall, was
16 living at that time?

17 A. With his mama.

18 Q. Which was what road?

19 A. [REDACTED].

20 Q. It was [REDACTED] Road?

21 A. Yeah.

22 Q. Where did -- who was Ella?

23 A. It's my sister.

24 Q. And where was she living?

25 A. She live at [REDACTED].

BETSY SUE HENDRIX - DIRECT

1 Q. Okay. And so, is that nearby where Bruce Hall and his
2 mother live?

3 A. Yes. Off in the distance.

4 Q. Okay. And what were you doing on August 5th of 2006?

5 A. Well, she asked me could she go stay with my sister
6 and I told her yeah because I had to go to work that
7 morning.

8 Q. She?

9 A. Wahneta, my daughter. But her step daddy was done --
10 to let her come home about 12.

11 Q. She was supposed to come home about 12?

12 A. With her step daddy.

13 Q. Okay. And when did you get home from work?

14 A. I'd say about 7:30.

15 Q. In the evening or the morning?

16 A. In the evening.

17 Q. Okay. And was she home when you got home?

18 A. No, ma'am.

19 Q. So what did you do?

20 A. I went to my sister's and asked her where she was and
21 she said --

22 Q. Which sister?

23 A. Eloise.

24 Q. Okay.

25 A. And she said that she --

BETSY SUE HENDRIX - DIRECT

1 MR. WILLIAMS: Objection.

2 BY MS. BRISBIN:

3 Q. You can't say what she said. But was she there?

4 A. No.

5 Q. So then what did you do?

6 A. I went back to my house and she weren't there. So I
7 called my other sister and her other step daddy.

8 Q. Which other sister?

9 A. Theresa Hendrix.

10 Q. Okay.

11 A. And she got there so we looked and looked went back to
12 my other sister house. Went through the woods --

13 Q. I'm sorry. Slow down a little bit. You looked where?

14 A. To my other sister house, went through the woods.

15 Q. What house?

16 THE COURT: Hold on a second. You're just going to
17 have to slow down your answers. And Ms. Brisbin, you're
18 going to have to wait until she finishes, okay, because
19 Ms. Young here has got to take everything down. So just
20 bear that in mind and just calm down and slow down. All
21 right? Thank you.

22 BY MS. BRISBIN:

23 Q. Okay. So let's start, where did you look first?

24 A. To my baby sister house.

25 Q. What's her name?

BETSY SUE HENDRIX - DIRECT

- 1 A. Eloise.
- 2 Q. Eloise? And did you find Minor there?
- 3 A. No, ma'am.
- 4 Q. Where did you look next?
- 5 A. Went back to my house and she wasn't there so we went
- 6 through the woods and then my sister got there and then
- 7 she went through the woods.
- 8 Q. Which sister?
- 9 A. Theresa Hendrix.
- 10 Q. Okay.
- 11 A. And then we come back out. When we come back out we
- 12 see Minor coming down the road with Bruce Hall.
- 13 Q. Okay. Any doubt in your mind that was Bruce Hall?
- 14 A. It was him.
- 15 Q. And where did you see her coming down the road with
- 16 Bruce Hall?
- 17 A. Coming down the dirt road.
- 18 Q. Which dirt road?
- 19 A. [REDACTED].
- 20 Q. Okay. That's the same dirt road that you live on?
- 21 A. Yeah, same dirt road.
- 22 Q. Okay. And about what time of day or night was that
- 23 when you saw them coming down?
- 24 A. I'd say about 10.
- 25 Q. Day or night?

BETSY SUE HENDRIX - CROSS

- 1 A. Night.
- 2 Q. Ten o'clock at night?
- 3 A. Uh-huh.
- 4 Q. Somewhere around there?
- 5 A. Yeah.
- 6 Q. Was it light or dark?
- 7 A. Dark.
- 8 Q. Okay. And did Minor say what had happened?
- 9 A. No. Huh-uh. She mostly talked to my sister a lot.
- 10 Q. Okay.
- 11 A. But she talked to me.
- 12 Q. Okay. Did you hear her say something to your sister
- 13 about what happened?
- 14 A. Yeah.
- 15 Q. Did you say anything to Bruce Hall at that point?
- 16 A. Huh-uh.
- 17 Q. No?
- 18 A. No.
- 19 Q. What did he do?
- 20 A. He had -- when I looked around he had went behind the
- 21 house.
- 22 Q. Which house?
- 23 A. My house, [REDACTED], went through the woods.
- 24 Q. Okay. And what happened next?
- 25 A. Well, my sister had called 9-1-1. And then the

BETSY SUE HENDRIX - CROSS

1 ambulance had come there and I had left and went to the
2 hospital with Wahneta.

3 MS. BRISBIN: Answer any questions Mr. Williams has.

4 THE COURT: Cross-examination.

5 MR. WILLIAMS: Thank you, Your Honor.

6 CROSS-EXAMINATION

7 BY MR. WILLIAMS:

8 Q. Ma'am, you indicated it was a reference to Bruce's --
9 that he stays with his mother. Is his mother not the same
10 mother as your mother?

11 A. Yes, it is, but she don't act like it.

12 Q. Okay. Okay. So, his mother would be the same mother
13 of all these children, you, Isaac?

14 A. Yeah, uh-huh.

15 Q. Steve?

16 A. Yeah.

17 Q. Ella?

18 A. Yeah.

19 Q. All right. You were asked about a twin brother?

20 A. Uh-huh.

21 Q. What is the difference in ages between Isaac and
22 Bruce?

23 A. Bruce is older than Ike. Ike's the baby brother. I'm
24 older than he is.

25 Q. Okay. Now, when you saw Bruce -- what day was this?

DAVID BLEVINS - DIRECT

1 A. August the 5th.

2 Q. When you saw Bruce on August 5th, can you tell me what
3 he had on?

4 A. No, because I was talking to Wahneta. Mostly paying
5 attention to my daughter.

6 Q. He didn't look any different than what he looks today
7 then?

8 A. Huh-uh.

9 MR. WILLIAMS: Your Honor, that's all I have.

10 THE COURT: Redirect?

11 MS. BRISBIN: No, no redirect.

12 THE COURT: Thank you. You may call your next
13 witness.

14 MS. BRISBIN: State calls Investigator Blevins.

15 DAVID BLEVINS, having been duly sworn, was examined
16 and testified as follows:

17 THE CLERK: Please have a seat in the witness box.
18 State your full name for the Court, and spell your last.

19 THE WITNESS: David Blevins. B-L-E-V-I-N-S.

20 DIRECT EXAMINATION

21 BY MS. BRISBIN:

22 Q. Where are you employed?

23 A. The Aiken County Sheriff's Office.

24 Q. How long have you worked there?

25 A. Going on 12 years.

DAVID BLEVINS - DIRECT

1 Q. What's your position there?

2 A. I'm an investigator with the juvenile section.

3 Q. And how did you get involved in this case?

4 A. On August the 5th, 2006, I was what they calling the
5 duty investigator. I was on call. I was contacted
6 through the sheriff's supervisor to respond to [REDACTED]
7 [REDACTED] in Batesburg which is within the county of
8 Aiken in reference to a sexual assault.

9 Q. It is in Aiken County?

10 A. Yes, ma'am.

11 Q. And what did you do at that point?

12 A. Upon arrival I met with Lieutenant Padgett. He
13 briefed me on the call and what he had already, what was
14 already going on at that point.

15 Q. Are you the chief investigator in the case?

16 A. That's correct.

17 Q. Okay. And what was the first thing you did?

18 A. There again, I met with Lieutenant Padgett. He had
19 already advised me that the victim was already en route to
20 Aiken Hospital and that the bloodhound tracking team was
21 on the ground trying to locate the suspect.

22 As soon as they came out of the woods, I proceeded to
23 talk with one of the trackers to find out if any
24 information had been obtained as to a possible location,
25 if we had located a crime scene yet.

DAVID BLEVINS - DIRECT

1 Q. Okay. And what happened with that?

2 A. I was advised by the tracking team that --

3 MR. WILLIAMS: Objection to the hearsay, Your Honor,
4 in regards to what they tell him.

5 THE COURT: Sustained.

6 BY MS. BRISBIN:

7 Q. Okay. You can't say what they told you, but what did
8 you do?

9 A. At that point in time I just started going behind them
10 checking, canvassing the scene myself.

11 Q. And what was the scene that you were canvassing?

12 A. I was checking an area between [REDACTED] and
13 [REDACTED], a pretty good sized wooded area.

14 Q. And is all of that area in Aiken County?

15 A. That's correct.

16 Q. Okay. I'm showing you what's been marked State's
17 Exhibit One for identification purposes. Do you recognize
18 this?

19 A. Yes, I do.

20 Q. And what is that?

21 A. That is the area of [REDACTED] and [REDACTED]
22 [REDACTED] and would also be the location of the victim's home
23 and the suspect's home.

24 Q. And this is an accurate depiction of the area you were
25 canvassing?

DAVID BLEVINS - DIRECT

1 A. That's correct.

2 MS. BRISBIN: Your Honor, I'd ask that State's Exhibit
3 Number One be admitted into evidence.

4 MR. WILLIAMS: Without objection, Your Honor.

5 THE COURT: It's in evidence.

6 (State's Exhibit No. 1, photograph, received into
7 evidence.)

8 BY MS. BRISBIN:

9 Q. And State's Exhibit Two, what is that?

10 A. That's pretty much the same as One. That's a
11 depiction of [REDACTED] and [REDACTED].

12 Q. And is that also an accurate depiction of what it
13 purports to be?

14 A. Correct.

15 MS. BRISBIN: And I'd ask that State's Exhibit Number
16 Two be admitted into evidence.

17 MR. WILLIAMS: Without objection, Your Honor.

18 THE COURT: It's in evidence.

19 (State's Exhibit No. 2, photograph, received into
20 evidence.)

21 MS. BRISBIN: I'd ask to publish that at this time,
22 Your Honor, on the screen.

23 THE COURT: All right.

24 (Exhibit displayed for jury.)

25 MS. BRISBIN: And, Your Honor, if the witness could

DAVID BLEVINS - DIRECT

1 step down and demonstrate the area he was canvassing on
2 the screen?

3 THE COURT: Okay. Yes, ma'am.

4 BY MS. BRISBIN:

5 Q. Could you point out the area you were looking at on
6 August 5th of 2006?

7 A. The area I was checking was the area, would be the
8 area behind this, behind this residence here.

9 Q. And whose residence would that be?

10 A. This would be the victim's residence on [REDACTED].

11 Q. Okay. Show us where [REDACTED] is.

12 A. [REDACTED] is this dirt road that runs down through
13 here.

14 Q. Okay. And what other area?

15 A. And this area, this general area in here was directly
16 behind where the suspect lives.

17 Q. Okay. And what's located between the Defendant's --
18 where the victim left -- the residence where the victim
19 left and the victim's home?

20 A. Everything in between here is all woods.

21 Q. Okay.

22 A. Okay. Between -- there's various paths that run in
23 between the Hall's area and where the victim lives,
24 there's various paths in through here.

25 Q. Okay. And who is it to your understanding lives in

DAVID BLEVINS - DIRECT

1 that area that you circled to the right?

2 A. That would be Bruce Hall and his family.

3 Q. Okay. And so you canvassed the area. Did you find
4 anything?

5 A. The only thing -- as I canvassed the area, I found no
6 crime scene so to speak.

7 Q. Now what do you mean you found no crime scene?

8 A. I didn't find the location where the actual incident
9 took place.

10 Q. Okay. And did you know the exact location?

11 A. No, I did not. All the information I was given is it
12 happened in a wooded area somewhere between Bruce Hall's
13 residence and the victim, Minor residence.

14 Q. Okay.

15 A. And the area I checked was all the way out, this vast
16 wooded area in behind this residence between [REDACTED]
17 [REDACTED], which is this paved road here, and [REDACTED]
18 [REDACTED].

19 Q. Okay. And what did you find?

20 A. As we were canvassing the area we found in -- there's
21 this house, there's a brick house right in this area
22 here. We found a set of foot tracks that were barefooted
23 and a pair of foot tracks that were what appeared to be
24 tennis shoes exiting this wooded area. That set of foot
25 tracks, later we tracked it all the way back to [REDACTED]

DAVID BLEVINS - DIRECT

1 [REDACTED] until it came back to the driveway to, I believe it's
2 [REDACTED] which is where the victim lives. We --
3 just double-checking.

4 The tracks did not lead off left, right, they kept on
5 going. They ended here at the driveway.

6 Q. Okay. You can come back here.

7 A. (Complies.)

8 Q. I'm showing you what's been marked State's Exhibit
9 Number Three for ID purposes. Do you recognize that?

10 A. Yes, I do. That's a barefoot footprint on [REDACTED]

11 [REDACTED] that I photographed that night.

12 Q. Okay. And you did take these photos yourself?

13 A. That's correct.

14 Q. Is that an accurate depiction of what you saw that
15 night?

16 A. Yes.

17 Q. On August 5th of 2006?

18 A. That is correct.

19 MS. BRISBIN: And, Your Honor, I'd ask that State's
20 Exhibit Number Three be admitted into evidence.

21 MR. WILLIAMS: Without objection, Your Honor.

22 THE COURT: It's in evidence.

23 (State's Exhibit No. 3, photograph, received into
24 evidence.)

25 BY MS. BRISBIN:

DAVID BLEVINS - DIRECT

1 Q. And, showing you State's Exhibit Number Four. Do you
2 recognize that?

3 A. Correct. That's another photograph of a
4 barefoot-print used -- taken without a flash to give a
5 better, more detail.

6 Q. That's the same footprint?

7 A. Exactly. Yes, ma'am.

8 Q. And did you take that photo also?

9 A. Yes, I did. Yes, ma'am.

10 Q. Is that an accurate depiction of what you saw that
11 night?

12 A. That's correct.

13 MS. BRISBIN: Ask that State's Exhibit Number Four be
14 admitted into evidence.

15 MR. WILLIAMS: Without objection, Your Honor.

16 THE COURT: It's in evidence.

17 (State's Exhibit No. 4, photograph, was received into
18 evidence.)

19 BY MS. BRISBIN:

20 Q. Showing you what's been marked State's Exhibit Number
21 Five for ID. Do you recognize that?

22 A. That is a foot track of a tennis shoe print found on
23 [REDACTED] walking parallel with the foot, the barefoot
24 track.

25 Q. That was also found on August 5th?

DAVID BLEVINS - DIRECT

1 A. That's correct.

2 Q. And did you take that photo?

3 A. That is correct.

4 Q. Is that an accurate depiction of what you saw?

5 A. Yes, ma'am.

6 MS. BRISBIN: Ask that State's Exhibit Number Five be
7 admitted into evidence.

8 MR. WILLIAMS: Without objection, Your Honor.

9 THE COURT: It's in evidence.

10 (State's Exhibit No. 5, photograph, received into
11 evidence.)

12 MS. BRISBIN: Your Honor, I'd ask to publish those
13 photos at this time on the screen.

14 Your Honor, may we publish?

15 THE COURT: Yes. I'm sorry. Go on down.

16 BY MS. BRISBIN:

17 Q. You can come on down.

18 A. (Complying.)

19 Q. And, again, what is this?

20 A. This is a photo of a barefoot-print -- pardon me.

21 That's also [REDACTED]. This is the dirt road titled
22 as [REDACTED] Road in Aiken County and that is a barefoot-
23 print in the sand that's on top of the road. This would
24 be a scale marker we use to give us an idea of how big
25 that footprint is.

DAVID BLEVINS - DIRECT

1 Q. And did you do a cast of the footprints?

2 A. We did not do casting or, nor did we use another
3 method of spray painting due to the fact that the loose,
4 the dirt on top of the road, that's a very hard packed,
5 red clay road, and the dirt on top of it was real, real
6 dry and fine.

7 So therefore we just used the best method we could to
8 capture that footprint, was to shine a flashlight over the
9 print, as you see here, and take a photograph. This is
10 with a flash and I have another one without a flash.

11 Q. Was it completely dark?

12 A. Yes, ma'am. This was -- as a matter of fact, this was
13 after midnight when I took this photo.

14 Q. Okay. And what is that?

15 A. This is basically the same footprint only this is
16 taken at night without a flash with the flashlight again,
17 laying parallel to the ground to cast, to bring out the
18 best detail we could so the camera could pick up the
19 detail of the barefoot-print.

20 Q. Okay. The next one?

21 A. This is a, this is a -- there again, a night shot of
22 the shoe track with what appeared to be a tennis shoe that
23 is parallel to the barefoot tracks on the same dirt road.

24 Q. Okay. And next -- that's it. Okay. You can have a
25 seat again.

DAVID BLEVINS - DIRECT

1 A. (Complying.)

2 Q. Do you have a record of the Defendant's date of birth?

3 A. His date of birth is [REDACTED] of 1967.

4 Q. And so that would make him what age?

5 A. Thirty-nine.

6 Q. August 5th, 2006?

7 A. That would be 39.

8 Q. Okay. What time was law enforcement called?

9 A. Law enforcement was dispatched at 10:38 that evening.

10 We were dispatched and the first arriving officer on the
11 scene was at 10:48 which is approximately 10 minutes.

12 Q. And that was that same day, August 5th, 2006?

13 A. That's correct.

14 Q. Okay. When -- after you canvassed the scene, did you
15 have any other involvement in this case?

16 A. Other than the photographing and canvassing, no,
17 ma'am.

18 Q. Were you in the chain of custody on any evidence?

19 A. That -- yes, I was.

20 Q. And what was that?

21 A. Once Mr. Hall was identified and taken into custody
22 via the arrest warrant, I secured a search warrant for his
23 person where I took him to a certified medical facility
24 and had blood and pubic hairs withdrawn from his body to
25 be analyzed against the evidence we had collected.

DAVID BLEVINS - DIRECT

1 Q. And did you witness the blood being drawn?

2 A. That is correct.

3 Q. And who drew the blood; do you recall?

4 A. I have to refresh my memory. It would be Vickie
5 Kaney.

6 Q. Okay. Where did she work?

7 A. That would be the Family Med Center on, I believe it's
8 Edgefield Avenue in Barnwell -- or, I mean, in Aiken
9 City. I'm sorry.

10 Q. Okay. Did you -- what did you do with the evidence
11 when you received it?

12 A. Myself and Investigator Sievers was actually in the
13 same room with Bruce Hall when the blood was being drawn.
14 Once she had drawn the ampules of blood, Investigator
15 Sievers stayed with the nurse as she packaged up, where I
16 escorted Mr. Hall to another private room where I could do
17 the extraction of the hairs. And she actually secured the
18 blood from the nurse.

19 Q. She, who?

20 A. Investigator Sievers. I'm sorry.

21 Q. Okay. And then after that who took the evidence --

22 A. She --

23 Q. -- from Sievers?

24 A. She maintained the evidence. I done the extraction of
25 the pubic hairs and placed them into an envelope. I

DAVID BLEVINS - CROSS

1 handed them to her so I could finish cleaning up and
2 secure the proper utensils. And once she had everything
3 secured and packaged she re-signed them back over to me.

4 Q. So that's when you became on the chain --

5 A. That is correct.

6 Q. -- of custody of the evidence? Okay. When you
7 received them, were they in a sealed package?

8 A. Right. In fact, I observed her seal them up while I
9 was cleaning.

10 Q. And did you tamper with them in any way?

11 A. No, ma'am.

12 Q. And what did you do with them?

13 A. I took them straight to the evidence room at the Aiken
14 County Sheriff's Office and had them signed into evidence.

15 MS. BRISBIN: I don't have any further questions.

16 Please answer anything Mr. Williams has.

17 THE COURT: Cross-examination, Mr. Williams.

18 MR. WILLIAMS: Thank you, Your Honor.

19 CROSS-EXAMINATION

20 BY MR. WILLIAMS:

21 Q. Investigator, it's Blevins with an S?

22 A. Yes, sir.

23 Q. Investigator Blevins, were you called to the scene on
24 that night of August the 5th, 2006?

25 A. That's correct.

DAVID BLEVINS - CROSS

1 Q. How many people were called to the scene that night?

2 A. To my knowledge on the scene was the responding
3 officer, Deputy Shepard, his supervisor which would have
4 been Lieutenant Padgett. And there again, I was advised
5 that the victim was already transported by EMS. They were
6 not there when I got there. I don't know how many of them
7 there was.

8 Q. Okay.

9 A. And then the bloodhound tracking team.

10 Q. How many people consist of the bloodhound tracking
11 team?

12 A. On that particular night there was one, two -- there
13 would be two deputies, or two trackers and a dog.

14 Q. All right. And then you?

15 A. And then of course me; yes, sir.

16 Q. And as we have seen through the map, you did not find
17 anything, neither you nor the trackers nor the dog found
18 anything between the two houses; is that correct?

19 A. That's correct.

20 Q. And since you're the, I guess, the investigator in
21 charge of the whole file, at no point in time did you ever
22 locate anything in the woods; did you?

23 A. No, I did not.

24 Q. You never located any beer containers?

25 A. Well, we did find some Budweiser beer in the woods

DAVID BLEVINS - CROSS

1 but --

2 Q. You couldn't say it came from --

3 A. I could not say it came from him or not, no.

4 Q. Did you do any fingerprint analysis on the Budweiser
5 beer containers in the woods?

6 A. No, I didn't even collect them. They were wet.

7 Q. Old?

8 A. I couldn't tell you. It was dark out. We found them
9 but couldn't find anything else to support where the beer
10 came from.

11 Q. And where did you find those?

12 A. They were -- if you remember the map on the very
13 right-hand side next to [REDACTED], there was
14 an empty double-wide with a big cleared lot front and
15 rear. We found them at the edge of the wood line right
16 there.

17 Q. So they were close to this other trailer?

18 A. Correct.

19 Q. But you didn't fingerprint those and you don't know
20 how old they were?

21 A. No.

22 Q. And you didn't find any area that appeared to be
23 evidence of a scuffle or struggle or anything like that?

24 A. No, I did not.

25 Q. And the pictures which you have shown are not from any

DAVID BLEVINS - CROSS

1 area other than on the road; is that correct?

2 A. That's correct. The footprints?

3 Q. Correct.

4 A. Right. Yeah.

5 Q. And those -- the road actually shows tire prints on it
6 also; doesn't it?

7 A. Correct.

8 Q. Now when you found -- you used the word footprints.

9 Your picture was an indication of the left foot of one
10 individual. And again, the left foot of another
11 individual; wasn't it?

12 A. The shoe track, to be honest with you, I couldn't tell
13 you if it was left foot or not. Of course, the barefoot
14 one was pretty easy to figure out.

15 Q. And that was a left foot?

16 A. Yes.

17 Q. And did you measure the left footprint of the print
18 which is left in dirt?

19 A. There's a scale to it in, I think it's centimeters. I
20 believe it is.

21 Q. Do you know how long the footprint was?

22 A. I'd have to refer back to the photograph.

23 Q. (Hands photograph to witness.)

24 A. Looks, appears to be about roughly 15 to 16
25 centimeters.

DAVID BLEVINS - CROSS

1 Q. All right. And did you measure the foot of the
2 alleged victim?

3 A. I did not, no.

4 Q. Do you know if anybody did?

5 A. Yes, they did.

6 Q. And do you -- well, we'll ask that person. Is that
7 person going to testify as to how long her feet were?

8 A. I believe so, yes.

9 Q. Now, could you tell the weight of the individual who
10 was walking down the dirt road?

11 A. Like I testified earlier, the print -- the fine
12 powdery dust on that road was so fine. It was very
13 difficult to make -- probably -- I could not answer that
14 question accurately, no.

15 Q. Well, back on State's Exhibit Number Three which
16 includes the ruler that you just had --

17 A. Right.

18 Q. -- that you made your determination. How long is the
19 ruler?

20 A. I believe that's a 10 centimeter. Let me double-check
21 it. Yes, 10-centimeter ruler. The rulers are used for
22 reference to give a depiction of size.

23 Q. Will you step down here, please?

24 A. Sure.

25 Q. And will you show the jury the 10-centimeter ruler

DAVID BLEVINS - CROSS

1 that we were just referencing?

2 A. That's this white graph right here. And then we have
3 the little chart down here. It's not very ...

4 Q. And will you reference the beginning of the footprint
5 and the end of the footprint that you determined?

6 A. The footprint, like I say, this photo is very hard to
7 see. It's a flash shot. You can depict the toes coming
8 across this way here and then what appears to be the heel
9 right here.

10 Q. All right. And it would be, that would be your
11 interpretation that the footprint -- you can have your
12 seat -- would be 15 centimeters or 16 centimeters?

13 A. Correct. Just based off the scale.

14 Q. Okay. And that's from looking at the photograph that
15 was taken at an angle; right?

16 A. No. It was taken straight down.

17 Q. It was taken straight down?

18 A. Yes.

19 Q. And how far away was it taken?

20 A. Well let's see, I'm roughly six foot, holding the
21 camera like such (demonstrating) and snapping straight
22 down on top of it.

23 Q. Could it possibly be a little bigger than that? 15 to
24 16 centimeters?

25 A. Possible, I suppose.

DAVID BLEVINS - CROSS

1 Q. All right. Now, aside from the footprint which you
2 found and you only found one footprint in the dirt road?

3 A. Like I said, the footprints were all the way up. We
4 could follow them all the way up the dirt road.

5 Q. Did you take any more photographs of the footprints?

6 A. I took the best ones I could get the camera to pick up
7 at that time of the night.

8 Q. Do you have any other photos showing any other
9 footprints?

10 A. No.

11 Q. So you only took one picture of the footprint?

12 A. I took those photos that we have here and that's all.

13 Like I said, I picked out the best one that the camera
14 would define in the dirt.

15 Q. And that picture of the footprint which you took is
16 the one which is located on the far end next to the woods;
17 is that correct?

18 A. It's located between where we found the tracks coming
19 out of the woods and her house.

20 Q. How far?

21 A. Some -- I'd say about halfway down.

22 Q. So, out of that long dirt road you took a picture of
23 one footprint?

24 A. It was two-tenths of a mile where we found one foot
25 track to her driveway.

DAVID BLEVINS - CROSS

1 Q. Now there appear to be two long dragged marks on the
2 dirt road?

3 A. On either side of the footprint?

4 Q. Yes.

5 A. That's where we marked it. We took and made scratch
6 marks on either side of the footprints so we could make
7 sure that nobody ran over it or walked over top of it so
8 we could photograph it.

9 Q. So you drew lines in the dirt road also?

10 A. Correct. Just -- that's just to mark the footprint to
11 say, hey, there's a footprint here, don't ...

12 Q. Y'all don't have little flags that you stick in to
13 indicate, like, evidence or anything like that?

14 A. I'm sure our evidence forensics people do, yes.

15 Q. Did they come to the scene?

16 A. No, they did not.

17 Q. So there was nobody from forensics there?

18 A. No.

19 Q. Now, the -- I think you described it as tennis shoes,
20 referring to the picture that you took showing -- and that
21 was on the dirt road also; correct?

22 A. Correct.

23 Q. Did you measure how long the tennis shoe was?

24 A. I just, only what you see in the picture because from
25 what I -- from -- the shoes were never recovered.

DAVID BLEVINS - CROSS

1 Q. And that would be what is marked as State's Exhibit
2 Number Five?

3 A. Correct.

4 Q. So, what would be your interpretation as to how long
5 that footprint is?

6 A. Based off the scale and what there was available
7 there, what we could make out as far as shoe print is
8 concerned, probably anywhere from 20 to maybe 21
9 centimeters.

10 Q. And, again, you didn't make any cast of either one of
11 these?

12 A. No, sir.

13 Q. You did not compare the picture of the, I guess, the
14 tennis shoe to any other shoes?

15 A. No other shoe was recovered from Mr. Hall at the time
16 of his arrest.

17 Q. Well, did you go to his home?

18 A. No, I did not.

19 Q. Was Mr. Hall -- I assume he was not arrested at his
20 home; is that right?

21 A. That's correct.

22 Q. Well, did you get a search warrant to go to his home
23 to check his shoes?

24 A. No, I did not.

25 Q. Well, if you wanted to match up Mr. Hall's shoes to

CHAD HYLER - DIRECT

1 the footprint which you found, the one in the dirt road,
2 wouldn't that be the proper method to go through?

3 A. Yes, sir.

4 Q. But y'all didn't do that?

5 A. No.

6 Q. Now you had no discussion with the victim, the alleged
7 victim on that particular night; right?

8 A. No, I did not. She was already, like I said, taken
9 from the scene by the time I got there.

10 MR. WILLIAMS: That's all I have, Your Honor.

11 THE COURT: Redirect?

12 MS. BRISBIN: Nothing further, Your Honor,

13 THE COURT: Thank you, sir. You can step down. All
14 right. How long is your next witness?

15 MS. BRISBIN: I expect the next witness to be very
16 brief.

17 THE COURT: Okay. All right. Go ahead.

18 MS. BRISBIN: State calls Chad Hyler.

19 CHAD HYLER, having been duly sworn, was examined and
20 testified as follows:

21 THE CLERK: Please have a seat in the witness box.
22 State your full name for the Court and spell your last.

23 THE WITNESS: Deputy Chad Hyler, Aiken Sheriff's
24 Office. Last name Hyler, H-Y-L-E-R.
25

CHAD HYLER - DIRECT

DIRECT EXAMINATION

BY MS. BRISBIN:

Q. What's your job at the sheriff's office?

A. Assigned to special operations, assist with the bloodhound tracking team, SWAT.

Q. How long have you worked there?

A. Five years.

Q. How were you involved in this case?

A. We were called out that evening of the incident.

Q. What was the date that you were called out? You can refer to your report if you need to refresh your memory.

A. 8-5 of '06.

Q. And do you know what time you were called out?

A. Approximately 10:30 in the evening.

Q. Okay. And what did you do?

A. We gathered information from the units that were on scene, saying the suspect and victim had last been seen at that incident location where we arrived.

Q. What was that incident location?

A. I couldn't tell you.

Q. Okay. The location you had -- if you need to refer to your report for the location. At the top.

MR. WILLIAMS: Objection to leading. At the top is leading, Your Honor.

THE COURT: All right. Sustained.

CHAD HYLER - DIRECT

1 MS. BRISBIN: Your Honor, I ask to put it into
2 evidence if necessary.

3 THE COURT: I sustain the objection.

4 MR. WILLIAMS: Thank you, Your Honor.

5 BY MS. BRISBIN:

6 Q. You can refresh your memory by referring to your
7 report.

8 A. Location we have is [REDACTED].

9 Q. Thank you. And what did you do then?

10 A. We used our bloodhound by the name of Brook which was
11 about a ten-year-old dog that we have. Struck her on the
12 trail behind the house. I guess, a manmade path, people
13 walk. She struck the trail. We went through some nearby
14 woods between, between the residence where we came out to
15 an empty field behind an abandoned trailer where we found
16 the, two sets of prints. One looked like, you know, a
17 smaller individual along with an adult walking side by
18 side. We located a bag of alcohol, beer cans in a bag
19 behind that trailer.

20 We searched the immediate area further. We found
21 where they had entered the woods sometime that evening,
22 whether it was coming or going from the original incident
23 which led back to [REDACTED] on the dirt road where we
24 observed the tracks coming out and leading back up to the
25 incident location at [REDACTED].

CHAD HYLER - CROSS

1 Q. Thank you. And did you ever find the -- any suspect
2 that night?

3 A. No.

4 MS. BRISBIN: Thank you.

5 THE COURT: Cross-examination.

6 MR. WILLIAMS: Thank you, Your Honor.

7 CROSS-EXAMINATION

8 BY MR. WILLIAMS:

9 Q. Is it deputy? Officer?

10 A. Deputy.

11 Q. Deputy, you referenced a bag of beer containers. What
12 kind of bag was it?

13 A. Plastic grocery bag.

14 Q. And how many beer containers were in it?

15 A. I couldn't tell you. Over six.

16 Q. Okay. And did you secure those beer containers?

17 A. No, I did not personally.

18 Q. Did anyone secure those beer containers?

19 A. Related to investigations, I could not tell you
20 whether they did or did not.

21 Q. So you told someone you found six beer cans in a
22 plastic bag?

23 A. Right.

24 Q. And these footprints that you found were next to this
25 plastic bag with the six beer containers; is that right?

1 A. Right. That is correct.

2 Q. If you would, would you describe these footprints
3 which were next to the six beer containers in this plastic
4 bag?

5 A. Adult footprint and a child's shoe impression, shoe
6 track.

7 MR. WILLIAMS: That's all I have, Your Honor.

8 THE COURT: Redirect?

9 REDIRECT EXAMINATION

10 BY MS. BRISBIN:

11 Q. Do you -- were you present when the photos were taken
12 of the footprints?

13 A. No, I was not.

14 Q. Okay. And so -- I don't have anything further.

15 THE COURT: Recross?

16 MR. WILLIAMS: No, Your Honor.

17 THE COURT: All right. Thank you, Mr. Hyler. You can
18 step down.

19 Okay. We're going to take the lunch recess at this
20 point. Just be back at 1:45 in your jury room. Don't
21 discuss the case. Continue to keep an open mind and don't
22 do any kind of outside investigation. Thank you very
23 much.

24 (Jury exits courtroom at 12:24 p.m.)

25 THE COURT: Okay. We'll be in recess until quarter

COLEY WILSON - DIRECT

1 till two. Thank you.

2 (Lunch break taken at 12:25 p.m. After lunch at
3 1:50 p.m., the trial continued:)

4 THE COURT: Anything for the record before we bring
5 the jury back in?

6 MR. WILLIAMS: Nothing from the Defendant.

7 MS. BRISBIN: I just need to tell my witnesses to wait
8 outside.

9 THE COURT: Okay, sure. (Pause.)

10 Yes, ma'am. Go ahead and bring the jury in.

11 (Jury enters the courtroom at 1:49 p.m.)

12 THE BAILIFF: Jury present, Your Honor.

13 THE COURT: All right. Thank you. Just take your
14 notes -- if you're taking notes and you have a notebook,
15 just take them with you back to your jury room when you
16 leave the courtroom, if you would, please. All right.

17 Call your next witness.

18 MS. BRISBIN: The State calls Coley Wilson.

19 COLEY WILSON, having been duly sworn, was examined and
20 testified as follows:

21 THE CLERK: Please have a seat in the witness box.
22 State your full name for the Court and spell your last.

23 THE WITNESS: Okay. Coley Wilson, Aiken County
24 Sheriff's Office. Last name Wilson, W-I-L-S-O-N.

25

COLEY WILSON - DIRECT

DIRECT EXAMINATION

BY MS. BRISBIN:

Q. Where are you employed?

A. Aiken County Sheriff's Office, special operations division.

Q. How long have you worked there?

A. Ten years.

Q. What specifically do you do as part of the special divisions?

A. SWAT team and bloodhound tracking team.

Q. And how did you get involved in this case?

A. Happened to be the one on call for that particular day on August the 7th.

Q. For what purpose?

A. For -- my captain had called up and said, Captain Wasaw and said that they --

Q. You can't say what he said.

A. Oh, I'm sorry. We were told that we had a --

MR. WILLIAMS: Objection to hearsay, Your Honor.

THE COURT: Okay.

MS. BRISBIN: Just you got call to --

THE WITNESS: To respond with the bloodhound.

THE COURT: I think that's acceptable. Overruled.

MS. BRISBIN: Thank you.

Q. And that was what date?

COLEY WILSON - DIRECT

1 A. On August 7th.

2 Q. What year?

3 A. 2006 at approximately --

4 Q. And --

5 A. I'm sorry.

6 Q. Do you know what time?

7 A. We got the call at 12 p.m.

8 Q. Meaning afternoon, noon or?

9 A. At lunchtime; yes, ma'am. Noon.

10 Q. What did you do?

11 A. We went to Highway 178 which is in Lexington County.

12 where we were told that it was information that --

13 MR. WILLIAMS: Objection to hearsay again, Your Honor.

14 THE WITNESS: Okay.

15 BY MS. BRISBIN:

16 Q. You can't say what you were told. But, how did you
17 decide to go to Highway 178?

18 A. I got information that the subject had been standing
19 in the woods.

20 MR. WILLIAMS: Same objection, Your Honor.

21 THE COURT: I'm going to overrule the objection. I
22 think there's a destination exception. Okay. Go ahead.

23 MS. BRISBIN: Thank you, Your Honor.

24 Q. And so you went to Highway 178?

25 A. Yes, ma'am.

COLEY WILSON - CROSS

1 Q. And what did you do?

2 A. We observed barefoot tracks which I was aware at that
3 time that the subject was supposed to be barefooted. And
4 tracked, followed the barefoot tracks up a little dirt
5 drive. It was an abandoned mobile home. We started
6 checking. We was going to go inside. Never got to it.
7 When we got to the rear of it we observed a white male
8 subject on his hands and knees crawling off into the
9 woods. We advised him to stop. He kept crawling. We run
10 in and handcuffed him.

11 Q. Okay.

12 A. Walked him back out to Highway 178 which is where our
13 vehicle was as well as the Lexington County Deputies and
14 some of our investigators.

15 Q. Okay. And did you identify the subject at that time?

16 A. Yes, ma'am. We did identify him as soon as we put
17 handcuffs on him and got him still. Identified him by him
18 telling us what his name was, Bruce Hall.

19 Q. And that was the Defendant in this case?

20 A. Yes, ma'am.

21 MS. BRISBIN: Okay. Thank you.

22 CROSS-EXAMINATION

23 BY MR. WILLIAMS:

24 Q. Deputy, as I understand it, your basic involvement
25 with this case is that you were the arresting officer on

COLEY WILSON - CROSS

1 my client, the Defendant; is that correct?

2 A. I took him into custody.

3 Q. Oh, okay. And which is about the same.

4 A. And then I turned him over to our investigators
5 once I walked him out of the woods.

6 Q. So you didn't arrest him, somebody else arrested him?

7 A. Yes, sir.

8 Q. What do you call what you did?

9 A. I took him into custody.

10 Q. But you did not arrest him?

11 A. No, sir. All we can do is take him into custody
12 because our vehicles obviously carry the dogs. We have
13 nowhere to transport.

14 Q. All right. So, on August the 7th of 2006, you
15 arrested or took my client into custody?

16 A. Yes, sir.

17 Q. In Lexington County off 178?

18 A. Yes, sir.

19 Q. Now that's certainly not in Aiken County; is it?

20 A. No, sir.

21 Q. And it's certainly not near [REDACTED]; is it?

22 A. No, sir. I don't know exactly how far it is.

23 Q. And when you arrested my client, he was living in a,
24 in an old abandoned mobile home?

25 A. I have no idea where he was living.

COLEY WILSON - CROSS

1 Q. Well, let me ask you this: Did you find tennis shoes
2 on my client?

3 A. No, sir. He was barefooted.

4 Q. Did you compare my client's foot to any tracks or
5 anything?

6 A. No, sir.

7 Q. Did you find any -- basically you just took into
8 custody my client in Lexington County and he didn't have
9 shoes on?

10 A. Yes, sir.

11 MR. WILLIAMS: Okay. That's all I have, Your Honor.

12 THE COURT: Any redirect?

13 MS. BRISBIN: No, Your Honor.

14 THE COURT: Thank you, sir. You may step down,
15 Mr. Wilson. Okay. Yes, ma'am. You can call your next
16 witness.

17 MS. BRISBIN: State calls Vickie Kaney.

18 THE CLERK: Please come forward, ma'am. Place your
19 left hand on the Bible and raise your right.

20 VICKIE KANEY, having been duly sworn, was examined and
21 testified as follows:

22 THE CLERK: Please have a seat in the witness box.
23 State your full name for the Court and spell your last.

24 THE WITNESS: Vickie Kaney. K-A-N-E-Y.
25

VICKIE KANEY - DIRECT

DIRECT EXAMINATION

1
2 BY MS. BRISBIN:

3 Q. Where do you work, Ms. Kaney?

4 A. At the Family Med Center here in Aiken.

5 Q. And did you have occasion to have involvement in this
6 case?

7 A. Yes, ma'am.

8 Q. And what did you do?

9 A. I drew some blood samples.

10 Q. And what did you do with those blood samples?

11 A. Placed them in a zip-lock baggie, a biohazard baggie
12 and handed them off to Kim Sievers.

13 Q. Do you know who Kim Sievers worked for?

14 A. The Aiken County Sheriff's Department.

15 Q. Do you have the date that you did that in your record?

16 A. August 16th, 2006.

17 Q. Okay. And where did you obtain the blood samples?

18 A. The sheriff's department brought in, our records is
19 Bruce Hall that I drew.

20 Q. You actually drew the blood yourself?

21 A. I did.

22 Q. Okay. And did you tamper with it in any way?

23 A. No, ma'am.

24 Q. Okay. Thank you. Please answer any questions

25 Mr. Williams has.

KIMBERLY SIEVERS - DIRECT

1 THE COURT: Cross-examination.

2 MR. WILLIAMS: That's all. I don't have any
3 questions, Your Honor.

4 THE COURT: All right. Thank you.

5 THE WITNESS: Thank you.

6 THE COURT: All right. You may call your next
7 witness.

8 MS. BRISBIN: State calls Kimberly Sievers.

9 KIMBERLY SIEVERS, having been duly sworn, was examined
10 and testified as follows:

11 THE CLERK: Please have a seat in the witness box.
12 State your full name for the Court and spell your last.

13 THE WITNESS: Investigator Kim Sievers, S-I-E-V-E-R-S.

14 DIRECT EXAMINATION

15 BY MS. BRISBIN:

16 Q. Where are you employed?

17 A. With the Aiken County Sheriff's Office.

18 Q. And how long have you worked there?

19 A. A little over nine years.

20 Q. What's your position there?

21 A. I'm a juvenile investigator.

22 Q. And how were you involved in this case?

23 A. I was called out by Investigator Blevins in reference
24 to a sexual assault. And I responded to the Aiken

25 Regional Medical Center ER to interview a Minor

KIMBERLY SIEVERS - DIRECT

1 Q. And did you interview Minor

2 A. Yes, I did.

3 Q. Was it videotaped?

4 A. No, it was not.

5 Q. Why is that?

6 A. We responded -- this was in the middle of the night.

7 We responded in the middle of the night and interviewed

8 her at the ER where we didn't have that capability.

9 Q. And what type of interview did you do?

10 A. I did a forensic interview.

11 Q. And is there a certain protocol that you follow in

12 doing this?

13 A. Yes. It's a RATAC protocol.

14 Q. Okay. What does that mean?

15 A. It's just a procedure that's taught when you're

16 interviewing a child. You just -- each letter, RATAC,

17 stands for a different procedure you use such as rapport

18 building, then the anatomy identification, touch, inquiry,

19 then you discuss the conclusion, you discuss the

20 disclosure and then you close the interview.

21 Q. And did Ms. Minor disclose to you --

22 A. Yes.

23 Q. -- that she had been sexually assaulted?

24 A. Yes, she did.

25 Q. Did she say when this had happened?

KIMBERLY SIEVERS - DIRECT

1 A. Yes. She stated that -- I responded on the 5th and
2 she stated --

3 Q. Fifth of what month? Year?

4 A. August of '06.

5 Q. Okay.

6 A. And she stated that it had happened that evening.

7 Q. Okay. And do you know what time you were interviewing
8 her?

9 A. I believe it was around one o'clock in the morning.

10 Q. Morning?

11 A. In the morning.

12 Q. Okay. And where at the hospital did that happen?

13 A. The interview took place in the room where she was at,
14 in the emergency room.

15 Q. Okay.

16 A. I don't remember the exact room number.

17 Q. Okay. And did she tell you when the sexual assault
18 had occurred?

19 A. It had taken place just prior that evening when she
20 was on her way back home.

21 Q. Okay. And did she say where it happened?

22 A. Yes. She stated it happened in the woods on, from her
23 home it happened in the woods between five -- I'm sorry.

24 [REDACTED] and [REDACTED]. There

25 was a path in the woods that they used to go from one home

KIMBERLY SIEVERS - DIRECT

1 to the other. And it happened -- they were on the path,
2 and they veered off the path quite ways into the woods and
3 that's where it happened.

4 Q. Okay. And is that location in Aiken County?

5 A. Yes, it is.

6 Q. Okay. What was Ms. Minor 's demeanor when you were
7 interviewing her?

8 A. She was very soft-spoken. She was very easy to
9 approach. She was easy to engage. She, you know, told me
10 what happened without hesitation. She was just very
11 soft-spoken.

12 Q. Okay. Did you have the opportunity to take any
13 photos?

14 A. Yes, I did.

15 Q. I'm showing you what's been marked State's Exhibit Six
16 for identification. Do you recognize this?

17 A. Yes. That's the picture I took of Minor at the
18 time of the interview.

19 Q. And where was the picture taken?

20 A. In the emergency room.

21 Q. Okay. And is this an accurate depiction of what you
22 saw?

23 A. Yes, it is.

24 Q. Okay.

25 Ask that State's Exhibit Number Six be admitted into

KIMBERLY SIEVERS - DIRECT

1 evidence.

2 MR. WILLIAMS: Without objection, Your Honor.

3 THE COURT: It's in evidence.

4 (State's Exhibit No. 6, photograph, was received into
5 evidence.)

6 BY MS. BRISBIN:

7 Q. And showing you what's been marked State's Exhibit
8 Seven for identification. Do you recognize this?

9 A. Yes, I do.

10 Q. And what is that?

11 A. It's the picture I took of Minor foot in the
12 emergency room.

13 Q. Okay.

14 A. Showing the, how dirty her foot was.

15 Q. Okay. And is this an accurate depiction of what you
16 saw?

17 A. Yes, it is.

18 MS. BRISBIN: I ask that State's Exhibit Seven be
19 admitted into evidence.

20 MR. WILLIAMS: Without objection, Your Honor.

21 THE COURT: It's in evidence.

22 (State's Exhibit No. 7, photograph, received into
23 evidence.)

24 BY MS. BRISBIN:

25 Q. And State's Exhibit Number Eight, do you recognize

KIMBERLY SIEVERS - DIRECT

1 this?

2 A. Yes.

3 Q. And what is that?

4 A. It's a picture that I took of Minor hair
5 right near her hair bow. And it's debris, like leaf-type
6 debris that was in her hair.

7 Q. Is that an accurate depiction of what you saw?

8 A. Yes, it is.

9 MS. BRISBIN: Ask that State's Exhibit Eight be
10 admitted.

11 MR. WILLIAMS: Without objection, Your Honor.

12 THE COURT: It's in evidence.

13 (State's Exhibit No. 8, photograph, received into
14 evidence.)

15 BY MS. BRISBIN:

16 Q. And State's Exhibit Nine, do you recognize this?

17 A. Yes.

18 Q. What is that?

19 A. That is Minor hair with debris in it, like
20 leaf-type debris.

21 Q. And did you also take that photo?

22 A. Yes, I did.

23 Q. And is that an accurate depiction of what you saw?

24 A. Yes, it is.

25 MS. BRISBIN: State's Exhibit Nine, ask that it be

KIMBERLY SIEVERS - DIRECT

1 admitted into evidence, Your Honor.

2 MR. WILLIAMS: Without objection, Your Honor.

3 THE COURT: It's in evidence.

4 (State's Exhibit No. 9, photograph, received into
5 evidence.)

6 BY MS. BRISBIN:

7 Q. State's Exhibit Number 10, do you recognize this?

8 A. Yes.

9 Q. What is that?

10 A. That's a picture of some scratches on Minor
11 near her ankle.

12 Q. And did you take that photo?

13 A. Yes, I did.

14 Q. And where was that taken?

15 A. That was taken at the hospital, at the ER. The same
16 time the others were taken.

17 Q. Is that an accurate depiction of what you saw?

18 A. Yes, it is.

19 MS. BRISBIN: Ask that State's Exhibit Number 10 be
20 admitted into evidence, Your Honor.

21 MR. WILLIAMS: Without objection, Your Honor.

22 THE COURT: It's in evidence.

23 (State's Exhibit No. 10, photograph, received into
24 evidence.)

25 MS. BRISBIN: Ask to publish State's Six through 10.

KIMBERLY SIEVERS - DIRECT

1 THE COURT: Yes, ma'am.

2 BY MS. BRISBIN:

3 Q. And if you would step down and just briefly identify
4 these.

5 A. (Complies.)

6 Q. Is -- that ruler, what's the purpose of using the
7 ruler in the photo?

8 A. Just to kind of show the size of anything that we
9 photograph.

10 Q. So, is it an accurate measurement?

11 A. Yes, it is.

12 Q. Did you actually measure how many centimeters or
13 inches, or was it just placed there for reference?

14 A. Right. We just place that there for reference.

15 Q. Okay. And what was significant about the foot that
16 you noticed?

17 A. She was in the woods barefoot. So, being out -- we
18 took the picture just to show that she was barefoot and
19 that she had, you know, some marks on her foot that would
20 be consistent with her being in the woods barefoot.

21 Q. Did her foot appear to be clean or dirty?

22 A. It was dirty.

23 Q. Next photo. And what is this?

24 A. That's the picture that I took of Minor when I
25 first got to the ER, right prior to the interview.

KIMBERLY SIEVERS - DIRECT

1 Q. And did you actually interview her from her hospital
2 bed?

3 A. Yes, I did.

4 Q. And the next photo, what's that?

5 A. This is the picture that I took of the scratches on
6 her leg that I took, that was on her ankle.

7 Q. Next photo?

8 A. This is a photograph that I took of her hair. There
9 was debris in her hair, leafy-type debris that was in her
10 hair.

11 Q. Next photo?

12 A. This is the same. I just -- it was debris in her hair
13 and I just --

14 Q. What's that red thing?

15 A. That's her hair tie.

16 Q. Okay.

17 A. The thing that you pull your hair back with.

18 Q. Okay. Next photo?

19 UNIDENTIFIED SPEAKER: That's it.

20 MS. BRISBIN: That's it? Okay. Thank you.

21 THE WITNESS: (Returns to witness box.)

22 BY MS. BRISBIN:

23 Q. Did you -- when you were at the hospital, did you take
24 custody of any evidence?

25 A. When I was at the ER that night, no, I did not, other

KIMBERLY SIEVERS - DIRECT

1 than the photographs.

2 Q. Okay. And did you at some time later take custody of
3 some evidence?

4 A. Yes, I did.

5 Q. And what was that?

6 A. I took the blood that was drawn from Mr. Bruce Hall at
7 the Family Med Center as well as the pubic hairs that were
8 pulled from Mr. Bruce Hall in a Manila envelope.

9 Q. And who did you take the blood from?

10 A. From the nurse.

11 Q. And do you have her name in your records?

12 A. No, I don't.

13 Q. Okay. If you -- do you have your report with you?

14 A. I have the incident report as well as my supplemental
15 report.

16 Q. And do you have the evidence property receipt?

17 A. No, I don't have that.

18 Q. Do you recognize --

19 A. Yes, that's the form that I filled out.

20 Q. Is your signature on it?

21 A. Yes, it is.

22 Q. And is the nurse's name listed there?

23 A. Yes, it is. Vickie S. Rainy.

24 Q. Is it -- can you -- are you having difficulties with
25 reading it?

KIMBERLY SIEVERS - CROSS

1 MR. WILLIAMS: Objection, Your Honor. She's leading
2 again.

3 THE COURT: Sustained.

4 BY MS. BRISBIN:

5 Q. Okay. Vickie. It looks like Vickie S. Rainy?

6 A. It looks like an R. It could be Kaney.

7 Q. Okay.

8 A. It's hard to tell on the form.

9 Q. Okay.

10 A. But it may be Kaney, Kinney.

11 Q. Is that who you obtained the blood from?

12 A. Yes, it is.

13 Q. And did you sign as having obtained the blood from
14 her?

15 A. Yes, I did.

16 Q. And did you tamper with it in any way?

17 A. No, ma'am.

18 Q. And what did you do with it?

19 A. I secured everything and turned it over to
20 Investigator David Blevins.

21 MS. BRISBIN: Please answer any questions Mr. Williams
22 has.

23 THE COURT: Cross-examination.

24 MR. WILLIAMS: Thank you, Your Honor.

25

KIMBERLY SIEVERS - CROSS

CROSS-EXAMINATION

BY MR. WILLIAMS:

Q. Ma'am, as I understand it you don't know the name of the person that you received the blood from?

A. No. I'm stating that I cannot read her writing that's written right here.

Q. Well, even without reading her writing, do you know what the name of the person was that you received the blood from?

A. At the time, yes, I did.

Q. And what was that name?

A. It looks like Kaney, Vickie S. Kaney who was the nurse at the Family Med Center at the time.

Q. That's what it looks like on your paper?

A. Yes, it is.

Q. Do you not know her name independently other than what you see?

A. Not from two years ago.

Q. Can you describe what she looks like?

A. No, not from two years ago.

Q. I'm talking about today. Can you describe her today what she looked like?

A. No, sir. It's been two years.

Q. As I understand it, you're looking at, from some evidence sheet which has either Rainy maybe or Kaney, or

KIMBERLY SIEVERS - CROSS

1 what was the other name you used?

2 A. I'm looking at the evidence form that I personally
3 filled out. I had this nurse sign and I signed underneath
4 of her.

5 Q. Okay.

6 A. Uh-huh.

7 Q. And those three names were Kinney, Kaney or Rainy; is
8 that correct?

9 A. That's what it looks like on the paper. I can't tell.

10 Q. Now, ma'am, as I understand it you arrived on the
11 scene of the hospital; is that right?

12 A. Correct.

13 Q. You were not there at the location where the alleged
14 victim lived or where her parents lived or anything like
15 that; right?

16 A. No, I was not.

17 Q. And as I understand what you've testified to is that
18 you did a RATAC forensic interview with her?

19 A. Yes, I did.

20 Q. And that simply is an acronym for you to remember
21 everything that needs to be included as you conduct the
22 interview; is that right?

23 A. It's a semi-structured protocol, yes.

24 Q. Meaning it's something to make sure that you don't
25 forget anything when you go through the interview;

KIMBERLY SIEVERS - CROSS

1 correct?

2 A. Somewhat. If there's certain steps that are left out
3 then you know. It's semi-structured.

4 Q. Now where did you learn how to do that?

5 A. In Columbia at the Finding Words.

6 Q. At?

7 A. At the Finding Words class in Columbia, South
8 Carolina.

9 Q. All right. And did you receive any special degree as
10 a result of taking that?

11 A. I was certified from the ARC.

12 Q. Certified in what?

13 A. Forensic interview.

14 Q. All right. And by that, you were able to get the
15 alleged victim's story about how this went down; weren't
16 you?

17 A. Yes.

18 Q. Now, when did she indicate that any type of weapon was
19 used?

20 A. During the interview she stated that Mr. Bruce Hall
21 pulled a knife on her.

22 Q. When, when during the alleged attack did this
23 supposedly happen?

24 A. She stated that -- Minor stated after the stuff came
25 out of Bruce, Bruce told her he was finished. Minor

KIMBERLY SIEVERS - CROSS

1 stated that Bruce held a black and silver pocketknife up
2 to her neck and told her he would slice her throat if she
3 told anyone.

4 Q. So back on August the, what date? 6th? 5th? 4th?

5 A. I responded on the 4th.

6 Q. On August the 4th when you talked to her, the
7 indication was that the knife was produced after the
8 assault; is that correct?

9 A. She told me that at the end of the interview. It was
10 my understanding of that that he had had it all along but
11 once we were finishing up the interview she then told me
12 that.

13 Q. Well, what do your notes indicate as to when the knife
14 was produced? And you just read the words.

15 A. Exactly.

16 Q. After he had finished?

17 A. Right.

18 Q. Meaning after he had concluded with having sex; right?

19 A. Right.

20 Q. So the knife was produced after he had had sex;
21 correct?

22 A. Those were her words in the interview that night.

23 Q. All right. Now, in regards to what she said, did she
24 say that she only had sex with him one time?

25 A. She didn't specifically state she had sex with him one

KIMBERLY SIEVERS - CROSS

1 time. She stated that, she stated that she was crying and
2 asking Bruce to please take her home. Bruce told her to
3 spread her legs and he again took his wiener out of his
4 pants and got on top of her.

5 And this is what she stated. She stated that Bruce
6 spread her legs so hard she thought that one of her bones
7 cracked. She stated that he put his wiener inside of her
8 privacy and that it hurt really bad and she told him to
9 stop. And she stated that he told her that he wasn't
10 going to stop until he broke something. She wasn't sure
11 what that meant. She stated that she took -- that Bruce
12 took his wiener out of her privacy and then took his pants
13 down a little bit and then put his wiener back into her
14 privacy.

15 Q. On how many occasions did he penetrate her in
16 accordance with what she told you on that particular
17 night?

18 A. She also continues on to state that he stopped again,
19 took his wiener out of her privacy and started doing
20 something with his wiener using his hands. She stated
21 that he was moving his hand back and forth.

22 So by that I would say three times.

23 Q. All right. So on that night she indicated that there
24 was at least three times that he penetrated her; correct?
25 Not one time, but three times?

KIMBERLY SIEVERS - CROSS

1 A. Yes.

2 Q. And she also described masturbation on that particular
3 night?

4 A. Yes.

5 Q. Now, you asked her about whether or not he was
6 drinking any alcohol that night; didn't you?

7 A. Yes, I did.

8 Q. All right. How many alcoholic beverages did she
9 indicate to you that he had that night?

10 A. She stated he was just smoking cigarettes. She stated
11 that Bruce had two beers in his pocket in a red and white
12 can and when they left that he drank them as they walked
13 through the woods.

14 Q. So, he had two beers at some point in time; correct?

15 A. Correct.

16 Q. And she said that he was not drinking anything up
17 until, some time during the woods when he drank two; is
18 that correct?

19 A. I asked her if she (verbatim) had been drinking and
20 that's what she told me, that he had the two beers.

21 Q. That she had been drinking?

22 A. No, that he had been drinking after.

23 Q. After the event?

24 A. Yes.

25 Q. So he didn't have anything to drink before the event;

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1 is that what you're saying?

2 A. I don't know.

3 Q. That's what she said?

4 A. That's what she told me. I didn't clarify whether or
5 not there --

6 Q. So no drinking before the event?

7 A. I don't know.

8 Q. That's what she said?

9 A. She didn't say there was no drinking before the
10 event. She just was talking about the beers after. So I
11 don't know if there was anything prior.

12 Q. Now in terms of how long she spent in the woods --

13 A. Uh-huh.

14 Q. -- she gave you a timetable; didn't she?

15 A. Yes, she did.

16 Q. And what was that timetable?

17 A. She stated they were in the woods for a long time and
18 that she thought it was about four hours.

19 Q. Now she also said in that statement when you asked her
20 about this involvement with Uncle Bruce, she said that
21 Uncle Bruce volunteered to take her to her house; is that
22 right?

23 A. Yes.

24 Q. Now she also said something about bears in the woods;
25 didn't she?

KIMBERLY SIEVERS - CROSS

1 A. Yes, she did.

2 Q. And that had to do with, that Mr. Hall, Bruce Hall was
3 telling her there were bears in woods?

4 A. Correct. She stated that he was trying to scare her
5 and stated that there were bears in the woods.

6 Q. Now the pictures that you took --

7 A. Uh-huh.

8 Q. -- can you step down here a second, please, ma'am?

9 A. Uh-huh (complies).

10 Q. Is that your finger? Referring to State's Exhibit
11 Number Seven. And you can hold it. You took the picture;
12 right?

13 A. Yes, I did.

14 Q. Who is holding that meter, that ruler or whatever you
15 want to call it?

16 A. I am.

17 Q. And what is the length of that ruler?

18 A. It appears to be 15 centimeters.

19 Q. All right. When you're referring to the length of the
20 ruler being 15 centimeters --

21 A. Uh-huh.

22 Q. -- the ruler itself is actually longer than 15
23 centimeters; isn't it?

24 A. Probably by a couple tenths of a centimeter on each
25 side.

KIMBERLY SIEVERS - CROSS

1 Q. Now, if the foot which has the meter next to it says
2 it's 15 centimeters --

3 A. Uh-huh.

4 Q. -- can you postulate as to how long the foot is?

5 A. You can guess but the purpose for the ruler is to have
6 comparison.

7 Q. And how long do you think it is, since you're the one
8 that held the ruler next to it?

9 A. My guess --

10 MS. BRISBIN: Your Honor, I would object to her
11 guessing. It was just used as a reference, not as an
12 accurate measurement. She testified to that.

13 THE COURT: Overruled. I'll let her answer.

14 THE WITNESS: My guess would be, maybe 20 centimeters.

15 BY MR. WILLIAMS:

16 Q. So you're saying that her foot is five centimeters
17 longer than your measurements that you have on the meter
18 itself?

19 A. Again, that's --

20 Q. Twenty-two, maybe?

21 A. Maybe. Just a guess.

22 Q. Thank you, ma'am.

23 A. Uh-huh (returns to witness box).

24 Q. Now, this measurer that you used, this centimeter
25 measurer that you used --

KIMBERLY SIEVERS - CROSS

1 A. Uh-huh.

2 Q. -- can you compare looking at -- I assume you got that
3 for working at the Aiken County Sheriff's Office; right?

4 A. Yes.

5 Q. Referring to State's Exhibit Number Seven, which is
6 your meter and your foot?

7 A. Yes.

8 Q. And referring to State's Exhibit Five which purports
9 to have a measurer and a footprint, can you tell me the
10 difference in the two measuring devices which are showing
11 on there?

12 A. No, I cannot.

13 Q. Well, look at it closely.

14 A. I'm sure there's a difference but I don't know if
15 there's a difference or not. I don't -- this isn't mine,
16 the ruler that I use.

17 Q. It's not, is it? It's smaller; isn't it?

18 A. You can't tell that because you can't tell the
19 distance that it was actually taken.

20 Q. Well, if you count the marks on it, you only count 10
21 versus 15; don't you?

22 A. I can't see any of the numbers, but that may be.

23 Q. Can you see the lines?

24 A. Somewhat.

25 Q. Count the lines, the big lines.

KIMBERLY SIEVERS - CROSS

1 A. Yes. There's 10 lines.

2 Q. And yours has 15?

3 A. Uh-huh.

4 Q. Both of them are measurements with the little circles
5 on the end. Made by the same company probably.

6 A. I have no idea.

7 Q. Now, ma'am, you took the pictures of her on that
8 particular night. And in doing so it was obvious that she
9 had some sort of leaf in her hair. Did you secure -- you
10 say leaf?

11 A. Leaf-type debris.

12 Q. Did you pull it out of her hair to analyze it?

13 A. No, I did not.

14 Q. Well how do you know that's not just paper?

15 A. Because I took the picture and I was there.

16 Q. All right. You took the picture of it --

17 A. Uh-huh.

18 Q. -- but you didn't pull it out of her hair to secure it
19 so we could look at it and see what it is?

20 A. No, I did not.

21 Q. Why didn't you do that?

22 A. Because I didn't think about doing that at the time.
23 I photographed it.

24 Q. Well, you thought it was important that she had
25 something in her hair; didn't you?

KIMBERLY SIEVERS - CROSS

1 A. Uh-huh. I did.

2 Q. But you didn't think it was important to secure that
3 one thing that you took a picture of it so that we could
4 look at it and determine exactly what it was and use it
5 into evidence?

6 A. No, I didn't.

7 Q. You thought a photograph would be more important?

8 A. No, I didn't think about securing it at the time.

9 Q. Now, the scratch marks which you say are shown in
10 State's Exhibit Number 10 --

11 A. Yes.

12 Q. -- are they scratch marks or is it one scratch?

13 A. There is one scratch. And then there's one little red
14 area above the scratch.

15 Q. Was there any blood coming from the scratch mark?

16 A. No, there was not.

17 Q. Was there any indication that this scratch was -- you
18 don't have any doctor's degree or any medical training; do
19 you?

20 A. No, I do not.

21 Q. Did you have anyone to look at that to see if they
22 could determine whether or not whether the cut was a new
23 cut or an old scratch?

24 A. No, I did not.

25 Q. Well, if it was an old scratch then it wouldn't have

KIMBERLY SIEVERS - CROSS

1 any application to this case; would it?

2 A. Apparently not.

3 Q. Well, and in that you're trying to preserve evidence
4 and to indicate that she had actually been through the
5 woods, then that would be the most efficient way to
6 determine when the scratch was made on her leg; wouldn't
7 it?

8 A. I wouldn't be able to determine that but, yes.

9 Q. Do you know whether or not there was any sampling of
10 either the dirt road or the land around there that would
11 be used in any type of comparisons to shoes, feet, what
12 have you, to compare the soles to see if it's identical
13 soles?

14 A. No, sir. I just responded to the emergency room.

15 Q. And the person who would be in charge of that would be
16 the officer in charge of the case; isn't that correct?

17 A. Or someone, yes.

18 Q. And he would call out forensics and have them do some
19 sort of sampling; wouldn't he?

20 A. If he felt like at the time it would be applicable.

21 Q. Well, if you had the same sole and the clothes that
22 you find at the location where supposedly the event
23 occurred, that would tie the two things together; wouldn't
24 it?

25 A. If he thought it was applicable he would have done so;

SYLVIA SCOTT - DIRECT

1 uh-huh.

2 Q. And so if you had the same kind of sole it would be
3 applicable; wouldn't it?

4 A. Uh-huh.

5 MR. WILLIAMS: That's all the questions I have, Your
6 Honor.

7 THE COURT: Redirect?

8 MS. BRISBIN: Nothing further.

9 THE COURT: Okay. Thank you, ma'am. You may step
10 down.

11 MS. BRISBIN: State calls Sylvia Scott.

12 THE CLERK: Please come forward. Place your left hand
13 on the Bible, raise your right.

14 SYLVIA SCOTT, having been duly sworn, was examined and
15 testified as follows:

16 THE CLERK: Please have a seat in the witness box.
17 State your full name for the Court and spell your last.

18 THE WITNESS: Okay. My name is Sylvia Scott,
19 S-Y-L-V-I-A S-C-O-T-T.

20 DIRECT EXAMINATION

21 BY MS. BRISBIN:

22 Q. Ms. Scott, where do you work?

23 A. I'm a nurse at Aiken Regional Hospital Emergency Room.

24 Q. In the emergency room?

25 A. Uh-huh.

SYLVIA SCOTT - DIRECT

1 Q. How long have you worked there?

2 A. Going on 31 years.

3 Q. Always in that emergency room or?

4 A. Almost. About 29 and a half years in the emergency
5 room.

6 Q. Okay. And what's your position there?

7 A. I'm a nurse.

8 Q. And what's your licensure? What type of license?

9 A. I'm a licensed practical nurse, uh-huh.

10 Q. And did you have the opportunity to see the victim in
11 this case, Minor in your position as the nurse
12 there?

13 A. Yes, I did.

14 Q. And do you have your records with you on that --

15 A. Uh-huh.

16 Q. Do you have your records with you on that --

17 A. Yes.

18 Q. -- examination?

19 A. Uh-huh.

20 Q. What was the date of that examination?

21 A. The date of that examination was -- let's see --
22 8-6-06.

23 Q. Okay. And what time?

24 A. Zero zero 30 which is 12:30 at night.

25 Q. Okay. Or 12:30 in the morning?

SYLVIA SCOTT - DIRECT

1 A. In the morning, yeah.

2 Q. What type of examination was she there for? Well, let
3 me put it a different way. Did you do a history on -- a
4 medical history?

5 A. Yes, ma'am.

6 Q. On Ms. Minor ?

7 A. (Nods head.)

8 Q. And what was the purpose of the examination?

9 A. The purpose of the examination was the complaint. And
10 the complaint was that she had been sexually assaulted.

11 Q. And did you actually talk with Ms. Minor ?

12 A. I'm sorry?

13 Q. Did you actually talk with Minor

14 A. Yes, I did. Yes, I did.

15 Q. And did -- what did she disclose to you?

16 A. That she had been sexually assaulted.

17 Q. And did she say when this had happened?

18 A. Yes. According to the statement that I wrote -- can I
19 read these?

20 Q. You can refer to your notes.

21 A. Okay.

22 Q. But not read it.

23 A. Okay. She stated that August the 5th of 2006, and
24 that was -- that was the -- that was the 5th, but she came
25 in on the 6th which is right after midnight. That later

SYLVIA SCOTT - DIRECT

1 on that afternoon that she had been sexually assaulted.

2 Q. Okay.

3 A. And that was what she told me at that particular time
4 and then she went into more details about what had
5 happened.

6 Q. And did she tell you where it happened?

7 A. Yes. She said it was in a wooded area down a path.

8 Q. Okay. And did she give you any information that could
9 be used for medical diagnosis or treatment about what
10 happened?

11 A. Well, for the medical diagnosis -- well, for the
12 treatment -- let's go with the --

13 Q. If you just tell us what she said happened that could
14 be used for those purposes.

15 A. Okay. She stated that she was told to go down this
16 other path, and that when she went down this other path
17 that he grabbed her and he held her hands down. And she
18 stated he told her to pull her pants down prior to that,
19 and to pull her pants off, and she did, and said that he,
20 her words were, and he stuck his wiener in me.

21 Q. Okay. And if you need to refer to your report to
22 refresh your memory. Was there anything else that she
23 told you that you can tell us about that might be used for
24 diagnosis or treatment?

25 A. Are you talking about the threats or --

SYLVIA SCOTT - DIRECT

1 Q. I don't know. I'm just asking you if there's anything
2 else. Refer to your notes.

3 A. Okay. What we did was, we did -- I do sexual
4 assaults. I've been doing them for 28, 29 years. And
5 she -- when I went in she was, had been crying. She was
6 shaking. She was quiet at that particular time. And I
7 began to talk with her.

8 And at first she was a little quiet and she told me
9 about that he instructed her, evidently she had confidence
10 in him that he told her to go down this path. And she
11 went down the path and that he got her while she was down
12 there and put her on the ground in the wooded area, made
13 her pull her pants down and put his wiener in her.

14 Well, then when I went to examine her she had dirt,
15 trash in the vaginal area down in the, down in her panties
16 and on the skin, you know, in that area down there.

17 Q. And, again, would you describe her demeanor, how she
18 was acting?

19 A. She was quiet. Some -- just, she had been crying,
20 sitting down, you know, like this (indicating) and shaking
21 her head.

22 Q. Okay.

23 A. Very, very upset.

24 Q. Okay. Were any fingernail scrapings taken from

25 Minor

SYLVIA SCOTT - DIRECT

1 A. No, there weren't any fingernail scrapings taken
2 because looking at her nails at that particular time she
3 really didn't have, but she also told me that he grabbed
4 both hands and held her down.

5 Q. What did you say looking at her nails?

6 A. They were kind of, like, chewed down, you know.

7 Q. Okay. What else was -- did you do during this
8 examination?

9 A. Well, one of the things that we do, we collect urine.
10 Then of course the physician later on will come in and we
11 examine the body to make sure there's no bruises or
12 anything else.

13 We ask them, you know, a lot of questions. Do you
14 hurt, you know. We check them to make sure there's
15 nothing else hurting. And that was her main complaint was
16 that she did hurt down in that area and that --

17 Q. In what area?

18 A. In the vaginal area.

19 Q. Okay.

20 A. And she was very scared because he had told her that
21 if she told anyone that he would kill her or he would slit
22 her throat.

23 Q. Okay. And did you collect any samples? Did you do a
24 sexual assault kit?

25 A. Yes, I did.

SYLVIA SCOTT - DIRECT

1 Q. And what did you -- did you collect the samples or did
2 the doctor collect the samples?

3 A. I collected all the samples except the -- inside. If
4 we have to do a pelvic exam, the physician comes in and
5 collects the swabs from that. We have a Woods lamp and on
6 that Woods lamp, I use that. It's a very perfected
7 instrument to use. It shows up sperm. You know, what the
8 sperm looks like. If any of that was collected, then, you
9 know, it would have shown up on the sheet that comes back
10 once it's sent to Columbia.

11 Q. The swabs you refer to, where are the swabs taken
12 from?

13 A. The swabs are taken, we have one that it's a swab that
14 goes in the mouth. We have a swab where we, we can roll
15 it to pick up sperm. Anything that looks suspicious you
16 can roll it up and it's labeled. Everything's labeled.

17 Q. What part of the body are the swabs taken?

18 A. The swabs can be taken from anywhere but we did, on
19 her, the vaginal area. There's a diagram on the sexual
20 assault. I don't know if the jury would want to see that
21 or not, but there is a diagram on that that shows
22 everything and if there's any injuries.

23 In a child we look, for one that has never had any
24 intercourse or any sexual activity, we look to make sure
25 that the hymen's intact. Most of the time they are

SYLVIA SCOTT - DIRECT

1 supposed to be, but through injuries or something they
2 could, you know, they may not be intact. But we look for
3 that. We look for tears. We look for bleeding. We look
4 for irritation, redness, swelling, soreness. All the
5 stuff you look for with activity of sexual activity on
6 her.

7 Q. Then the doctor, you said, actually does the swabs?

8 A. No, I do the swabs.

9 Q. You did the swabs?

10 A. Now he does the swabs from --

11 Q. From the vagina and the rectum?

12 A. Yes, we do rectal swabs on the rectum. I do those.

13 The ones that he does is the speculum. Once you insert
14 the speculum into the vaginal area to make sure there has
15 been nothing been put into the vagina by the perpetrator
16 or whatever, you know, because foreign objects can be put
17 in there. So we make sure there's nothing like that in
18 there. So he takes the swabs in the cervical area.

19 Q. Then what happens to the swabs?

20 A. They're put in a -- they're dried and they're put into
21 an envelope. They're labeled with the patient's name on
22 there, and then they go in the kit also and they're
23 checked.

24 Q. Who puts them in the kit?

25 A. I put all of the stuff in the kit myself. And once I

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1 put it in, I give it to the officer. It's sealed and it
2 goes through chain of command and the chain of command is
3 given to the officer or whoever is there to pick it up.

4 Q. And in this case did you do that?

5 A. Yes, I did.

6 Q. And who did you give the kit to?

7 A. I'm not sure, but the officer that came in was Officer
8 Baker.

9 Q. Okay. And did you tamper with the sexual assault kit
10 in any way?

11 A. No.

12 Q. Okay.

13 A. No.

14 MS. BRISBIN: Thank you. Please answer any questions
15 of Mr. Williams.

16 THE COURT: Cross-examination.

17 MR. WILLIAMS: May it please the Court.

18 CROSS-EXAMINATION

19 BY MR. WILLIAMS:

20 Q. Ma'am?

21 A. Uh-huh.

22 Q. Are those your notes from that night? Could I look at
23 them for a second?

24 A. Sure.

25 Q. Those are the hospital notes; aren't they?

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1 A. Right. That's not the original. That's copies.

2 Q. That's okay. (Pause.)

3 Now this form --

4 A. Uh-huh.

5 Q. -- this is something you fill out?

6 A. All of this, I do.

7 Q. Okay.

8 A. Except for the back part which is the physician's.

9 Q. Okay.

10 A. And that last sheet, the officer does that.

11 Q. Okay.

12 A. And then the officer, this is the officer's.

13 Q. So the officer fills out part of it?

14 A. No, no, no. The officer, only thing he does he signs
15 his name right here.

16 Q. Uh-huh.

17 A. And this is showing that he is the officer, his badge
18 number that, he has to sign it when I get ready to seal
19 the kit and he also signs a paper and the paper that he
20 signs. And I also sign showing the chain of evidence on
21 the back.

22 It's not very readable but this is the note to show
23 where the kit is -- where I give the kit to him and it's
24 also chain of command on the back of the box.

25 Q. Yes, ma'am.

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1 Now as I understand it from the questions that the
2 solicitor was asking you, you basically take a medical
3 history or a history so that you can determine what areas
4 you need to check out to collect evidence, if you will,
5 medical evidence, if you will; is that right?

6 A. The sexual assault kit that was put together by SLED
7 years ago, and in that kit, when you open the kit, I mean,
8 you -- just anybody can't do it. When you open that kit
9 and you see this, this is where you go in. And you, you
10 start a little rapport with the patient, irregardless.
11 And then you begin to ask them questions. And I always
12 tell them who I am. I introduce myself. And I say, we
13 have a kit. I never open the kit until they kind of know
14 who I am.

15 Q. Do you kind of ask questions while you're looking at
16 that form to make sure you don't forget something? I know
17 that you probably wouldn't forget it after 31 years, but
18 do you check the form?

19 A. Well -- yeah, you could. You know, I'm not perfect
20 but I try to be as precise about something like this as I
21 could possibly be.

22 Q. So you asked her about ejaculation on that. That form
23 calls for the question dealing with ejaculation. And it's
24 checked?

25 A. Uh-huh.

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1 Q. Would you look at it and tell me, do you recall
2 whether or not she indicated that there had been
3 ejaculation or not?

4 A. Let's see. Okay. Did assailant experience
5 ejaculation. I asked her and she says not known, and
6 then --

7 Q. And she says not known? That's the word she used, not
8 known?

9 A. I asked the question.

10 Q. And then what did she say?

11 A. She said, I don't know.

12 Q. Okay. So she says, I don't know?

13 A. Yeah. If this is what -- this is not something that
14 I -- this is stuff that she tells me.

15 Q. Let me ask you in terms of what you do. And as I
16 understand it basically, there's certain procedures that
17 you're allowed to do probably because you're an LPN.

18 A. Right.

19 Q. And then the other deal which the doctor does,
20 probably he has to do it because it's a procedure, it's an
21 invasive procedure?

22 A. Right, right.

23 Q. Is that the reason?

24 A. Right.

25 Q. And you're an LPN; right?

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1 A. Yes.

2 Q. What is the difference between an LPN and RN?

3 A. Well, I don't want to go into details of that, but I
4 can basically tell you that over the years it's changed.
5 Because I've always done -- I've done what RNs did up
6 until a few years ago, and they decided that, you know,
7 they wanted people to go, which I have an associate degree
8 but I just never went and took boards on it, but I'm --
9 there's not but two things basically difference in the RN,
10 I guess. One could do IV pushes and hang blood and the
11 other one can't.

12 Q. And in terms of what you actually did on that night,
13 you talked to her, you secured samples?

14 A. Right.

15 Q. Did you get any samples from inside of her mouth?

16 A. All of that would be on the sheet.

17 Q. Do you have the sheet there?

18 A. That's in the kit. I don't have it all here. All
19 that's in a box. It's in a box and it's sealed. It's
20 sent to Columbia and what they sent back --

21 Q. You don't know what samples you collected?

22 A. Yes, I do. I know what samples I collected.

23 Q. What samples did you collect?

24 A. Okay. You've got the swabs that go in the mouth.

25 Q. And did you do that in this particular case?

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1 A. Yes, I did. You have the swabs that go in the mouth.
2 They used to have the little round thing, you just put it
3 in their mouth and they bite it. They changed that. Now
4 you've got swabs. You put the swabs in the mouth.

5 Q. What else do you do?

6 A. And we have a board like this that's got little holes,
7 and those holes are documented to where those go. So
8 oral, I put the oral swabs. Rectal, I put the rectal
9 swabs.

10 Q. Did you do the rectal swabs?

11 A. Yes, I did.

12 Q. Okay. And was there any indication on the history
13 which you received from the alleged victim that there
14 would be any evidence in either of mouth or the rectum?

15 A. I don't understand what you're saying.

16 Q. There was nothing to indicate to you from --

17 A. Oh.

18 Q. -- the child that she --

19 A. I see. Okay.

20 Q. -- that you would find any evidence in the rectum or
21 the mouth; was there?

22 A. Well now the mouth, that's part of that that you would
23 do. The second thing would be rectal. Yes, there could
24 have been. If there had been ejaculation and she did have
25 dirt in that area down in there, yes, definitely the

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1 rectal part.

2 Q. What other samples did you do?

3 A. The other samples that would be done would be you draw
4 blood. And then we do --

5 Q. Did you draw blood from her?

6 A. Blood was drawn from her, yes, and then we do the
7 hair.

8 Q. What did you do with the blood that you drew from her?

9 A. It's put in the kit. And the kit is labeled. It has
10 a little seal on the outside, a little square seal that's
11 put on the inside once it's sealed. And it says, you
12 know, about it has to be refrigerated. So when I give it
13 to the officer they got to immediately take it to wherever
14 they take it, put it in the refrigerator because of the
15 blood that's in there before it's transported.

16 Q. So when you gave this box to the officer it's got to
17 go into a refrigerated unit?

18 A. Yeah, uh-huh.

19 Q. Because it's blood?

20 A. Yeah.

21 Q. And how many vials did you draw?

22 A. Two. You draw one for toxicology and the other one
23 is, mainly it's, like, it's got ADT in it which is the
24 CBC, complete blood count, hematocrit, stuff like that.

25 Q. Gotcha. And what other tests did you do?

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1 A. We did a urine test and we do a urine test on that,
2 basically sometimes if there's any sperm, they pass the
3 water. They're not allowed to use anything, no wipes or
4 anything. It's just the plain urine.

5 Q. What did you do with that? Did you take a sample and
6 send it off at the same time?

7 A. No. It goes to our lab. And that's -- I always put a
8 note on there or even the computer when I put the order
9 in, please check.

10 Q. Was there a note on there this time to please check?

11 A. Yeah. And I take it to the lab myself and it has to
12 be clocked in. It's clocked in.

13 Q. Which lab do you take it to?

14 A. To our hospital lab, right across from the emergency
15 room.

16 Q. Now you take that separate from the other kit? You
17 don't give that to the police?

18 A. No, huh-uh.

19 Q. And you --

20 A. It's sealed. It's taken to our lab.

21 Q. Okay.

22 A. I clock it in and then I sign it in with my name by
23 it.

24 Q. Okay.

25 A. It's in a bag. It's labeled on the outside with the

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1 same sticker that's on the top of hers. And --

2 Q. And you're checking for possible semen in the urine?

3 A. Well, I check -- now for her, we, you know, it could
4 be pregnancy test.

5 Q. Uh-huh.

6 A. For blood.

7 Q. Okay.

8 A. For semen.

9 Q. All right.

10 A. I mean, then the person could have a urinary tract
11 infection. All of that comes out of that urine, you know,
12 when it comes back to us, because they're going to be
13 treated anyway.

14 Q. But that goes separate from the kit that you're
15 talking about --

16 A. Right.

17 Q. -- that you turn over to the police?

18 A. Right.

19 Q. All right. What other samples do you take?

20 A. Let's see. Where are we?

21 Q. Did you take combings from her vaginal area?

22 A. Yes.

23 Q. And what did you -- do you put those in an envelope?

24 A. They go in a little white napkin with a little comb in
25 it.

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1 Q. All right. And were you able to tell from your
2 eyesight as to -- well, probably not. You're not
3 qualified to analyze hair and stuff like that; are you?

4 A. No. The only thing -- no, that goes to Columbia.

5 Q. And they check it out there?

6 A. Yeah. The only thing that, that we use outside that
7 we gather would be the Woods lamp.

8 Q. The Woods lamp?

9 A. The Woods lamp. It's about yea, about like this
10 (gestures) and it has purple lights in it. And whenever I
11 get ready I have my swabs ready. I turn all the lights
12 out and you turn this on and it shows up. The ray is
13 purple and you have to kind of know what you're looking
14 for because the sperm would be, have a little glitter.
15 And they could either be in a bunch or you could almost
16 follow the path of it.

17 Lint has it but you could tell the difference in lint
18 and then that's what -- I take my swab and that's, you
19 roll your swabs to collect it.

20 Q. And did you do that in this case?

21 A. Uh-huh.

22 Q. And did you notice anything when you turned the purple
23 light on?

24 A. Well, I can't really remember what -- I mean, I don't
25 remember --

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1 Q. I gotcha.

2 A. -- because I've seen so many of them.

3 Q. Would you have written it down if you had?

4 A. Well, see, I can't put down -- I can't document that
5 sperm was evident because I don't have anything to say
6 that sperm is evident if there was no --

7 Q. Right. It would be on this rolled-around swab that
8 you sent in to Columbia and that would be up to somebody
9 else to analyze?

10 A. Right. Right.

11 Q. I gotcha.

12 A. If there was sperm because that was one of the
13 questions that I asked her about, the ejaculation. And
14 she didn't know.

15 Q. All right. It's kind of like that light on CSI when
16 they look for blood in the carpet?

17 A. Yeah.

18 Q. Gotcha. Now, what else did you do?

19 A. Well, I think by the time I got all of that done, I --
20 see, I can't -- you can't leave the kit once you open it.
21 You have to stay with it.

22 Q. Okay.

23 A. So I turned the button on and I asked, please send me
24 a doctor back.

25 Q. And in terms of performing a physical evaluation of

1 her, the doctor does that; doesn't he?

2 A. Basically. Or he'll come in and introduce himself or
3 he'll -- you can tell his part, what he does, you know.
4 And I have everything ready.

5 Q. You didn't actually examine to determine if her hymen
6 was intact?

7 A. No, no, no.

8 Q. The doctor does that?

9 A. Yeah, all of that is on this (indicating).

10 MR. WILLIAMS: Well, thank you, ma'am.

11 THE WITNESS: You're quite welcome.

12 THE COURT: Redirect?

13 MS. BRISBIN: Nothing, Your Honor.

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

15 THE WITNESS: Okay.

16 THE COURT: All right. Ladies and gentlemen, we're
17 going to take a brief recess. Don't talk about the case.
18 Continue to keep an open mind and we'll resume the case
19 probably in about 15 minutes. Thank you very much.

20 (Jury exits courtroom at 2:55 p.m.)

21 THE COURT: Can you ask Ms. Willing to come back in
22 here real quick? One of the jurors, I heard, talked to
23 Ms. Willing about -- this lady sitting here on the front
24 row on the left end, my left.

25 Yes, ma'am. Would you tell me what the lady told you?

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1 Q. When did you get it?

2 A. I got it on the, 10-9 of '06.

3 Q. Which items did you get from Donna Sawyer?

4 A. I got the pubic hairs. I got the blood samples from
5 Bruce Hall. I got the CSC kit from a Minor And I
6 also got a, some underwear that were Minor as
7 well.

8 MR. WILLIAMS: That's all the questions I have, Your
9 Honor.

10 MS. BRISBIN: Nothing further.

11 THE COURT: Okay. Thank you, Mr. Johnson. You may
12 step down.

13 MS. BRISBIN: State calls Dr. Walter Jackson.

14 WALTER OSBORN JACKSON, JR., having been duly sworn,
15 was examined and testified as follows:

16 THE CLERK: Please have a seat in the witness box.
17 State your full name for the Court and spell your last.

18 THE WITNESS: My name is Walter Osborn Jackson,
19 J-A-C-K-S-O-N.

20 DIRECT EXAMINATION

21 BY MS. BRISBIN:

22 Q. Dr. Jackson, where do you work?

23 A. Work at Aiken Regional, emergency department.

24 Q. And what's your position there?

25 A. I'm an emergency medicine doctor.

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1 Q. And do you have a certification in emergency medicine?

2 A. Yes.

3 Q. What is your educational background?

4 A. Medical school at Yale University Medical School. I
5 graduated in 1995.

6 Q. And as part of your training in emergency medicine,
7 are you trained to do sexual assault examinations?

8 A. Yes.

9 Q. Have you testified, been qualified to testify as an
10 expert in emergency medicine on previous occasions in
11 courts?

12 A. Yes.

13 Q. Do you know approximately how many times?

14 A. Once.

15 Q. And how long -- I'm sorry. How long did you say you
16 worked at the Aiken emergency room?

17 A. Since 2003, so about five years.

18 Q. And where were you before that?

19 A. I was in training at the Medical College of Georgia.

20 Q. Okay.

21 A. Residency training in emergency medicine.

22 Q. Okay. And did you have the opportunity to examine

23 Minor the victim in this case?

24 A. Yes.

25 MS. BRISBIN: Your Honor, I would ask that Dr. Jackson

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1 be qualified as an expert in emergency medicine.

2 THE COURT: Any voir dire or objection?

3 MR. WILLIAMS: If I could ask one question, Your
4 Honor.

5 THE COURT: Yes, sir. Go ahead.

6 VOIR DIRE

7 BY MR. WILLIAMS:

8 Q. You're board certified in the ER; is that correct?

9 A. Yes.

10 Q. Emergency medicine?

11 A. Yes.

12 MR. WILLIAMS: We would have no objection, Your Honor.

13 THE COURT: Okay. He's qualified. Thank you very
14 much.

15 MS. BRISBIN: Thank you.

16 THE COURT: Let me just say, ladies and gentlemen,
17 just so you know.

18 Typically under the law witnesses can only testify
19 about things they have personally observed or have some
20 personal knowledge about or something they absorbed
21 through one of their five senses.

22 There is an exception for witnesses who are qualified
23 as expert witnesses. Expert witnesses, unlike all other
24 witnesses, can give their opinions about the causes of
25 certain things and other matters. But expert witnesses,

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1 like all witnesses, are still to be judged for their
2 credibility. And that's your job to determine credibility
3 of all the witnesses. Okay?

4 Yes, ma'am.

5 MS. BRISBIN: Thank you, Your Honor.

6 DIRECT EXAMINATION (CONTINUED)

7 BY MS. BRISBIN

8 Q. What was the date of your examination of Minor

9 A. It was August.

10 Q. If you need to refer to --

11 A. Yeah. I'll refer to the notes, yeah. It was August
12 the 6th of 2006.

13 Q. Could you speak up a little? It's hard to hear.

14 A. Sure. August 6 of 2006.

15 Q. Thank you. Is there a time there where you did your
16 examination, documented it?

17 A. Sometime after midnight. The exam was begun around
18 12:30 in the morning.

19 Q. Okay. And what type of examination did you do?

20 A. Physical exam. Examination of the body and also a
21 genital exam.

22 Q. Okay. And when you say genital exam, what does that
23 entail? What exactly do you do?

24 A. When the patient is in the position on the bed that is
25 made for an exam, it has stirrups so they can be in proper

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1 position for the feet and legs so I can examine the
2 genital area. Then I do a visual inspection and then a
3 physical exam.

4 Q. And did you document your findings in your report?

5 A. Yes.

6 Q. What were your findings in your medical exam of
7 Minor

8 A. Okay. I'll have to refer to the documents.

9 Q. Yes.

10 A. It's been a couple years ago so.

11 It -- I found on the external part of her genitals
12 there was dirt present. And inside her vagina it was red
13 and looked irritated. And there was also dirt present.
14 And there was a discharge, a white, stringy discharge.

15 Q. What's the significance a white, stringy discharge to
16 you?

17 A. Well, it's not normal to find that in a normal exam.
18 And so, it was a substance that, that was not normally
19 expected to be present.

20 Q. Okay. And what other findings?

21 A. There was redness around the hymen area which is on
22 the inner side of the labia, right around the entrance to
23 the vagina.

24 Q. And in your opinion to a reasonable degree of medical
25 certainty, was this consistent with sexual assault?

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1 A. Yes.

2 Q. Did you prescribe any medication for Minor

3 A. Yes, I did. I prescribed three antibiotics for her.

4 Q. What's the purpose of that?

5 A. It's to prevent sexually transmitted diseases.

6 Q. Okay. And did you do any type of pregnancy testing?

7 A. No. At the time she hadn't started her periods yet.

8 Q. So if they haven't started their period, you don't do
9 pregnancy tests?

10 A. Right. That's correct.

11 Q. And is this -- do you recognize this?

12 A. Yes.

13 Q. It's your signature on it?

14 A. Yes.

15 Q. What is this?

16 A. It's a documentation from the sexual assault kit.

17 It's paperwork that's included inside the kit that we use
18 to document our findings.

19 Q. You documented your findings on this?

20 A. Yes.

21 Q. And is this a record that's kept in the normal course
22 of business at the emergency department?

23 A. It's kept inside the sexual assault kit, the paperwork
24 is.

25 Q. And -- but the record is completed as part of the

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1 course of business at the emergency department?

2 A. Yes.

3 MS. BRISBIN: Your Honor, I'd ask that this exhibit be
4 marked and admitted into evidence.

5 MR. WILLIAMS: If I could see it one second.

6 THE COURT: Certainly.

7 MR. WILLIAMS: Your Honor, we do have some issues in
8 regard to this. I'd like to argue outside the presence of
9 jury.

10 THE COURT: Yes, sir.

11 Ladies and gentlemen, just ask that you go back to
12 your jury room. Don't talk about the case. Continue to
13 keep an open mind and we'll be right back with you as soon
14 as we resolve this issue.

15 (Jury exits courtroom at 3:41 p.m.)

16 THE COURT: Yes, sir, Mr. Williams.

17 MR. WILLIAMS: Your Honor, if I could hand it up to
18 the Court to view.

19 THE COURT: Certainly. Yeah.

20 MR. WILLIAMS: The problem I have is not really with
21 the findings of the doctor, with his physical findings
22 from the doctor, because I think that certainly is
23 appropriate.

24 The problem I have is with the history that is
25 reported. And obviously any time a doctor sees a patient

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1 or sees someone then they take a history.

2 But it appears to be another way in which the
3 testimony from an alleged victim could be changed, it
4 could be put down. It's not coming from her in regards to
5 what has happened. It's actually coming from the written
6 page.

7 So my basic objection, Your Honor, is really only to
8 the first page.

9 THE COURT: Yes, ma'am.

10 MS. BRISBIN: Your Honor, the nurse already testified
11 to what's on that first page. Under the medical diagnosis
12 and treatment exception to the rules, the hearsay rules.
13 And this is a business record, if you want to call it
14 that. That's a record that's routinely kept in the course
15 of business at the emergency department. And I believe it
16 is admissible.

17 Actually, I don't think there's anything on that first
18 page that Ms. Scott didn't already testify to.

19 THE COURT: So, Mr. Williams, you're not objecting to
20 it on the grounds of it's a business record, you're just
21 objecting to it on the grounds that the history part of it
22 is, should not be admissible?

23 MR. WILLIAMS: Yes, Your Honor.

24 THE COURT: On what basis?

25 MR. WILLIAMS: Your Honor, it's, obviously it's --

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1 well -- how can I say it. It's hearsay in nature. And
2 not objecting to the rest of the document as being
3 business records because obviously it's all business
4 records. If part of it is, part of it -- then it all is.

5 THE COURT: But, I mean, you're not -- I'm just trying
6 to frame exactly what your objection is. Your objection
7 is?

8 MR. WILLIAMS: It's -- well, it's certainly not
9 necessary. It's redundant. The evidence is redundant
10 also.

11 THE COURT: Okay. Well, I understand your objection
12 but I think it has already been in evidence. There was a
13 foundation laid at that time for it being information
14 taken in, for purposes of medical diagnosis and
15 treatment.

16 And therefore I would respectfully overrule the
17 objection.

18 MR. WILLIAMS: All right, sir.

19 MS. BRISBIN: Thank you, Your Honor.

20 (State's Exhibit No. 12, sexual exam report, marked
21 for identification.)

22 THE COURT: Okay. You can bring the jury back in.
23 Thank you, ma'am.

24 (Jury enters courtroom at 3:45 p.m.)

25 MS. BRISBIN: Your Honor, at this time I'd ask that

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1 State's Exhibit Number 12 -- excuse me.

2 THE BAILIFF: Judge, we have one juror.

3 THE COURT: Y'all trying to keep him out.

4 MS. BRISBIN: -- be admitted into evidence.

5 THE COURT: Okay. What number?

6 MS. BRISBIN: State's Exhibit 12.

7 THE COURT: State's Exhibit 12 is in evidence subject
8 to previous objections and my rulings. All right.

9 MS. BRISBIN: Thank you.

10 (State's Exhibit No. 12, sexual exam report, received
11 into evidence.)

12 BY MS. BRISBIN:

13 Q. In the course of the sexual assault examination, is a
14 sexual assault -- was a sexual assault kit obtained in
15 this case?

16 A. Yes.

17 Q. And were swabs included, vaginal and rectal swabs
18 included in that kit?

19 A. Yes.

20 Q. Who obtains those swabs, you or the nurse?

21 A. I do.

22 Q. Or both?

23 A. I do. Well, I do.

24 Q. And is the nurse present when you do that?

25 A. Yes.

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1 Q. And do you know what happens to those swabs after they
2 are collected?

3 A. All I know is that the nurse will put them in the
4 package that is the sexual assault kit.

5 Q. Okay. Thank you. Please answer any questions
6 Mr. Williams has.

7 THE COURT: Cross-examination.

8 MR. WILLIAMS: Thank you, Your Honor.

9 CROSS-EXAMINATION

10 BY MR. WILLIAMS:

11 Q. Doctor, if I could ask you in this particular case,
12 the report which has been placed into evidence which is
13 State's Exhibit Number 12, would you look at the first
14 page of that and tell me whose handwriting that is.

15 A. I don't know. Well, what I mean is, I know that
16 Sylvia, the nurse, was the one who completed the documents
17 but I wouldn't recognize this as her handwriting.

18 Q. So you didn't see her fill that report out?

19 A. That's correct.

20 Q. And you're saying that it must be her handwriting
21 because she normally is there in the ER room when
22 something happens to fill out the reports?

23 A. Well, yes. She was the nurse that was assigned to
24 this patient to accomplish this sexual assault kit.

25 Q. But you don't recognize that handwriting as being her

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1 handwriting?

2 A. That's correct.

3 Q. Now, obviously on these, I guess, on these sexual
4 assault examination protocol kits, the first page is an
5 information form, before the doctor starts doing anything?

6 A. Yes.

7 Q. He takes a history, like if I go to the doctor and I
8 got a sore throat you're going to ask me how long I had
9 it, do I have problems with my sinuses. Before I do
10 anything, you're going to take a little history; aren't
11 you?

12 A. Yes.

13 Q. Did you take the history which is incorporated in, on
14 this first page?

15 A. No, I did not write that information.

16 Q. So whoever wrote this, you can't vouch for whether or
17 not they accurately wrote the information down or not; can
18 you?

19 A. I can't.

20 Q. And you can't vouch for whoever was involved in
21 assisting the person giving the information, can you,
22 whether it be a mother or a grandmother or someone else
23 helping the person give the information from the alleged
24 victim to the person taking the information?

25 A. Right. I wasn't present during the time she collected

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1 that information.

2 Q. Now this, the description which is given on the second
3 page, would you look at the second page and tell me if you
4 recognize the handwriting which is on the second page.

5 A. No, I can't. I don't know whose handwriting this is.

6 Q. So the second page is obviously a reflection of the
7 general appearance of the victim or the person on the
8 sexual protocol kit anyway?

9 A. Yes.

10 Q. And since you can't recognize the handwriting, would
11 it be safe to say that you didn't fill it out?

12 A. That is correct. Yes, I did not.

13 Q. So you didn't make those observations?

14 A. I did make some observations, but the document which
15 my history and physical is on is not here. And so I can't
16 say what I noticed because it was so long ago.

17 Q. I gotcha. It's a different type of document. This
18 document is something which the police put together and
19 the document which you're referring to is what you would
20 do as a doctor at the hospital and notes that you would
21 take?

22 A. Yes.

23 Q. And obviously those types of notes would be
24 transcribed and made a part of the hospital records; is
25 that correct?

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1 A. No, not exactly. Our encounter forms, what I write
2 on, is all handwritten.

3 Q. Uh-huh.

4 A. And I don't have a transcribed medical record. It's
5 all handwritten.

6 Q. Do you incorporate -- I guess the question I'm asking,
7 do you incorporate a separate business document at the
8 hospital with your findings and your reports as opposed to
9 what this item is? Isn't that a report which would go to
10 SLED?

11 A. I'm -- I don't know where this goes.

12 Q. You don't recognize that document as being something
13 which you would maintain at the hospital?

14 A. I don't know. Once I complete this document --

15 Q. Uh-huh.

16 A. -- I don't know where it's stored.

17 Q. I gotcha. So that's not a normal business record
18 which you would maintain at the hospital?

19 A. I don't know.

20 Q. Now if I could ask you to look at the third page. Can
21 you tell me whose handwriting is on the third page?

22 A. I don't know.

23 Q. Not your handwriting?

24 A. It's not mine.

25 Q. So the observations that are incorporated on the third

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1 page would not be your observations; is that correct?

2 A. I did observe some of these findings that are written
3 here which I wrote on the fourth page.

4 Q. You wrote on your form?

5 A. On this page (indicating).

6 Q. On another page?

7 A. In this document. I filled out the part on the fourth
8 page.

9 Q. All right, sir. But the ones on the third page, it's
10 not your handwriting, you didn't have anything to do with
11 that. You did on a separate page?

12 A. I did on the fourth -- right, on a separate page. The
13 fourth page of that.

14 Q. You're not getting tired of me handing this to you,
15 are you?

16 A. No, I'm okay.

17 Q. And, indeed, when you get to the fourth page, where
18 you begin the pelvic examination, that's where you make
19 your notations in regards to what you see and what you
20 find; isn't it?

21 A. Yes.

22 Q. So the first pages that you have, you don't even
23 recognize the handwriting?

24 A. That's correct.

25 Q. Now, if you will, and even on -- there's actually --

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1 okay. This is tricky. Where is the fifth page?

2 A. There's no page in here labeled page five.

3 Q. Now, correct me if I'm wrong. On the document that
4 you have, there are typed numbers at the tops of the
5 page. It says page one, page two, page three, page four,
6 and then the next page you have is page six; is that
7 correct?

8 A. Yes.

9 Q. Do you know if there's a page five?

10 A. I don't know.

11 Q. Well if there's a page one, a page two and a page
12 three and a page four and a page six, would you think with
13 your qualifications being certified as an emergency room
14 physician, there's probably a page five out there
15 somewhere?

16 A. Yes.

17 Q. Makes sense; doesn't it?

18 A. Yes.

19 Q. But you don't know where the page five is?

20 A. That's correct.

21 Q. Now if you would refer to the notes which are written
22 on your page four and your page six, because that's your
23 handwriting on those notes; aren't they?

24 A. Yes.

25 Q. Would you please detail your findings for this jury?

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1 A. On this page I write down my finding of the genital
2 exam.

3 Q. All right, sir.

4 A. And on the outside of her vagina there was dirt
5 present.

6 Q. Okay.

7 A. There was redness and an irritated area. Inside her
8 vagina there was a white, stringy discharge and dirt
9 present. And around the hymenal area there was redness
10 and irritation.

11 Q. Now did you -- when you do your examination, did you
12 use a magnifying glass which would assist -- you're
13 familiar with the various types -- I'm sure you are.

14 A. Yes.

15 Q. You're the doctor.

16 A. Yes.

17 Q. Did you use the magnifying glass to examine closely
18 the area for cuts and tears and things of that nature, the
19 one that actually goes -- right.

20 A. No, no.

21 Q. What do you call that?

22 A. What do I call the magnifying glass?

23 Q. Yeah. That is actually built for that type of
24 examination.

25 A. Other than magnifying glass, I don't know.

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1 Q. But you didn't use any of that. What your examination
2 consisted of, your two eyes and your glasses looking at
3 whatever you saw; right?

4 A. Yes.

5 Q. In that viewing, were you able to determine whether or
6 not the hymen had been ruptured or not, or torn, if you
7 will?

8 A. Only can go based on what I wrote here. And so I
9 don't, I don't document a torn hymen. So I don't know.

10 Q. So, if you don't document a torn hymen, does that mean
11 that it wasn't torn?

12 A. Not necessarily. I mean, if -- if I did see a tear I
13 would have documented it. But, and I only usually
14 document what I find and so ...

15 Q. Now would that be an abnormal finding?

16 A. A torn hymen?

17 Q. Yes.

18 A. Yes.

19 Q. Okay. And now on your report you would note an
20 abnormal finding; wouldn't you?

21 A. Yes.

22 Q. Which is the purpose of the report. So the fact that
23 you don't note that, a torn hymen or a ruptured hymen
24 that's an indication that there was nothing wrong with the
25 hymen; is that correct?

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- 1 A. Other than what I documented here.
- 2 Q. Redness?
- 3 A. And irritation.
- 4 Q. And sand; correct?
- 5 A. Yes, dirt.
- 6 Q. Is there a difference in your designation of dirt
- 7 versus sand?
- 8 A. To me it looked like dirt. I mean, it was dark,
- 9 gritty-looking substance.
- 10 Q. Wasn't white, it was dark?
- 11 A. I mean, when I refer to dirt that usually would --
- 12 Q. Right.
- 13 A. -- you know.
- 14 Q. Because sand, you would think of as being white like
- 15 at the beach; right?
- 16 A. It could be.
- 17 Q. Or in a sandbox?
- 18 A. Beige, you know, brown.
- 19 Q. Now, if a person had dirt in their hymen area, would
- 20 you expect it in their vaginal area? Would you expect
- 21 that to be an irritant?
- 22 A. Yes.
- 23 Q. So the fact that you found redness in the vaginal area
- 24 with dirt present is consistent with having dirt in the
- 25 vaginal area; is that correct?

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1 A. Yes.

2 Q. Okay. There was no torn hymen or you didn't note
3 anything wrong with the hymen?

4 A. Correct.

5 Q. Now, what other findings did you make?

6 A. The white, stringy discharge inside the vagina.

7 Q. Let me stop you there.

8 A. Uh-huh.

9 Q. Did you secure the white, stringy substance to have it
10 analyzed to see what it is?

11 A. Yes. We did take swabs of that.

12 Q. Now are those the swabs which you sent, that you
13 packaged and sent to SLED or did you do an independent
14 medical evaluation to determine if it was some sort of
15 vaginal discharge which may have been the result of some
16 sort of infection?

17 A. I didn't do any analysis of the substance.

18 Q. So that would be put, that would be what was on the
19 swab that you sent to SLED; is that right?

20 A. Yes.

21 Q. All right. What other findings did you make?

22 A. That's all.

23 Q. That's the only findings you made.

24 Now, you indicated when asked by the solicitor with a
25 reasonable degree medical certainty if you could determine

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1 based on your physical examination that this was
2 consistent with a sexual assault. It is also
3 consistent -- tell me, could it also be consistent simply
4 with having a irritant in the vaginal area without knowing
5 what the white, stringy substance was?

6 A. Probably not. And the reason I say that is because of
7 the redness that's on the outside of the vagina.

8 Q. Uh-huh.

9 A. I would expect to see irritation on the inside.

10 Q. Would you expect to see irritation on the inside?

11 A. Right.

12 Q. If it were an assault?

13 A. No. I mean, if there was, the dirt was causing the
14 irritation, I would expect to see irritation on the inside
15 of the vagina. I did find dirt on the inside and on the
16 outside of the vagina.

17 Q. Okay.

18 A. And that could cause irritation also.

19 Q. Okay. So, are you saying that the dirt could not have
20 been causing the irritation?

21 A. No. I'm saying it's possible that the dirt could have
22 caused the irritation, yes.

23 Q. So the person may not have been sexually assaulted?

24 A. True. Yes.

25 Q. Did you have the urine sample which was taken at the

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1 hospital analyzed?

2 A. Yes. Urinalysis test is ordered.

3 Q. And do you know what the results were on that?

4 A. I do not.

5 MR. WILLIAMS: That's all the questions I have, Your
6 Honor.

7 THE COURT: Redirect?

8 REDIRECT EXAMINATION

9 BY MS. BRISBIN:

10 Q. Dr. Jackson, was the white, stringy discharge that you
11 documented consistent with -- in your experience,
12 consistent with semen?

13 A. Yes.

14 Q. And in your experience, is there usually or is there
15 always a torn hymen when there has been a sexual assault?

16 A. Not always.

17 Q. Okay. And would the reddening and irritation and dirt
18 that you documented in the vaginal area be consistent with
19 a sexual assault in a wooded area on the ground?

20 A. Yes.

21 MS. BRISBIN: Thank you.

22 THE COURT: Any recross?

23 MR. WILLIAMS: No, Your Honor.

24 MS. BRISBIN: Nothing further.

25 THE COURT: Thank you, Doctor. You may step down.

LILLY SMALLS GALLMAN - DIRECT

1 LILLY SMALLS GALLMAN, having been duly sworn, was
2 examined and testified as follows:

3 THE CLERK: Please have a seat in the witness box.
4 State your full name for the Court and spell your last.

5 THE WITNESS: My name is Lilly Smalls Gallman.
6 Gallman spelled G-A-L-L-M-A-N.

7 DIRECT EXAMINATION

8 BY MS. BRISBIN:

9 Q. Where do you work?

10 A. I work for the South Carolina Law Enforcement
11 Division.

12 Q. And what is your job there?

13 A. I'm a forensic DNA analyst.

14 Q. Are you called Agent Gallman? What is your title? Do
15 you prefer --

16 A. Agent Gallman is fine.

17 Q. Agent Gallman. Okay. And you said you're a forensic
18 DNA analyst?

19 A. Yes, I am.

20 Q. What's your educational background?

21 A. I have a degree in biology from the University of
22 South Carolina. Once I received my degree, I continued
23 working there in the area of molecular genetics. I did
24 cloning and sequencing of DNA and trained graduate
25 students to be able to work in the laboratory. I began

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1 working with the South Carolina Law Enforcement Division
2 in January of 1990.

3 After I began working there, I attended the FBI DNA
4 typing schools, both the beginners and the advance class.
5 I've also taken advance genetics courses and statistics
6 courses, all for my job that I have at SLED. I've also
7 been trained by serologists who are already at SLED in the
8 area of serology.

9 Q. And you said you've been at SLED for how long?

10 A. Since January of 1990.

11 Q. And have you been doing this same type of work, DNA
12 analysis, since then at the beginning?

13 A. Yes, I have.

14 Q. Okay. How many times have you been qualified to
15 testify as a DNA expert in the field of DNA analysis?

16 A. Between 50 and 60.

17 MS. BRISBIN: Your Honor, I'd ask at this time that
18 Agent Gallman be qualified as an expert in DNA analysis.

19 MR. WILLIAMS: Just one question.

20 THE COURT: Yes, sir.

21 VOIR DIRE

22 BY MR. WILLIAMS:

23 Q. The 50 or 60 times that you have been qualified, would
24 that be in circuit court?

25 A. Yes. We handle -- the cases that I handle are in

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1 circuit court.

2 MR. WILLIAMS: Then we have no objection, Your Honor.

3 THE COURT: Okay. All right. She's qualified.

4 Yes, ma'am, you may proceed.

5 DIRECT EXAMINATION (CONTINUED)

6 BY MS. BRISBIN:

7 Q. Agent Gallman, what's meant by the term DNA?

8 A. DNA stands for deoxyribonucleic acid. It is
9 considered to be the blueprint of the body. You get part
10 of your DNA from your mother and part from your father.
11 And everyone's DNA is unique except for identical twins.
12 And since your DNA is unique we're able to determine
13 whether we have a match or do not have a match between
14 evidence and the standard from a subject or a victim in a
15 case.

16 Q. Did you perform DNA analysis in this case?

17 A. Yes, I did.

18 Q. And what items did you have? You said you have a
19 standard and then you have evidence. What items did you
20 have to test for DNA in this case?

21 A. When evidence is gathered for a CSC, it's done with a
22 kit. And in that kit is an envelope with all the evidence
23 for our department.

24 Q. Is what? I'm sorry.

25 A. All the evidence for our department which would be

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1 vaginal swabs, oral swabs, rectal swabs. And in this
2 particular case, those are the kind of items that I
3 received. Also microscopic smears that were made from the
4 vaginal swabs. And also I received known head hair from
5 the victim and pubic hair combings from the victim.

6 Q. And those are all in the CSC kit or sexual assault
7 kit?

8 A. Yes, they are.

9 Q. And did you also receive a suspect kit?

10 A. Yes, I did.

11 Q. What is included in that or was included in that?

12 A. In this particular suspect kit it was just the blood
13 and known pubic hairs from Bruce Hall.

14 Q. And who was the sexual assault kit from?

15 A. Minor I believe that's how you pronounce her
16 name.

17 Q. From where did you obtain the sexual assault kit and
18 the suspect kit? Once you were at SLED, where did you
19 obtain them from?

20 A. Once the evidence is brought to SLED to the log-in
21 area, the portion of the kit that belongs to the DNA
22 department is placed in a heat-sealed pouch and the
23 technician for our department retrieves this evidence and
24 then places it in the DNA refrigerator.

25 Q. Okay. And so, are you saying that you got it from

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1 your DNA refrigerator?

2 A. Yes, I did.

3 Q. And what type of procedure do you perform in order to
4 analyze the DNA?

5 A. The first step when I received the kit is to inventory
6 and see what evidence is there.

7 Then the next step when I have a sexual assault is to
8 determine whether semen is present on the items that are
9 in the kit.

10 MR. WILLIAMS: Your Honor, we would object to any
11 testimony about the findings in this particular matter
12 until the chain has been completed. And we would suggest
13 to the Court that the chain is not complete and
14 introduction of the items that form the basis of her
15 testimony, that there are errors in the chain of custody
16 which have not been covered.

17 THE COURT: All right. Ladies and gentlemen, I'm just
18 going to ask you to go to your jury room momentarily while
19 we take this matter up and let you stretch your legs.
20 Don't discuss the case. Continue to keep an open mind.

21 (Jury exits courtroom at 4:18 p.m.)

22 THE COURT: Okay.

23 MR. WILLIAMS: Judge --

24 THE COURT: Mr. Williams, yes, sir.

25 MR. WILLIAMS: -- I believe that there are gaps on at

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1 least two to three areas. One area has to do with clothes
2 of the victim. I don't recall any witness testifying as
3 to actually removing the clothes from the victim and then
4 sending it along with the kit.

5 The second area, Your Honor, deals with Chris
6 Johnson. It actually deals, I think that was his name,
7 the big police officer from Aiken.

8 THE COURT: Right. That was his name, yes.

9 MR. WILLIAMS: Before the chain was established with
10 him, as I recall his testimony, Chris Johnson testified
11 that he received those items from another detective at the
12 Aiken County Sheriff's Department which would have been --
13 a female detective or agent or sheriff's department
14 person. Her name would have been --

15 MS. BRISBIN: Donna Sawyer.

16 MR. WILLIAMS: That's right.

17 MS. BRISBIN: That's correct.

18 MR. WILLIAMS: In any event, he testified he got these
19 items from a detective at the sheriff's department.

20 As I recall her testimony when she was on the stand,
21 she testified that she placed the items in a refrigerated
22 box or something at the sheriff's department, evidence
23 log. But she never testified, from my recall, that she
24 gave it to Johnson.

25 She testified that she placed itto the refrigeration

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1 but she never testified that she went into refrigeration,
2 got it out of refrigeration and gave it to Johnson.
3 Johnson testified he got it from her. But I don't recall
4 her testimony as being that she actually gave it to
5 Johnson.

6 THE COURT: Yes, ma'am.

7 MS. BRISBIN: Your Honor, Ms. Sawyer was the evidence
8 clerk at the sheriff's department. She testified that she
9 logged the evidence into the evidence, refrigerated
10 evidence locker at the sheriff's department.

11 Chris Johnson testified that he got it out of the,
12 from her at the evidence locker. She's in charge of the
13 evidence locker, logging in and logging out. He took it
14 from her out of the evidence locker. And that's what he
15 testified to, to the best of his ability. It may not have
16 been as clear as we'd like, but I don't believe there was
17 any break in the chain.

18 And as for the clothing, we have not put any clothing
19 in evidence. We don't intend to put any clothing into
20 evidence and there was no analysis of the clothing.

21 MR. WILLIAMS: Well, then, the clothing wouldn't be an
22 issue, Your Honor. But I'm not sure the solicitor has
23 explained the fact that you have the evidence person at
24 the sheriff's department says she puts it in the evidence
25 locker, refrigerated locker. And then Johnson testifies

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1 that he received it from her. He didn't say he got it
2 from the refrigerated locker. He said he received it from
3 her which is a distinction because she never testified
4 that she took it out of the refrigerated locker and gave
5 it to Johnson.

6 MS. BRISBIN: Your Honor, I believe he testified to
7 both, that he received it from Donna Sawyer when he was
8 questioned after having testified that he received it from
9 the evidence locker at the sheriff's department.

10 Mr. Williams asked him who was involved in that transfer
11 and he said Ms. Sawyer. She's the one who puts it into
12 the evidence locker. He takes it out of the evidence
13 locker and she's there when he does that.

14 THE COURT: Okay. Well, the purpose of the chain is
15 to ensure that we can trace a specimen such as blood from
16 the time it's taken from the body or other specimens,
17 bodily fluids, whatever they might be, from the time it's
18 taken from the body of the person until it's analyzed by
19 the analyst.

20 Here there is a complete chain, in my view.

21 The -- based on State versus Sweet and the case of DSS
22 versus Cochran, there's adequate chain of custody and
23 there have been, there's been ample evidence so as to
24 avoid any conjecture or speculation as to who had the
25 items and what was done with them between the taking and

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1 the analysis.

2 As far as your specific objection, Mr. Williams, as to
3 what was put in the evidence locker, from -- by Ms. Sawyer
4 at the sheriff's office, she testified that she logged in
5 the kits. And Mr. Johnson testified that he received the
6 kits from her.

7 So that's the part, that's the link of the chain that
8 you're attacking. As to that particular link I find that
9 there is no gap and there is sufficient evidence of the
10 chain.

11 All right.

12 MS. BRISBIN: Thank you, Your Honor.

13 THE COURT: Anything further?

14 MR. WILLIAMS: No, sir.

15 THE COURT: Okay. What are we doing on time?

16 MS. BRISBIN: I think we'll be done at five. I
17 will --

18 MR. WILLIAMS: Is she figuring that I'm going to get
19 to ask questions?

20 THE COURT: Well, I don't know. How long do you think
21 your cross-examine is going to be -- cross-examination?

22 MR. WILLIAMS: We're probably going to take 15
23 minutes.

24 THE COURT: All right. Let's just see how far along
25 we get. All right.

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1 Yes, sir. Bring the jury on back in.

2 (Jury enters courtroom at 4:25 p.m.)

3 THE COURT: Okay. Yes, ma'am. You may resume.

4 BY MS. BRISBIN:

5 Q. Agent Gallman, I kind of forget where we were, to be
6 honest. But you said -- which types of samples did you
7 analyze?

8 A. I received a suspect kit from Bruce Hall which
9 contained blood and known pubic hairs. I also received a
10 sexual assault kit from Ms. Minor which contained her
11 blood, a saliva standard, vaginal smear, vaginal swabs,
12 oral swabs, rectal swabs, known head hairs, known pubic
13 hairs, pubic hair combings. And also, I also received
14 underwear from her.

15 Q. Okay. That's part of the sexual assault kit, the
16 underwear from the victim?

17 A. It's all -- there's a bag for it in the kit. Yes, it
18 is.

19 Q. Okay. And which items did you -- well, what was your
20 first step upon receiving these samples?

21 A. As I said, once I receive the kit I inventory the kit
22 to see what items were sent in. And then the next step
23 would have been a sexual assault. I checked for the
24 presence of semen on the vaginal, oral and rectal swabs.

25 Q. And what was your finding in that test?

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1 A. With those tests, with the vaginal swab and rectal
2 swab I found semen. It was no semen on the oral swab.

3 Q. And did you actually test the panties, the victim's
4 panties?

5 A. No, I did not. We have -- what we do is work from
6 inside the body out. So I start with the vaginal swab and
7 the rectal swab and oral swabs and if there is no semen
8 present then I will go to the panties. And if any items
9 else that were submitted I would test those.

10 Q. Okay. But there was semen present in this case?

11 A. Yes.

12 Q. And that was located where?

13 A. On the vaginal swab and the rectal swabs.

14 Q. Do you recognize what's been marked State's Exhibit
15 Number 11 for identification purposes?

16 A. This would be the envelope for the panties.

17 Q. And that, that is contained as part of the sexual
18 assault kit?

19 A. This bag is part of the sexual assault kit.

20 Q. Okay.

21 A. So the hospital could put the panties from the victim
22 in here.

23 Q. Okay. And but you didn't actually test the panties,
24 you didn't take them out of the pouch?

25 A. No, I did not.

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1 Q. Okay. And is this in the same form that you would
2 have received them since you didn't do anything to them?

3 A. Yes. Once I found out that there was semen on the
4 vaginal and the rectal swab, I just retained the evidence
5 with me.

6 Q. Okay.

7 A. And then just return it along with the other evidence.

8 Q. Okay.

9 A. If I had opened it, you would have seen cut on here
10 and my initials where I re-sealed it.

11 Q. Is there anything visible in that sealed pouch that
12 stands out in your mind? Any -- other than the panties
13 themselves in the packaging within the plastic pouch?

14 A. There's dirt in here.

15 Q. Okay. And did you tamper with this package in any
16 way?

17 A. No, I did not.

18 MS. BRISBIN: Your Honor, I ask that State's Exhibit
19 Number 11 be admitted into evidence at this time.

20 MR. WILLIAMS: Subject to the Court's ruling, Your
21 Honor.

22 THE COURT: All right. Subject to any previous
23 objections, and the arguments are incorporated, it's in
24 evidence.

25 (State's Exhibit No. 11, panties sealed in packaging,

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1 was received into evidence.)

2 BY MS. BRISBIN:

3 Q. After you found that the swabs were, the rectal and
4 vaginal swabs were positive for semen, what's the next
5 step?

6 A. The next step would be to move on to develop a DNA
7 profile from those items.

8 Q. And just basically, how is that done? Just briefly,
9 in laymen's terms.

10 A. What's submitted swabs, just like Q-tips are
11 submitted. That's the kind of swab it is. And I would
12 cut the tip off those swabs and place them in a tube and
13 then add a solution to that sample. And what's happening
14 is the cells, be it sperm or epithelial cells coming from
15 the victim, they will be released from the swab and the
16 epithelial cells from the victim will be the first one
17 that will be broken open and release her DNA.

18 I would spin that sample down and then take the
19 solution off which should contain basically the victim's
20 DNA.

21 The difference between epithelial cells and sperm
22 cells is that the sperm has a tight coating on it to help
23 it survive. And it won't lyse or break open in the first
24 sample.

25 I put another solution on the sperm and it contains

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1 the agents that will cause it to break open and -- the
2 sperm head, and release the DNA into the solution.

3 Q. So what you're saying is the DNA from the victim's
4 epithelial cells is separated from the DNA from the semen?

5 A. Yes.

6 Q. What's the next step?

7 A. Once I extracted the DNA, then I go further to develop
8 a DNA profile from the evidence. And I also develop a DNA
9 profile from the standards so I can compare them.

10 Q. And what do you mean by the standards?

11 A. The standard in this particular case is the blood from
12 Mr. Hall and the blood from Ms. Minor .

13 Q. And is that kept separate from the semen sample?

14 A. Yes, it is. I handle the evidence first. And then I
15 go back and do the standards.

16 Q. What --- well, first of all. Is SLED an accredited
17 DNA lab?

18 A. Yes, it is.

19 Q. And did you follow standard protocols that are used to
20 analyze DNA in this case?

21 A. Yes, I did.

22 Q. And what was the result of your analysis of the DNA
23 evidence in this case?

24 A. Okay. Once I develop a DNA profile from the evidence,
25 the vaginal swab, and the rectal swab and a DNA profile

LILLY SMALLS GALLMAN - DIRECT

1 from Mr. Hall and Ms. Minor , I compare them.

2 And I'm reading from my report. And it states that
3 the DNA profile developed from the semen found on items
4 3.4 and 3.6, 3.4 being the vaginal swab and 3.6 is a
5 rectal swab, matches the DNA profile of Bruce Hall.

6 And once you determine that you have a match, then we
7 are required to put a statistical value to that match.

8 And I'm still reading from my report. It says that the
9 probability of randomly selecting an unrelated individual
10 having a DNA profile matching these items is one in 16
11 quadrillion. (16,000,000,000,000,000). That's a one with
12 15 zeroes.

13 Q. The probability thread, if you would read that again
14 and explain what that means.

15 A. The probability of randomly selecting an unrelated
16 individual having a DNA profile matching these items is
17 approximately one in 16 quadrillion.

18 Q. So that's the chance of randomly selecting someone who
19 matches that DNA?

20 A. That's correct.

21 Q. Okay. I'm showing you what's been marked State's
22 Exhibit Number 13 for identification purposes. Do you
23 recognize this?

24 A. Yes, I do.

25 Q. And does that have your signature on it?

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1 A. Yes.

2 Q. And what is this?

3 A. This is the report that I generated after I completed
4 my analysis.

5 Q. And is this a record that's kept in the normal course
6 of business at SLED?

7 A. Yes, it is.

8 MS BRISBIN: Your Honor, I'd ask that the DNA analysis
9 report be admitted into evidence at this time.

10 MR. WILLIAMS: Subject to the Court's ruling dealing
11 with the chain, yes, Your Honor.

12 THE COURT: Okay. It's in evidence subject to that
13 objection earlier made.

14 MS. BRISBIN: Thank you.

15 (State's Exhibit No. 13, SLED report, received into
16 evidence.)

17 MS. BRISBIN: Please answer any questions Mr. Williams
18 has.

19 THE COURT: Cross-examination.

20 MR. WILLIAMS: Thank you, Your Honor.

21 CROSS-EXAMINATION

22 BY MR. WILLIAMS:

23 Q. Ma'am, just to ask you a couple of questions. When
24 you were describing, I guess, education you said you had
25 your bachelor's of science, I assume?

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1 A. Yes.

2 Q. From the University of South Carolina. Did you ever
3 get a master's degree or a PhD degree?

4 A. No, I did not.

5 Q. Now, in terms of what you did in this particular case
6 and that is testing, I guess, the samples that you found,
7 did you -- it's my understanding you did not test the
8 panties at all?

9 A. No, I did not.

10 Q. And the items which are reflected -- what would you
11 call the items which is in the plastic bag?

12 A. Besides the bag with the panties?

13 Q. Yes.

14 A. Sand, dirt.

15 Q. Sand?

16 A. Yeah. Sandy dirt.

17 Q. And your distinction between sand and dirt is what?

18 In your mind, what is dirt and what is sand? If you had
19 to evaluate and say which one was sand and which one would
20 be dirt.

21 A. Well, sand to me is dirt but then it's grainier.

22 Q. Lighter color too?

23 A. It doesn't have to be.

24 Q. Well if you had to give that one or the other, would
25 it be sand or dirt?

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1 A. I'd say sandy dirt.

2 Q. You're not mincing words with me now, are you?

3 A. No. There's a difference. With me being from
4 Charleston, when if you look at the sand it's dark, so ...

5 Q. But the feel of it is like sand; isn't it?

6 A. Yes.

7 Q. And around here, around the Aiken-Columbia Area, it's
8 a lot of sand.

9 A. Okay.

10 Q. All right. Let me back up. I won't put you on the
11 spot about sand and dirt.

12 When you did your analysis, and you were talking about
13 what you had been taught, you've done some work in
14 genetics and things like that. And you also got some, I
15 guess, education in statistics?

16 A. Yes, I did.

17 Q. And when you determined the statistics in this
18 particular case, how did you come up with the figure that
19 you did?

20 A. Well, what we do is we have, I guess -- we have a
21 computer system that's linked to the national database,
22 national databases, and we put the profile in and then it
23 generates a statistical value for that particular profile.

24 Q. So, you didn't do any particular mathematical
25 formulation when you came up with this figure. You

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1 plugged some numbers into a computer and it came back with
2 -- what is a quadrillion anyway? How much is that? How
3 many zeros is that?

4 A. Fifteen.

5 Q. So it comes backs with one in like 15 zeros and that
6 comes out of the computer; is that right?

7 A. That's the result -- well, we're looking at different
8 databases and that's the most conservative estimate for
9 that particular profile.

10 Q. But now you had nothing do with the formulation of the
11 statistics that were behind that; do you?

12 A. Gathering -- I don't understand your question.

13 Q. You don't, didn't come up with a formula --

14 A. No, I did not.

15 Q. -- that said what the odds were?

16 A. No, it was done by statisticians.

17 Q. It was done by somebody other than you?

18 A. That's correct.

19 Q. And you plug it into the computer and whatever formula
20 they've got in the computer is what you're reporting to
21 us, what that figure is; correct?

22 A. Well, I know what formula is in there but, yes, I do
23 put the profile in.

24 Q. When you send that information off, you're actually
25 comparing two people; aren't you? You're comparing the

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1 alleged victim and the alleged perpetrator or the
2 Defendant; aren't you?

3 A. I don't understand your question.

4 Q. Well, for you to come up with any type of assessment
5 you have to compare something known as common alleles. Is
6 that what you call those things?

7 A. Yes.

8 Q. For the jury's edification, tell the jury what an
9 allele is.

10 A. An allele is, like I said, you get part of your DNA
11 from your mother and part from your father. And when --
12 the areas that we look at are repeats off of different
13 pieces of DNA. And it generates what's called an allele.

14 So, let's say for instance you, at this particular
15 area on the DNA you have 11 repeats. That would be, your
16 allele would be called an 11.

17 Q. Now, alleles, would that be places on the DNA strand
18 where you could mark locations?

19 A. Yes.

20 Q. And a DNA strand when you're actually looking at it is
21 actually like a spiral staircase, isn't it, and what
22 you're talking about is locations. And the science is
23 developed where you got 11 places on the strand which you
24 could locate and give numbers, if you will?

25 A. Well, we look at 16 different areas.

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1 Q. You look at 16, not 11?

2 A. That's correct.

3 Q. All right. Now, and when you do that, do you look at
4 the blood or the DNA of a particular individual and you
5 determine what location it is on the strand?

6 A. When I develop a DNA profile?

7 Q. Right.

8 A. It could be from -- it doesn't have to be from the
9 blood. It could be from any area of the body. It's all
10 the same. When I develop a DNA profile, I'm looking at a
11 particular area on the chromosome. And we look at 16
12 different areas on the chromosome.

13 Q. Now if you would, would you kind of step down here and
14 can we have a little science lesson here? You've got to
15 step down.

16 A. Okay.

17 THE COURT: Yes.

18 BY MR. WILLIAMS:

19 Q. It's okay. You're the expert.

20 A. Yeah, but he's the Judge.

21 Q. You're right. That tops an expert; doesn't it?

22 A. Exactly.

23 Q. Now would you describe to the jury exactly what this
24 chart is?

25 A. Okay. When we develop a DNA profile all the

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1 information is placed in the chart. Besides the statement
2 that I read telling you that it's a match, we also show
3 the information that we have. So, if you look in the
4 first column, that information is from Ms. Cane, Mr. Hall,
5 and the evidence that I tested.

6 Like I said before, that I have, like, a first
7 fraction, was the epithelial cells coming from the
8 victim. And then the second fraction coming from the
9 sperm will be, in this particular case it's coming from
10 Mr. Hall. All of that information is placed there.

11 Q. Let me stop you right here. So if we were looking at
12 this chart and the first category, this would be from the
13 alleged victim, Ms. Minor, in the first block. Second
14 block would be Bruce Hall which would be the blood which
15 was drawn from Bruce Hall; is that right?

16 A. Uh-huh. Yes.

17 Q. And what is the 3.4 and F M, F and M?

18 A. Okay, 3.4, that's the vaginal swab. The F is what we
19 call the female fraction because we basically should have
20 most of the victim's DNA in that sample. The 3.4 M, we
21 call it the male fraction because basically you should
22 have all of the DNA from the semen that was found on these
23 items.

24 And that's the same with 3.6 F and M.

25 Q. All right. And these little blocks that you have

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1 here, would those be the 16 blocks that you were talking
2 about?

3 A. Yes. There's 16 areas on the chromosome. Also across
4 the top right, like right here it says items. And so, as
5 I said, these are items that we tested. And then across
6 here you're looking at the designation on the chromosome
7 as to what I'm actually looking at. So take for instance
8 in this first block, we have -- one second -- D 8 F 11-79
9 that means that it came off the eighth chromosome and the
10 position is 11-79.

11 Q. All right. Let me stop you here. You said it came
12 off the eighth chromosome. Now is there something
13 significant about the number of chromosomes? How many
14 chromosomes does everybody have?

15 A. You have 22 pairs.

16 Q. Twenty-two pairs?

17 A. Uh-huh.

18 Q. Now you have 16 blocks?

19 A. Yes.

20 Q. Why would you have 16 blocks instead of 22 blocks?

21 A. Because what -- you're thinking about a chromosome as
22 a whole. A whole chromosome contains information that
23 decides your hair color, your skin color, exactly what
24 you're going to look at.

25 What we're looking at is what's called STR, short

LILLY SMALLS GALLMAN - CROSS

1 tandem repeats, which are regions of DNA that have repeats
2 over and over again. And when we look at numbers that are
3 located in this section, you see that he is a 13-15.

4 Either the 13 came from his mother or father or the 15
5 came from his mother or his father.

6 Q. What does that mean, 13-15? I'm sorry. I'm trying to
7 stop you so we can kind of break it down as you go.

8 A. He has a 13-15. Like I said, either it came from his
9 mother or his father. But, when I say a 13, that means
10 that this particular area on the DNA he is getting 13
11 repeats of that same DNA and he is getting a 15, and he's
12 also getting a 15 which is 15 repeats at that same area on
13 DNA.

14 Q. Okay. Now, so, if we look at these charts, if we just
15 look on the term, if we just look underneath him like,
16 see, like in the first block, she's got a 13 in the first
17 block and he's got a 13 in the first block?

18 A. Yes.

19 Q. So they're sharing the same kind of location for that
20 chromosome; is that right?

21 A. That means that either her mother or her father gave
22 her a 13 repeat at that same area.

23 Q. All right. So when we look at, say, over here, she's
24 got a 10 and he's got a 10 so they got the same there;
25 right?

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1 A. Same number of repeats, true.

2 Q. So, if we look over here, it's got a 15 here and she's
3 got a 15, they got the same location on that one; right?

4 A. Yes, but those alleles are not independent of each
5 other. She's a 15-17, and he's a 15-18.

6 Q. So when we look at -- what this number? Nine?

7 A. That's a nine.

8 Q. That's a nine. Everybody has got a nine?

9 A. No, everyone does not have a nine.

10 Q. But these two people have nines?

11 A. That's the donation they got from the mother and the
12 father.

13 Q. So both the alleged victim and the alleged perpetrator
14 have a nine?

15 A. That is true.

16 Q. When we look over here, 11, both of them have 11s;
17 correct?

18 A. She's an 11-12 and he's an 11-14. You're correct.

19 Q. Okay. Thank you. And when you get over here, both of
20 them have a 14?

21 A. That's the donation they got from their mother and
22 father.

23 Q. Okay. And then over here, both of them have 8-10s?

24 A. From your mother and father. That's true.

25 Q. And both of them have 15s in the combination?

LILLY SMALLS GALLMAN - CROSS

1 A. She's a 15, 15.2 and he's a 14-15.

2 Q. And both of them have twelves?

3 A. She's just a 12 and he's an 11-12.

4 Q. And both of them have 19?

5 A. She's a 19-26 and he's a 19-22.

6 Q. Thank you, ma'am. You can have a seat now. I don't
7 need you up here. I'll ask you some more questions.

8 A. Okay.

9 Q. Now, everybody has got 20 -- how many chromosomes?

10 A. Twenty-two pairs.

11 Q. We got 16 areas that we check out from everybody; is
12 that right?

13 A. Sixteen is the area that we check out, yes.

14 Q. And that's going to fit everybody in the world; isn't
15 that right?

16 A. As in?

17 Q. As in DNA. You're checking 16 areas in DNA; right?

18 A. Yes, I do.

19 Q. Now, if you have an uncle and you have a niece, would
20 you expect to find some of the same areas on their DNA?

21 A. Yes, and people who aren't related either, yes, that
22 are similar, but not the same.

23 Q. Right.

24 A. Okay.

25 Q. So, would that be the reason why some of these

LILLY SMALLS GALLMAN - CROSS

1 locations are identical in both her and him, it's because
2 the alleged perpetrator is an uncle and the Defendant
3 (sic) is a niece, that they would share some of the same
4 locations on their chromosome?

5 A. It's possible but not -- it's not -- you can have
6 total strangers and you'd still see this.

7 Q. But total strangers?

8 A. Yes, because you're looking at each one of the areas
9 on the chromosome separate. What happens after you
10 develop the DNA profile, you're able to see how often you
11 see this particular profile in the population and then you
12 multiply it and become -- and then that's where you get
13 your statistical value from.

14 Q. So you're telling me that you could actually see more
15 similarities between strangers and an individual than in
16 families if you were checking out the DNA?

17 A. Not more, but it's possible to see similarities
18 between individuals who are not related.

19 Q. And the information which you have testified to in
20 regards to what the odds are, you didn't compile that
21 information at all; did you?

22 A. No. We have national databases that we plug the
23 profile into. And that's how we received the statistics
24 because the first thing we have to do is establish the
25 fact that we have a match between the evidence and the

LILLY SMALLS GALLMAN - CROSS

1 standard. And then we do the statistical analysis on it.

2 Q. So the numbers which you have plugged in to go to the
3 statistical evaluation of the numbers that are reflected
4 on that chart which would be the alleles that you're
5 talking about?

6 A. Yes.

7 Q. And based on that you get this printout. Do you have
8 the printout, the physical printout which comes from the
9 computer with you? Is that the printout?

10 A. Yes, it is.

11 Q. Now, do you know how to interpret this?

12 A. Yes, that's my job.

13 Q. I understand what you're saying. I understand what
14 you're saying.

15 A. I'm sorry.

16 Q. Now if you'll look at this, and when you say that's
17 your job, you can look at that and report what the
18 document says which is the report itself; can't you?

19 A. Yes.

20 Q. But you can't testify in regards to how those numbers
21 came about; can you?

22 A. In -- as in the frequency of the event?

23 Q. As how those figures were determined by this
24 computer. Because if you could, you would have done it
25 yourself; wouldn't you?

LILLY SMALLS GALLMAN - CROSS

1 A. No.

2 Q. No, you wouldn't have done it yourself?

3 A. No. The reason is, it's quite a lot of information.

4 Q. It is.

5 A. And it's easier to allow the computer to do it for you
6 so you won't have a headache when you get through, but it
7 can be done by hand.

8 Q. But you didn't do it in this particular case?

9 A. No, I did not.

10 Q. And is there the possibility that there might be an
11 error in regards to what your interpretation is based on
12 what this computer module that clicked off these numbers?

13 A. Well, the databases have been checked over and over
14 again before they were even published to us to be able to
15 use. So I would say that there would not be an error in
16 them.

17 Q. All right. That's based on what is reported to you?

18 A. Yes.

19 Q. Even though they share some of the same alleles in the
20 same location?

21 A. Yes.

22 Q. And are kin to each other?

23 A. Yes, sir.

24 Q. Could you tell how old the DNA was when you sampled
25 it?

LILLY SMALLS GALLMAN - REDIRECT

1 A. No.

2 Q. Now DNA degrades; doesn't it?

3 A. Yes, it does.

4 Q. So, there's nothing which would lead you to believe
5 that this was fresh DNA versus old DNA?

6 A. No. I've had cases that were five, 10 years old and I
7 was able to develop a DNA profile from. So it just
8 depends on how the samples were kept during that time.

9 Q. So you can't say that the samples which you were
10 evaluating were five years old versus a week old?

11 A. No, I cannot.

12 MR. WILLIAMS: That's all I have, Your Honor.

13 THE COURT: Any redirect?

14 REDIRECT EXAMINATION

15 BY MS. BRISBIN:

16 Q. The samples you're evaluating came out of the CSC kit
17 and the suspect kit; correct?

18 A. Yes, it did.

19 Q. So you would know from looking at the dates that they
20 were collected when -- how old that DNA was; wouldn't you?

21 A. Yes, I could do it based on that.

22 Q. Okay. And this -- the question about the statistics,
23 the fact that the victim and the Defendant are related has
24 no effect on the statistics; does it it?

25 A. No. It's based on the profile that was developed from

LILLY SMALLS GALLMAN - RECROSS

1 the evidence. We don't look at who the contributor is.

2 The results from the statistical analysis is based on that
3 particular profile by itself.

4 Q. Which particular profile?

5 A. The profile that was developed from the evidence.

6 Q. Meaning the semen?

7 A. Yes.

8 Q. And that's compared to what profile?

9 A. The first thing I do is compare it to the standard and
10 then --

11 Q. The standard from whom in this case?

12 A. The standard from Bruce Hall.

13 Q. So what you're comparing for your analysis is the DNA
14 from the semen on the vaginal and rectal swabs, and the
15 DNA from the blood from Bruce Hall; right?

16 A. That's correct.

17 Q. Okay.

18 A. I establish a match and then go on to the statistics.

19 MS. BRISBIN: Thank you.

20 THE COURT: Any recross?

21 MR. WILLIAMS: Just a couple questions.

22 RECROSS-EXAMINATION

23 BY MR. WILLIAMS:

24 Q. And your major concern when you're doing this testing
25 is, besides being accurate in regards to what you're

1 looking at, when you look at these computer modules is
2 contamination and cross-contamination; isn't that true?

3 A. Well, we run controls for that purpose to make sure we
4 don't have any contamination.

5 Q. How big is DNA?

6 A. Well, you can't see it with your naked eye.

7 Q. You can't see it. Can you -- if I reach over and grab
8 that door handle, could I leave DNA on that door handle?

9 A. Yes, but like I said, I first established that I had
10 semen and not just DNA from someone.

11 Q. And is it possible to contaminate the semen from
12 another source?

13 A. In a person's vaginal area?

14 Q. That's what I'm asking.

15 A. I don't see how.

16 Q. You're not saying no?

17 A. No. I'll say no.

18 MR. WILLIAMS: That's all the questions I have, Your
19 Honor.

20 THE COURT: Okay. Thank you very much, Ms. Gallman.

21 Ladies and gentlemen, we're going to go ahead and
22 break for the day. Be back in the jury room at 9:30. And
23 I know you're already tired of me telling you this, but
24 don't talk about the case. Don't do any outside
25 investigation. Continue to keep an open mind. You

1 will charge that.

2 All right. Let's see. You can bring the jury in.

3 (Jury enters courtroom at 10:38 a.m.)

4 THE COURT: All right. Good morning, ladies and
5 gentlemen. I'm sorry that we were delayed in getting
6 started this morning but that was my fault and not anybody
7 else's. We were taking care of some other business on
8 some other cases this morning in addition to getting ready
9 to resume this case.

10 So at this time as you recall when we adjourned
11 yesterday we were still in the part of the case where the
12 State was presenting their evidence.

13 And at this stage, Ms. Brisbin, yes, ma'am?

14 MS. BRISBIN: May it please the Court.

15 THE COURT: Yes, ma'am.

16 MS. BRISBIN: Mr. Williams -- oh. The State rests.

17 THE COURT: Okay. All right. So the State has
18 completed their presentation of evidence at this time.

19 And now, as I previously told you, we've reached the
20 stage of the trial where Mr. Hall, the Defendant, may
21 present evidence and he has the opportunity to do so but
22 certainly not the obligation to.

23 So, yes, sir, Mr. Williams?

24 MR. WILLIAMS: Your Honor, we're prepared to argue to
25 the jury.

1 THE COURT: Okay. So both sides have now completed
2 their presentation of the evidence and we have reached the
3 stage of the trial where you're going to hear the closing
4 arguments of the lawyers. And then I will give you the
5 instruction on the law and then the case is going to be in
6 your hands for a decision and a verdict.

7 So, yes, ma'am, Ms. Brisbin.

8 MS. BRISBIN: Thank you, Your Honor. Ladies and
9 gentlemen of the jury.

10 The Judge is going to charge you on the law that
11 applies to this case in just a few minutes but I want to
12 go over just briefly the basics of what laws we're dealing
13 with in this case.

14 First of all, he's charged with criminal sexual
15 conduct with a minor in the second degree; lewd act on a
16 child; and possession of a weapon, in this case a knife,
17 during the commission of a violent crime.

18 And I want to just kind of explain to you what those
19 charges mean, and how the evidence in this case proves
20 that he's guilty of each of those charges.

21 Criminal sexual conduct with a minor in the second
22 degree includes, among other things, penetration of the
23 genitals or anus with any object. It could be a penis or
24 any other object, other than for medical purposes. And
25 when it's in the second degree with a minor, that means

1 the child is 11 -- between the ages of 11 and 14. In this
2 case, you heard testimony that Minor was 11 years old when
3 this happened.

4 The lewd act on a child charge means that there was
5 some type of sexual touching of a child under the age of
6 16 by a person who was 14 years of age or older.

7 Possession of a weapon during the commission of a
8 violent crime means that some type of weapon, either a
9 firearm, or a knife in this case, was possessed by the
10 Defendant during the commission of a violent crime. In
11 this case that would be, the violent crime would be the
12 criminal sexual conduct with a minor charge which is by
13 law considered a violent crime in South Carolina.

14 There is also a law in South Carolina that says that
15 no corroboration whatsoever of the victim's testimony is
16 needed in a criminal sexual conduct case. What that means
17 is if you believe the victim, you don't have to have any
18 other evidence to convict a criminal sexual conduct with a
19 minor.

20 But in this case you have a lot of other evidence in
21 addition to the victim's testimony. And she's 13 now but
22 she got up on that witness stand and she told you what
23 happened to her. It's been almost two years ago. She was
24 11 years old. She's just in sixth grade now. She was a
25 child. She's still a child. She got up there and she

1 told you what this man did to her.

2 Whether you believe her or not, there's no way you can
3 not find him guilty when there's semen, his semen in her
4 vagina and rectum. Even if you didn't find her testimony
5 believable, for whatever reason, there's no reasonable
6 explanation for his semen being in her vagina and rectum.

7 And that's what you're here to decide today; whether
8 or not this man, Bruce Hall, sexually assaulted his
9 11-year-old niece, Minor [REDACTED]. That's all it comes down
10 to. And whether he had a knife when he did it. And
11 touched her sexually as well as penetrating her vagina or
12 rectum.

13 The Judge will tell you that you can believe any
14 witness or no witness at all. It's totally up to you as
15 to who you believe. It's up to you whether you believe
16 Minor testimony, her mother, her aunt's testimony, the
17 doctor, the nurse, the SLED agents, the officers. You
18 just make that decision.

19 Think about Minor testimony. She was crying right
20 from the beginning. It's got to be tough for a child to
21 get up in front of all these strangers and in front of the
22 Defendant, all these lawyers and the Judge, her mama, her
23 aunt, and whatever strangers want to walk into this open
24 courtroom and watch. But she did it, and she got through
25 it. And it was hard for her but she did it.

1 Her testimony was very consistent with what she told
2 the nurse, and what she told Investigator Sievers from the
3 sheriff's department back then on August 5th of 2006 even
4 though it's been almost two years ago.

5 The Nurse Scott testified about what Minor had told
6 her happened. She said that Minor used the word wiener,
7 that he forced his wiener inside her. Investigator
8 Sievers also testified that Minor told her that he did
9 that. In fact, she said he -- Minor told her that he did
10 it several times. He pulled out, went back in,
11 masturbated, started again.

12 She gave very detailed information two years ago when
13 she told Investigator Sievers after it had just happened.
14 Of course two years later on the witness stand, it's not
15 going to be as clear in her mind as it was back at that
16 time. But there was nothing inconsistent about what she
17 said.

18 She didn't know the exact date and time. I mean, what
19 11 year old who's just been raped in the woods by her
20 uncle is going to go home and mark it on her calendar
21 August 5th, 2006, seven p.m. raped by uncle? That's
22 absurdity. It doesn't matter if she remembered the exact
23 date and time. She told her mother and her aunt
24 immediately after it happened, after they found her
25 walking down the dirt road with Bruce Hall.

1 There's no question that's the date it happened. It
2 was reported immediately. 9-1-1 was called. Deputies
3 came out on August 5th of 2006. Investigator Blevins
4 testified to that. He testified that he was called out as
5 the investigator on that night. Dog team was called out
6 that night. The dog team member testified that he came
7 out on August 5th, 2006, that night. It was dark. It was
8 late.

9 The mother testified that it was after 10 o'clock when
10 she found Minor She and Aunt Teresa found Minor walking
11 down the road with Bruce Hall after they had been
12 searching. The mother said she had been searching for
13 hours for her. And she checked at the cousin's where she
14 was supposed to be. She wasn't there. She checked at her
15 house. She wasn't there. She was looking through the
16 woods for her for hours when she comes walking down the
17 dirt road with Bruce Hall.

18 No question it was Bruce Hall. Two of his sisters
19 identified him, said it was Bruce Hall. No question who
20 walked out, down the road with Minor that night. Minor
21 told you it was Bruce Hall. She's known him all her
22 life. He's her uncle. He lived right through the woods.
23 No question of identity. Even if you didn't believe DNA,
24 there's no question of identity in this case.

25 As far as the time period goes, she seemed a little

1 confused about, when Mr. Williams was questioning her,
2 about what time this happened. Like I said, do you think
3 she wrote it down that this happened at seven p.m.? She
4 remembers it was daylight when she left her cousin's house
5 and it was dark when she got back home.

6 She can't tell you if it was eight hours, four hours,
7 two hours. I bet it seemed like eight hours out in the
8 woods with that man in the dark, sexually assaulting her
9 repeatedly, holding a knife to her throat and telling her
10 he was going to slit her throat if she screamed again.
11 She testified to that. The nurse testified that she told
12 her that. Kim Sievers testified that she told her that
13 back on August 5th of 2006.

14 No question there was a knife. She described the
15 knife. He pulled it out. It had a black handle. He
16 opened it. It had a silver blade about yea long. He held
17 it up to her throat. Didn't actually hold it against her
18 throat. Held it in front of her throat and said, I'll
19 slit your throat if you scream again. Because she'd been
20 screaming for help but she was too far in the woods for
21 Ted, the officer who lived across the street from her, to
22 hear.

23 The doctor described the white, stringy substance
24 found in her vagina that he said was consistent with
25 semen. It turned out to be semen, just like he expected.

1 The DNA agent testified that she did the test to determine
2 if it was semen or not and it was.

3 The nurse testified. And Mr. Williams kept asking the
4 doctor, you don't recognize her handwriting. Well, who
5 cares? This is obviously the nurse. She signed her name
6 to it. And see it right here, Sylvia Scott and Walter
7 Jackson, the doctor. They signed the report because they
8 did the report. The two of them together. The nurse
9 wrote down what she told her. The doctor -- and you'll
10 have this report to look at more closely when you
11 deliberate. The doctor marked on the diagram where he saw
12 reddening of the hymen and dirt was present on the vulva
13 and inside the vagina. And he testified that all of that
14 was consistent with sexual assault, particularly one that
15 occurred in the dirt in the woods.

16 The nurse also documents dirt throughout. Noticed
17 dirt and grass on clothes. She documents the child's
18 demeanor, wringing hands, teary-eyed at times, talking
19 very low. You know she talks low and it was hard to hear
20 her, but, it's hard to speak -- it's not easy to speak up
21 when you're 13 years old and sitting up there on that
22 witness stand in front of all these strangers talking
23 about something like this.

24 The doctor also was asked, well, you didn't find any
25 tears of the hymen. And he explained that he did not use

1 a magnified instrument to look for tears and so if there
2 were microscopic tears he doesn't know. But he also told
3 you that tears in the hymen are not always present in
4 sexual assaults. There was reddening of the hymen and
5 dirt present and irritation.

6 Speaking of dirt, that was kind of funny. I don't
7 know if this is sand or dirt or sandy-dirt but it's there
8 and you can see it. And this came out of the panties that
9 Minor was wearing that night. They took them at the
10 hospital, put them in the sexual assault kit with all the
11 other swabs and things. And they never opened the package
12 afterwards. They didn't test any further once they found
13 the semen because that's the protocol that SLED has. Once
14 they find semen inside a child's body, they don't go any
15 further looking for it on panties because it's kind of
16 pointless.

17 And, of course, it costs money to keep doing those DNA
18 tests. And that's taxpayer money. They're trying to be
19 careful with that. But you can see the dirt, the sand,
20 whatever, that came out of the panties which are in this
21 packaging.

22 And that's just more corroborating evidence to support
23 what Minor told you when she testified.

24 And the same thing for these footprints. Nobody's
25 saying, well, her footprint matches the -- her foot

1 matches the footprint and we measured it and therefore she
2 had to be the one who was walking down that road with
3 Bruce Hall. Who cares. We know that. His two sisters
4 saw that. She testified to that.

5 It doesn't really matter whether those footprints
6 match up perfectly. And, by the way, these are two
7 different rulers that are used just for reference
8 purposes.. You can see when you look -- and you'll have
9 these pictures back there too. You can see that one of --
10 that the barefoot-print is smaller than the shoe print
11 just by using this, these rulers as a reference. This is
12 not going to tell you the exact measurements. They didn't
13 have a shoe to compare anyway because when Bruce Hall was
14 found hiding out in the woods two days later, he wasn't
15 wearing shoes.

16 But you can see. You've got a larger shoe print and a
17 smaller barefoot-print. And, you know, nobody is saying
18 these are -- we have exact measurements of them for you to
19 compare. When you've got DNA, that's kind of a moot
20 point. But you do have the picture of the dirty foot of
21 Minor just like they found her at the hospital.

22 And the debris in her hair, whether or not it was a
23 leaf, who knows. There was some sort of debris in her
24 hair which is consistent with what she said that she was
25 in the woods on the ground being sexually assaulted by her

1 uncle.

2 And the scratches, again, on her leg. Nobody's saying
3 that proves this happened, but you just add that to all of
4 the other corroborating evidence. It's just one more
5 piece of corroborating evidence. She had scratches from
6 briars in the woods. Makes sense.

7 And what we're asking is just use your good common
8 sense here. This is not rocket science. You don't have
9 to be a DNA expert. You don't have to understand all of
10 the workings behind DNA. You know DNA works. You know
11 it's used for genetic identification and that everybody's
12 DNA is different unless you have a twin brother. Unless
13 Bruce Hall had a twin brother which his sisters say he
14 does not, that's his DNA inside her vagina and rectum.
15 And there is no reasonable explanation for that other than
16 he's guilty.

17 I want you to think about what possible reasonable
18 doubt you can have in this case and that is the burden of
19 proof. The State does not have to prove the case beyond
20 absolutely any possible doubt. And I think the Judge will
21 tell you, very few things in life can be proved to an
22 absolute certainty. And that's not the burden of proof.

23 The law says the burden of proof that the State has is
24 beyond a reasonable doubt. So ask yourself, what
25 reasonable explanation could there be in this case for DNA

1 matching Bruce Hall being inside Minor [REDACTED]'s vagina and
2 rectum other than he's guilty?

3 The State does have the burden to prove this case. He
4 doesn't have to prove anything. The State has proved that
5 he is guilty way beyond any reasonable doubt. One in 16
6 quadrillion, and you'll have that report there to look at
7 too, is way beyond a reasonable doubt. And that is the
8 chance that some other man other than Bruce Hall left this
9 semen inside Minor [REDACTED]'s vagina and rectum. Way beyond
10 reasonable doubt. Fifteen zeroes she said. One in 16
11 quadrillion (16,000,000,000,000,000).

12 Thank you.

13 THE COURT: Thank you, Ms. Brisbin. Mr. Williams?

14 MR. WILLIAMS: May it please the Court.

15 THE COURT: Yes, sir.

16 MR. WILLIAMS: I apologize for wasting your time. I
17 apologize for making y'all think about this case. If I'm
18 the solicitor, you just use your common sense and you
19 just, you know, you're not going to do any DNA test, no
20 additional tests because it's taxpayer money.

21 We're not concerned about inconsistencies in the
22 testimony of the various witnesses who testified because
23 it's not that important.

24 We're not concerned about the difference in the
25 footprints or the shoe prints because that doesn't mean

1 anything.

2 We're not concerned about the fact that the report
3 contains two different signatures on the report because of
4 course the nurse was there, the doctor was there.

5 Well, when I spoke to you in opening argument I asked
6 that you do what a jury is supposed to do. And that is to
7 analyze, to evaluate the testimony and the evidence. Now,
8 what that means is you don't just assume everything the
9 solicitor is telling you is true.

10 What that means is you don't just assume everything
11 that a witness is telling you is the truth. What that
12 means is that you look for consistencies in testimony, in
13 evidence, but you also look for the differences. Because
14 if there are differences, then why are there differences?

15 You know, when you try a case from the State's point
16 of view, you try to shape a picture for everybody to look
17 at. And sometimes that doesn't work. And I'll show you
18 an example of that. You'll have all of this evidence back
19 there with you. And to a certain extent this is good.
20 It's good to have tangible evidence that you can look at
21 because a lot of times when you go back there you may
22 forget what one of the witnesses said or something like
23 that.

24 But, and this is just one piece of evidence that
25 you'll have. It's the sexual assault examination

1 protocol. That's the one piece of evidence which
2 obviously I don't even know why I asked why there was
3 different signatures on there or anything else.

4 Well, I'll tell you why I asked. Because you're
5 putting up a doctor to say that what's in this report is
6 accurate. That's why it's important.

7 And then we learn that the first few pages on the
8 report are actually filled in by somebody else, a nurse or
9 somebody who has talked to someone. The doctor hasn't
10 talked to that person. And why is that important?
11 Because, you see, there are things that are written on the
12 first page. On August 5th, 2006, late one evening before
13 dark, you know, it's a story which is written on the first
14 page. And to a jury, since it's in a doctor's report,
15 since it's written down, since you can see it, if you can
16 see it written down it must be true.

17 But then you learn that the doctor didn't see it. The
18 doctor didn't write it down. The doctor didn't hear it.
19 So what does that mean? It doesn't mean anything.

20 But as you look through this piece of evidence, you
21 see that there is dirt on her clothes. There's grass on
22 her clothes. And you learn that there was combings, there
23 was semen which was taken, and you get to the last page
24 that's attached in which there is a pelvic exam and the
25 signature of the doctor.

1 Now I want somebody in this courtroom, and even after
2 this trial is over I want someone to call me at my office
3 and tell me, I don't care if it's the SLED, I don't care
4 if it's the doctor, I don't care if it's the solicitor's
5 office, I don't care who it is, I want somebody to explain
6 to me why this report has page four and then skips to page
7 six.

8 See I've been doing this a long time. I don't know if
9 I look my age but I've been practicing law for 31 years.
10 And when I have a report which is missing a page, I always
11 wonder about that. I say, why is it missing a page?

12 Now I gave the State a chance to explain why they were
13 missing a page. When I was cross-examining the doctor and
14 I brought up the fact that there was page four and then
15 there was page six and I asked about that. Nobody has
16 explained that to my satisfaction. Regardless of which
17 way you guys vote, guilty or not guilty, I still want to
18 know the answer to that question because those are the
19 kind of things that make me wonder what's going on.

20 And then I look at what the doctor's put down in his
21 report. And he says essentially that she had a normal
22 report with the abnormality of, she had redness of the
23 area and she had a white, stringy discharge.

24 And I'll go back to that.

25 Now, I don't know if you watched the doctor as he was

1 testifying but, you know, you can almost make anything,
2 you can make the testimony say whatever you want it to
3 say. And when the solicitor had the doctor on the stand
4 and she asked with a reasonable degree of medical
5 certainty can you tell me if this is consistent with the
6 sexual assault, he said yes. And I'm sure everybody
7 closed their minds and says, well there you go. Let's
8 write that witness off to saying that there was a sexual
9 assault.

10 But then you open the book back up, and you ask him
11 the questions about, well, let's see. The hymen wasn't
12 ruptured or torn. Didn't look at it with a microscope. I
13 guess maybe that's being too personal, but that's an
14 indication of whether there was an assault or not.

15 And by the time we got through talking to the doctor,
16 the doctor said the fact that there was dirt in the
17 vaginal area could be a reason for the irritation which
18 means -- and did not necessarily mean that there had been
19 some sort of assault.

20 But we're not supposed to think about that. Those are
21 just -- I don't know. You're not supposed to listen to
22 all the negative things that support a case. You're
23 supposed to just focus on what proves that my client did
24 it. So all of this stuff that I'm telling you that makes
25 you question, just ignore that because you're supposed to

1 find him guilty. You're supposed to focus on those things
2 which are consistent with the story.

3 Well, let's talk about what the alleged victim said
4 happened. I know it's not important. I mean, she's been
5 assaulted. And it's -- just doesn't make any sense that
6 she wouldn't remember the exact date that it happened or
7 the time that it happened. So I'm not supposed to talk
8 about that. Because you see, if I talk about that and if
9 that indicates her story is not consistent or causes you
10 concern, then you're not supposed to think about it.

11 Well on the stand she didn't know what day it was.
12 She didn't know the date, day, date, day. I always get
13 those confused. Date is like a number, I guess. Day is
14 like Monday through like Friday, Saturday, Sunday. And
15 that's understandable because it's two years later.

16 But let's talk about what she said immediately after
17 it happened. Remember she talked to certain people? She
18 talked to the nurse. She talked to her aunt. She talked
19 to one other person. And all this information is
20 recorded. See, that's the interesting thing about it.
21 You know, when you have an event in which the police
22 become involved in, then they tend to record that
23 information. And when they record that information, then
24 the person who's giving that information has a chance to
25 review that information. Make sure that their testimony

1 is consistent with what they said to begin with. Should
2 be fairly easy, shouldn't it? Your testimony should
3 always be exactly what you said the first time you said it
4 because you got it all written out. You've already got
5 these other witnesses who have heard you say it. So it
6 ought to be consistent.

7 Well sometimes what you tell the police is, or
8 whoever, is not what we want you to believe. It's not
9 what we want the story to show. An example of that. When
10 the initial statement was taken as it was reported to the
11 various people, you remember that we were reading off some
12 document where she reported what happened. And she said
13 that actually there were like three assaults, if you
14 will.

15 And I don't mean -- y'all will think I'm some kind of
16 bad guy when I say three assaults versus one assault. One
17 assault is just as bad as three assaults. I'm just
18 telling you. And you have to kind of step away from what
19 you're talking about. Because you can't get involved a
20 hundred percent in your emotions when you start thinking
21 about what this person is supposedly saying.

22 So, originally it was, like, three times it happened.
23 And it was a black and silver knife which was pulled out
24 after the assault had been committed. But when we get
25 ready to go to trial, you see he's charged with using a

1 knife, a weapon, to commit a violent crime.

2 Now it just doesn't work if you're talking about a
3 knife which comes out after, does it? So now when a
4 person takes the stand, they talk about the knife as some
5 sort of object to commit the crime.

6 But, you see, that always comes back to haunt you
7 because you got that information recorded. So, as much as
8 you want to shape what you want it to say, you can't
9 always do that.

10 What other things come into play here? Well, you
11 know, on the stand it was just one assault. But then you
12 learned it was interruptions in it. You learn that there
13 was something else where he, I'll use the word,
14 masturbated or something like that. Didn't say it on the
15 stand. Because you want what is said on the stand to be
16 consistent.

17 Well, what else goes on? Well, you learn previously
18 that you had said that it lasted about four hours. Four
19 hours. That person was in the woods four hours. Because
20 you could understand how somebody could be in the woods
21 four hours. It's a long time.

22 Now -- and I heard the argument about how can you tell
23 how much time it is, you know, 15 minutes could seem like
24 four hours. But let's assume it was four hours. Well, on
25 the stand as we go into it, we learn that it's got to be

1 seven hours or more. And how do you know that? Well, you
2 can expect someone not to remember the number of hours
3 that are involved, but you know you didn't eat breakfast.
4 Now that does two things for you. That tells you that it
5 had to be a whole lot more than four hours. It would have
6 had to have been 12 hours, 13 hours, if you didn't eat
7 breakfast.

8 So which story is true? Which version do you want to
9 believe that the victim is telling? Which one?

10 Well, I guess the best way to decide is you can think
11 about what they said about the beer containers. Well, she
12 said on one occasion, which is the report which was
13 written down with the police where she talked to them
14 about it, that he drank the two beers after it occurred.
15 On the stand she testifies that he's drinking the beer and
16 then the assault occurs.

17 It's a subtle, subtle thing. We've got to have him
18 drinking the alcohol before he has the assault. And the
19 reason we need that is because a jury is going to have a
20 hard time believing that someone would do such a terrible
21 crime.

22 But if you would throw out the fact that alcohol was
23 involved, and that the person who had the alcohol before
24 the assault, that person didn't know what they were doing,
25 so it makes more sense that they committed the crime in

1 that way.

2 But, you see, you can't ever go back to the original
3 statement when you do that. Now, these are things which
4 y'all are just supposed to ignore. Y'all are not even
5 supposed to pay any attention to any of that information.
6 But, you know, all of this deal about what time the person
7 left, and about the fact that supposedly the uncle came up
8 and volunteered to take her to her house through the
9 woods. What is the easiest way to prove that? Well, you
10 probably didn't even notice because it's complicated
11 enough. We got a family that's got four brothers and four
12 sisters. We got Ike which is Isaac. We have my client.
13 We have, basically there are four brothers and there are
14 four sisters.

15 Where was she spending the night? By the way, it was
16 a Friday night. Supposedly she was spending the night
17 with her Aunt Ella and her 15-year-old cousin. Aunt
18 Ella's, what, husband. Why, would you not put up the
19 witness, the adult witness who could testify she did or
20 she didn't eat breakfast? Her uncle came to the trailer
21 or didn't come to the trailer? He volunteered to take her
22 or he didn't volunteer to take her? He had beer or he
23 didn't have beer?

24 There's one thing that you can almost always assume,
25 and I know you get in trouble when you assume things, is

1 that if you don't have a witness to say what you want them
2 to say they must say something different.

3 Now I don't want you to take it the wrong way. You
4 know, this is not my job. I have a lot of jobs in life.
5 I'm a father. I'm a husband. I'm a law partner. And I'm
6 a defense counselor for my client. But the one thing I'm
7 not is the prosecutor or I don't represent the State of
8 South Carolina.

9 So it's not my job to convict him. I don't have to go
10 out and find these witnesses. But why weren't they
11 brought forward? Well, what we can do is we can look at
12 all the other evidence that was put in here. Because, you
13 see, we got pictures. And we got this little hair shot
14 there with the stuff in the hair.

15 And I guess I was just wrong to talk about these
16 measurements or these ruling sticks that were used to
17 determine the size of things. Well, you know, I didn't
18 introduce them into evidence. So, there had to be a
19 reason that the State of South Carolina thought that what
20 they were going to do was to introduce these pictures.
21 Now, what they were trying to show you is that these
22 pictures indicate that the victim and my client came out
23 of the woods. She had no shoes on. He had tennis shoes
24 on. And they came out at a particular location. They
25 were walking down the dirt road. So we take pictures.

1 And we even have the witness or deputy testify as to how
2 big the feet are so that you can get a good idea whether
3 or not it's an adult shoe, an adult foot or a child's
4 foot.

5 If you remember, the child's foot -- of course, what
6 the deputy indicated was the barefoot, was 15 to 16
7 centimeters. Remember that? 15 to 16 centimeters. But
8 when we get a close-up, it clearly is at least 22 to 23
9 centimeters. How could that be? Well maybe it's not a
10 print of her foot.

11 So how do we accomplish what we want to accomplish?
12 Well, what we do -- what we do is we take a picture of the
13 print on the ground, and we lay the measure on the
14 ground. And if you look at the measurement on the ground,
15 well, you have it laid on the ground -- and y'all will
16 have this back with you so if I don't get a chance to --
17 if you don't get to see it or whatever, you'll have it
18 back there. You'll note that the foot, the footprint
19 looks a lot bigger than the ruler, just as it does in this
20 picture. You know, I could be a magician with this. Just
21 as it does in this picture. So there you go. The foot's
22 bigger than the measurement. So must be a footprint. Say
23 no more. Now, wait a minute. One of these rulers is 15
24 centimeters and one of them is 10 centimeters so it kind
25 of depends on what you're comparing it to.

1 But you're not supposed to think about that. But
2 clearly the attempt is made to indicate as to the size of
3 the foot by the differences in the sticks.

4 And I'm wrong to ask about taking foot casts. Now
5 you're not supposed to do that because if you do that and
6 you compare it to the feet or the shoes, then you could
7 actually tell whose feet had been on the road. See, all
8 of this is just looking for something that is consistent
9 with what they want.

10 Tennis shoes. Did you hear any witness testify that
11 my client wore tennis shoes? No. No, but what they will
12 do is they'll have someone testify that when they arrested
13 my client or detained my client he had no shoes on. So
14 clearly he is so smart that he took his shoes off and hid
15 them so that they would be matched up to the footprints
16 which I'm sure he knows that the detectives secured.

17 Well, did you go to his house? Did you check out his
18 shoes to see what shoes he had to see if they matched up?
19 No, we didn't do that. Well, that's a problem. So we
20 bring in the other witness who testified about the
21 bloodhounds, who testified that at the location where
22 there was a bag of six beer containers, there was an adult
23 footprint and a child's-sized shoe.

24 Now what's wrong with that? Well, the child's
25 supposed to be the one barefoot. And the adult was

1 supposed to be the one with the shoes, so it's backwards.

2 And why do we have six beer cans in a plastic bag
3 versus supposedly he had three which were on him and he
4 drank them in the woods? I don't know. But somehow
5 you're supposed to get all of these things in your mind so
6 that you believe that there's a consistent story.

7 Well, regardless of what you believe, regardless of
8 what you believe, he must be guilty because the semen is
9 found in her vaginal area and her rectal area.

10 And we know this because we have a DNA report from an
11 expert. Well, let's look at that. You'll have this back
12 there too so you can look at it. I want you to look at
13 it. I want you to carefully examine it. Because, you
14 know how they say you can make something look like
15 anything? Well, you can.

16 But let's start with what they do. They have known
17 pubic hairs from Bruce, a blood standard from Bruce Hall.
18 So they took blood and took clippings from his hair. Then
19 they have the sexual assault kit and they have blood
20 standard from the alleged victim, saliva, a vaginal smear,
21 and vaginal swabs, oral swabs, rectal swabs, known head
22 hairs from the victim, known pubic hairs from the victim,
23 and pubic hair combings.

24 Now obviously pubic hair combings is an attempt to see
25 if there is inter-mingling of hair.

1 And then the underwear from Ms. Minor . You know, the
2 one thing I always wonder about is, where is the clothes?
3 Why didn't they introduce the clothes? But as you look at
4 what the results of the examinations were, pubic hairs on
5 Bruce Hall, no analysis performed. Saliva, no analysis
6 performed. Vaginal smear, no analysis performed. Oral
7 swab, no semen identified. Known pubic -- I'm sorry.
8 Known head hairs, no analysis performed. Known pubic
9 hairs, no analysis performed. Pubic hair combings, no
10 analysis performed. Underwear from Minor no
11 analysis performed.

12 So, we don't know if there's DNA in there or sperm in
13 there or not. But here's the deal. The DNA profile
14 developed from the semen found, and I use that word here
15 and I emphasize that because did you hear the doctor say
16 that the discharge was semen? Or did he say it was
17 consistent with? You notice that they did not do a
18 vaginal smear. What they did was they did a vaginal
19 swab. Did they say they did the swab from the discharge
20 or did they say that they simply took it from inside the
21 vaginal area? Because you see, that would be important;
22 wouldn't it? If you had preserved what the discharge was
23 then you would be able to analyze the discharge with
24 specificity. You would have an item which you know can
25 only come from one person if you preserved the discharge.

1 Now I'll get to why I say that. As you look at these
2 charts, you have different levels. You have her DNA. You
3 have his DNA. Those are the first two levels. And you
4 have basically 16 chromosomes and the numbers -- of course
5 you have 23. And you have the numbers which reflect the
6 locations on the DNA strand. I don't -- I was a history
7 major. I don't pretend to be some science major but I've
8 seen pictures of them. It looks like some kind of little
9 spiral, has some spots that you can see it.

10 As you look at 3-4 F, which is the vaginal swab, and
11 the way you know that, vaginal swabs, 3-4, you see that
12 the numbers on the vaginal swab do not repeat, do not
13 match up to the numbers which are reflected on Bruce Hall.

14 Yes, some of the numbers, but they're not same
15 numbers.

16 If you look at the rectal swab which is 3-6 F, says
17 rectal swabs, you'll note that the numbers do not, do not
18 match up to the DNA which is on the Defendant.

19 So we explain that by saying that what has happened is
20 that there must be some sort of mixing of the DNA. And
21 therefore that's why the numbers will have some of the
22 same numbers from the male as it does from the female.

23 Now, you know why I made the comment about preserving,
24 preserving the sample which was undetermined exactly what
25 it was.

1 Now I want you to know that we may have billions of
2 people in the United States but we only got 26 numbers
3 we're dealing with. So, everybody has got the same 26
4 numbers. And everybody is going to have some combination
5 of those numbers. People of the same family are going to
6 have more of the same numbers in the same location because
7 they're from the same family. But you do need to have at
8 least all of the numbers before you can even do a
9 comparison.

10 If you will look at what is marked on here as D-2
11 S-1338. It has not numbers but it has letters, INC. Now,
12 I'm not a scientist but I know how to read paper. And I
13 look at what INC stands for on the form. It says
14 inconclusive.

15 We all know what inconclusive is. Inconclusive means
16 that you can't tell. You can't tell. Well now, had you
17 just looked at all of this and assumed all these numbers
18 and plugged it into that computer, then you would say well
19 one in quadrillion, I don't know even know what the number
20 is.

21 The results you get are only as good as what you put
22 into the machine. It's only as good as the computations
23 or the formula that you use in the machine. And it's only
24 as good as your preservation of the evidence and your
25 interpretation.

1 Now I heard the solicitor say, well, we all know about
2 DNA. It has been used everywhere. And I'm sure we never
3 heard DNA as being wrong, it's just never wrong. Anything
4 can be wrong.

5 Your interpretation could be wrong. Whether or not
6 the DNA itself is wrong, your interpretation could be
7 wrong. Your machine could be wrong. Any number of things
8 could happen.

9 If it didn't you wouldn't have people in space
10 shuttles that have their machines that go out of whack and
11 stuff like that.

12 I want to thank you for listening to my case, not my
13 case, my defense to this case. There are three charges.
14 The charges are criminal sexual conduct, use of a weapon
15 and lewd act.

16 Simply essentially lewd act is trying to arouse the
17 child by doing something to her to satisfy her needs or
18 your needs, your gratification or her gratification.

19 Criminal sexual conduct clearly is exactly what we
20 think it means. It means having sex.

21 And then you have use of a weapon. So, for the person
22 to be guilty of using a weapon during the crime you have
23 to use the weapon during the crime. And that statute
24 refers to a violent crime which means that you would have
25 to find that there was a criminal sexual conduct which was

1 conducted because that statute does not apply to a lewd
2 act. It's a non-violent crime. I realize that's a little
3 stupid, but it would apply to one but wouldn't apply to
4 the other.

5 I would ask that you not save the taxpayer money. I
6 want you to spend a little time thinking about this.
7 Because, you see, this is the only day that you 12
8 jurors -- and I know two of you are going to get kicked
9 off in a little bit, that you 12 jurors get to make a
10 decision on my client. You can't come home tonight and
11 call back and say, well, I changed my mind.

12 So, I'm going to do a little bit opposite of what the
13 State wants you to do. I don't want you to just assume
14 and use your common sense and just jump to this
15 conclusion. I want you to think about what you're doing.
16 As long as you do that, then that's all that anybody can
17 ask. Because, indeed, when you perform this service as a
18 juror, if you perform it well, and you 12 jurors who
19 decide this I'm sure will perform it well, you're thinking
20 about what you're doing and you're agonizing over your
21 decisions, because it's tough to sit in judgment on
22 somebody.

23 I thank you sincerely for your service.

24 THE COURT: Thank you, Mr. Williams.

25 Ladies and gentlemen we're going to take about 10

1 THE COURT: Okay. You can bring them on in,
2 Mr. Holtzhouser.

3 THE BAILIFF: Bring the jury in, please.

4 (Jury enters courtroom at 11:48 a.m.)

5 THE COURT: Okay. Ladies and gentlemen, I understand
6 Ms. Moseley you've been selected to be foreperson; is that
7 correct?

8 FOREPERSON OF THE JURY: (Nods head affirmatively.)

9 THE COURT: Okay. And you'll just be the liaison
10 between the Court and the jury if any question comes up.
11 I can only respond to any question by writing back to you
12 or in open court. So if there is a question that arises,
13 just put it in writing, give it to the bailiff, they'll
14 deliver it to me and I'll respond either in writing or out
15 here in the courtroom.

16 If any other issue comes up, it just needs to be
17 addressed in writing as well.

18 JUDGE'S CHARGE TO THE JURY

19 THE COURT: So we've reached the stage of the trial,
20 ladies and gentlemen, where you've heard all the evidence
21 you're going to hear in this case. There are not going to
22 be any more witnesses, there are not going to be any more
23 exhibits. You've heard the arguments of the lawyers.
24 It's now my duty to instruct you on the law that applies
25 to this case.

1 Now, it's your job and your duty to find the facts
2 from the evidence in this case. And to those facts you
3 must apply the law as I give it to you. You should not be
4 concerned with what the law should be but with what the
5 law is.

6 And you should not be concerned with what any of your
7 likes or dislikes are or opinions or prejudices or any
8 undue sympathy you may have related to any issue in this
9 case. And that means you must decide this case solely on
10 the evidence and according to the law. And you will
11 recall you took an oath to do just that yesterday when we
12 began this case.

13 Now, in following my instructions you must follow all
14 of them and not single out some and ignore others. They
15 are all equally important. And please do not read into
16 these instructions or into anything I may have said or
17 done as indicating to you what I think the facts are in
18 this case or whether I have an opinion about this case,
19 about what your verdict should be.

20 As I told you yesterday, that's a matter entirely for
21 you to decide because under our Constitution and system of
22 justice, you and you alone are the judges of the facts of
23 this case.

24 I'm not allowed to have an opinion about the facts
25 that I can share with you. And you must be the judges of

1 what the facts are. Now you decide what the facts are by
2 evaluating or weighing the evidence you've heard during
3 the course of this trial.

4 There is obviously no way I can give you a set of
5 scales to take back in the jury room and let you conduct
6 experiments or weigh evidence in that sense, in a physical
7 sense. Obviously that wouldn't be practical. It is
8 instead a mental process and you simply weigh and evaluate
9 evidence by considering it in light of reason and
10 experience in determining what evidence convinces you of
11 its truth and using your good common sense and sound
12 judgment, finding whether or not the State has met its
13 burden of proof in this case.

14 Now, ladies and gentlemen, I told you at the outset
15 that you must determine what the facts are from witness
16 testimony and exhibits. Those are what constitute the
17 sources of evidence from which you can determine what the
18 facts are in this case.

19 There are certain things that are not evidence and
20 which you cannot consider in reaching your decision in
21 this case. And that includes the arguments and statements
22 of the lawyers.

23 The fine lawyers we have in this case are advocates
24 for their clients but they are not witnesses. So what
25 they say is not evidence. They are here to help you

1 interpret the evidence but if your memory is different
2 from what the lawyer's memory is as to what the testimony
3 was or what the evidence consisted of, your memory
4 controls.

5 Now attorneys have a duty under the rules that they
6 are governed by to object to evidence when they think it's
7 improper. And I know you wouldn't hold it against them
8 for doing their job. So don't let that influence you in
9 any way as to any objection they may have made during the
10 course of this trial.

11 Likewise, anything you may have seen or heard when
12 court is not in session is not evidence and you may not
13 consider it.

14 Now, I've told you that there are two sources of
15 evidence; witness testimony and exhibits. There are
16 different kinds of evidence. And what I'm talking about
17 here is direct and circumstantial evidence.

18 Direct evidence is the testimony of a person who
19 claims to have actual and direct knowledge of a fact such
20 as an eyewitness. Circumstantial evidence is indirect
21 evidence or put another way, circumstantial evidence is
22 proof of a chain of facts and circumstances from which you
23 could find another fact exists even though it has not been
24 proven to you directly.

25 Now, let me give you a brief example to help you

1 understand the difference between direct and
2 circumstantial evidence. Direct evidence proves a fact
3 directly such as the testimony of a witness who comes into
4 court and says they saw a jet plane flying across the
5 sky. Some evidence on the other hand proves a fact
6 indirectly such as testimony of a witness who saw only a
7 white trail of the kind that jets often leave in the sky.
8 That's indirect evidence. It's sometimes referred to as
9 circumstantial evidence. And in either event, each
10 witness's testimony is evidence that a jet plane flew
11 across the sky.

12 The law permits you to give equal weight to both
13 direct and circumstantial evidence but it is for you to
14 decide how much weight to give any evidence. It is for
15 you to decide whether a fact has been proven by direct or
16 circumstantial evidence. And in making that decision you
17 must consider all of the evidence in light of reason,
18 common sense and experience.

19 The law makes absolutely no distinction between the
20 weight or value to be given to either direct or
21 circumstantial evidence. You are entitled to consider
22 both kinds of evidence. And there is not a greater degree
23 of certainty required of circumstantial evidence than
24 direct evidence.

25 And in weighing all the evidence if you're not

1 convinced of the guilt of the Defendant beyond a
2 reasonable doubt, you must find him not guilty.

3 Now I told you at the beginning that you would have
4 to, by necessity, determine the credibility or
5 believability of all the evidence you hear in this case
6 and have heard in this case.

7 I'm not going to go over with you again what I told
8 you before about what you can use to determine
9 credibility, but I will tell you that you can believe
10 everything a witness says. You can believe part of what a
11 witness says and disbelieve other parts. You can believe
12 nothing a witness says. Because you and you alone
13 determine the credibility of witnesses.

14 Now, you may believe one witness over several or
15 several over one. The broad discretion you were given to
16 determine credibility of course, as I've said before, must
17 be governed in a sense by reason and logic and
18 experience. You're not going to make these decisions
19 arbitrarily or for a reason that is not good and sound,
20 but it is up to you to determine the credibility of the
21 evidence.

22 Now you've also heard testimony in this case from
23 people who are qualified as expert witnesses. And I
24 instructed you earlier that an expert witness may testify
25 as to their opinion. But, like all other witnesses, you

1 judge their credibility. And you can accept or reject
2 their testimony in whole or in part. That is entirely up
3 to you.

4 I know that some of you took notes during the trial
5 and I instructed you on that as well and I'm not going to
6 repeat that to you other than to say that your notes are
7 simply an aid to your memory. And if you have an
8 independent memory, some of you may not have taken notes,
9 your independent memory of the evidence is certainly not
10 entitled to lesser or greater weight than someone who did
11 take notes. And the notes are for your own personal use.
12 And, again, we will collect them and destroy them once the
13 trial is concluded.

14 Now, this is a criminal case. As you know, I've
15 already given you some examples or principles, rather,
16 that govern criminal proceedings. And I'm going to go
17 over those again with you briefly.

18 First of all, the mere fact that Mr. Hall has been
19 arrested and charged in this case and indicted is not
20 evidence of guilt. It is simply the formal vehicle by
21 which the case began. He was indicted on these charges.
22 And that's just the way the government lets a citizen know
23 what he's charged with and is the ticket that allows him
24 to come into the courtroom to begin the case.

25 It is not anything that creates any presumption or

1 inference of guilt or even suspicion of guilt because,
2 remember, after all the indictment is not evidence. It's
3 not a witness. It's not an exhibit. And you must confine
4 your decision to those two sources in determining what the
5 facts are and in determining whether the State has met its
6 burden of proof.

7 Now Mr. Hall pled not guilty and that places the
8 burden of proof on the State and Mr. Hall is presumed
9 innocent. It is an important and fundamental rule of law
10 that the defendant in a criminal trial, no matter what the
11 charge may be is always presumed to be innocent. And that
12 presumption of innocence stays with Mr. Hall unless and
13 until guilt has been proven by evidence that satisfies you
14 of guilt beyond a reasonable doubt.

15 The presumption of innocence does not -- does not end
16 when you begin your deliberations. It instead accompanies
17 Mr. Hall into the jury room and stays with him until and
18 unless you reach a verdict of guilt based on evidence that
19 satisfies of you guilt beyond a reasonable doubt.

20 The presumption of innocence has been likened to a
21 robe of righteousness that's placed about the shoulders of
22 the Defendant once the trial begins and remains with him
23 unless and until it has been stripped from the Defendant
24 by evidence produced by the State that satisfies you of
25 the Defendant's guilt beyond a reasonable doubt.

1 Now, ladies and gentlemen, the presumption of
2 innocence is not some legal technicality or legal theory.
3 It is instead a vital and fundamental part of our system
4 of justice. And it is a substantial right to which
5 everyone is entitled unless you, the jury, are satisfied
6 from the evidence of the Defendant's guilt beyond a
7 reasonable doubt.

8 Now I've used this phrase, reasonable doubt, a number
9 of times. What does that mean? Reasonable doubt is
10 defined as the kind of doubt that would cause a
11 reasonable, sincere, honest and conscientious juror to
12 hesitate to act in an important matter in their own
13 affairs.

14 Proof beyond a reasonable doubt is proof that leaves
15 you firmly convinced of the Defendant's guilt. And,
16 ladies and gentlemen, as we all know, there are very few
17 things in this world that we can know with absolute
18 certainty. And in criminal cases the law does not require
19 proof that overcomes every possible doubt.

20 If based on your view of the evidence you are firmly
21 convinced that the Defendant is guilty of the crime
22 charged, you must find him guilty. If, on the other hand,
23 you think there is a real possibility that Mr. Hall is not
24 guilty, you must give him the benefit of that doubt and
25 find him not guilty.

1 A reasonable doubt may arise from the evidence or from
2 a lack of evidence. And I further instruct you that a
3 defendant in a criminal case is entitled to every
4 reasonable doubt that may arise in the case. And what
5 that means is simply this. If upon any issue of fact that
6 is essential to a conviction and a verdict of guilty you
7 have a reasonable doubt as to how that issue should be
8 resolved, you should resolve it in favor of Mr. Hall.

9 Now, there are three charges in this case: Criminal
10 sexual conduct with a minor in the second degree; lewd act
11 upon a child; and the possession of a weapon during a
12 violent offense.

13 I'm going to go over with you each element of each
14 crime but I will tell that you Mr. Hall is entitled, like
15 any defendant, to an independent determination as to each
16 charge. And that means you must consider the evidence as
17 to each charge and consider whether the State has met its
18 burden of proof as to each charge and not be influenced by
19 your decision on one charge in reaching your verdict on
20 the other charges.

21 Now I will tell you further that the burden of proof
22 is on the State. And as I've told you repeatedly during
23 this case, Mr. Hall has no burden of proof. No one
24 charged in a criminal case is required to prove himself
25 innocent or prove himself not guilty. Instead, it is the

1 State that has the burden of proof.

2 And our Constitution and laws also provide the fact
3 that a defendant does not testify is not something that
4 you the jury can consider in any way in determining the
5 facts of this case or determining whether the State has
6 met its burden of proof. It must not be considered by you
7 in any manner and it would be a violation of your oath as
8 a juror to even discuss in the jury room the fact that
9 Mr. Hall did not testify because he has no obligation to
10 testify. And the Constitution certainly grants him the
11 right to remain silent. And that claiming of the right
12 may not be considered by you in your deliberations.

13 So, I repeat, under your oath you are to draw no
14 conclusion whatsoever from the fact that Mr. Hall did not
15 testify and you are not to even discuss that or take into
16 account whatsoever in determining the verdict in this
17 case.

18 Mr. Hall is not required to prove his innocence and
19 the burden of proof is solely on the State.

20 Now, lets talk for a moment about the specific charges
21 in this case. The first charge I'm going to tell you
22 about is criminal sexual conduct with a minor in the
23 second degree.

24 The State in order to convict Mr. Hall of this crime
25 must prove beyond a reasonable doubt that Mr. Hall engaged

1 in a sexual battery with the victim. Sexual battery is
2 sexual intercourse, cunnilingus, fellatio, anal
3 intercourse or any intrusion however slight of any part of
4 a person's body or of any object into the genital or anal
5 openings of another person's body except when the purpose
6 is accomplished for medically-recognized treatment or
7 diagnostic purposes.

8 The State must then prove beyond a reasonable doubt
9 that the victim was at least 11 years old but not more
10 than 14 years old at the time of the sexual battery.

11 Consent, willingness, indifference or ignorance on the
12 part of the minor, if any, as to what was taking place
13 does not in any way affect the charge of criminal sexual
14 conduct with a minor because an unmarried woman under the
15 age of 14 cannot legally consent to sexual intercourse.

16 The testimony of a victim in a case of criminal sexual
17 conduct need not be corroborated.

18 As to the charge of possessing a weapon during the
19 commission or the attempt to commit a violent crime, in
20 order to convict Mr. Hall of this crime, the State must
21 prove beyond a reasonable doubt that the Defendant visibly
22 displayed a knife during the commission of a violent
23 crime. A knife means an instrument or a tool with a sharp
24 cutting blade, whether or not fastened to a handle, that
25 can be used to inflict a cut, slash or wound.

1 In order to find Mr. Hall guilty of possession of a
2 weapon during the commission of a violent crime, you must
3 first find him guilty of either committing a violent crime
4 or attempting to commit a violent crime. Criminal sexual
5 conduct with a minor in the second degree is defined as a
6 violent crime for purposes of this law.

7 Now the final charge that Mr. Hall is indicted for is
8 lewd act on a child. The State in order to convict
9 Mr. Hall of this crime must first prove beyond a
10 reasonable doubt that Mr. Hall was over the age -- excuse
11 me -- that the victim, -- excuse me. That Mr. Hall was
12 over the age of 14. Next the State must prove that the
13 Defendant, Mr. Hall, willfully and lewdly committed or
14 attempted to commit a lewd or lascivious act on or with
15 the body or its parts of a child under the age of 16 with
16 the intent to arouse, appeal to or gratify the lusts,
17 passions or sexual desires of the Defendant or the child.

18 Willfully means voluntarily and intentionally with
19 specific intent to do something the law forbids. Lewd
20 means obscene, lustful, indecent and lecherous. And
21 lascivious means intending to incite lust, lewd, indecent
22 or obscene, or intending to deprave the morals in respect
23 to sexual relations.

24 Now that covers the elements of each crime. Again, in
25 order to convict Mr. Hall you must be convinced, all of

1 you must be convinced the State has met its burden of
2 proof as to each element of the crime. If you're not so
3 convinced, you must return a verdict of not guilty.

4 Now, ladies and gentlemen, you don't serve as jurors
5 in this case or any case to be partisans or advocates for
6 either side. You were chosen because both sides, that is
7 the State and Mr. Hall, believed you could be fair and
8 impartial, you could decide this case without any kind of
9 bias or prejudice or preconceived notion. And that means
10 you're to use your experiences in life and your good
11 common sense and your sense of logic and reason. You
12 bring those things to bear on what you've heard during the
13 course of this trial and once you do that you'll be able
14 to determine whether the State has met its burden of proof
15 and determine the facts of this case.

16 Once you have decided the facts, you will apply the
17 law as I've given it to you and then you'll be able to
18 decide upon a verdict in this case.

19 Now, let me say something about your deliberations.
20 If you went to the dictionary and looked up the word
21 deliberation you would see it is defined as a careful
22 consideration of weighing up with a view to a decision and
23 I've already talked to you about this idea of weighing and
24 evaluating evidence.

25 The genius of our jury system is it allows 12 good men

1 and women from different walks of life and different
2 perspectives to come together and talk about the case and
3 the evidence and consider other peoples' points and points
4 of view and discuss it in a calm, thorough and courteous
5 manner.

6 And, remember, you're not partisans or advocates for
7 either side. You are judges, judges of the facts. And
8 your sole interest is to find whether the State has met
9 its burden of proof and determine what the facts are in
10 this case.

11 Now, each of you must decide this case for yourself.
12 You do so only after you have impartially considered all
13 the evidence, discussed it fully with each other, and
14 listened to the views of your fellow jurors. Don't be
15 afraid to change your opinion if the discussion persuades
16 you that you should, but don't come to a decision simply
17 to get this case over with or to reach a unanimous verdict
18 because this case is important to the State, and to
19 Mr. Hall, and this is their only day in court.

20 In the end remember that your vote is exactly that.
21 It's your vote and no one else's.

22 Now, as I mentioned, Ms. Moseley, if you need to
23 contact me, just do so in writing. I don't ever need to
24 know where the jury stands numerically or otherwise. But
25 we have reached the stage of the case where the record is

1 closed. There's not going to be any more witnesses.
2 There's not going to be any more exhibits. And your
3 verdict must be unanimous. Now as I've said, you're bound
4 by the record at this point. There will not be any more
5 exhibits. If during this trial there has been some
6 discussion about an exhibit or something that's not in
7 evidence, I can't give it to you. So please remember
8 that.

9 And this is the verdict form. As you'll see it goes
10 through each of the three charges. And don't attach any
11 significance as to which option I put down. I just have
12 to put one down first. It doesn't mean anything
13 obviously.

14 Now the first question is concerning the charge of
15 lewd act. It just asks whether you, the jury, can find
16 the Defendant guilty or not guilty.

17 The second is to the charge of criminal sexual conduct
18 with a minor in the second degree. That's the same
19 question as to whether you find whether the State has met
20 its burden of proof or not, whether he's guilty or not
21 guilty.

22 And third is the charge of possession of a weapon
23 during the commission of a violent crime.

24 Obviously if you answer question number two not
25 guilty, you would not reach question number three. So you

1 don't need to answer that in that case.

2 If you answer question number two not guilty, you do
3 not need to reach question number three and would
4 automatically be not guilty because there would be no
5 violent crime to support the charge of possession of a
6 weapon with intent to commit a violent crime.

7 So that's the verdict form. I'm going to ask you to
8 go back to your jury room now, ladies and gentlemen.
9 Don't start discussing the case. When you get the
10 exhibits, the bailiff will bring them back there, that
11 will be your signal you can start talking about the case.

12 And we've got two alternates and the bailiffs are
13 going to put y'all in a separate room. You can't be there
14 during the deliberations, while we're awaiting lunch.

15 You might be wondering why we have two alternates.
16 That might seem a little excessive. The last time I was
17 in Aiken another judge was trying a case and they had to
18 use both alternates. So that happens. So thank you for
19 serving as well.

20 And when you get the exhibits you can start talking
21 about the case. All right. Thank you very much.

22 (Jury exits courtroom at 12:11 p.m.)

23 THE COURT: Any objections or exceptions to the charge
24 from the State?

25 MS. BRISBIN: No, Your Honor.

1 THE COURT: From the defense?

2 MR. WILLIAMS: None by the defense, Your Honor.

3 THE COURT: All right. Okay. Well, y'all please
4 confer and make sure the exhibits are in order and that
5 nothing is going back there that is not in evidence and
6 nothing is being left out. And just let the bailiff know
7 and we'll send it back.

8 MS. BRISBIN: Yes, sir.

9 THE COURT: Thank you.

10 MS. BRISBIN: Thank you.

11 (Deliberations commenced at 12:15 p.m. At 2:05 p.m.,
12 the trial resumed:)

13 THE COURT: Okay. I understand we have a verdict in
14 the State verses Hall case. Are y'all ready for the
15 jury?

16 MS. BRISBIN: State's ready, Your Honor.

17 MR. WILLIAMS: Defendant's ready, Your Honor.

18 THE COURT: All right.

19 I appreciate everyone's decorum during the trial and
20 I'm sure that's going to continue even when the verdict's
21 read out. If anyone doesn't think they'll be able to
22 control their emotions when they hear the verdict, the
23 time to leave is right now because if there is an outburst
24 I'll have to take care of it and I will take care of it
25 and I don't want to have to do that. So if you can't

1 control yourself, please leave now.

2 And I want to thank both lawyers for the fine job that
3 they did for their client. I have no idea what the
4 verdict is but both sides were ably represented and
5 zealously represented. And it was a pleasure to try the
6 case with you.

7 All right. Bring the jury in.

8 (Jury enters courtroom at 2:06 p.m.)

9 THE COURT: Okay. Madam Forelady, has the jury
10 reached a unanimous verdict?

11 FOREPERSON OF THE JURY: Yes, sir.

12 THE COURT: Could you hand it to the bailiff? We'll
13 receive and publish it.

14 FOREPERSON OF THE JURY: (Complies.)

15 THE COURT: All right. Thank you very much.

16 THE CLERK: Thank you. Your Honor, the State of South
17 Carolina versus Bruce Dewayne Hall, GS number is 2007-GS-
18 02-117, 2007-GS-02-118, 2007-GS-02-119.

19 As to the charge of lewd act upon a child we, the
20 jury, unanimously find the Defendant, Bruce Dewayne Hall
21 guilty.

22 As to the charge of criminal sexual conduct with a
23 minor second degree, we find the jury -- we, the jury,
24 unanimously find the Defendant, Bruce Dewayne Hall guilty.

25 As to the charge of possession of a weapon during the

1 commission of a violent crime we, the jury, unanimously
2 find the Defendant, Bruce Dewayne Hall, not guilty.
3 Foreperson amber Moseley.

4 Ladies and gentlemen of the jury, if this is still
5 your verdict, please indicate by raising of your right
6 hand.

7 THE JURY (COLLECTIVELY): (Complying.)

8 THE CLERK: All hands are raised, sir.

9 THE COURT: All right. Thank you, Madam Clerk.

10 Any matters or motions from the State before the jury
11 is discharged?

12 MS. BRISBIN: No, Your Honor.

13 THE COURT: From the defense?

14 MR. WILLIAMS: Yes, Your Honor. We would request
15 polling.

16 THE COURT: Okay. Yes, ma'am. If you could poll the
17 jury, please.

18 THE CLERK: Do you request them to stand as I call
19 their name?

20 THE COURT: Yes, ma'am.

21 THE CLERK: As I call each of your names, please stand
22 and answer the question that I have.

23 Angel Nicholas, Juror Number 94. Is this your
24 verdict?

25 THE JUROR: Yes.

1 THE JUROR: Thank you.

2 THE COURT: And -- excuse me. As I told the other
3 jurors, you're certainly welcome to observe the
4 sentencing. You're not required to but you can. If you
5 want to come around that back door.

6 And if you want a deputy to escort you out to your
7 car, we'll certainly arrange that as well. All right.
8 Thank you.

9 Okay. Is he ready for sentencing?

10 MR. WILLIAMS: He is, Your Honor. But I would request
11 that the Court note that I made motions at the conclusion
12 of the trial to set aside or to hold the sentence in
13 arrest and to grant the Defendant a new trial, that the
14 evidence as a whole should have been insufficient as a
15 matter of law for this jury to have returned the verdict
16 of guilty on two of the indictments.

17 THE COURT: Okay, sir. Thank you for the motion. As
18 I stated earlier at the -- I think there was ample
19 evidence in the record, viewing it in the light most
20 favorable to the State to support a conviction. And I
21 respectfully deny your motion.

22 MR. WILLIAMS: Thank you, Your Honor. I have been
23 presented two sentencing sheets from the solicitor and I
24 did not know -- it shows the -- it shows where the jury
25 convicted. Does the Court require us to sign on the --

1 THE COURT: No, sir.

2 MR. WILLIAMS: I didn't think it did.

3 (Defendant placed under oath.)

4 THE COURT: All right. Yes, ma'am, Ms. Brisbin.

5 MS. BRISBIN: Your Honor, his prior record is a
6 trespassing conviction in '86.

7 Driving under the influence in '95.

8 Criminal domestic violence in '99.

9 Disorderly conduct in October of 2000. And also in
10 December of 2000, violation of safety belt law in April of
11 2000.

12 And open container in January '99.

13 And the victim did not wish to address the Court, Your
14 Honor.

15 THE COURT: Thank you. Yes, sir, Mr. Williams.

16 MR. WILLIAMS: Your Honor, obviously, Your Honor
17 having read the orders that we presented to Your Honor
18 knows an awful lot about my client from just the
19 evaluations. I didn't know if Your Honor actually read
20 those valuations that we handed up to the Court.

21 This was a very tough case in terms of whether or not
22 I guess he should try or not try. And that's based on his
23 limited and -- intelligence. It -- clearly he had a 51
24 IQ. The solicitor and I took him to be evaluated on at
25 least two occasions. And they essentially determined that

1 he was mildly retarded. Did not determine that he was
2 incompetent to stand trial or that he could not stand
3 trial. He appears to understand my conversations with
4 him. Has told me his version of the story.

5 And it's just regrettable that now for whatever time
6 Your Honor gives him that he'll have to spend that time in
7 some sort of facility which is normally reserved for
8 people who commit crimes as he did. And that is because
9 he's very limited intelligence-wise. Your Honor probably
10 picked up on that when you were talking to him.

11 But I can't say that he is incompetent. It's unusual
12 to see someone who has a limited IQ who has no criminal
13 general sessions-type offenses. They're all magistrate's
14 court offenses. I'd ask the Court to note that he has not
15 had any general sessions offenses.

16 There are really a large number of -- I don't know how
17 to explain this. There are allegations of sexual abuse,
18 not just with him but that run through the family. And
19 you normally see that sometimes in these types of
20 situations.

21 I guess I'd just ask the Court for leniency
22 considering the fact that he has a low IQ, that he's --
23 maybe could not have appreciated it as well as he should
24 have what he was doing based on what the jury's return of
25 their verdict.

1 THE COURT: Thank you, sir.

2 MR. WILLIAMS: Thank you, Your Honor.

3 THE COURT: And, again, I appreciate the job you did
4 on his behalf.

5 Yes, sir. Mr. Hall, I'll be glad to hear anything you
6 want to tell me.

7 THE DEFENDANT: (Mumbling.)

8 THE COURT: I'm sorry? I cannot hear you, sir.

9 THE DEFENDANT: Can I go to the crazy house?

10 THE COURT: Go to the crazy house? All right.

11 Anything else?

12 THE DEFENDANT: No, sir.

13 THE COURT: Okay.

14 All right. THE SENTENCE IS, ON THE CASE 07-GS-02-117,
15 YOU BE COMMITTED TO THE DEPARTMENT OF CORRECTIONS FOR A
16 PERIOD OF 10 YEARS. ON -- EXCUSE ME, YEAH, 10 YEARS.

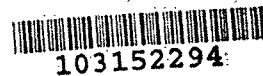
17 ON THE CASE 119, CRIMINAL SEXUAL CONDUCT WITH A MINOR
18 SECOND DEGREE, THE SENTENCE OF THE COURT IS YOU BE
19 COMMITTED TO THE DEPARTMENT OF CORRECTIONS FOR 20 YEARS.
20 THAT SENTENCE IS TO BE CONSECUTIVE AND YOU'LL BE PLACED ON
21 THE SEX OFFENDER REGISTRY AND THE CENTRAL REGISTRY OF
22 ABUSE AND NEGLECT. All right. Good luck to you, sir.

23 MR. WILLIAMS: Thank you, Your Honor.

24 MS. BRISBIN: Thank you.

25 END OF PROCEEDINGS: 2:22 P.M.

**SEXUAL ASSAULT EXAMINATION PROTOCOL
STATE OF SOUTH CAROLINA
LAW ENFORCEMENT DIVISION
SOUTH CAROLINA HOSPITAL ASSOCIATION**



Minor: _____ 11 SX: F EMR
DOB: _____ ADM/REG DT: 08/06/06
MRN: 230686 AIKEN REGIONAL MEDICAL CENTER

—Page 1—

ADULT VICTIM SEXUAL ASSAULT INFORMATION AND EXAMINATION FORM

NOTE

If you should have any questions concerning the use of this kit, please call the Department of Forensic Serology and DNA Analysis, SLED Forensic Services Laboratory, at 896-7300 or after 5 p.m. 737-9000.

NAME OF HOSPITAL: Aiken Regional Med DATE: Aug 6, 2006 TIME ADMITTED: 0030
NAME OF VICTIM: Minor DATE OF BIRTH: [REDACTED]
SEX: F RACE: B MARITAL STATUS: S SSN NO.: _____
LAW ENFORCEMENT OFFICER: [Signature] BADGE NO.: 5323
AGENCY: AIKEN COUNTY S.O.

BRIEF SUMMARY OF ASSAULT—(Include Date, Time, Location; i.e. on bed in victim's or suspect's bedroom. Include, if possible, color of carpet in suspect's home or vehicle; and make/model of the vehicle and its interior/exterior colors.)
Aug 5, 2006 - late evening - right before dark, in woods far from

her house - with uncle who told her to go down another path - into woods
he pulled me down - told me to take my pants off - to pull them down
open my legs - and he stuck his penis in me - I was crying -
he forced her witness in me - I told him to stop -

SINCE ALLEGED ASSAULT, HAS VICTIM:

☒ Douched
☒ Bathed/Showered
☒ Urinated

☒ Defecated
☒ Vomited
☒ Drank/Eaten

☒ Brushed Teeth
☒ Used Mouthwash
☒ Changed Clothes

DURING ALLEGED ASSAULT:

Did penis penetrate? ☒ Vulva
Did assailant experience ejaculation?
Did assailant wear condom?

☐ Mouth
☐ Yes

☐ Anus
☐ No
☐ Yes

☐ No
☒ Not Known
☐ No

☐ Not Known
☐ Not Known

During alleged assault did subject state anything to indicate he had any sexually transmitted diseases?

☐ Yes ☒ No If yes, identify: _____

WERE ANY MEDICATIONS, SOCIAL DRUGS OR ALCOHOL TAKEN PRIOR TO OR AFTER ALLEGED ASSAULT?

☐ Yes ☒ No ☐ Not Known

Type: _____ Amount: _____
Time: _____ Date: _____

WAS ANY COERCION USED?

☒ Verbal Threats

☐ Knife ☐ Gun ☐ Choke ☐ Fists
☐ Other states he would kill her if she told

ASSAILANT(S):

Number: 1

Age(s): _____

Race: W

ASSAILANT(S)—RELATIONSHIP TO VICTIM:

☐ Stranger

☐ Acquaintance

☐ Friend

☒ Relative (Specify): uncle

If Relative, Address of Relative: _____

MEDICAL HISTORY:

Date of last Menses: _____

Victim known to be pregnant? ☐ Yes ☐ No

Duration of pregnancy: _____

Has victim had any past pelvic surgical procedures? ☐ Yes ☒ No

If yes, date and reason: _____

Has victim had sexual relations within the last 7 days? ☐ Yes ☒ No

If yes, date: _____

Condom used? ☐ Yes ☒ No

Other type of contraception used? _____

**STATE'S
EXHIBIT**

12

Minor

VICTIM'S NAME

GENERAL EXAMINATION

DESCRIPTION OF OUTWARD APPEARANCE—(i.e. clothes obtained, torn or glass particles present from broken glass at scene):

metal dirt and grass on clothes

DESCRIPTION OF EMOTIONAL STATE—(i.e. crying, agitated, lethargic, frightened, shocked, depressed, etc.)

quiet - wringing hands - teary eyed at times, talks very low -

☐ **OUTER CLOTHING, UNDERPANTS AND DEBRIS COLLECTION**

Note: 1. Wet or damp clothing should be air dried before packaging.

2. If victim is not wearing the clothing worn at the time of the alleged assault, collect only the items that are in direct contact with victim's genital area.
3. If victim changed clothing after assault, inform officer in charge so that the clothing worn at the time of the assault may be collected by the police.
4. Do not cut through any existing holes, rips or stains in victim's clothing.
5. Do not shake out victim's clothing or microscopic evidence will be lost.
6. If additional clothing bags are required, use only new, paper (grocery-type) bags.

Unfold and place a clean hospital bed sheet on floor. Remove paper sheet from Debris Collection bag, unfold and place over bed sheet. Instruct victim to stand in center of paper sheet and carefully disrobe. Collect each item of clothing as removed and place in the Outer Clothing bag. Collect victim's underpants and place in Underpants bag. Fill out all information requested in bag labels. Seal Debris Collection bag and place in the Outer Clothing bag, then seal Outer Clothing bag. Seal Underpants bag with a police evidence seal and return bag to kit box. Return bed sheet to hospital laundry.

☐ **MISCELLANEOUS MATERIALS** — (For comparison with debris found at crime scene or on assailant's body)

Collect any debris found on victim's body (leaves, fibers, hair, etc.) and place in the Miscellaneous Materials envelope. Note location from which miscellaneous material(s) was taken on anatomical drawings on back of envelope. Seal and fill out all information requested on envelope.

☒ **KNOWN SALIVA** — (For secretor status)

Without touching inner circle with your fingers, remove folded filter paper disk from envelope and place inner circle in victim's mouth. Instruct victim to thoroughly saturate inner circle with saliva. Allow disk to air dry, then return to Saliva Sample envelope. Seal and fill out all information requested on envelope. (Caution: Unless sample is completely air dried, the results of the analysis may be erroneous or inconclusive.)

☒ **KNOWN BLOOD STANDARD** — (For SLED Toxicology and Serology/DNA)

Using normal hospital/lab procedure, draw samples from the victim using a lavender stoppered (EDTA) and a gray stoppered tube from hospital/lab stock. Immediately after collection, write the victim's name, date and time collected and your initials on the blood tube labels. Place the filled tubes into the bubble packs provided and then place in the appropriate ziplock bag. Seal the ziplock bag and fill out all information requested on bag.

Note: Any blood samples required by the hospital should be drawn at this time.

☐ **FINGERNAIL SCRAPINGS** — (Collect only if victim scratched assailant's skin)

Left Hand: Remove folded paper labeled "L" and fingernail scraper provided in Fingernail Scrapings envelope, and unfold and place on flat surface. Hold victim's left hand over paper and scrape under all five fingernails, allowing any debris present to fall onto paper. Place used scraper in center of paper, refold paper to retain debris and scraper, tape closed and return to Fingernail Scrapings envelope.

Right Hand: Follow same procedure for right hand using folded paper labeled "R". Then, seal and fill out all information requested on envelope.

GENERAL EXAMINATION (cont.)

Minor

VICTIM'S NAME

☒ **SUSPECTED SEMEN** — (It is recommended that a Wood's (UV) lamp be used in the following procedure.)

Examine victim's body for crusted area(s). If found, moisten swab(s) with a saline solution. Then thoroughly swab the suspected area(s). Allow swab(s) to *thoroughly air dry*, then return swab(s) to the Suspected Semen envelope. Note location from which sample(s) was taken on the anatomical drawings on back of envelope. Seal and fill out all information requested on envelope.

☒ **PUBIC HAIR COMBINGS** — (To obtain pubic hairs shed by assailant during the assault.)

Remove paper towel and comb provided in Pubic Hair Combing envelope. Place towel under victim's buttocks. Using comb provided, comb pubic hair in downward strokes so that any loose hairs and/or debris will fall onto paper towel. Refold in manner to retain both comb and any evidence present. Return to Pubic Hair Combing envelope. Seal and fill out all information requested on envelope.

☒ **KNOWN PUBIC HAIRS** — (For comparison with hairs found at crime scene or on assailant's body.)

Pull, do not cut, 15-20 full-length pubic hairs from various locations and place in Known Pubic Hairs envelope. Seal and fill out all information requested on envelope.

☒ **KNOWN HEAD HAIRS** — (For comparison with hairs found at crime scene or on assailant's body.)

Remove folded paper bindles from envelope. Pull, do not cut, 3-5 full length hairs from each of the following scalp locations: center, back, front, left side and right side and place in Known Pubic Hairs envelope. Seal and fill out all information requested on envelope.

☐ **BITE MARKS**

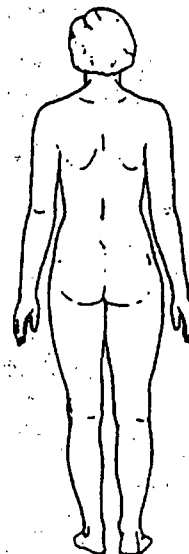
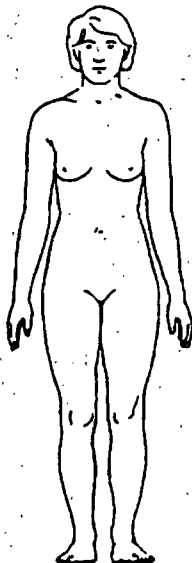
none noted
Using one (1) swab per collection site, moisten swab(s) with a saline solution. Then thoroughly swab the bite mark. Allow swab(s) to *thoroughly air dry*, then return swabs to envelope. Seal and fill out all information requested on envelope.

PHYSICAL EXAMINATION:

Describe all signs of trauma i.e. bruises, scratches, bite or suck marks or redness on any part of victim's body.

pt. had dirt around vaginal area

Indicate location of trauma described above on appropriate anatomical drawing(s).



Photographs taken?

☐ Yes☒ No

Fornesic Odontologist consulted?

☐ Yes☐ No

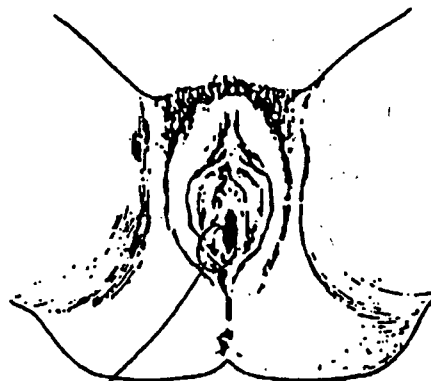
Minor

—Page 4—

VICTIM'S NAME

PELVIC EXAMINATION—(To be performed by qualified medical personnel.)
(Use a non-lubricated speculum.)

VULVA: Normal anatomy, Not present
 INTROITUS: red / irritated area
 VAGINA: White stringy discharge Not present
 CERVIX: Not done
 UTERUS: Not done
 ADNEXA: Not done
 HYMEN: red discolored see diagram
 RECTUM: NST, No lesion
 ANUS: NST No lesion
 COMMENTS: _____



red discolored area / irritated

Walter J. Ferguson, MD
 (Examiner)

08/06/2006
 Date

0220
 Time

SWABS AND SMEARS COLLECTION PROCEDURE

NOTE

- (A) *Do Not* moisten swabs prior to collection.
 (B) *Do Not* stain or chemically fix smears.
 (C) It is imperative that swabs and smears be *completely air dried* before re-packaging in the kit box.

- ☐ 1 Slide and 4 air dried swabs from the vaginal area (including vulva and cervical areas) for semen analysis
☐ 1 Slide and 2 air-dried swabs from rectum for semen analysis (if applicable)
☐ 1 Slide and 2 air-dried swabs from the mouth for semen analysis (if applicable)

LABORATORY TESTS TO BE PERFORMED BY HOSPITAL LAB

Wet mount for presence of:

Spermatozoa

- ☐ Motile
☐ Non-Motile
☐ None Seen

Other

- ☐ Trichomonas
☐ Gardnerella
☐ Candida

Please perform the following:

- ☐ Pap Smear
☐ GC Culture - Oral
☐ Other Culture (i.e. Herpes)

- ☐ Gravindex or HCG
☐ GC Culture - Vaginal
☐ HIV (with victim's consent)

- ☐ VDRL
☐ GC Culture - Rectal
☐ Urinalysis

Minor

VICTIM'S NAME

TREATMENT RECORD

Was general surgical/laceration repair required?

☐ Yes☒ No

Describe in detail:

Was pelvic surgical/laceration repair required?

☐ Yes☒ No

Was victim given Tetanus Toxoid?

☐ Yes☒ NoWas victim given prophylactic antibiotic therapy?
(i.e. for venereal disease)☒ Yes☐ NoSpecify drug and dosage: *Flagyl, Ceftriaxone, a Zithromycin*

Was victim given pregnancy prevention drug?

☐ Yes☒ No

If no, why not?

pre-menstrue

Was victim given any other medication?

☐ Yes☒ No

If yes, explain why:

DISPOSITION AND FOLLOW-UP:

The victim was referred to:

PHYSICIAN:

DATE:

TIME:

am
pm

COUNSELOR:

DATE:

TIME:

am
pm

Follow-up appointment should be made with examining physician/examiner. Victim should be seen within 4-6 weeks for a repeat GC and VDRL; and in one month for repeat HIV.

Signature of Nurse:

Debra Scott - RN

Requests report sent for follow-up to:

(Physician/Examiner)

(Address)

(Examining Physician/Examiner)

FINAL INSTRUCTIONS

1. Make sure information on forms and evidence containers has been completely filled out and that all requested signatures and dates have been completed.
2. Separate forms.
3. Retain white copies of forms for hospital records, place yellow copies in kit box, hand investigating officer pink copies, and forward green copies to DOVA/Victim Compensation.
4. Place the following sealed evidence containers (used and unused) in the SEROLOGY SECTION Evidence Distribution Envelope, then seal envelope with an evidence seal: A) Known Saliva Envelope; B) Known Blood Ziplock Bag containing Lavender-Stoppered Blood Collection Tube; C) Suspected Semen Envelope; D) Bite Marks Envelope; E) Vaginal, Oral, and Rectal Slide Holder; F) Vaginal Swabs Envelope; G) Oral Swabs Envelope; H) Rectal Swabs Envelope; I) Fingernail Scrapings Envelope.
5. Place the following sealed evidence containers (used or unused) in the TRACE SECTION Evidence Distribution Envelope, then seal envelope with an evidence seal: A) Miscellaneous Materials Envelope; B) Pubic Hair Combing Envelope; C) Known Pubic Hairs Envelope; D) Known Head Hairs Envelope.
6. Place the following sealed evidence container (used or unused) in the TOXICOLOGY SECTION Evidence Distribution Envelope, then seal envelope with an evidence seal: A) Known Blood Ziplock Bag containing Gray-Stoppered Blood Collection Tube.
7. Place all sealed Evidence Distribution Envelopes in kit box along with sealed Underpants Bag.
8. Fill out all information requested on kit box top, then affix biohazard label where indicated.
9. Initial police evidence seals and affix where indicated on sides of box.
10. Make first entry on Chain of Custody label on bottom of kit box.
11. Transfer sealed kit and sealed Outer Clothing bag to investigating officer.

NOTE: If officer is not present at this time, place sealed kit and sealed Outer Clothing bag in secure and refrigerated area, and hold for pickup by investigating officer.

NOTE TO INVESTIGATING OFFICER

**IF POSSIBLE, STORE KIT BOX IN REFRIGERATED AREA.
TRANSPORT EVIDENCE TO SLED FORENSIC SCIENCE LABORATORY**

SOUTH CAROLINA LAW ENFORCEMENT DIVISION

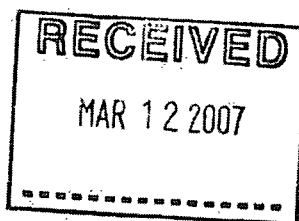
FORENSIC SERVICES LABORATORY REPORT

MARK SANFORD
Governor



ROBERT M. STEWART
Chief

Inv Donna Sawyer
Aiken County Sheriff's Office
420 Hampton Avenue
Aiken, SC 29801



DNA ANALYSIS

March 08, 2007
SLED LAB: L06-14071
Your Case No: 06042169
Incident Date: 8/5/2006
[S] Bruce Hall
[V] Minor

This is an official report of the South Carolina Law Enforcement Division Forensic Services Laboratory and is to be used in connection with an official criminal investigation. These examinations were conducted under your assurance that no previous examinations of persons or evidence submitted in this case have been or will be conducted by any other laboratory or agency.

Robert M. Stewart, Chief
South Carolina Law Enforcement Division

SEROLOGY ANALYSIS

Items Submitted:

Results of Examinations:

1	Known pubic hairs from Bruce D Hall	1	No analysis performed.
2	Blood standard from Bruce D Hall	2	See DNA results.
3	Sexual Assault Evidence Collection Kit from Minor		
3.1	Blood standard	3.1	See DNA results.
3.2	Saliva	3.2	No analysis performed.
3.3	Smear-vaginal	3.3	No analysis performed.
3.4	Vaginal swabs	3.4	Semen identified. See DNA results.



Items Submitted:

3.5 Oral swabs
3.6 Rectal swabs
3.7 Known head hairs
3.8 Known pubic hairs
3.9 Pubic hair combings
4 Underwear from Minor

Results of Examinations:

3.5 No semen identified.
3.6 Semen identified. See DNA results.
3.7 No analysis performed.
3.8 No analysis performed.
3.9 No analysis performed.
4 No analysis performed.

DNA ANALYSIS**ITEMS ANALYZED:**

2 Blood standard Bruce D Hall
3.1 Blood standard from Minor
3.4 Vaginal swabs
3.6 Rectal swabs

EXAMINATIONS

DNA analysis was performed on the items above using Short Tandem Repeat (STR) PCR DNA analysis. The results of the analysis are shown in Table 1.

RESULTS

The DNA profile developed from the semen found on items 3.4 and 3.6 matches the DNA profile of Bruce Hall. The probability of randomly selecting an unrelated individual having a DNA profile matching these items is approximately 1 in 16 quadrillion.

Note: Any remaining evidence and/or packaging will be returned to the requesting agency.



Lilly S. Gallman

Lilly S. Gallman
Forensic Scientist

cc: Aiken County Solicitor's Office



Table 1 – Identifier

Items	D8S1179	D21S11	D7S820	CSF1PO	D3S1358	TH01	D13S317	D16S539	D2S1338	D19S433	vWA	TPOX	D18S51	D5S818	FGA	Amelogenin
Wahneeta A. Cain (item 3.1)	13,15	29,32.2	8,10	10,12	15,17	9	11,12	10,13	Inc	14	15,21	8,10	15,15.2	12	19,26	X
Bruce Hall (item 2)	13,14	28,30	7,11	10,11	15,18	9	11,14	11,12	20,26	14	17,19	8,10	14,15	11,12	19,22	XY
3.4F	13,14 15	28,29 30,32.2	7,8 10,11	10,11 12	15,17 18	9	11,12 14	10,11 12,13	Inc	14	15,17 19,21	8,10	14,15 15.2	11,12	19,22 26	XY
3.4M	13,14	28,30	7,11	10,11	15,18	9	11,14	11,12	20,26	14	17,19	8,10	14,15	11,12	19,22	XY
3.6F	13,14	28,(29) 30	7,11	10,11	15,17 18	9	11,14	11,12	20,26	14	17,19	8,10	14,15	11,12	19,22	XY
3.6M	13,14	28,30	7,11	10,11	15,18	9	11,14	11,12	20,26	14	17,19	8,10	14,15	11,12	19,22	XY

() = alleles between 75 and 149 rfu

Inc = Inconclusive

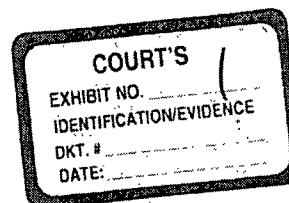




Columbia Behavioral Health System
Forensic Center
7901 Farrow Road
Columbia, South Carolina 29203
Information: (803) 935-5600
Fax: (803) 935-5544

May 2, 2007

Brenda R. Brisbin
Assistant Solicitor
109 Park Avenue
Aiken, SC 29802



Re: The State of South Carolina vs. Hall, Bruce Dewayne
DMH Case #: 1013-2511
Aiken County, Court of General Sessions

Dear Assistant Solicitor Brisbin:

In accordance with the court order issued by the Honorable Doyet A. Early, III, a competency to stand trial evaluation was initiated by the Department of Mental Health. However, as described in the attached report, there were indications of mental retardation or a related disability but no indications of mental illness. As such, per the court order and S.C. Code Ann. § 44-23-410, no opinion on competency is offered and this case is being transferred to the Department of Disabilities and Special Needs.

This 6 page document is certified to be the original court-ordered evaluation report issued pursuant to S.C. Code Ann. § 44-23-410 (1976).

5/2/2007
Date

Kenneth M. Kepler, L.P.C.
Kenneth M. Kepler, L.P.C.
Program Coordinator
Forensic Evaluation Services
Department of Mental Health

c Robert T. Williams, Sr., Attorney at Law, 200 East Main
Street, Lexington, SC 29072
Melinda Fair, DDSN, PO Box 4706, Columbia, SC 29240

EVALUATION SERVICE OF FORENSIC DIVISION

COMPETENCE TO STAND TRIAL REPORT

DATES OF EVALUATION: March 6, 2007; March 28, 2007

PRESIDING EXAMINER: Michael Cross, M.D.

SECOND EXAMINER: Marthe Williams, LISW-CP

DIAGNOSES: **AXIS I:** Malingering Psychotic and Cognitive Impairment.
 AXIS II: Rule-Out Mental Retardation, (Diagnosis Deferred to the
 Department of Disabilities and Special Needs).
 AXIS III: Asthma, by history.

OPINION OF COMPETENCY TO STAND TRIAL: No opinion. The defendant is referred to the Department of Disabilities and Special Needs due to historical indications of mental retardation

DISPOSITION: Mr. Hall returned home on bond at the end of each evaluation.

IDENTIFYING DATA: Mr. Hall is a 40-year-old white male seen at our facility pursuant to a court order from the Aiken County Court of General Sessions. The court order requested an evaluation of the defendant's competence to stand trial, his criminal responsibility pursuant to the McNaughten test for his actions on or about August 5, 2006, and if criminally responsible, a determination of his capacity to conform his conduct to the requirements of the law. The court orders specified that he is charged with Criminal Sexual Conduct with a Minor and Possession of a Firearm during the Commission of a Crime.

STATEMENT OF NONCONFIDENTIALITY: At the beginning of the interview, Mr. Hall was notified of the inherent lack of confidentiality for any statements that he might make. He reported that he was illiterate and could not identify letters or numbers other than the number 1. He continually reiterated "I don't understand" when he was asked to discuss these warnings in his own words. However, he agreed to proceed. He recorded his signature.

SOURCES OF INFORMATION:

1. Review of the Aiken County court orders
2. Review of Aiken County Sheriff's Office case synopsis, incidents reports, and arrest warrants
3. Review of a voluntary statement by Betsy Hendrix
4. Review of Aiken County Detention Center medical records



HALL, BRUCE
1013-2511

OUTPATIENT EVALUATION

5. Review of a SLED DNA report
6. Psychological report generated by John C. Whitley, III, Ph.D. dated July 2, 2004
7. Review of an ARC sexual assault report dated April 4, 2005
8. Review of Aiken Department of Social Services record of the defendant
9. Review of a page summary of his Lexington County District 3 1973-80 school years
10. Review of Aiken County Board of Disabilities psychological report and testing from May 12, 1980
11. Review of South Carolina Department of Disabilities and Special Needs (DDSN) records and correspondence until 1995
12. Review of a South Carolina Department of Mental Health (SCDMH) psychological consultation dated April 11, 2007
13. A ten-minute telephone conversation with Kelly Brown, LPN at the Aiken County Detention Center on April 13, 2007
14. Forensic psychiatric assessments dated March 6, 2007 and March 28, 2007, each lasting approximately two hours and 90 minutes, respectively
15. Review of the defendant's rap sheet
16. A ten-minute conversation with the defendant's mother on March 28, 2007

A completed and full social work assessment was pending at the time of this report. We reserve the right to amend this report should any new information warrant.

PAST PSYCHIATRIC HISTORY: There is no record that Mr. Hall sought or received mental health services or medications through SCDMH, other hospitals or outpatient providers during his life. While in the Aiken County Detention Center in August 2006, he did not see a psychiatrist or take psychiatric medications.

PAST PSYCHOLOGICAL REPORTS: DDSN records note that Lexington County School District 3 psychological tested him in 1980. This test was apparently a re-evaluation, and a prior school evaluation was not available for review. The referral sheet noted he was in "self-contained EMH (Educable Mentally Handicapped)" classes in 1980. Evidently, there is no record that he had birth or childhood abnormalities. Vision, hearing, and speech screenings were within normal limits. His WISC-R IQ testing on May 12, 1980 was a Verbal IQ of 55, a Performance IQ of 61, and a Full Scale IQ of 54.

The Aiken County Board of Disabilities referred Mr. Hall for service eligibility determination on August 24, 1994. On January 18, 1995, DDSN deemed that he had no disability and was not eligible for vocational rehabilitation services.

Several years ago, he was referred from the Aiken County Department of Social Services to John C. Whitley, III, Ph.D. for psychological testing due to allegations that one of his children was abused or neglected by his brother or him. The defendant had this psychological evaluation on July 2, 2004 and he may have been facing legal charges at that time. His WAIS-III intelligence test had a Verbal IQ

HX

HALL, BRUCE
1013-2511

OUTPATIENT EVALUATION

score of 53, Performance IQ score of 58, and a Full Scale IQ score of 51. His memory and retrieval scales were reported to be poor.

PAST SUBSTANCE USE HISTORY: The defendant may have had prior alcohol use issues and he had a DUI arrest in 1995. The defendant denied significant past consumption of alcohol or illicit substances and there were insufficient records to indicate substance dependence or abuse.

PAST SOCIAL HISTORY: The defendant was allegedly born without birth defects. It was unclear if he met his developmental milestones on time, but his mother estimated that he walked at 12 months, talked at 18 months, and was toilet trained at 15 months. A brief Lexington School District 3 sheet indicated he performed poorly in school and a note stated, "this child has worked in special education." His first year of elementary school indicated grades of D's and F's. High school and middle school records were not available for review, possibly due to destruction. He has been married and had children. He apparently worked odd jobs. He may have operated some heavy machinery in the past. He denied ever having a driver's license, and his full Department of Motor Vehicle records are not available for review. However, a DMV summary on his rap sheet noted a *suspended* driver's license status and he was not ticketed for Driving without a License at the time of his DUI arrest in 1995. His rap sheet indicates several past convictions. ~~There have apparently been multiple allegations of child neglect or sexual abuse against the defendant and amongst several members of the defendant's family, leading to Department of Social Services involvement and termination of parental rights.~~ His family apparently lives closely in the same community. He sleeps at his mother's or sister's homes that apparently abut one another.

PAST MEDICAL HISTORY: The defendant reports a history of asthma. He apparently refuses dental care or regular hygiene for his teeth, which are severely decayed.

MENTAL STATUS EXAM: The defendant was awake and alert during the evaluations. He dressed in dirty clothes. His grooming and hygiene were poor. He was malodorous. His teeth were decayed and appeared diseased. He reported chronic pain from his teeth. He made good eye contact throughout the interview. His affect appeared slightly restricted but his mood appeared euthymic. He smiled multiple times. He spoke in a soft, organized manner through the interviews. He provided some relevant information about his past, especially when speaking freely and discussing subjects of personal interest. He could also cite his problems. He asserted multiple knowledge memory and academic limitations. When asked for specific information or narratives, he often answered with "I don't know" type replies. He denied knowledge of the evaluations' time or place. He reported the evaluation was because "I don't remember things and I see things." Multiple aspects of his presentation were contradictory. As an example, he reported that he was illiterate, not able to recognize most simple words and letters. When shown number, he reported that he could not identify numbers except for the number 1. However, he contradicted his ignorance of numbers later. He claimed he had peculiar visual hallucinations at 11:30 P.M. daily and when asked how he knew the time, he pointed to his digital wristwatch and said, "because I know it's eleven-thirty by my watch." He performed poorly on additional but very basic academic tasks. He denied knowledge or

BA

HALL, BRUCE
1013-2511

OUTPATIENT EVALUATION

recognition of a great deal of information such as common objects or infamous people. He provided vague and approximate answers to many questions. In contrast and perhaps incongruously, he could often cite examples of memory deficits when trying to detail his memory problems. He took extraordinarily large amounts of time to answer simple questions. He denied current suicidal or homicidal ideas. There was no evidence of delusional thinking other than his self-report. As noted above, he asserted auditory and visual hallucinations with cliqued, vague and contradictory descriptions. ~~His assertions were highly consistent with those who feign psychotic and cognitive impairments.~~ It is our opinion that his alleged psychosis was due to malingering. He may have some genuine cognitive deficits, but his deficits were exaggerated or malingered during the interviews.

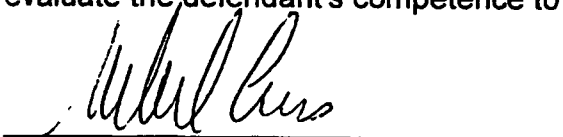
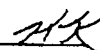
PSYCHOLOGICAL CONSULTATION: Due to evidence that the defendant feigned memory deficits and psychotic experiences, a psychological consultation was requested. The defendant was ~~psychologically tested on April 11, 2007.~~ The impressions read as follows:

"Clinical presentation and testing results indicate that Mr. Hall is malingering memory difficulty at the present time. Because his mother has reported long standing special education placement for him, intellectual/academic deficits cannot be ruled out. However, it is suspected that intellectual/academic deficits are not as severe as Mr. Hall is currently presenting...In regard to psychosis, Mr. Hall's description of auditory hallucinations could be judged consistent with hypnopompic [*sleep-related*] phenomenon. Other symptoms that he has described and endorsed are atypical, consistent with malingered psychosis."

OPINION REGARDING COMPETENCY TO STAND TRIAL: Throughout both examinations, the defendant endorsed a gross lack of knowledge of court related personnel and issues. His response style indicated that the defendant was guarded and reluctant to provide correct information. He reported difficulties learning new information, although he provided indirect evidence during the interviews that he could learn new information.

The defendant has ~~no current or past indication of genuine mental illness.~~ The defendant's ~~two prior intelligence tests note I.Q. scores in a mild to moderate mental retardation.~~ While he may have ~~some genuine intellectual limitations evidenced by past intelligence testing, there is also evidence that his cognitive limitations are not as profound as he asserts. His assertions of hallucinations are clearly malingered.~~

As there are indications of possible mental retardation without indications of mental illness, the court order dictates a referral to the South Carolina Department of Disabilities and Special Needs to evaluate the defendant's competence to stand trial.

HALL, BRUCE
1013-2511

OUTPATIENT EVALUATION

Michael Cross, M.D.
Psychiatric Service Director

MC/khr

D: 04/27/07
RT/EM: 04/27/07
F/EM: 04/30/07

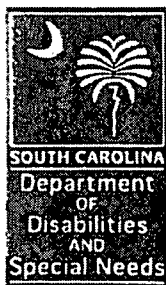
HALL, BRUCE
1013-2511
OUTPATIENT EVALUATION

Stanley J. Butkus, Ph.D.
State Director

Robert W. Barfield
Deputy State Director
Administration

David A. Goodell
Associate State Director
Operations

Kathi K. Lacy, Ph.D.
Associate State Director
Policy



3440 Harden Street Ext (29203)
PO Box 4706, Columbia, South Carolina 29240
V/TTY: 803/898-9600
Toll Free: 888/DSN-INFO
Home Page: www.state.sc.us/ddsn/

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Edythe C. Doye

Audrey Ingle Horne

Otis D. Speight, MD, MBA, CPE

June 19, 2007

Ms. Liz Godard
Aiken County Clerk of Court
P. O. Box 583
Aiken, SC 29802

RE: Bruce Hall

Dear Ms. Godard:

In accordance with the Court Order issued by the Honorable Doyet Early III Judge of the Second Judicial Circuit, General Sessions Court, an evaluation on the above named individual was conducted by the Department of Disabilities and Special Needs.

Please find the enclosed evaluation for the Court.

Please contact me at (803) 898-9694 should you have any questions or need additional information.

This three (3) page document is hereby certified to be the original court-ordered evaluation report issued pursuant to S.C. Code Ann. §44-23-410 or 17-24-10 (1976) et. seq.

Sincerely,

Donna Culley, Ph.D.
Office of Clinical Services
Division of Operations

Enclosure

cc: Brenda Brisbin, Solicitor, 2nd Circuit Solicitor's Office
Robert Williams, Esq., Defense Counsel
Tana Vanderbilt, Esq., General Counsel, DDSN
File

DISTRICT I

P.O. Box 239
Clinton, SC 29325-5328
Phone: (864) 938-3497

Midlands Center - Phone: 803/935-7500
Whitten Center - Phone: 864/833-2733

9995 Miles Jamison Road
Summerville, SC 29485
Phone: 843/832-3576

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Coastal Center - Phone: 843/871-5750
Pee Dee Center - Phone: 843/664-2600
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 Otis D. Speight, MD, MBA, CPE

FORENSIC EVALUATION

Name: Bruce Hall
 Date of Birth: [REDACTED]
 Date of Evaluation: 5-30-07
 Place of Evaluation: Midlands Regional Center
 Columbia, SC
 Gender: Male
 Race: Caucasian
 Age: 40 years

Examiners: Philip T. Cornelius, Ph.D. -Lead Examiner
 Dennis Goodwin, M.S. -Secondary Examiner

Charge(s): Possession of Firearm during commission of a Crime, Criminal Sexual Conduct with Minor

Purpose of Evaluation:

This evaluation was conducted pursuant to an order dated February 7, 2007 (received 4-19-07) by the Honorable D.A. Early, Presiding Judge in the Richland County Court of General Sessions. The order stated that Mr. Hall be evaluated regarding his capacity to stand trial.

Limits of Confidentiality:

Mr. Hall was advised of the purpose of the evaluation, and that the results and content of the evaluation would be communicated to his defense counsel, the prosecution, and the court. In addition, he was informed of the possibility that the examiner(s) might be called to testify regarding the content and results of the evaluation.

Summary of Evaluation Results:

Presence of mental retardation:	Yes, provisional mild
Competency to Stand Trial:	No opinion

* See conclusions. Mr. Hall was uncooperative with the evaluation to the extent that there is an insufficient sample of behavior to render an opinion.

DISTRICT I

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WPC

**Bruce Hall
Forensic Evaluation
Page 2**

Evaluation Procedures:

Mr. Hall was interviewed for approximately 1 hour on 5-30-07 by the undersigned. Mr. Goodwin, secondary examiner, was also present.

In addition the following records were reviewed:

Court Order dated 2-7-07

Aiken County Sheriff's packet case #06-042169

DMH Forensic Evaluation 3-28-07, Bruce Hall

Psychological Evaluation Report 7-2-04

Brief interview with sister, Betty Sue Hendrix

Relevant History:

Mr. Hall volunteered at the beginning of the interview that he has a Batesburg address and lives in Aiken County. He then maintained that he could not remember the name of his street although he indicated recognition when the street was named. Mr. Hall did report his birth date correctly but stated his age as a year younger than his actual age. Mr. Hall indicated that he lived with his mother and step dad who he said gets disability. He said that his mother works at Goodwill. Mr. Hall reported having four brothers and 5 sisters and said that he was the oldest of the boys. Mr. Hall reported attending Batesburg High School but that he quit in the 9th grade. He said that he was in special education classes because he "didn't know how to read or stuff like that". Mr. Hall reported being married and having four children, two boys and two girls. Interview with his sister confirmed that Mr. Hall had had children with a younger girl and that they had lived in the same grouping of trailers that the family appears to occupy. Mr. Hall said that he has not seen his children in a while, reporting that "one got taken, the other got 18 and got out of foster home". Mr. Hall reported that his last job was working at recycling scrap metal. He said that prior to that he had worked with CR Jackson Company on a pipe construction job. ~~He said that they "taught me how to operate a pipe-loading machine" that he operated to carry the pipe over to where it was being put in trenches.~~ He went on to say that someone hooked a rope to the pipe and he lowered it into the trench with the machine. He claimed to not remember any other job history. Records indicate that Mr. Hall was seen previously by DMH on two occasions for an initial attempt to determine competency to stand trial. Their report indicates that he was malingering psychotic symptoms and cognitive deficits. They had Mr. Hall tested on April 7, 2007, and the conclusion of that testing was that he was malingering memory difficulty.

Prior Test Results:

7-2-04 Wechsler Adult Intelligence Scale-III
5-12-80 Wechsler Intelligence Scale for Children-R
5-12-80 AAMD Adaptive Behavior Scale

~~Full Scale IQ 51~~
Full Scale IQ 54
Below CA expectations

Behavioral Observations/Mental Status Examination:

Mr. Hall arrived for the interview half an hour late. Mr. Hall's hygiene and grooming were marginal. Eye contact was sparse and his affect was flat and constricted in contrast to the euphoric presentation reported by DMH. Sensory systems appeared intact and no unusual mannerisms or agitation were noted. Mr. Hall's speech was soft but accurately articulated. When asked what day it was he initially said Tuesday, and when told it was the day after he promptly said Wednesday. A few minutes later when asked what day came after Monday he said that he didn't know, and said that he didn't know the days of the week. When asked the year, Mr. Hall said "2006" and when told it was the next year after that he just shook his head and did not answer. When the examiner pointed to a watch and asked what it was, Mr. Hall insisted that "all I know is it is something to tell time". When asked what the name of the device was he insisted he did not know and did not have one. This is in contrast to the DMH report where he told them about peculiar visual hallucinations that allegedly happened at 11:30pm. When they asked him how he knew the time these alleged hallucinations occurred, it is reported that he pointed to his digital wrist watch and said "because I know its 11:30 by my watch". When given a piece of paper and asked to fold it in half with his right hand and put it on the floor,

**Bruce Hall
Forensic Evaluation
Page 3**

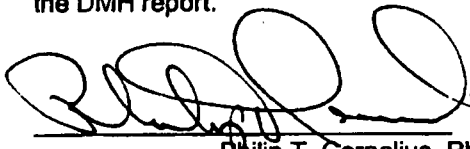
Mr. Hall gave an elaborate presentation of confusion about which was his right hand. When told to do it with whichever hand he crudely folded it with both hands and put it on the floor. Mr. Hall was unable or would not answer some basic entry level questions from an adolescent level intellectual assessment device despite a reported test score of moderate to mildly delayed intellectual performance on an adult intellectual assessment device. Some information he gave about basic self help skills was also highly inconsistent with his reported level of intellectual functioning. When asked about possessing a driver's license he claimed to never having had one and denied knowing how to drive. This is in marked contrast to his DMV records that indicate a suspended license, and a later conviction for driving under the influence.

Competency to Proceed/Criminal Responsibility/Capacity to Conform Procedure:

Mr. Hall said he was unable to read and he was advised of the confidentiality matters. After that he would with prompting say that we were going to talk about how well he could work with his lawyer, that there were no secrets, and name the three recipients of the report. When asked about his charges, he said "say I messed with a young-un", and proceeded to identify the name, age, and relationship to him of the alleged victim. When asked again what the name of his charge is he said "I don't know what they are talking about". During the course of trying to get the name of his charge out of him he said four times that he didn't do it, despite having said he didn't know what they were talking about. When asked if he was in trouble he said he didn't know. When he was asked if a sentence of 40 years would make it serious, he finally admitted he was in trouble. When asked if he wanted to know how much time he could get if found guilty, he said "my lawyer". Mr. Hall did give the examiners his lawyer's name. He also admitted to knowing that his lawyer's job is "to be with me in court", and that he is on his side, wants him to go home after court, and it to be found that he "didn't do what they say". He professed to not know what the solicitor does and gave variable answers to whose side he was on, and desired outcomes. In an attempt to elicit some cooperation, Mr. Hall was shown a drawing of a court room and asked what it was. Despite a number of convictions in a court, Mr. Hall persisted in identifying the drawing as "a church". It was concluded at this point that any significant degree of cooperation was not forthcoming and the evaluation terminated.

Conclusion:

A diagnosis of mental retardation requires concurrent deficits in intellectual and adaptive functioning prior to the age of 18. ~~There are scores available that support a provisional diagnosis of mild mental retardation.~~ Mr. Hall was uncooperative with the evaluation to the extent that an opinion about the matter of possible competency to stand trial cannot be rendered. At times he gave answers contradictory to other documented performance, and he consistently just would not say anything in response to questions. It might be suggested that Mr. Hall's attorney speak with him about cooperating with the evaluation although it appears habitual that he exaggerates cognitive deficits judging from his performance in this evaluation and the reported behavior in the DMH report.



Philip T. Cornelius, Ph.D.
Forensic Examiner
SCDDSN

Date signed: 6/15/07

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF AIKEN

ORIGINAL

THE STATE OF SOUTH CAROLINA,

Plaintiff,

INDICTMENTS NOS. 2007-GS-02-117,
2007-GS-02-119

vs.

NOTICE OF MOTION AND MOTION
FOR RECONSIDERATION OF
SENTENCE

BRUCE DEWAYNE HALL,

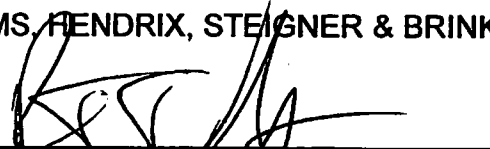
Defendant.

TO: BRENDA BRISBIN, ASSISTANT SOLICITOR,
SECOND JUDICIAL CIRCUIT

YOU WILL PLEASE TAKE NOTICE that the Defendant, Bruce Dewayne Hall, by and through his undersigned attorney, hereby moves for a reconsideration of the sentence imposed upon the Defendant by the Honorable D. Garrison Hill on the Indictment No. 2007-GS-02-117, Lewd Act on a Minor and Indictment No. 2007-GS-02-119, Criminal Sexual Conduct with a Minor, 2nd Degree, on the grounds that, under all the facts and circumstances, a lesser sentence should have been imposed.

WILLIAMS, HENDRIX, STEIGNER & BRINK, P.A.

By:

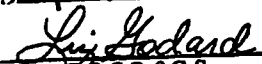

Robert T. Williams, Sr.
200 East Main Street
Post Office Box 849
Lexington, South Carolina 29071
(803) 359-1550

Attorneys for the Defendant

Lexington, South Carolina

April 25, 2008

FILED April 28 2008


L. J. Godard
C.C.P. & G.S.

Sharon Skipper
Deputy Clerk

1 Cert Atty

2007-GS-02-119 / 2007-GS-02-119

STATE OF SOUTH CAROLINA	)	IN THE COURT OF GENERAL SESSIONS
	)	
COUNTY OF AIKEN	)	
	)	
THE STATE OF SOUTH CAROLINA,	)	
	)	
Plaintiff,	)	INDICTMENTS NOS. 2007-GS-02-117,
	)	2007-GS-02-119
	)	
vs.	)	CERTIFICATE OF SERVICE
	)	
BRUCE DEWAYNE HALL,	)	
	)	
Defendant.	)	

I, Carolyn C. Stapleton, of the Law Firm of Williams, Hendrix, Steigner & Brink P. A., do hereby certify that I did place in the United States Mail with sufficient postage, a copy of the Notice of Motion and Motion for Reconsideration of Sentence in the above captioned case to:

Brenda Brisbin, Assistant Solicitor
Second Judicial Circuit
P.O. Box 3368
Aiken, SC 29802

Carolyn C. Stapleton
CAROLYN C. STAPLETON

LEXINGTON, SOUTH CAROLINA

April 25, 2008

1 Cert Atty

FILED April 28 2008
Liz Godard
C.C.P. & G.S.
53 Sharon Higgins
Deputy Clerk

) IN THE COURT OF GENERAL SESSIONS
) THIRTEENTH JUDICIAL CIRCUIT

THIRTEENTH JUDICIAL CIRCUIT

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7

WITNESSES

D. Blevins, A.C.S.O.

FILED

January 19 2007

Chen, J. W. [Signature]
Deputy Clerk

ARREST WARRANT NUMBER

Direct Indictment

ACTION OF GRAND JURY

Jim Biel

[Signature]
Foreperson of Grand Jury

Date: January 18, 2007

VERDICT

DOCKET NO. 2007-GS-02--

117

The State of South Carolina

County of Aiken

COURT OF GENERAL SESSIONS

JANUARY 22, TERM 2007

**THE STATE
vs.**

BRUCE DEWAYNE HALL

Indictment for

LEWD ACT UPON CHILD

SC Code: 16-15-140

CDR Code: 2468

Class FEL-D

268

Foreperson of Petit Jury
Date:

STATE OF SOUTH CAROLINA)
)
 COUNTY OF AIKEN)

INDICTMENT

At a Court of General Sessions, convened on January 22, 2007, the Grand Jurors of Aiken County present upon their oath:

LEWD ACT UPON CHILD

That BRUCE DEWAYNE HALL, being over the age of fourteen (14) years, did in Aiken County on or about August 5, 2006, wilfully and lewdly commit or attempt to commit a lewd or lascivious act upon or with the body of Minor , a child under the age of sixteen (16) years, with the intent of arousing, appealing to, or gratifying the lust, passions and sexual desires of *himself @-R amended by consent. 4/22/08* or such child. All in violation of §16-15-140 of the Code of Laws of South Carolina (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


 BARBARA R. MORGAN, SOLICITOR

WITNESSES

D. Blevins, A.C.S.O.

FILED

January 19 2007

Liz Godard

Charles T. Hall
Deputy Clerk

ARREST WARRANT NUMBER

K-093824

ACTION OF GRAND JURY

June Bieg

Richard D. Mule

Foreperson of Grand Jury

Date: January 18, 2007

VERDICT

0
Foreperson of Petit Jury
Date:

DOCKET NO. 2007-GS-02-- 118

The State of South Carolina

County of Aiken

COURT OF GENERAL SESSIONS

JANUARY 22, TERM 2007

**THE STATE
vs.**

BRUCE DEWAYNE HALL

**Indictment for
POSSESSION OF FIREARM OR KNIFE
DURING COMMISSION OF OR
ATTEMPT TO COMMIT A VIOLENT
CRIME**

SC Code: 16-23-490

CDR Code: 549

Class FEL-F

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN
I, Liz Godard, Clerk of Court of Common Pleas and General
Sessions for Aiken County, South Carolina, do hereby certify
that the foregoing constitutes a true and correct copy of the
original documents which have been filed in my office this

DEC 08 2014

Liz Godard
C.C.C.P. & G. S., Aiken County, S.C.

Shannon D. Rosenkrantz
Deputy Clerk

STATE OF SOUTH CAROLINA)
COUNTY OF AIKEN)

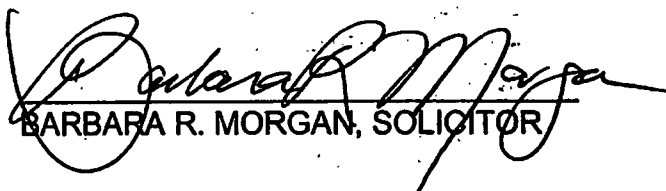
INDICTMENT

At a Court of General Sessions, convened on January 22, 2007, the Grand Jurors of Aiken County present upon their oath:

**POSSESSION OF FIREARM OR KNIFE DURING COMMISSION OF OR
ATTEMPT TO COMMIT A VIOLENT CRIME**

That BRUCE DEWAYNE HALL did in Aiken County on or about August 5, 2006, possess or visibly display a firearm or visibly display a knife during the commission or attempted commission of a violent crime, to wit: Criminal Sexual Conduct Second Degree, all in violation of Section 16-23-490, Code of Laws of South Carolina (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


BARBARA R. MORGAN, SOLICITOR

WITNESSES

D. Blevins, A.C.S.O.

FILED

January 19 2007

Cheryl G. Winstall / Clerk

ARREST WARRANT NUMBER

K-093826

ACTION OF GRAND JURY

True Bill

Richard A. Wicks

Foreperson of Grand Jury

Date: January 18, 2007

VERDICT

DOCKET NO. 2007-GS-02--

119

The State of South Carolina

County of Aiken

COURT OF GENERAL SESSIONS

JANUARY 22, TERM 2007

THE STATE

vs.

BRUCE DEWAYNE HALL

Indictment for

**CRIMINAL SEXUAL CONDUCT
WITH A MINOR-SECOND DEGREE**

SC Code: 16-3-655(2)

CDR Code: 396

Class FEL-C(V)

272

Foreperson of Petit Jury

Date:

STATE OF SOUTH CAROLINA)
COUNTY OF AIKEN)

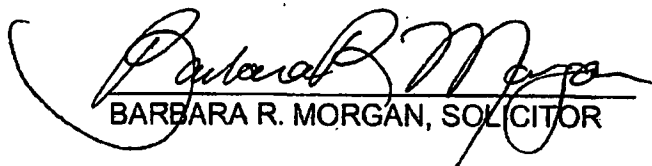
INDICTMENT

At a Court of General Sessions, convened on January 22, 2007, the Grand Jurors of Aiken County present upon their oath:

CRIMINAL SEXUAL CONDUCT WITH A MINOR-SECOND DEGREE

That BRUCE DEWAYNE HALL did in Aiken County on or about August 5, 2006, commit the crime of Criminal Sexual Conduct With A Minor In The Second Degree, in that the Defendant did commit a sexual battery, to wit: sexual intercourse upon Minor , a minor who was eleven (11) years of age at the time of the incident. All in violation of §16-3-655 of the Code of Laws of South Carolina (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


BARBARA R. MORGAN, SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Aiken
STATE SCAKA: Bruce DeWayne HallRace: W Sex: M Age: 41DOB: [REDACTED] SS#: [REDACTED]Address: [REDACTED]City, State, Zip: [REDACTED]DL# [REDACTED] SID# SC 00540278INDICTMENT/CASE# 2007-GS-02-117AW#: Direct IndictmentDate of Offense: 8/31/2006S.C. Code §: 16-15-140CDR Code #: 2468

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADSTO: Lewd Act upon Childin violation of § 16-15-140 of the S.C. Code of Laws, bearing CDR Code # 2468
☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☒ Mandatory GPS (CSC w/minor 1st or Lewd Act) ☐ §17-25-45

 The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (Defendant Initial)
 The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Solicitor

Defendant

Attorney for Defendant

 WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center, for a determinate term of 10 days/months/years or ☐ under the Youthful Offender Act not to exceed years and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment of \$; plus costs and assessments as applicable; the balance is suspended with probation for months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on:
☐ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.
☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ OrderedTotal: \$ plus 20% fee: \$ Payment Terms: ☐ set by SCDPPPS Recipient:

*Fine:	\$	
\$14-1-206 (Assessments 107.5%)	\$	
\$14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100.00
\$14-1-211(A)(2) (DUI Surcharge)	\$100	\$
\$56-5-2995 (DUI Assessment)	\$12	\$
\$35.13 (Public Def/Prob)	\$500	\$
\$73.3, 1B TP (Law Enforce. Funding)	\$25	\$ 35.00
\$33.7, 1B TP (Drug Court Surcharge)	\$100	\$
\$50-21-114(BUI Breath Test Fee)	\$50	\$
\$56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)	\$	\$ 3.75
TOTAL		\$ 138.75

PTUP

days/months/years Public Service Employment
 Obtain GED COUNTY OF AIKEN
 Attend Voc. Rehab. of Clerk of Court of Common Pleas and General Sessions for Aiken County, South Carolina or County Jail
 May serve W/E beginning and the foregoing constitutes a true and correct copy of the
 Substance Abuse and the foregoing constitutes a true and correct copy of the
 Random Drug/Alcohol Testing
 Fine may be pd. in equal, consecutive weekly/monthly
 pmts. of \$ beginning
 \$ paid to Public Defender Fund
 Other:

☐ Appointed PD or appointed other counsel, \$35.13 TP
 Requires \$500 be paid to Clerk during probation.

PRESIDING JUDGE

Judge Code: 2111318Sentence Date: April 30, 2008Court Reporter: Chen Young

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF AikenSTATE Bruce Dwayne Hall

AKA:

Race: WSex: MAge: 41DOB: [REDACTED]SS#: [REDACTED]Address: [REDACTED]City, State, Zip: [REDACTED]DL# [REDACTED]SID# 305590878INDICTMENT/CASE# 2007 GS 02-119AW#: K-093826Date of Offense: 8/5/2006S.C. Code §: 16-3-655(2)CDR Code #: 396

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADSTO: CSC with a Minor 2nd Degreein violation of § 16-3-655(2) of the S.C. Code of Laws, bearing CDR Code # 396☒ NON-VIOLENT☒ VIOLENT☐ SERIOUS☒ MOST SERIOUS☐ Mandatory GPS (CSC☐ §17-25-45

w/minor 1st or Lewd Act)

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (Defendant initial)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Solicitor

Defendant

Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center, for a determinate term of 2 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years

and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment

of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☐ CONCURRENT or ☒ CONSECUTIVE to sentence on: 07-65-02-117☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.☒ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms:

☐ set by SCDPPPS

Recipient:

*Fine:

\$14-1-206 (Assessments 107.5%)

\$14-1-211(A)(1) (Conv. Surcharge)

\$14-1-211(A)(2) (DUI Surcharge)

\$56-5-2995 (DUI Assessment)

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\$73.3, 1B TP (Law Enforce. Funding)

\$33.7, 1B TP (Drug Court Surcharge)

\$50-21-114(BUI Breath Test Fee)

\$56-5-2942(J) (Vehicle Assessment)

3% to County (if paid in installments)

TOTAL

\$	
\$	
\$100	\$100.00
\$100	\$
\$12	\$
\$500	\$
\$25	\$25.00
\$100	\$
\$50	\$
\$40/ea	\$
\$	\$175
\$	\$124.75

PTUP

days/hours Public Service Employment

Obtain GED

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning 8/5/2006 O. S., Aiken County, S.C.

Substance Abuse Counseling

Random Drug/Alcohol Testing

Fine may be pd. in equal, consecutive weekly/monthly

prmts. of \$ _____ beginning

\$ _____ paid to Public Defender Fund

Other:

To be placed onSex Offender Registry☐ Appointed PD or appointed other counsel, \$35.13 TP

Requires \$500 be paid to Clerk during probation.

PRESIDING JUDGE

Judge Code:

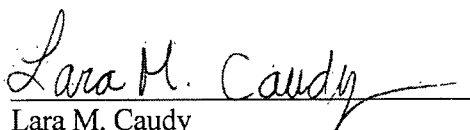
Sentence Date:

Court Reporter:

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."

January 2, 2015



Lara M. Caudy
Appellate Defender

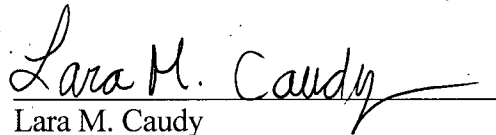
South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S. C. 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT

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."

January 2, 2015


Lara M. Caudy
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
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Columbia, S. C. 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Aiken County

D. Garrison Hill, Circuit Court Judge

RECEIVED

JAN 02 2015

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

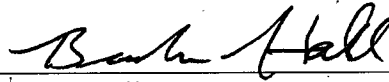
BRUCE DEWAYNE HALL,

APPELLANT

APPELLATE CASE NO. 2013-002390

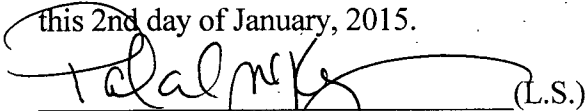
CERTIFICATE OF SERVICE

I certify that a true copy of the Record on Appeal in the above referenced case has been served upon Mark R. Farthing, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 2nd day of January, 2015.



Brandon Hall
Administrative Specialist

SUBSCRIBED AND SWORN TO before me
this 2nd day of January, 2015.

 (L.S.)

Notary Public for South Carolina

My Commission Expires: July 24, 2022