

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Aiken County

Honorable J. Cordell Maddox, Circuit Court Judge

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SC Court of Appeals

THE STATE,

RESPONDENT,

V.

MICHAEL ALEXANDER COLLINS,

APPELLANT .

APPELLATE CASE NO 2018-002027

RECORD ON APPEAL

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THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:

COURT'S EXHIBIT NO. 2 (CD)

STATE'S EXHIBIT NO. 4 (FORENSIC INTERVIEW CD)

STATE OF SOUTH CAROLINA	)	COURT OF GENERAL SESSIONS
	)	2017-GS-02-01425
COUNTY OF AIKEN	)	2017-GS-02-01426
	)	2017-GS-02-01427
	)	2017-GS-02-01429
	)	
	)	
STATE OF SOUTH CAROLINA,	)	
PLAINTIFF,	)	
	)	
vs.	)	TRANSCRIPT OF RECORD
	)	
MICHAEL ALEXANDER COLLINS,	)	
DEFENDANT.	)	
	)	

October 30, 31 and November 1, 2018
Aiken, South Carolina

B E F O R E:

THE HONORABLE J. CORDELL MADDOX, JR., JUDGE

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

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Circuit Court Reporter

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 (IC) - Denotes In Camera

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P R O C E E D I N G S

Tuesday, October 30, 2018

(WHEREUPON, proceedings commenced at 11:32 a.m.)

THE COURT: Madam Solicitor, do you want to call the case?

MS. HAMMACK: Thank you, Your Honor. The first case for trial is State of South Carolina vs. Michael Alexander Collins. He is charged in Indictment 2017-GS-02-01425 with criminal sexual conduct with a minor in the first degree; 2017-GS-02-01426 with criminal sexual conduct with a minor in the third degree; 2017-GS-02-01427 with criminal sexual conduct with a minor in the third degree; and 2017-GS-02-01429 with criminal sexual conduct with a minor in the first degree.

THE COURT: All right. Ladies and gentlemen, let me tell you something as a group that I will tell the selected jurors because it's that important. What the solicitor just read from is an indictment. I have it here. It's a piece of paper, and it is the allegations against the defendant. The defendant has pled not guilty, and sometimes judges are concerned that because a person is charged, they are presumed guilty. The indictment is literally a piece of paper that starts the process.

And, again, this defendant has pled not guilty, so as I will tell the jurors, he is not guilty as he sits here

1 today and will remain that way until the State proves his
2 guilt beyond a reasonable doubt.

3 JURY QUALIFICATION

4 THE COURT: Now, having said that, what I'm going to
5 ask is if the State would introduce themselves and then
6 the defense, and then I'm going to ask you, all of you, if
7 you've ever been represented by the attorneys or if you
8 have any close, business or personal relationship with the
9 lawyers.

10 MS. HAMMACK: Good morning. My name is Ashley
11 Hammack. I work for the Second Judicial Circuit
12 Solicitor's Office. Trying the case with me is Heather
13 DeLoach, also with the Solicitor's Office.

14 THE COURT: Yes, sir.

15 MR. CHANDLER: Good morning. My name is Everett
16 Chandler. I have a small law practice here in Aiken, and
17 I represent Mr. Michael Collins.

18 THE COURT: Okay. Ladies and gentlemen, the first
19 question is, do any of you have any close, business or
20 personal relationship with any of the attorneys in this
21 case?

22 Okay. Yes, sir. Give us your name and number.

23 JUROR NUMBER 189: Juror 189, Brandon Williams.

24 THE COURT: Which lawyer?

25 JUROR NUMBER 189: Mr. Chandler.

1 THE COURT: How close of a relationship is it?

2 JUROR NUMBER 189: We know each other through my
3 school. He was my mentor when I was at USC Aiken and also
4 in a fraternity together.

5 THE COURT: Okay. All right. So you might have a
6 tough time being fair and impartial in this case.

7 JUROR NUMBER 189: Yes, sir.

8 THE COURT: I appreciate it.

9 What's your number again?

10 JUROR NUMBER 189: 189.

11 THE COURT: All right. I'm going to excuse you from
12 this jury. Just stay around for a while, but I'll excuse
13 you from this jury.

14 Yes, ma'am. Give us your name and number.

15 JUROR NUMBER 59: Good morning. Ella Gardner,
16 Number 59. And Attorney Chandler represented me in an
17 automobile accident, and he also is related by family.

18 THE COURT: Okay. Is the relationship as an attorney
19 and distant relative, is that something that might cause
20 you concerns about being fair and impartial in this case?

21 JUROR NUMBER 59: No, sir.

22 THE COURT: And can you set that aside, setting your
23 relationship aside and render a verdict based only on the
24 evidence that you hear in this courtroom?

25 JUROR NUMBER 59: Yes, sir. Because I have to answer

1 to a higher power.

2 THE COURT: I understand. Thank you.

3 Anyone else? All right.

4 Is anyone related or do you have any close, business
5 or personal relationship with Michael Collins?

6 (No response.)

7 THE COURT: All right. Ladies and gentlemen, I'm
8 going to read a list of ten names. These are potential
9 witnesses in this case. This does not mean these people
10 will be called, but I'm going to ask you the exact same
11 question when I finish. Do you have any close, business
12 or personal relationship with any of these potential
13 witnesses: Shannon Sturgill with the Aiken County
14 Sheriff's Office; Michael Williams, Aiken County Sheriff's
15 Office; Jennifer Laird; **Complainant**; Cassie Taylor,
16 Aiken Regional Medical Center; Kim Sawyer, Child Advocacy
17 Center of Aiken County; Doris Yarborough with South
18 Carolina Law Enforcement Division; Jessica Stowe, South
19 Carolina Law Enforcement Division; Donna Money with the
20 South Carolina Law Enforcement Division; Kirk Owen with
21 the Second Circuit Solicitor's Office?

22 Is that all the potential names?

23 MS. HAMMACK: Yes, Your Honor.

24 THE COURT: Okay. Those are the potential witnesses
25 in this case. Do any of you have any close, business or

1 personal relationship with any of those potential
2 witnesses? If so, please stand.

3 Yes, ma'am. Stand up and give us your name and
4 number.

5 JUROR NUMBER 41: Vicky Davis, Number 41.

6 I work at Aiken Regional Medical Center, and I do
7 know the name Cassie Taylor.

8 THE COURT: Okay. Will that prevent you from being
9 fair and impartial in this case?

10 JUROR NUMBER 41: No.

11 THE COURT: Okay. And can you render a verdict based
12 only on what you hear in this courtroom and put that
13 relationship aside?

14 JUROR NUMBER 41: Yes.

15 THE COURT: Okay. Thank you.

16 All right. Ladies and gentlemen, you've heard what
17 this case is going to be about. I'm going to ask you one
18 last question, and that is, do any of you know of any
19 reason whatsoever that you could not serve as a juror in
20 this case if you're selected?

21 (No response.)

22 THE COURT: Does anyone need to speak to me
23 personally about any anxiety or concern you have about
24 serving as a juror in this case?

25 (No response.)

1 THE COURT: Okay. From the State's position, do you
2 want me to ask any more questions?

3 MS. HAMMACK: No, Your Honor.

4 THE COURT: From the defense?

5 MR. CHANDLER: Not from the defense, Your Honor.

6 THE COURT: Strikes are ten and five and two and one
7 on the alternate. Okay.

8 Ladies and gentleman, what's happening now is,
9 basically, your names are all being fed into a computer,
10 and it will spit out a list with random names drawn. When
11 I first started this job, like I said, in March it will be
12 17 years, the statute in South Carolina required that a
13 person with sight issues literally stick their hand into a
14 bingo thing and pull the name out. We didn't go to
15 computers by statute until I'd been a judge for about six
16 years. Now, everybody ignored the statute, but it's kind
17 of amazing.

18 So if your name is called, it is random and in no
19 particular order. So don't panic any more than you're
20 panicked now.

21 (Pause in proceedings.)

22 THE COURT: Just for planning purposes, tomorrow at
23 1:30 I have a conference call about my case next week in
24 Beaufort, so wherever we are, I'll have to stop for
25 15 minutes.

1 Let me just tell you this while they're doing that.
2 There are 46, I think, Circuit Court judges in this state,
3 maybe there's a few more than that, but not many. We all
4 have statewide jurisdiction, and basically, I'm from
5 Anderson. I grew up there, and my office is in the
6 courthouse in Anderson, but the Constitution requires that
7 we travel, which the Constitution actually requires that
8 we travel for six months out of the year. You would have
9 a mutiny if that happened.

10 But what happens is you get your schedule six months
11 ahead of time, so I knew that I was going to be in Aiken
12 six months ago. Unfortunately, I'm in the middle of just
13 kind of a weird conjunction of travel. I've been on the
14 road more than I've been home, and I'm going to have to
15 leave here and go home and say hey to my wife and turn
16 around and go to Beaufort. So I may be in the same panic
17 that you have right now, so relax, okay?

18 JURY SELECTION

19 THE CLERK: Ladies and gentlemen of the jury, as I
20 call your name, please come forward, stand directly in
21 front of me, turn around and face the clock. Bring any
22 personal belongings you have with you so that if you are
23 selected on the jury, you can just go straight into the
24 jury box.

25 Juror Number 7, Kimberly Bentley.

1 (WHEREUPON, Kimberly Bentley, an Asian female, came
2 forward.)

3 THE CLERK: What says the State?

4 MS. HAMMACK: Please present Ms. Bentley.

5 THE CLERK: What says the defense?

6 MR. CHANDLER: Please seat Ms. Bentley.

7 THE CLERK: Please have a seat in the jury box.

8 Juror Number 2, Sherri W. Anderson.

9 (WHEREUPON, Sherri W. Anderson, a white female, came
10 forward.)

11 THE CLERK: What says the State?

12 MS. HAMMACK: Please present Ms. Anderson.

13 THE CLERK: What says the defense?

14 MR. CHANDLER: Please excuse Ms. Anderson for the
15 trial in this case.

16 THE CLERK: Please return to your seat.

17 Juror Number 55, Jonathan Funston.

18 (WHEREUPON, Jonathan Funston, a white male, came forward.)

19 THE CLERK: What says the State?

20 MS. HAMMACK: Please present Mr. Funston.

21 THE COURT: What says the defense?

22 MR. CHANDLER: Please excuse Mr. Funston.

23 THE CLERK: Please return to your seat.

24 Juror Number 100, Riley Lewis.

25 (WHEREUPON, Riley Lewis, a white male, came forward.)

1 THE CLERK: What says the State?

2 MS. HAMMACK: Please excuse Mr. Lewis from this case.

3 THE CLERK: Please return to your seat.

4 Juror Number 33, Donnie Craven.

5 (WHEREUPON, Donnie Craven, a white male, came forward.)

6 THE CLERK: What says the State?

7 MS. HAMMACK: Please present Mr. Craven.

8 THE CLERK: What says the defense?

9 MR. CHANDLER: Please seat Mr. Craven.

10 THE CLERK: Please have a seat in the jury box.

11 Juror Number 178, Ulinda Tobin.

12 (WHEREUPON, Ulinda Tobin, a black female, came forward.)

13 THE CLERK: What says the State?

14 MS. HAMMACK: Please present Ms. Tobin.

15 THE CLERK: What says the defense?

16 MR. CHANDLER: Please seat Ms. Tobin.

17 THE CLERK: Please have a seat in the jury box.

18 Juror Number 62, Temika Greene.

19 (WHEREUPON, Temika Greene, a black female, came forward.)

20 THE CLERK: What says the State?

21 MS. HAMMACK: Please excuse Ms. Greene from this
22 case.

23 THE CLERK: Please return to your seat.

24 Juror Number 51, Kimberley Ferguson.

25 (WHEREUPON, Kimberley Ferguson, a white female, came

1 forward.)

2 THE CLERK: What says the State?

3 MS. HAMMACK: Please present Ms. Ferguson.

4 THE CLERK: What says the defense?

5 MR. CHANDLER: Please seat Ms. Ferguson.

6 THE CLERK: Please have a seat in the jury box.

7 Juror Number 21, Jay Callan.

8 (WHEREUPON, Jay Callan, a white male, came forward.)

9 THE CLERK: What says the State?

10 MS. HAMMACK: Please present Mr. Callan.

11 THE CLERK: What says the defense?

12 MR. CHANDLER: Please seat Mr. Callan.

13 THE CLERK: Please have a seat in the jury box.

14 Juror Number 142, Chrystal Richardson.

15 (WHEREUPON, Chrystal Richardson, a black female, came
16 forward.)

17 THE CLERK: What says the State?

18 MS. HAMMACK: Please present Ms. Richardson.

19 THE CLERK: What says the defense?

20 MR. CHANDLER: Please seat Ms. Richardson.

21 THE CLERK: Please have a seat in the jury box.

22 Juror Number 52, Shawna Floyd.

23 (WHEREUPON, Shawna Floyd, a black female, came forward.)

24 THE CLERK: What says the State?

25 MS. HAMMACK: Please present Ms. Floyd.

1 THE CLERK: What says the defense?

2 MR. CHANDLER: Please seat Ms. Floyd.

3 THE CLERK: Please have a seat in the jury box.

4 Juror Number 145, James Rollins.

5 (WHEREUPON, James Rollins, a white male, came forward.)

6 THE CLERK: What says the State?

7 MS. HAMMACK: Please present Mr. Rollins.

8 THE CLERK: What says the defense?

9 MR. CHANDLER: Please seat Mr. Rollins.

10 THE CLERK: Please have a seat in the jury box.

11 Juror 113, Wesley Middleton.

12 (WHEREUPON, Wesley Middleton, a black male, came forward.)

13 THE CLERK: What says the State?

14 MS. HAMMACK: Please present Mr. Middleton.

15 THE CLERK: What says the defense?

16 MR. CHANDLER: Please seat Mr. Middleton.

17 THE CLERK: Please have a seat in the jury box.

18 Juror Number 15, Charles Brown.

19 (WHEREUPON, Charles Brown, a white male, came forward.)

20 THE CLERK: What says the State?

21 MS. HAMMACK: Please present Mr. Brown.

22 THE CLERK: What says the defense?

23 MR. CHANDLER: Please excuse Mr. Brown from the
24 trial.

25 THE CLERK: Please return to your seat.

1 Juror Number 64, Sherry Hajec.

2 (WHEREUPON, Sherry Hajec, a white female, came forward.),

3 THE CLERK: What says the State?

4 MS. HAMMACK: Please present Ms. Hajec.

5 THE CLERK: What says the defense?

6 MR. CHANDLER: Please seat Ms. Hajec.

7 THE CLERK: Please have a seat in the jury box.

8 Juror 66, Emily Hamlin.

9 (WHEREUPON, Emily Hamlin, a white female, came forward.)

10 THE CLERK: What says the State?

11 MS. HAMMACK: Please present Ms. Hamlin.

12 THE CLERK: What says the defense?

13 MR. CHANDLER: Please seat Ms. Hamlin.

14 THE CLERK: Please have a seat in the jury box.

15 Juror 143, Ryan Robinson.

16 (WHEREUPON, Ryan Robinson, a white male, came forward.)

17 THE CLERK: What says the State?

18 MS. HAMMACK: Please present Mr. Robinson.

19 THE CLERK: What says the defense?

20 MR. CHANDLER: Please seat Mr. Robinson.

21 THE CLERK: Please have a seat in the jury box.

22 That's 12 jurors, Your Honor.

23 THE COURT: All right.

24 THE CLERK: First alternate, Juror Number 1, Ricky

25 Anderson.

1 (WHEREUPON, Ricky Anderson, a black male, came forward.)

2 THE CLERK: What says the State?

3 MS. HAMMACK: Please present Mr. Anderson.

4 THE CLERK: What says the defense?

5 MR. CHANDLER: Please seat Mr. Anderson.

6 THE CLERK: Please have a seat in the jury box.

7 Alternate Number 2, Number 18, Richard Burkhart.

8 (WHEREUPON, Richard Burkhart, a white male, came forward.)

9 THE CLERK: What says the State?

10 MS. HAMMACK: Please excuse Mr. Burkhart from this
11 case.

12 THE CLERK: Please return to your seat.

13 Juror 35, Jason Curtis.

14 (WHEREUPON, Jason Curtis, a white male, came forward.)

15 THE CLERK: What says the State?

16 MS. HAMMACK: Please present Mr. Curtis.

17 THE CLERK: What says the defendant?

18 MR. CHANDLER: Please seat Mr. Curtis.

19 THE CLERK: That was Alternate Number 2, Your Honor.

20 THE COURT: All right. Any objections from the State
21 on the way we selected the jury that I need to deal with?

22 MS. HAMMACK: No, Your Honor.

23 THE COURT: From the defense?

24 MR. CHANDLER: Not from the defense, Your Honor.

25 THE COURT: All right. Ladies and gentlemen, you can

1 relax a little bit. Not as much as they can. What I'm
2 going to do right now is send you back to the jury room,
3 ask that you just sit back there and relax a minute. I
4 need to release everybody else. I also need to talk to
5 the lawyers about our schedule to figure out exactly how
6 we're going to proceed.

7 So every time you leave this courtroom, literally
8 every time you leave, the last thing you're going to hear
9 from me is don't talk about this case. You should never
10 talk about this case until you've heard all the testimony
11 from both sides, you've heard the opening and closing
12 statements and I have charged you on the law in this case,
13 which is the last thing you'll hear. You can talk about
14 anything else you want, but not this case. And I'll
15 explain that a little bit further to you. You look like
16 smart people and understand why, but go back there and
17 relax and don't talk about this case. I'll call you back
18 in a minute.

19 (WHEREUPON, the jury exits the courtroom at 11:52 a.m.)

20 THE COURT: All right. Ladies and gentlemen, if you
21 were in some sort of panic about being selected, you can
22 breathe easy, at least for now.

23 You should have a juror number that we need you to
24 call after 5:00 today. The message is either going to be
25 call that number tomorrow after 5:00 or be here tomorrow

1 morning. And then eventually, as we go through this week,
2 there's a potential for a thank you for your service, you
3 don't need to come back. But wait till after 5:00. It's
4 going to be a recording, and it will give you directions
5 on the rest of the week.

6 If you're, you know, in sort of a panic, you can
7 probably relax. That's all I can say. But I suspect that
8 the chance that we all see each other again are pretty
9 low, so just keep calling that number. We potentially
10 could call you back in, and if we don't -- is Halloween
11 tomorrow?

12 THE CLERK: Yes.

13 THE COURT: I can't believe that. That actually --
14 the first time my entire life, Halloween is tomorrow, good
15 luck. I mean, I'm just waiting for people to do to my
16 house what I did to people's houses when I was 14.

17 So have a great week, but call that number after
18 5:00, okay?

19 (WHEREUPON, the remaining jury panel exits the courtroom
20 at 11:54 a.m.)

21 (WHEREUPON, the jury entered the courtroom at 11:58 a.m.)

22 THE COURT: Ladies and gentlemen, let me tell you
23 what we're going to do. It is not in my nature to take
24 the blame for anything, but I'm just going to tell you,
25 any delays the next couple of days are going to be me. I

1 say that almost every week, and most of the time it's a
2 lie. It's the lawyers' fault. But this week it's not.
3 I'm just slow moving.

4 And we have several motions that we have to handle,
5 we have several matters that we have to handle outside
6 your presence. Believe it or not, even though we spent
7 all morning selecting you, I'm going to send you to lunch
8 and we're staying here.

9 I'm going to ask that you be back in the jury room at
10 2:30. And then what we will do at 2:30 is I will give you
11 an eight- to 12-minute sort of overview of the system,
12 then we'll immediately go into opening statements. We'll
13 also swear you as a jury at that time. We'll get as far
14 as we can this afternoon, and then to the degree that I
15 know, I will keep you updated on our schedule. I suspect
16 we'll go into tomorrow. We won't start tomorrow till
17 10:00. Again, that's my fault, not anybody else's. And
18 then we'll push it in the afternoon until a natural
19 breaking point.

20 So I'm going to let you go until 2:30.

21 Now, if anybody tries -- this is not going to happen,
22 but if anybody, number one, knows you're on the jury, and
23 number two, tries to talk with you about your jury
24 service, you let the bailiff know and I will take care of
25 that person immediately. They picked the wrong week and

1 the wrong person, just to be blunt with you. But nobody's
2 going to bother you about this.

3 Now, when you come back, Ms. Ferguson, I'm appointing
4 you forelady of the jury. Now, relax. You're actually,
5 believe it or not, I selected you, and you are in the
6 forelady's seat. Maybe I did the right thing for once.
7 You'll sit in that seat the whole week. Everyone else can
8 sit wherever you want. The two alternates, y'all need to
9 stay right there. But you'll sit in that seat.

10 You have almost nothing to do during the course of
11 the trial. There will be a couple of things at the end,
12 so relax. As I'll explain to you at 2:30, once you begin
13 your service, any communication between you as a group and
14 the Court will be through you and it will be in writing,
15 and that's only -- I can't believe you're sitting in that
16 seat. That is literally the first thing that's gone right
17 today, period.

18 So y'all have a good lunch. I'm going to go into
19 great detail to the extent that you will get really
20 seriously tired of hearing me talk about it, but from this
21 point forward, we've spent all morning trying to select
22 12 people and two alternates who will be fair. Please do
23 not disappoint me by going and trying to find out anything
24 about this case. If I swore you in right now and gave you
25 my opening charge, you would hear my longer version of

1 this.

2 But you're going to know everything about this case.
3 I mean, literally everything. There is nothing you can
4 find on the Internet or through friends or acquaintances
5 that you won't know about. So I'm ordering you and I'm
6 also asking you human to human not to do any kind of
7 research or work on this case outside the courtroom. I'm
8 ordering you because once I've ordered it, quite frankly,
9 you'll be in contempt if you do it, and there have been
10 judges in this state who've had to deal with jurors who,
11 quite frankly, are subject to jail if they do it. I don't
12 think you will, but please, do not look at -- try to find
13 out anything about this case. Again, when I do my eight
14 to ten minutes, I'll go into great detail and tell you why
15 that concerns me.

16 But go eat lunch and relax, and we'll see you back
17 here at 2:30. And, again, if there's a delay from 2:30 on
18 getting in here, it's going to be my fault. So have a
19 good lunch and relax.

20 (WHEREUPON, the jury exits the courtroom at 12:03 p.m.)

21 THE COURT: Okay. Let's take a quick break, and then
22 we'll come back in and do the motions, then we'll take off
23 for lunch.

24 (WHEREUPON, a recess is taken at 12:03 p.m.)

25 (WHEREUPON, proceedings reconvened at 12:25 p.m.)

1 THE COURT: I know we're waiting on him. She watched
2 this video for me, and we've talked about it and gone over
3 it. If you need me to watch it, I will at lunch, but I
4 want you to know that and I'll put it on the record.

5 Okay. Yes, ma'am. We have a couple hearings we need
6 to take?

7 MS. HAMMACK: Yes, Your Honor. Briefly, the
8 defendant was arrested on these charges on
9 April 3rd, 2017. He was initially represented by the
10 attorney from the Public Defender's Office who made a
11 request that he be evaluated by the South Carolina
12 Department of Mental Health. He was evaluated on
13 July 17th, 2017. A report was issued on August 2nd, 2017.
14 Defense counsel has a copy of that report.

15 It's my understanding that this report is not being
16 contested, so we would like to give Your Honor a copy of
17 that report for your review and would ask that you make
18 findings concurrent with the DMH evaluator's conclusions.

19 THE COURT: Okay. Any objection to Department of
20 Mental Health's evaluation and their conclusions?

21 MR. CHANDLER: Not from the defense, Your Honor.

22 THE COURT: They found that he's competent and has
23 the capacity to stand trial. So that shouldn't be an
24 issue. And I'll make that a Court's Exhibit. How about
25 that?

1 (WHEREUPON, Court's Exhibit Number 1 was marked for
2 identification.)

3 THE COURT: Okay. And do we need to do a Blair
4 hearing? Is that right? Or what else do you have? I'm
5 going off of y'all's script.

6 MS. HAMMACK: The only other motion by the State
7 would be a motion for the admissibility of the forensic
8 interview of the child victim in this case.

9 THE COURT: Okay. And is there any objection to it?

10 MR. CHANDLER: Beg the Court's indulgence.

11 THE COURT: Sure.

12 MR. CHANDLER: Your Honor, I've consulted with my
13 client, and has informed me that we do not object to the
14 video.

15 THE COURT: Okay. And just for -- and, again, my law
16 clerk watched it, and basically, we've discussed it at
17 length. Apparently, there is some statements by the child
18 in there that under the strictest interpretation could
19 constitute hearsay if they were given for the truth of the
20 matter asserted. They're sort of tangential issues and
21 they don't have anything really to do with this case, so I
22 don't think they're hearsay. But just for the record, I
23 want that on there.

24 So okay. We will allow that to be admitted.

25 MS. HAMMACK: And, Your Honor, we would ask that

1 under 17-23-175, that it meets the factors for
2 admissibility.

3 THE COURT: It does. I think it does. And under the
4 statute, I find that it meets all the requirements.

5 MS. HAMMACK: Your Honor, the State has no further
6 motions. I don't know if the defense has any motions
7 before swearing in of the jury.

8 THE COURT: Yes.

9 MR. CHANDLER: Your Honor, we have mentioned it
10 before, there's been evidence in the evidence presented by
11 the State in discovery comments about alleged domestic
12 violence of my client against the victim's mother or the
13 alleged victim's mother, and we would ask any statements
14 about -- that the state witnesses be strictly instructed
15 not to mention any of those type of allegations of prior
16 bad acts or any conduct of my client that's not related to
17 the specific allegations of this case.

18 THE COURT: Okay. Any objection to that?

19 MS. HAMMACK: No, Your Honor. We don't intend to go
20 into any of that.

21 MR. CHANDLER: And secondly, Your Honor, we would ---

22 THE COURT: Okay. Just make sure all the witnesses
23 know so somebody doesn't blurt something out.

24 Yeah. Go ahead.

25 MR. CHANDLER: And secondly, Your Honor, I apologize,

1 that we would ask that the witnesses of the State be
2 sequestered as well.

3 THE COURT: Okay.

4 MS. HAMMACK: No objection.

5 THE COURT: Okay. We'll do that.

6 MR. CHANDLER: Thank you, Your Honor.

7 THE COURT: Well, that was easier than I thought. I
8 mean, I had to take a beating from my wife. At least
9 y'all could have come up for something. No. You've
10 worked hard on this, and I understand it.

11 Okay. So do you want to start back at 2:30? What
12 I'll do is I do have just sort of a little shtick that I
13 give. It's about 12 minutes long, and it really does
14 spend more time than it used to on the Internet. So I'll
15 do that and then we'll start with openings.

16 Tomorrow, with it being Halloween, you know, I'm
17 really concerned because it has happened to me before that
18 a jury was sent out in the mid-afternoon of Halloween, and
19 you had jurors with children at home and there was just a
20 general panic about it that kind of took me by surprise
21 when I was much younger. So I don't want this case to go
22 to the jury tomorrow. As much as I want to get home and
23 as much as we want this thing in, I want them to have
24 plenty of time and no pressure.

25 So timing-wise, I'm almost guaranteeing that we'll

1 have to do the closing and final charge on Thursday
2 morning, okay? I mean, if you finished by 11:00, and I
3 think that's too much pressure on you, I just -- I mean, I
4 think we might as well admit to ourselves that if you get
5 past 2:00, I'm concerned about them being under pressure
6 to get home for their children. It's just a weird day. I
7 don't feel that pressure. Mine are grown. But as I told
8 you, I had an issue in Hampton many years ago in which not
9 only the jury but court personnel were ready to go. So I
10 had to stay while they went home.

11 MS. HAMMACK: Just for purposes of scheduling other
12 cases, would Your Honor be inclined to hear other pleas
13 and motions Wednesday afternoon if we do not conclude this
14 case?

15 THE COURT: Let's put it this way. I will do
16 anything that anybody has for me.

17 MS. HAMMACK: I've got you.

18 THE COURT: I mean, I've told my theory of this is
19 pleas are tag-team wrestling, and it's me against
20 everybody. And y'all get up and throw the worst thing you
21 could tell me, and then I have to make a decision, and
22 then y'all tag out and go sit back down, and I'm still
23 here fighting everybody. And that's the way I look at
24 everything in the world is fight, and I'm perfectly
25 willing to fight anybody on a general basis. But, you

1 know, if you're going to fight, you get knocked out.
2 That's just -- you know, that's a problem.

3 I'll leave it at that and leave it in y'all's
4 discretion.

5 MS. HAMMACK: Yes, sir.

6 THE COURT: Okay. All right. I'll see y'all back
7 here about 2:30.

8 (WHEREUPON, a recess was taken at 12:34 p.m.)

9 (WHEREUPON, proceedings reconvened at 2:37 p.m.)

10 THE COURT: Anything we need to take up before we
11 bring them in? I'm not hurrying you. I'm just making
12 sure y'all aren't waiting on me.

13 MR. CHANDLER: Your Honor, I have one matter. The
14 defense did ask that the witnesses be sequestered. The
15 young lady sitting behind the State that has been sitting
16 very close with the mother of the alleged victim in this
17 case, I see her texting. And we've asked the State
18 already that we don't want to circumvent the sequestration
19 by communicating, and so we would ask that she stay
20 inside, but we'd also ask that she not be able to
21 communicate with her via text messaging as well.

22 THE COURT: Well, I know you all didn't know it. I
23 mean, I know you didn't. There can't be any communication
24 with a witness, period -- period.

25 MR. CHANDLER: And I just wanted to communicate,

1 because I didn't want to have to be on the lookout.

2 THE COURT: I mean, at the risk of giving you all
3 PTSD, I don't text at all from the courtroom. It's not
4 something I want.

5 MR. CHANDLER: Thank you.

6 THE COURT: I'm not as bad as some people.

7 MS. HAMMACK: And, Your Honor, the person in question
8 is the victim's mother's sister. She is not a witness in
9 the State's case. But we have talked about not
10 communicating with any witness.

11 THE COURT: Yeah. I mean, make sure that she
12 understands it. To me, that would be a very serious
13 breach to communicate with any witnesses, okay?

14 MS. HAMMACK: Yes, sir.

15 MR. CHANDLER: And, Your Honor, I want to be more
16 specific about a motion in limine we offered before.
17 There were some specific allegations in the initial
18 reporting officer's evidence that was offered that the
19 victim's -- the alleged victim's mother was afraid of our
20 client, and there is nothing, other than these
21 allegations, that would show that he's been violent. I
22 don't want to infer that they had some type of violent
23 past, and I would ask that any officers or any of the
24 State witnesses be specifically, not just about bad acts
25 and -- but any type of language that would suggest

1 anything other than the allegations that are in the
2 hearing. And I'm trying not to be too persnickety, but I
3 just don't -- it flows pretty -- it flows seamlessly in
4 the report, and I just don't want it to flow seamlessly in
5 testimony.

6 Thank you, Your Honor.

7 THE COURT: No. I've got you.

8 And you all are okay with that?

9 MS. HAMMACK: Your Honor, we've instructed all of our
10 witnesses not to go into any impermissible testimony.

11 THE COURT: Yeah. I trust you both. And if somebody
12 blurts something out, I'll have to deal with it then. And
13 like I said, I'm just looking for somebody to deal with,
14 just hoping somebody makes me deal with it.

15 Okay. Y'all ready?

16 MS. HAMMACK: Yes, Your Honor.

17 THE COURT: All right. This will just take me ten,
18 12 minutes, and it's sort of a wandering, meandering tour
19 through the court system, and then I'll let you open.
20 Okey-doke.

21 (WHEREUPON, the jury entered the courtroom at 2:41 p.m.)

22 THE CLERK: Madam Forelady and ladies and gentlemen
23 of the jury, please stand and raise your right hand.

24 (WHEREUPON, the jury is duly sworn.)

25 THE CLERK: You may be seated.

JURY INSTRUCTIONS

THE COURT: All right. Madam Forelady and ladies and gentlemen of the jury, bear with me for ten minutes while I sort of give you an overview of this case, tell you how we're going to proceed and give you a little instruction at the beginning. At the end of this trial, one of the things you're going to have to sit through is I'll have to read to you a charge of the law in this case, and I'll explain that in a minute. I'm not going to read anything to you now, but I do want to tell you a few things about this case.

First, as I told the whole group this morning, these are the indictments that have been filed against the defendant in this case. The defendant has pled not guilty, so that leaves the burden on the State to prove each and every element of the cause of action by a proof beyond a reasonable doubt.

You know, there's been a lot of ways to describe it, but basically, the defendant sits in here with a robe of innocence about his shoulders, or at least it used to be called a robe of righteousness, and it remains about his shoulders throughout the course of this trial and only is removed by him when you decide the State has proved their case beyond a reasonable doubt.

Now, ladies and gentlemen, a couple things I want to

1 tell you. Again, excuse my voice. I have grown concerned
2 over the years about the influence of TV on trials. My
3 mother passed away in March, but before she passed away,
4 she would call me weekly to talk about how exciting things
5 must be because she watched every law television show on
6 television.

7 I can tell you there's not going to be anything
8 exciting about this case. This case is not going to be
9 over in an hour with 22 minutes worth of commercials. It
10 is not going to flow as seamlessly as it does on TV. And
11 I have watched jurors over the years sort of get
12 frustrated with the fact that they're preconditioned to
13 think that things will move in a certain way. They won't
14 move as quickly as you want, but the Court is a place of
15 honor, and I really believe that. I mean, I've been a
16 judge for 16 years, I practiced law for 17, and I truly
17 believe that this is a place of honor. One of the
18 problems or one of the issues with that is we have to move
19 slowly for obvious reasons. This is the only time that
20 this case will be tried, so we have to move very slowly.
21 So bear with us, okay?

22 You and I have two very different roles during the
23 course of this trial. You're the judges of the facts.
24 You'll be sitting here listening to these witnesses
25 testify. You'll have to determine what the facts are in

1 this case. That requires you, quite frankly, to determine
2 the credibility of witnesses.

3 Credibility in South Carolina simply means
4 believability. You watch these witnesses testify, you
5 watch the evidence as it's introduced, and you determine
6 what you believe.

7 Now, I'll describe it more fully at the end, but
8 credibility, as I said, is believability. You can believe
9 everything that a witness testifies to in this courtroom
10 or you can believe nothing that they testify to. Again,
11 I'll describe that more fully at the end. But listen very
12 carefully to the witnesses as they testify and watch them.
13 Because, again, you individually and as a group have to
14 determine the credibility of the witnesses and you have to
15 determine what the facts are.

16 Now, I'm the judge of the law, so our roles never
17 cross. You're the judge of the facts. I'm the judge of
18 the law. If I give you any indication that I believe a
19 fact to be true or if I believe a witness, disregard it.
20 My opinion about the facts in this case should be
21 irrelevant to you. Again, our roles don't cross.

22 I will give you the law at the end of the case, and
23 you'll have to take that as the law in this case. And
24 you'll have to apply the law as I give it to you to the
25 facts as you determine them, and that's how you reach a

1. verdict. But if I turn red or if I raise my voice, as I
2. said, my body temperature is sort of going up and down
3. anyway, so I don't know if you can tell, but if I look
4. like I believe a witness, disregard it. If I look like I
5. disbelieve a witness, disregard it. But you have to
6. determine whether or not you believe the witnesses.

7. Now, in a few minutes, the lawyers are going to give
8. you their opening statement. An opening statement is not
9. evidence in this case. The only evidence in this case
10. will come from witnesses who testify here and any
11. documents or exhibits that are introduced.

12. After the opening statements, they'll start their
13. testimony and start the introduction of evidence.

14. As I said, we will go to the natural break today,
15. probably 5:00, 5:15. We're not going to go late.

16. I recognize that tomorrow is Halloween. We have
17. discussed that, believe it or not, because I don't expect
18. this case to come to you so that you begin your
19. deliberations tomorrow afternoon. Even if we stop at
20. 2:00, I don't want any situation in which you're sitting
21. back there with any pressure on you, so I am certain that
22. this case is going to go into Thursday. 90 percent
23. certain.

24. So we'll go today until 5:00. We'll start tomorrow
25. at 10:00. Again, that late start time is my fault, not

1 the solicitors' or the defense lawyer's. And then we'll
2 have to stop tomorrow whenever it appears normal to stop
3 after lunch. That's an abnormal thing, but I just don't
4 want any of you concerned about having to get home, and I
5 don't want anybody in the courtroom to be concerned.

6 Madam Forelady, if, at any time, there's an issue
7 back there, from this point forward, just write it out on
8 a pad, knock on the door, sign it and I'll try to deal
9 with it.

10 If you need a break at any time during the course of
11 this trial, and I mean, literally, at any time, raise your
12 hand to get my attention, get somebody in the courtroom's
13 attention, and we will take a break with no questions
14 asked. Again, we'll go for an hour and a half or so and
15 then we'll take a break. I'm not a sit-still person, but
16 I will literally stop in the middle of a sentence if you
17 raise your hand and you need a break.

18 Now, every time -- this is the last thing I'm going
19 to tell you and we'll get to the attorneys. Every time
20 there is an objection -- and, again, this is something
21 I've watched juries over the years, I've watched them get
22 frustrated with lawyers. There are times in the courtroom
23 where there's an objection by one side or the other. I'll
24 have to send you out of the courtroom. The reason I do
25 that is while you're outside the courtroom, I'm listening

1 to legal arguments, and then I'll make a legal decision
2 and rule. I don't know if it will happen in this one, but
3 it happens often that we'll have an objection, send you
4 out, you will wait ten or 15 minutes back there trying to
5 figure out what's going on, you'll come back in and
6 there's an immediate objection. And I've watched jurors
7 get mad at the lawyers making objections. Don't get mad
8 at them. That is their job, literally. And I would be
9 disappointed, quite frankly, if sometimes they don't make
10 objections.

11 Now, if I tell you I'm going to send you back for ten
12 minutes and you sit back there for 30 and you want to get
13 mad at somebody, get mad at me. One of the other duties I
14 have in addition to the judge of the law, I have to sort
15 of manage the flow of the trial. So if you get frustrated
16 with the stop-and-start nature, don't get mad at the
17 lawyers. Get mad at me. And at the end of this trial,
18 when it's all over with, I will come back and talk to you
19 and talk to you privately and let you criticize me however
20 you want. And if you're too bad, I'll cough on you and,
21 you know, leave you.

22 But do pay attention, do understand, and I will give
23 you a break at any time. And do understand that we're
24 doing our best to keep this moving, but it will not move
25 as quick as you want no matter what I say, okay?

1 All right. Thank you.

2 OPENING STATEMENTS

3 MS. HAMMACK: Thank you, Your Honor.

4 Mr. Chandler, members of the jury, March 23rd, 2017,
5 was a Thursday. Kids went to school, parents went to
6 work. By all accounts, a normal day. March 23rd, 2017,
7 was not a normal day for Jennifer Laird. Instead of
8 taking her kids home after school for snacks and homework,
9 she was at the Sheriff's Office. And she was at the
10 Sheriff's Office because on her way home from taking her
11 then 8-year-old child **Complainant** home from school, **Complainant**
12 told her mother what the defendant did to her the night
13 before.

14 You're going to hear from **Complainant** today. She's
15 going to tell you what the defendant did that night
16 before, on Wednesday, March 22nd, 2017, and you're going
17 to hear what the defendant did to her that Sunday prior on
18 March 19th, 2017.

19 You see, the defendant was **Complainant** mom's
20 boyfriend, so Jennifer's boyfriend. He lived with them at
21 their house at 118 Holley Estates Drive here in Aiken.
22 It's right down the road from Silver Bluff High School.
23 He watched the children when Jennifer was at work, and he
24 slept in the bed right down the hall from where **Complainant**
25 slept,

1 Now, members of the jury, you're going to get to
2 hear, like I said, from **Complainant** you're also going to get
3 to hear from Jennifer, and you're going to hear from the
4 officers that became involved in investigating this case.

5 As the judge told you, after Mr. Chandler and I get
6 up here and talk to you, the State is going to call
7 witnesses. They're going to sit up there and they're
8 going to tell you what they know, what they saw. I ask
9 you to pay attention to them.

10 At the end of this trial, I'll get to come back up in
11 front of you, and I'm going to summarize the evidence that
12 you've seen and testimony you've heard, Mr. Chandler is
13 going to do the same, and then the judge is going to talk
14 to you about the law. He gave you a little sneak peek
15 just a minute ago, but he's going to explain the law to
16 you that should have to apply in this case.

17 As you heard before lunch, the defendant is charged
18 with two counts, which means two separate incidents of
19 criminal sexual conduct with a minor in the first degree
20 and criminal sexual conduct with a minor in the third
21 degree. The judge is going to explain to you exactly what
22 that means and what the State has to prove to prove each
23 of those charges.

24 I want to give you a little bit of a heads-up so that
25 you know what to listen for as you're listening to the

1 witnesses in this case. Criminal sexual conduct with a
2 minor in the first degree is when someone commits a sexual
3 battery on a child under the age of 11. **Complainant** 10
4 now. She was 8 when this happened. The judge is going to
5 talk to you about what sexual battery means. And what
6 he's going to tell you is that it's any intrusion, however
7 slight, into a person's body. Typically, we're talking
8 about sexual intercourse, oral sex, anal sex, insertion of
9 an object, but it's any intrusion into the body, a little
10 bit or a lot bit. It all counts.

11 Criminal sexual conduct with a minor in the third
12 degree is any lewd or lascivious act or an attempt at an
13 act on a child under the age of 16. That's a whole lot of
14 big words and syllables, and basically, what we're talking
15 about here is fondling, touching of the private parts, any
16 type of sexual touching of a child's body.

17 This stuff is not comfortable to talk about. It's
18 not comfortable to have to sit here and listen to. But
19 it's important. It's what the charges are, and it's what
20 the defendant has been accused of doing. So even when
21 you're uncomfortable and you don't like what you have to
22 hear, I want you to listen to what the witnesses say and
23 look at the evidence that's presented before you. After
24 you do that, when I come back and talk to you, I'm going
25 to ask you to return the only verdict that that testimony

1 and that evidence is going to lead you to, and that's a
2 verdict of guilty on all charges against the defendant.

3 Thank you.

4 THE COURT: Thank you.

5 MR. CHANDLER: May it please the Court.

6 THE COURT: Yes, sir.

7 MR. CHANDLER: Members of the jury panel, as I
8 mentioned before, my name is Everett Chandler and I have a
9 small law practice here in Aiken. I'm originally from the
10 Wagener-Salley community of Aiken County, and I represent
11 Mr. Michael Collins.

12 Mr. Michael Collins came to me because he's charged
13 with a very serious crime, and you've heard the judge at
14 the very beginning who says that my client sits and
15 remains innocent until the State proves on this jury stand
16 and by the evidence that they present that my client is
17 guilty on all of these counts.

18 Now, this case is very important to my client. And
19 because this case is very important to my client, I'm
20 going to ask you to do three things. The first thing I'm
21 going to ask you to do is listen carefully to all of the
22 evidence that is presented in this case. Because my
23 client remains innocent of all the charges, it is the
24 State's burden to provide evidence, not a hunch not a
25 feeling, but evidence.

1 Secondly, we are going to ask you to use your
2 everyday experiences. Judge Maddox said earlier today
3 that one of the greatest assets that we bring into our
4 jury duty is our life experiences. You have been chosen
5 by both sides because we do believe that you will be able
6 to take this evidence, look at the evidence that's
7 presented, and come back with a fair and impartial
8 verdict.

9 Third and final thing that I'm going to ask you to do
10 is to come back with a verdict that speaks the truth. The
11 fact of the matter is, there will be no corroborating
12 evidence in this case. Listen, it's not going to be a
13 hunch, it's not going to be a feel. The fact of the
14 matter is that when the evidence is shown, there will be
15 nothing that will prove other than the statements that
16 allegedly came from a little girl, and statements that
17 allegedly came from a little girl, whether anything
18 happened at all. We're asking that you use your life
19 experiences. We're asking that you use your everyday
20 experiences to come back with a verdict that speaks the
21 truth.

22 There's an old saying that says that the hand that
23 rocks the cradle rules the world. And unfortunately,
24 there are no ends that some people will go to achieve
25 desired results. We believe that the reason why we are

1 here is because somebody wouldn't use ends or wouldn't
2 limit themselves in getting a desired result. The
3 evidence will show that these -- all of these accusations
4 are false, and that as my client sits here, as the judge
5 said, innocent of this charge and remains innocent, at the
6 end of this case, the only verdict in this case will be
7 not guilty on all charges.

8 Thank you so much.

9 THE COURT: You can call your first witness.

10 MS. HAMMACK: The State calls **Complainant**.

11 THE COURT: Hey, while we're waiting, y'all come here
12 a minute. Let me ask you something.

13 (WHEREUPON, a bench conference was held off the record.)

14 WHEREUPON,

15 **Complainant**

16 After having been duly sworn, testified as follows:

17 DIRECT EXAMINATION

18 BY MS. HAMMACK:

19 Q Now, **Complainant** can you tell the jury your full name?

20 A **Complainant**

21 Q And really fast, I want to move this microphone just
22 a little bit so you can talk into it.

23 And, **Complainant** I just want to let you know that even
24 though we're inside today, it's really important that
25 everybody all the way back here can hear what you have to

1 say, so it's okay for you to use your outside voice today.
2 Can you do that for me?

3 A Yeah.

4 Q Complainant how old are you?

5 A 10.

6 Q And where do you go to school?

7 A School

8 Q What grade are you in right now?

9 A Fourth.

10 Q What is your favorite thing about school right now?

11 A Lunch.

12 Q Complainant can you tell me where you live?

13 A Holley Estates Drive.

14 Q And is that in Aiken?

15 A Jackson.

16 Q Okay. And with you living at Holley Estates Drive
17 right now, who lives with you at your house?

18 A My mom, my cousin, my two -- Older Brother Twin Brother Kinsey
19 [phonetic] and Hunter..

20 Q And who is Older Brother

21 A My big brother.

22 Q And how old is Older Brother

23 A 12.

24 Q And who is Twin Brother

25 A He's my twin brother.

1 Q He's your twin brother?

2 A Yeah.

3 Q So does that mean that **Twin Brother** is 10 years old?

4 A Yeah.

5 Q And you said that Hunter lives with you?

6 A (Nods head affirmatively.)

7 Q How old is Hunter?

8 A 1 year old.

9 Q And who is Hunter?

10 A He's my baby brother.

11 Q And you said there was somebody else that lives with
12 you, and you told me a lot of names so I can't remember.

13 A Hinton.

14 Q Hinton. And how old is Hinton?

15 A 20.

16 Q 20. And who is Hinton?

17 A He's my cousin.

18 Q And did you say that your mom lives with you?

19 A Yeah.

20 Q And what's your mom's name?

21 A Jennifer.

22 Q All right. Now, **Complainant** I want to ask you a
23 question today.

24 A Yeah.

25 Q Are there places on your body that are not okay to

1 touch?

2 A Yeah.

3 Q Can you tell me what those places are?

4 A My vagina and my butt.

5 Q Okay. Now, **Complainant** has anybody ever touched you on
6 a place on your body that's not okay to touch?

7 A Yes.

8 Q And who did that?

9 A Mike.

10 Q Can you tell me, who is Mike?

11 A He's my uncle.

12 Q Okay. And tell me this. Has Mike ever lived with
13 you?

14 A Yes.

15 Q Okay. Now, I want to talk to you a little bit about
16 what happened with Mike, okay?

17 A Yeah.

18 Q You told me that Mike has touched you on a place on
19 your body that's not okay to touch. Did that happen one
20 time or more than one time?

21 A Two times.

22 Q And can you remember the first time that that
23 happened?

24 A It was in my mom's room.

25 Q It was in your mom's room?

1 A Yes.

2 Q Okay. Give me just a second, **Complainant** okay?

3 A Yeah.

4 Q Now, **Complainant** you told me about where you live. I
5 want to show you a picture, and I want you to look at it
6 for me, okay? Do you know what's in that picture?

7 A My house.

8 Q That's your house?

9 A Yes.

10 Q And I want to show you another picture. Take a look
11 at this one for me, okay? Do you know what's in that
12 picture?

13 A That's my mom's room.

14 Q That's your mom's room?

15 A Yes.

16 Q Now, you just said that the first time that something
17 happened with Mike happened in your mom's room.

18 A Yes.

19 Q What were you doing in your mom's room?

20 A Watching TV.

21 Q Do you know -- this is kind of a weird question, but
22 do you remember what you were watching on TV?

23 A No.

24 Q Okay. Where was your mom when you were in her room?

25 A She was at work.

1 Q Where was she working?

2 A Walmart.

3 Q And who else was in your mom's room with you?

4 A Mike.

5 Q Was there anybody else in the house at that time?

6 A Yes.

7 Q Who else was in the house?

8 A Twin Brother and Older Brother

9 Q And what were Twin Brother and Older Brother doing?

10 A Playing video games.

11 Q Were they playing their video games in your mom's
12 room?

13 A No.

14 Q Where were they?

15 A In their own room.

16 Q In where?

17 A In their rooms.

18 MS. HAMMACK: Okay. And, Your Honor, if I may, may
19 we just inquire to make sure that everybody can hear her
20 okay?

21 THE COURT: Sure.

22 BY MS. HAMMACK:

23 Q Now, Complainant tell me this. So you said you were in
24 your mom's room watching TV. What happened next?

25 A He asked me if he can -- if he can -- if I can get

1 him something to drink.

2 Q And when you say he asked you if you can get him
3 something to drink, who is "he"?

4 A Mike.

5 Q Okay. And did you get Mike something to drink?

6 A Yes.

7 Q And what happened after you got him something to
8 drink?

9 A I saw a sex toy.

10 Q How do you know that it was a sex toy?

11 A After I found it, he told me what it was.

12 Q And did he tell you anything else about the sex toy?

13 A No.

14 Q What happened with the sex toy?

15 A He showed me what it does.

16 Q And what did it do, **Complainant**

17 A Vibrated.

18 Q And do you remember how it vibrated?

19 A There's this like -- like thing, just like a switch,
20 like you can turn it up or down.

21 Q Okay. And after he showed you what the sex toy did,
22 what did he do next?

23 A He did it on me.

24 Q Okay. Do you remember what you were wearing when he
25 did the sex toy on you?

1 A No.

2 Q Tell me this. What were your clothes like when this
3 happened?

4 A It was down.

5 Q When you say "it was down," can you tell me what part
6 of your clothes was down?

7 A My panties and my shorts.

8 Q And how did your panties and your shorts get down?

9 A He told me to pull it down.

10 Q Okay. What about your shirt?

11 A He pulled it up.

12 Q He pulled your shirt up?

13 A (Nods head affirmatively.)

14 Q And what part of -- when you say that he used the sex
15 toy on you, what did he do with the sex toy?

16 A He put it on my vagina.

17 Q Okay. And when he put it on your vagina, did -- was
18 it on?

19 A Yes.

20 Q Okay. So what was it doing when it was on your
21 vagina?

22 A It was vibrating.

23 Q Did he say anything to you when this happened?

24 A He said, "Do you like it?" and I said "no."

25 Q Okay. You've got to use your outside voice for me.

1 Can you say that one more time?

2 A He said, "Do you like it?" but I said "no."

3 Q And what happened when you said "no"?

4 A He stopped.

5 Q Okay. And what did he do with the sex toy after he
6 stopped?

7 A He put -- he put lotion on it.

8 Q Did he put lotion anywhere else?

9 A On my vagina.

10 Q Did he say anything about putting lotion on your
11 vagina or on the sex toy?

12 A Yes.

13 Q What did he say about that?

14 A He said, "So your mom won't know."

15 Q Okay. Did he say anything to you about talking to
16 your mom?

17 A Yeah.

18 Q What did he say to you about talking to your mom?

19 A He said, "Do you promise not to tell your mom?" and I
20 said "yes."

21 Q Okay. Do you remember if anything else happened that
22 time with Mike?

23 A No.

24 Q What happened after he put lotion on your vagina and
25 lotion on the sex toy? What happened after that?

1 A He put it away.

2 Q Okay. Do you remember where he put it?

3 A No.

4 Q Okay. Tell me this, **Complainant** You said that it
5 happened two times?

6 A Yes.

7 Q Do you remember the second time that it happened?

8 A Yes.

9 Q And where were you the second time that it happened?

10 A In my room sleeping.

11 Q Okay. I want to show you another picture. Will you
12 take a look at it for me?

13 A (Reviews photograph.)

14 Q Do you know what's in that picture?

15 A My bed.

16 Q Okay. Is that the bed that you were sleeping in when
17 this happened?

18 A Yes.

19 Q So tell me this, **Complainant** When you were in your bed
20 sleeping, was there anybody else in your room?

21 A Mike.

22 Q Okay. And was Mike in your room when you first went
23 to bed or did he come in your room?

24 A He came in my room.

25 Q Okay. And what happened when he came in your room?

1 A He pulled my pants down and he put his finger in my
2 vagina.

3 Q Did he say anything to you when he pulled your pants
4 down?

5 A No.

6 Q Did he say anything to you when he put his finger in
7 your vagina?

8 A No.

9 Q Do you remember which finger it was?

10 A His pointy finger.

11 Q Okay. You've got to stay loud for me, okay?

12 A His pointy finger.

13 Q His pointy finger. Can you show me on your hand
14 which finger that is?

15 A (Witness complies.)

16 MS. HAMMACK: And, Your Honor, let the record reflect
17 she's indicating with her index finger.

18 THE COURT: Okay.

19 BY MS. HAMMACK:

20 Q And what did he do with his finger when he put it in
21 your vagina?

22 A He moved it.

23 Q Can you show me or tell me how he moved his finger?

24 A Like up and down (demonstrating).

25 Q Okay. I'm going to move and I'm going to let you do

1 that one more time so that everybody can see it. How did
2 he move his finger in your vagina?

3 A Up and down (demonstrating).

4 Q Okay. And, **Complainant** this is kind of a hard
5 question, but do you know how long he did that for?

6 A No.

7 Q Okay. What happened when he quit doing that?

8 A My mom woke up, said, "What was that."

9 Q Okay. Let me stop you for just a second. You can't
10 tell everybody what other people said, so you can't say
11 what your mom said, okay? But did you say that your mom
12 woke up?

13 A Yes.

14 Q Okay. What did the defendant do -- or, excuse me.
15 What did Mike do when your mom woke up?

16 A He went to the refrigerator and ---

17 Q He went where? You've got to talk -- use your
18 outside voice, okay?

19 A He went to the refrigerator, and then he got Chinese
20 chicken and threw it in my room.

21 Q Chinese chicken?

22 A Yes.

23 Q Where did he throw it in your room?

24 A He just threw it.

25 Q Do you know where the Chinese chicken went?

1 A No.

2 Q Okay. Did Mike say anything to you about Chinese
3 chicken?

4 A He said -- no.

5 Q Okay. Did he say anything to anybody else about
6 Chinese chicken?

7 A No. But yes. He said ---

8 Q Do what, Sweetie?

9 A Yes.

10 Q Okay. What did he say about Chinese chicken?

11 A He told my mom that she was getting into Chinese
12 chicken.

13 Q And when you say that he told your mom that she was
14 getting into Chinese chicken, who is the she he was
15 talking about?

16 A My mom.

17 Q Okay. And tell me, **Complainant** do you eat Chinese
18 chicken?

19 A No.

20 Q And why don't you eat Chinese chicken?

21 A It's disgusting.

22 Q It's disgusting.

23 Tell me this. The second time this happened, did
24 Mike say anything to you about telling your mom what
25 happened?

1 A Don't tell her.

2 Q Okay. And, **Complainant** did you end up telling your mom
3 what happened?

4 A Yes.

5 Q When did you tell your Mom what happened?

6 A When she picked us up the day after he did it, the
7 second day.

8 Q Okay. And when she picked you up, where was she
9 picking you up from?

10 A My school.

11 Q And do you remember what school that was?

12 A **School**.

13 Q Okay. And what happened after you told your mom what
14 happened?

15 A She went to the police station.

16 Q Did you have to go to the police station?

17 A Yes.

18 Q Okay. **Complainant** give me just a second, okay?

19 A Uh-huh.

20 Q **Complainant** let me ask you this. When we first started
21 talking, I asked you who Mike was. Can you tell me, is
22 Mike a kid or a grown-up? Or about how old is Mike?

23 A I don't know.

24 Q Okay. Do you know if he's a kid or a grown-up?

25 A He's a grown-up.

1 Q He's a grown-up. Okay.

2 Complainant I'm going to go sit down and Mr. Chandler is
3 going to come ask you some questions. You answer any
4 questions that he has for you, okay?

5 A Okay.

6 THE COURT: Yes, sir.

7 CROSS EXAMINATION

8 BY MR. CHANDLER:

9 Q Good afternoon, Complainant How are you doing today?

10 A Good.

11 Q You doing good?

12 Complainant have you ever met this nice lady who's
13 asked you questions today?

14 A Yes.

15 Q About how many times have you met with her?

16 A I think five.

17 Q Five times.

18 And the five times you met with her, did y'all talk
19 about these same questions that you're talking about now?

20 A Yes.

21 Q And around that time, did she help you with the
22 answers that you gave today?

23 A No.

24 Q Okay. Well, did y'all talk about the answers she
25 gave you today?

1 A Yes.

2 Q And what did y'all talk about?

3 A We talk about you need to tell the truth.

4 Q Okay. And when you talk about these answers that are
5 going on or talked about what you discussed with her, did
6 you discuss this with your mother?

7 A Yes.

8 Q Yes?

9 Did you ever tell your mother that Mike -- your Uncle
10 Mike scratched inside your private part?

11 A No.

12 Q You never told her that he scratched you inside?

13 A I did not know about that.

14 Q Okay. You didn't know about that.

15 What else did you tell your mother?

16 A That he did something bad to me.

17 Q Okay, okay. Who's Older Brother

18 A My big brother.

19 Q And where is Older Brother room?

20 A And can you repeat that?

21 Q Where's Older Brother room?

22 A By my room.

23 Q It's right by your room?

24 A Like in front of my room.

25 Q Okay. And where is Twin Brother room?

1 A In front of my room, too.

2 Q In front of your room.

3 And who's Hunter?

4 A My baby brother.

5 Q Your baby brother.

6 So where does Hunter sleep?

7 A Sometimes with me and sometimes with my mom.

8 Q Okay, okay. You were asked a number of questions
9 about things that happened. How -- Older Brother and Twin Brother their
10 rooms are very close. If you said "help," would Older Brother and
11 Twin Brother hear you if you're in your room?

12 A Yes.

13 Q Okay. Do they come in your room sometimes?

14 A Yes.

15 Q Are they allowed in your room sometimes?

16 A Yes.

17 Q When they come in your room, do they knock or do they
18 just come in?

19 A Just come in.

20 Q They just come in?

21 A Yes.

22 Q Do you lock your door so that they can't come in?

23 A I don't have a door.

24 Q You don't have a door?

25 A No.

1 Q So [Older Brother] and [Twin Brother] are just outside of your room and
2 there's no door?

3 A (Shakes head negatively.)

4 Q Okay. Who else have you been going over these
5 questions with?

6 A I don't know.

7 Q It's been a lot of people?

8 A (Nods head affirmatively.)

9 Q You been talking to a lot of people about this?

10 A (Nods head affirmatively.)

11 Q Do you like Mike?

12 A No.

13 Q You don't.

14 Do you own a phone?

15 A No.

16 Q You don't own a phone? You never owned ---

17 A Oh, yes. I do have a phone.

18 Q You have a phone.

19 Has Mike ever taken your phone away from you?

20 A Yes.

21 Q He has.

22 And you watch movies on your phone?

23 A Yes.

24 Q You watch Netflix on your phone?

25 A No.

1 Q You don't watch Netflix on your phone?

2 A (Shakes head negatively.)

3 Q But you do go on the Internet with your phone?

4 A Yes.

5 Q Okay. Why did Mike take your phone from you?

6 A Because sometimes I'll be bad.

7 Q In what ways do you be bad?

8 A Not cleaning.

9 Q Not cleaning.

10 And around this time, Mike had taken your phone,
11 didn't he?

12 A Yes.

13 Q He did.

14 You didn't like that, did you?

15 A No.

16 THE COURT: Anything? Redirect.

17 MS. HAMMACK: Very briefly, Judge.

18 REDIRECT EXAMINATION

19 BY MS. HAMMACK:

20 Q **Complainant** I have just a couple questions for you,
21 okay?

22 A Okay.

23 Q When you do something bad like not clean, do you
24 always get in trouble?

25 A Yes.

1 Q Have you gotten in trouble more than once for not
2 cleaning?

3 A Yes.

4 MS. HAMMACK: Okay. Thank you.

5 THE COURT: Okay. Thank you, honey. You can step
6 down.

7 MS. HAMMACK: The State calls Jennifer Laird.

8 THE CLERK: Place your left hand on the Bible and
9 raise your right hand.

10 WHEREUPON,

11 JENNIFER LAIRD

12 After having been duly sworn, testified as follows:

13 THE CLERK: Have a seat in the witness chair. Watch
14 your step. State your full name.

15 THE WITNESS: My name is Jennifer Lynn Laird.

16 DIRECT EXAMINATION

17 BY MS. HAMMACK:

18 Q Jennifer, can you tell the jury, what's your
19 relationship to **Complainant**

20 A Her mother.

21 Q And when was **Complainant** born?

22 A July 20th, 2008.

23 Q And let me direct you for just a second. First, do
24 you know who Michael Collins is?

25 A I do.

1 Q And who is that?

2 A My ex-boyfriend.

3 Q And when did you first meet Michael?

4 A When I was 16.

5 Q Does he go by Michael or Mike?

6 A I just call him Mike.

7 Q Okay. So you met Mike when you were 16. On and off,
8 have you had a relationship with him, like you said, as
9 boyfriend and girlfriend?

10 A Yes.

11 Q Now, in 2017, was Mike living with you?

12 A He was.

13 Q Were y'all dating then?

14 A We were.

15 Q Specifically, in March of 2017, were y'all dating?

16 A Yes.

17 Q And was he living with you?

18 A He was.

19 Q Where were y'all living?

20 A In Aiken off of Holley Estates Drive.

21 Q And you say in Aiken. Is that Aiken county?

22 A It's Aiken county.

23 Q Give me just a second, Jennifer.

24 Jennifer, I'm going to show you this picture. Take
25 just a second to look at it, and tell me, do you recognize

1 what's in that picture?

2 A It's my back door.

3 Q And when you say it's your back door, is it the back
4 door at 118 Holley Estates Drive?

5 A It is.

6 Q Is that where you were living on March 19th of 2017?

7 A Yes, ma'am.

8 Q Is that where you were living on March 22nd of 2017?

9 A Yes, ma'am.

10 MS. HAMMACK: Your Honor, at this time, we would move
11 State's Exhibit 1 into evidence.

12 THE COURT: Any objection?

13 MR. CHANDLER: Without objection.

14 THE COURT: Without objection.

15 (WHEREUPON, State's Exhibit Number 1 was marked for
16 identification and admitted into evidence.)

17 BY MS. HAMMACK:

18 Q Now, Jennifer, when you were living there in March of
19 2017, in addition to Mike, who was living there with you?

20 A Just my other kids.

21 Q Was **Complainant** living there?

22 A Yes. I have four kids. Well, I had four kids at the
23 time. All of them lived with me.

24 Q Okay. And tell me, what was the living situation as
25 far as bedrooms went at that time?

1 A My daughter had her -- **Complainant** had her own room, my
2 two boys had their own room, and my -- I guess she was a
3 year and a half, two years then, she slept with us.

4 Q And when you say "with us," who are you talking
5 about?

6 A Me and Mike.

7 Q Okay. Back in March of 2017, were you working
8 anywhere?

9 A I was.

10 Q Where were you working?

11 A I was a manager at Walmart.

12 Q Which Walmart?

13 A Whiskey Road, South Aiken.

14 Q So you went from Holley Estates Drive to Whiskey Road
15 to work?

16 A Yes, ma'am.

17 Q How long did it take you to get to work?

18 A About 22 to 25 minutes.

19 Q And did you have a typical schedule or did you rotate
20 then?

21 A It was typically Monday through Friday, 7:00 to 4:00,
22 every other weekend. Well, the weekends really rotated.

23 Q Okay. Was Mike working anywhere at the time?

24 A He was not.

25 Q So when you were at work, if you were working, the

1 kids weren't in school, where were the kids?

2 A With Mike or at day care.

3 Q And if you worked on a weekend, where were the kids?

4 A With Michael.

5 Q And when he was -- or when the kids were with him on
6 a weekend, where did they typically stay?

7 A At the house.

8 Q Okay. I want to talk to you a little bit about
9 March 19th of 2017. Do you remember that day?

10 A I do.

11 Q Was that a Sunday?

12 A Yes, ma'am.

13 Q Did you have to work that weekend?

14 A I did.

15 Q And you said you were working at the Walmart on
16 Whiskey Road?

17 A Uh-huh.

18 Q Do you remember what time you worked that day?

19 A Well, I was supposed to get off at 3:00 that day, but
20 I called and asked them if I could work late because I had
21 a person that wasn't able to come in and I had some things
22 I needed to finish.

23 Q So how late did you end up working that day?

24 A About 4:00.

25 Q And on that particular Sunday, where were the kids?

1 A They were at home with Mike.

2 Q Does that include **Complainant**

3 A It does.

4 Q Okay. And then on March 22nd of 2017, that next
5 Wednesday, did you have to work that day?

6 A Yes.

7 Q And after working, did you come home?

8 A I did.

9 Q And typically, who would put the kids to bed on a
10 weeknight?

11 A Well, either one of us. We would just tell them it
12 was bedtime and they needed to go to bed.

13 Q And how did the kids get to school?

14 A Either he or I would take them to school.

15 Q Okay. Now, who picked the kids up from school the
16 following day -- well, no. Actually, before we go to the
17 23rd, let's stay on the 22nd for a little bit. The night
18 of the 22nd, after everyone's gone to bed, did anything
19 happen out of the ordinary that night?

20 A Well, I went to bed. We weren't really on speaking
21 terms. But I woke up in the middle of the night about
22 2:00, 3:00 in the morning, and he was cooking chicken.
23 And he had told me my daughter had gotten up. She was
24 sleepwalking. And that was pretty much it. I went back
25 to bed.

1 And I'd say about an hour before I had to go to work,
2 he came to bed and asked if he could lay next to me, which
3 is kind of odd because he always sleeps on his own side
4 but he wanted to be on my side. And I didn't really say
5 anything. I just scooted over. And he laid there until I
6 woke up for work.

7 Q Now, on a typical school morning, who would get the
8 kids ready for school?

9 A I would.

10 Q And what would Mike be doing while you were getting
11 the kids ready for school?

12 A Generally, sleeping, unless we woke him up because
13 the kids were being too loud. He would get up and start
14 yelling and cussing everybody and slam my bedroom door
15 shut and tell us to shut up.

16 Q Now, on the morning of March 23rd, 2017, did he stay
17 in the bedroom and sleep while you got the kids ready for
18 school?

19 A He did not.

20 Q What did he do?

21 A He got up and he talked to me before I went to go get
22 the kids about **Complainant** sleepwalking. And when I went and
23 got the kids, he like, he just hovered over me the entire
24 time. Any time the kids went to speak, he'd start
25 speaking first or speak over them.

1 Q Was that normal?

2 A No. Not at all.

3 Q Who picked the kids up from school that afternoon?

4 A I did.

5 Q And where did you pick **Complainant** up that day?

6 A From day care.

7 Q And typically, when you would pick her up from day
8 care, where would y'all go from there?

9 A Generally, go home, but that day I went by Sonic's to
10 get a drink.

11 Q And that afternoon, did you end up going home after
12 Sonic?

13 A I didn't.

14 Q Where did you go instead?

15 A Well, I was on the way home, and my daughter said she
16 had something ---

17 Q All right. You have to be careful. You can't say
18 what she told you. But did **Complainant** have a conversation
19 with you in the car on the way home?

20 A She did.

21 Q And as a result of that conversation with her, what
22 did you do?

23 A Well, I pulled over on the side of the road to let
24 her tell me what she had to say, and I panicked. I didn't
25 know what to do. I didn't want to go home because I

1 didn't know what would happen. So I just turned around
2 and went straight to the police department because it's my
3 responsibility to protect my kids no matter what.

4 Q Now, when you went to the police department, did you
5 end up filing a police report?

6 A I did.

7 Q And did you go home that night?

8 A I did not.

9 Q Where did you go?

10 A After we left the police station, we went to the
11 Aiken Regional Hospital, and I went and stayed at a hotel
12 for the night.

13 Q And where did **Complainant** stay that night?

14 A She went with her dad.

15 Q And is her dad someone other than the defendant?

16 A Yes.

17 Q Jennifer, I want to ask you an awkward question.
18 Back in March of 2017, did you own a vibrator?

19 A I did.

20 Q And where did you keep that?

21 A In my drawer.

22 Q When you say in your drawer, is that in your bedroom?

23 A Yes.

24 Q After March 23rd of 2017, did you keep that vibrator?

25 A For a brief time.

1 Q And then what did you do with it?

2 A I threw it away.

3 Q The person that -- let me ask you this first. You
4 said that you dated Mike and he was living with you in
5 March of 2017 and that Mike came to you, that you saw Mike
6 cooking chicken on March 22nd, 2017, and then he told you
7 about **Complainant** sleepwalking the following morning. What
8 does **Complainant** call him?

9 A They called him Uncle Mike.

10 Q And the person that **Complainant** called Uncle Mike and
11 that told you these things about her sleepwalking and the
12 chicken, do you see him here in the courtroom today?

13 A Yes, ma'am.

14 Q Can you point him out and describe what he's wearing?

15 A He's over there (indicating) in the white T-shirt --
16 or not white T-shirt. White button-up with a tie.

17 MS. HAMMACK: Your Honor, let the record reflect that
18 the witness has identified the defendant.

19 THE COURT: All right. So reflected.

20 BY MS. HAMMACK:

21 Q Jennifer, give me just a second, okay?

22 A Uh-huh.

23 Q Really briefly, I told you that you're not allowed to
24 say what **Complainant** told you in the car, but did she tell
25 you where something happened?

1 A She did.

2 Q And where did she say something happened?

3 A She said the first time it happened ---

4 MR. CHANDLER: Objection, Your Honor.

5 THE COURT: Yeah.

6 MS. HAMMACK: Your Honor, if we may sidebar briefly.

7 THE COURT: Sure.

8 (WHEREUPON, a bench conference was held off the record.)

9 BY MS. HAMMACK:

10 Q Jennifer, I'm going to go ahead and repeat my
11 question for you. Again, you're not allowed to say all
12 the things that **Complainant** told you, but did she tell you
13 where something happened?

14 A She did.

15 Q And just where, specifically where did she say
16 something happened?

17 A Once in my room and once in her room in her bed.

18 Q And I'm going to show you a couple of pictures. Do
19 you recognize what's in that picture?

20 A I do.

21 Q And what's in that picture?

22 A My bed.

23 Q Is that your bed as it looked on March 22nd, 19th of
24 2017?

25 A Yes.

1 MS. HAMMACK: Your Honor, at this time, I would move
2 State's Exhibit 2 into evidence.

3 THE COURT: Any objection?

4 MR. CHANDLER: Without objection.

5 THE COURT: Without objection.

6 (WHEREUPON, State's Exhibit Number 2 was marked for
7 identification and admitted into evidence.)

8 BY MS. HAMMACK:

9 Q And, Jennifer, I'm going to show you one more
10 picture. Can you take a look at that for me and tell me
11 if you recognize what that is?

12 A That's **Complainant** bed.

13 Q And is that **Complainant** bed as it looked back in March
14 of 2017?

15 A Yes, ma'am.

16 MS. HAMMACK: Your Honor, at this time, I would move
17 State's Exhibit 3 into evidence.

18 THE COURT: Any objection?

19 MR. CHANDLER: Without objection.

20 THE COURT: Without objection.

21 (WHEREUPON, State's Exhibit Number 3 was marked for
22 identification and admitted into evidence.)

23 BY MS. HAMMACK:

24 Q And, Jennifer, again, you can't say what **Complainant**
25 told you in the car on March 23rd, 2017, but did she tell

1 you when something happened?

2 A She did.

3 Q And very specifically, can you tell me when she said
4 something happened?

5 A While I was at work on Sunday, and in that morning of
6 the present day we were on.

7 MS. HAMMACK: Okay. Give me just a second.

8 Jennifer, please answer any questions that
9 Mr. Chandler has for you.

10 CROSS EXAMINATION

11 BY MR. CHANDLER:

12 Q Good afternoon, Jennifer. How are you doing today?

13 A Good. Yourself?

14 Q I'm well. Thank you for asking.

15 Jennifer, how long have you known Mr. Collins?

16 A Since I was 16.

17 Q Since you were 16.

18 And isn't it true that you guys have a child in
19 common?

20 A We have two.

21 Q Two children in common. And who are they?

22 A **Sister** and **Younger Brother**.

23 Q And you guys were living together at the time?

24 A Off and on. Yes, sir.

25 Q Off and on. But at the time of these allegations,

1 you guys were living together?

2 A Yes.

3 Q Ms. Laird, you had indicated earlier that after
4 speaking with the police, you took your daughter to the
5 authorities. I mean, after speaking with your daughter,
6 you took her to the authorities?

7 A Directly, yes.

8 Q When you met with the authorities, did you tell the
9 authorities that your daughter was scratched with his nail
10 in her vagina?

11 A I told them what she told me, and then she made her
12 own report.

13 Q Did you actually tell them that he scratched her in
14 her vagina?

15 A That she felt something pointy, that she felt it was
16 his nail that was bent over because it was pointy that
17 scratched her. That's what I said.

18 Q And so you told them that she was scratched in her
19 vagina?

20 A No. That she felt something pointy scratch her.

21 Q Okay. Jennifer, you had just indicated earlier that
22 you and my client weren't on speaking terms. Why weren't
23 you on speaking terms?

24 A Because he accused me of being on porn sites.

25 Q Were you on porn sites?

1 A No.

2 Q Who is Samantha Collins?

3 A That is his wife.

4 Q That's his wife. He was married to her at the time?

5 A Yes. But they have been separated.

6 Q Had he been communicating with her?

7 A Not to my knowledge.

8 Q What did you know about Samantha?

9 A Nothing, really. That she worked at Little Caesars
10 and had three kids with him.

11 Q Isn't it -- I mean, isn't it true that really you had
12 argued with him about getting back together with his wife,
13 Samantha?

14 A Not at that time.

15 Q Not at that time. But you did argue with her about
16 getting back -- with him about getting back with her?

17 A I mean, maybe in previous conversations.

18 Q And you were worried about them getting back
19 together, weren't you?

20 A No.

21 Q You weren't, but you just argued with him about it?

22 A Yeah. Because he was in my bed texting her.

23 Q Okay. So you were actually arguing because he is
24 texting his ex-wife -- no, it's not his ex-wife -- his
25 wife while in the bed with you?

1 A Actually, no. That happened months before this.

2 Q But that's still been a point of contention, hasn't
3 it?

4 A No. It was based on the sole fact that he spent
5 48 hours sitting up trying to find me on any porn site he
6 possibly could, any woman that looked anything like me,
7 had a tattoo, anything like I had. That's why we weren't
8 speaking.

9 Q You were upset with -- as you indicated before, you
10 were upset with Michael because he had been trying to get
11 back together with his ex-wife.

12 A That had nothing to do with this case or what -- why
13 we weren't speaking at the time.

14 Q Okay. Nothing to do with this case:

15 A No.

16 Q At any time -- at any time -- and so you're saying it
17 had nothing to do with this case, it had nothing to do
18 with the reason why these allegations are coming out about
19 my client?

20 A No.

21 Q None at all?

22 A His wife has nothing to do with this case.

23 Q And so you had no issues with him that made you bring
24 your daughter into this matter?

25 A I didn't bring my daughter. My daughter came to me

1 with her concerns.

2 Q That's the allegation that you said that she came to
3 you. I'm asking, have you ever ---

4 MS. HAMMACK: Your Honor, I'm going to object. She
5 answered his question.

6 THE COURT: No. Overruled. Go ahead.

7 MR. CHANDLER: Thank you, Your Honor.

8 BY MR. CHANDLER:

9 Q As I said before -- well, the question I was going to
10 ask you, have you ever brought your children in disputes
11 with issues you had with other men in the past?

12 A No.

13 Q You haven't? Not at all?

14 A No, sir.

15 Q You never questioned them specifically, maybe their
16 father about how much money you spent with them?

17 A I mean, I'll ask what did you do this weekend.

18 Q Have you ever asked them pointed questions about
19 whether he got engaged?

20 A Yeah. To see if they knew.

21 Q You weren't just inquiring to see if they knew.
22 Isn't it true that you videotaped it? Answer my question.

23 MS. HAMMACK: Your Honor, I'm going to object. Her
24 communications with another man that's not the facts in
25 this case is not relevant. He's asking her about

1 communications with another man.

2 THE COURT: All right. Hold on a minute. I'll send
3 you out for a minute.

4 Don't talk about this case. Take a stretch. We'll
5 use this as our break time.

6 (WHEREUPON, the jury exits the courtroom at 3:37 p.m.)

7 THE COURT: Okay. Ma'am, you can step down. Just
8 stay in the courtroom.

9 All right. Yes, sir. Let's deal with the objection,
10 then we'll take a break. Basically, where are you heading
11 with this?

12 MR. CHANDLER: So, where I'm heading, Your Honor, is
13 that as to her credibility, we have a video where she was
14 -- basically, had two children, the alleged victim in this
15 case and her twin son, basically influencing them to
16 develop a story about their father. And our point is
17 simply in the same way as I said, bringing her into issues
18 with other men, which she denied and now I need to impeach
19 her, obviously, off of the video for impeachment purposes.
20 She basically has her children complaining about money
21 spent on them, specifically questioned the kids about
22 whether -- whether they knew that she was engaged or not,
23 and then more specifically, at the very end, basically
24 tells them, basically convinced them as they're throwing
25 numbers around how many times their father has lied to

1 them.

2 Our position is that she -- the level of coaching
3 that we see in this case is consistent with the coaching
4 that we believe -- as we go into her credibility, and I
5 think, obviously, we have a right to question the
6 credibility of the witnesses and go into credibility.

7 We do have a video, Your Honor, and we would be happy
8 to proffer the video.

9 THE COURT: Okay. Yeah. That's the first I've heard
10 of a video, and I'm ---

11 MS. HAMMACK: It's the first we've heard of it, too,
12 Judge.

13 THE COURT: Okay. Well, I mean, you have a right to
14 go into her credibility and to her -- any motivations. I
15 just think, at some point, it comes to an end. And the
16 video is a whole different matter.

17 MR. CHANDLER: We'll be happy to proffer the video.

18 THE COURT: Have you seen it?

19 MS. HAMMACK: No, Your Honor.

20 THE COURT: Okay. Why don't y'all watch it, we'll
21 take a quick break and then we'll come back and decide,
22 okay? I mean, I think she has a right to see it
23 before ---

24 MR. CHANDLER: And we'd like the Court to look at it.

25 THE COURT: Yeah. I will after -- yeah. Give her a

1 chance.

2 How long is it?

3 MR. CHANDLER: I think five minutes, tops.

4 THE COURT: Okay.

5 MS. HAMMACK: And if I may, Judge, I'd just like to
6 save my response till after I see the video.

7 THE COURT: Okay. Y'all take a minute.

8 (WHEREUPON, a recess is taken at 3:40 p.m.)

9 (WHEREUPON, proceedings reconvened at 3:51 p.m.)

10 MS. HAMMACK: And, Your Honor, these are two video
11 files that the defense has proffered. One is
12 approximately 22 seconds long and the other is
13 approximately a minute and a half long.

14 THE COURT: Who took them?

15 MS. HAMMACK: And this is the first video, Your
16 Honor.

17 THE COURT: So the witness recorded it.

18 MR. CHANDLER: Uh-huh.

19 (WHEREUPON a video was played in open court.)

20 MS. HAMMACK: And then the second video.

21 (WHEREUPON, a video was played in open court.)

22 THE COURT: All right. So she's questioning these
23 children about their father, not the defendant.

24 MR. CHANDLER: That's correct.

25 THE COURT: All right. Okay. Give me a minute to

1 put my robe on. I'll be back.

2 (Pause in proceedings.)

3 THE COURT: Okay. All right. We proffered the
4 video, and I understand that you want to introduce it for
5 impeachment. The problem is, I think it's only evidence
6 of how -- well, I don't think it has any bearing on this
7 case. And I understand, and it's -- we'll make it a
8 Court's exhibit. I just don't think it rises to the level
9 of being pertinent to allege coaching of this child. But
10 I understand your -- I mean, it's a perfect example of
11 horrific parenting, but that doesn't rise to a level of
12 impeachment evidence.

13 (WHEREUPON, Court's Exhibit Number 2 was marked for
14 identification.)

15 MR. CHANDLER: Your Honor, in my continued -- and I
16 understand your ruling.

17 THE COURT: No. I understand. I want you to put it
18 on the record.

19 MR. CHANDLER: In my -- obviously, our position is
20 that my client, for the sake of my client, Your Honor, as
21 you know, my client is facing life in prison.

22 THE COURT: Sure.

23 MR. CHANDLER: And with his freedom at stake, I think
24 that all decisions should be made in the light most
25 favorable to him as far as giving him an opportunity to

1 defend his life. Specifically, Ms. Laird did, in fact,
2 deny certain things that are on that video, and it becomes
3 the perfect impeachment tool. But I am going to ask her
4 continued questions. Is she allowed to -- about --
5 about ---

6 THE COURT: Yeah. I'm not saying it doesn't come in
7 under any circumstances. I just don't think the door's
8 been opened by her testimony yet.

9 MR. CHANDLER: Okay. So I'm saying if she -- if,
10 upon further questioning, she ---

11 THE COURT: Yeah.

12 MR. CHANDLER: Okay. All right. And that's -- let
13 me finish. Upon further questioning, if, in fact, it's
14 needed again for impeachment purposes, we intend to offer
15 it again.

16 THE COURT: And I understand that.

17 MR. CHANDLER: Okay. Yes. But we do understand you
18 have ruled.

19 THE COURT: Absolutely. I don't think -- I just
20 don't think there's enough yet.

21 MR. CHANDLER: Thank you, Your Honor.

22 MS. HAMMACK: And, Your Honor, just to cover the
23 record on a couple things, my objection is going into the
24 specifics on the line of questioning about the ways that
25 she had talked to her children about their father. If

1 he's going to make allegations that she has had her
2 children make criminal allegations before, I think it's
3 relevant, but if we're just talking about her making
4 statements to her children about their dad not doing the
5 things that they should, that's not relevant for purposes
6 of establishing that she is making this child make a false
7 allegation.

8 THE COURT: Yeah. Not yet..

9 MS. HAMMACK: That would be the State's objection.

10 THE COURT: I understand.

11 MS. HAMMACK: And, Your Honor, this is slightly
12 related, too, but while we have the jury out, I didn't
13 want to send them right back out, because the defense has
14 gone into a line of questioning with the victim about
15 coaching and how many times she has met with the State and
16 how many times she has talked to her mother about this
17 case in preparation for trial and also if the State has
18 ever told her what to say or if her mother has told her
19 what to say in preparation for trial. The State would
20 argue under 801(d), as well as under the law as decided in
21 State v. Jeffcoat, that they have opened the door for us
22 to go into prior consistent statements that predate the
23 allegations of this coaching, which would be any prior
24 consistent statements that this child has made before
25 preparation of trial. I do have a copy of that case for

1 Your Honor as well as the law.

2 THE COURT: What are the statements?

3 MS. HAMMACK: Your Honor, statements that she made to
4 her mother before it was reported to police, statements
5 she made to police about what happened, statements she
6 made to the sexual assault nurse examiner about what
7 happened. All of these statements, the State would posit
8 that they are consistent with her testimony here today and
9 they all predate these allegations of coaching by the
10 State and the mother in preparation for trial that the
11 defense went into both through the child witness and
12 through the current witness.

13 THE COURT: Okay.

14 MR. CHANDLER: Your Honor, we just asked her how many
15 times she met with them. I didn't tell -- I didn't
16 mention whether she coached them. In fact, the young lady
17 said they told me to tell the truth.

18 THE COURT: Well, here's the deal. If I'd let that
19 in, I would let you do that. And I'm not saying that
20 you're not going to have a chance if she opens the door.
21 But right now, I wouldn't -- I'm not letting that video
22 in. I don't think there's been a whole lot of testimony
23 about coaching. I understand what you're inferring, and,
24 like I said, y'all are both -- y'all can both -- it's a
25 shield and sword. You can both -- but right now I'm not

1 letting it in and I wouldn't let any prior consistent
2 statements in unless I let that in. If I did, I probably
3 would. I mean, what's good for -- we all drink from the
4 same spoon and any other old statements you can say.

5 All right. Let's bring them in.

6 Ma'am, come on back up.

7 (WHEREUPON, the jury entered the courtroom at 4:08 p.m.)

8 THE COURT: All right. Ladies and gentlemen, thank
9 you very much for your patience.

10 All right. You can continue.

11 BY MR. CHANDLER:

12 Q Ms. Laird, you had indicated earlier that your duty
13 is to protect your children, right?

14 A That's right.

15 Q That's why you immediately went to law enforcement.

16 A Yes, sir.

17 Q Okay. Ms. Laird, if you go to law enforcement and
18 your duty is to immediately protect your children, why do
19 you throw away the alleged dildo that was supposedly used
20 on your child?

21 A Because looking at it is disgusting, and it turns
22 your stomach. And I waited to make sure they didn't need
23 it in evidence.

24 Q Did they tell you they didn't need it?

25 MS. HAMMACK: Your Honor, objection. Hearsay.

1 THE COURT: Yeah. Sustained.

2 BY MR. CHANDLER:

3 Q Why are you sure they didn't need it?

4 MS. HAMMACK: Your Honor, objection. That calls for
5 a hearsay answer.

6 THE COURT: I don't want her to say -- if she knows.
7 You can ask her if she knows. If she says yes, you can
8 ask it.

9 BY MR. CHANDLER:

10 Q Did you know they didn't need it?

11 A Yes.

12 Q And how did you know?

13 A I was told.

14 Q So if you had given it to them, you wouldn't have to
15 look at it, right?

16 A Right.

17 Q And right now, we don't have it. Right now, this
18 jury doesn't have it; isn't that correct?

19 A That's correct.

20 Q And there have been specific allegations about it and
21 how it was used and where it was put, and the jury is not
22 even allowed, there is no evidence that will be presented
23 regarding the dildo in question, is there?

24 A What's the question?

25 Q Where's the dildo?

1 A It's in the garbage.

2 Q When did you throw it in the garbage?

3 A A few days after the incident. I

4 Q Ms. Laird, you believe that it's your duty to protect
5 your children, but isn't it true that since these
6 allegations, you've been writing my client, haven't you?

7 A I don't believe I've wrote him maybe once or twice,
8 and that was at the beginning.

9 Q So if you wrote him once or twice, that means you did
10 write him, didn't you?

11 A Yes.

12 Q And in your writing, when you wrote to him, you
13 actually told him ---

14 MS. HAMMACK: Objection.

15 THE COURT: Well, ladies and gentlemen, I'll send you
16 back out. Please don't discuss the case.

17 (WHEREUPON, the jury exits the courtroom at 4:11 p.m.)

18 THE COURT: What's the objection?

19 MS. HAMMACK: Your Honor, the basis of the objection
20 is he was asking her about the substance of a letter that
21 she wrote. That's an out-of-court statement. If he's
22 going to be trying to get into hearsay, I would ask that
23 he proffer why it's not ---

24 THE COURT: Yeah. But it's her out-of-court
25 statement.

1 MS. HAMMACK: It's still a hearsay statement.

2 THE COURT: I don't know how. I mean, she wrote
3 him a letter. He's asking about the letter you wrote,
4 right?

5 MR. CHANDLER: That's correct, Your Honor. That's
6 correct.

7 THE COURT: Yeah. Hearsay would be someone
8 testifying about another person's statement allegedly for
9 the truth of the matter asserted. This is her letter.
10 But I understand. Your objection's preserved for the
11 record.

12 I mean, what do you want? Have you seen the letter?

13 MS. HAMMACK: No.

14 THE COURT: Have you got the letter? Can we save a
15 little time by showing it to her?

16 MR. CHANDLER: I have the letter, Your Honor.

17 THE COURT: Okay. All right. Bring everybody in.

18 MS. HAMMACK: Your Honor, just to clarify for the
19 record, I'm sorry, do I need to look at it before they
20 come in or ---

21 THE COURT: No. I mean, when he presents it, we'll
22 have to send them back out.

23 I'm glad I told them it wouldn't be like TV. I need
24 to keep reading that to myself.

25 (WHEREUPON, the jury entered the courtroom at 4:13 p.m.)

1 THE COURT: Okay. You can continue.

2 MR. CHANDLER: Thank you, Your Honor.

3 BY MR. CHANDLER:

4 Q Now, you indicated that you wrote him a couple of
5 times, initially?

6 A To be honest, I don't remember how many times. But
7 yes. At least once or twice, initially.

8 Q And isn't it true that you basically told him, "I
9 don't know what happened, and I probably never will"?

10 A That's right. I wasn't there.

11 MR. CHANDLER: Okay. No further questions.

12 THE COURT: Yes, ma'am.

13 MS. HAMMACK: No further questions, Your Honor.

14 THE COURT: All right. You can step down.

15 Okay. You can call your next witness.

16 MS. DELOACH: The State would call Investigator
17 Shannon Sturgill with the Aiken County Sheriff's Office.

18 THE CLERK: Place your left hand on the Bible and
19 raise your right hand.

20 WHEREUPON,

21 SHANNON STURGILL

22 After having been duly sworn, testified as follows:

23 THE CLERK: Have a seat in the witness chair, watch
24 your step, and state your full name.

25 THE WITNESS: I'm Investigator Shannon Sturgill with

1 Aiken County Sheriff's Office.

2 DIRECT EXAMINATION

3 BY MS. DELOACH:

4 Q Investigator Sturgill, what is your occupation?

5 A I am an investigator with the Aiken County Sheriff's
6 Office in what we call the juvenile division. We deal
7 with any crimes that involve juveniles.

8 Q And how long have you been employed at the Aiken
9 County Sheriff's Office?

10 A Since 2008.

11 Q And what are your present duties?

12 A Right now I am, as I stated, an investigator with the
13 juvenile division.

14 I am also a member of the ICAC, Internet Crimes
15 Against Children task force through the State Attorney
16 General's Office, and I'm also on the Homeland Security
17 investigations task force for the same.

18 Q And were you employed in your present capacity on
19 March 23rd, 2017?

20 A Yes, ma'am.

21 Q And did you have an occasion to become involved in
22 the investigation of this case?

23 A Yes, ma'am. I did.

24 Q And when did you become involved in this case?

25 A I became involved on March 23rd when Ms. Laird came

1 into the Aiken County Sheriff's Office.

2 Q And did you speak to her at that time?

3 A I did.

4 Q And once you spoke with -- who all did you speak with
5 whenever she came in on the 23rd?

6 A There was a deputy that met with her initially when
7 she came in, and then I met with her, and **Complainant** was
8 also present.

9 Q And once you spoke with the victim's mother and the
10 victim, what did you do next?

11 A We actually obtained a written statement from
12 Ms. Laird, and then I asked Ms. Laird to take **Complainant** to
13 Aiken Regional Medical Center for a sexual assault kit.

14 Q And did they go?

15 A They did.

16 Q And did you also go to the hospital at that time?

17 A I did. I met them at the hospital to explain to the
18 hospital staff what was going on and what the accusation
19 was.

20 I also called the Department of Social Services who
21 arrived. The reason I called them was to put in place a
22 safety plan for the safety, obviously, of **Complainant** and the
23 rest of the children in the home.

24 Q And once the kit was completed, the sexual assault
25 kit, what did y'all do next?

1 A Myself and the Department of Social Services worker
2 that arrived at the hospital, we went out to 118 Holley
3 Estates, which is located in Aiken County, which is the
4 location where the alleged incident occurred. We
5 attempted to make contact with Mr. -- Michael to put in
6 place the safety plan and also for me to speak with him to
7 get his side of the story.

8 Q And while you were at the house, what exactly did you
9 do?

10 A We attempted to make contact with Mr. Collins. Was
11 unable to do so.

12 Q Did you look around the house?

13 A We did.

14 Q And were you able to take pictures at that time?

15 A I don't believe I did at that time. We actually came
16 back and took pictures at a later date.

17 Q Do you recall when you did take those pictures?

18 A It was probably, I'd say, a couple weeks into the
19 investigation.

20 Q And it was at the 118 Holley Estates?

21 A Yes, ma'am.

22 Q I'm handing you what has been premarked as State's
23 Exhibit 1, 2 and 3. Take a look at those.

24 A Sure (reviews exhibits).

25 Q Were those the pictures that you took on that day?

1 A Yes, ma'am.

2 Q And it's a clear and accurate depiction of what the
3 house looked like at the time you took those pictures?

4 A Yes, ma'am.

5 MS. DELOACH: All right. Permission to publish to
6 the jury, Your Honor.

7 THE COURT: Any objection to her publishing these?

8 MR. CHANDLER: No.

9 THE COURT: Okay. Without objection.

10 BY MS. DELOACH:

11 Q What did you do after you left the house on
12 March 23rd?

13 A After I left the house, looking at my notes, I
14 completed what's called a CAC intake form, it's at a Child
15 Advocacy Center, in order to have **Complainant** participate in
16 a forensic interview.

17 Q And through your investigation, were you able to
18 determine when the incidents that were described to you by
19 **Complainant** and her mother, when exactly did those take
20 place?

21 A Yes, ma'am. I was able to.

22 Q And what were those dates?

23 A Based on her forensic interview, they came in on the
24 23rd of March 2017. She made reference to the night
25 before, an occurrence, which would have been on

1 March 22nd. She also made reference to the Sunday, which
2 would have been March 19th, prior to the March 22nd
3 incident.

4 Q And through your investigation, were you able to
5 determine how old Michael Collins is?

6 A Yes, ma'am. Mr. Collins was 31 at the time of the
7 incident.

8 Q And based on your investigation, did you charge
9 anyone in this case?

10 A Yes, ma'am. I did.

11 Q And who was that person?

12 A Mr. Collins.

13 MS. DELOACH: Beg the Court's indulgence.

14 BY MS. DELOACH:

15 Q Investigator Sturgill, did you retrieve any evidence
16 in this case while you were at the house?

17 A No, ma'am. I did not.

18 Q And why is that?

19 A When I requested the dildo that was in question, I
20 was informed that it had been disposed of.

21 MS. DELOACH: Nothing further. Please answer any
22 questions that the defense may have for you.

23 CROSS EXAMINATION

24 BY MR. CHANDLER:

25 Q Investigator Sturgill, did you tell Jennifer Laird

1 that you did not need the dildo?

2 A No, sir. I did not.

3 Q Did you do buccal swabs on the right thigh of the
4 alleged victim in this case?

5 A I did not.

6 Q Did anybody do buccal swabs?

7 A That, I don't know. I don't do the sexual assault
8 kit. That's done by the hospital staff.

9 Q And what evidence did you collect?

10 A I would say the forensic interview and statements of
11 **Complainant**

12 Q So you have no physical evidence to present today ---

13 A That's correct.

14 Q --- for this jury to make a determination about my
15 client and his future?

16 A That's correct.

17 MR. CHANDLER: No further questions.

18 THE COURT: Anything on rebuttal? Or redirect. I
19 keep saying rebuttal. I'm sorry.

20 MS. DELOACH: No, Your Honor.

21 THE COURT: Okay. You can have a seat.

22 MS. HAMMACK: Your Honor, may we approach very
23 briefly?

24 THE COURT: Sure.

25 (WHEREUPON, a bench conference was held off the record.)

1 THE COURT: Ladies and gentlemen, you've been very
2 patient today, and I mean that sincerely.

3 The next witness will take longer than I'm willing to
4 keep you here today, given the fact that you've been
5 sitting around all day and, again, you've been very
6 patient. So we will start tomorrow at 10:00.

7 Again, I'm going to play it a little bit by ear to
8 see how far the witnesses go. There will be -- again,
9 just so I can explain the trial process, there will be a
10 point in the trial, and it happens in every trial, when I
11 will have to take an extended break to take matters that
12 are not jury matters under consideration. If we get to
13 that point tomorrow, whatever time we reach it, which
14 would be the time when I would normally send you out for
15 45 minutes anyway or tell you to go walk around the block,
16 I'm going to stop then.

17 So just bear with me tomorrow. I'm going to stop as
18 early as I can and without putting our finishing Thursday
19 in jeopardy. It will make a lot more sense when you see
20 it, but sometime tomorrow we'll take -- we will end for
21 the day, and it will be much earlier than normal.

22 So please don't talk about this case, look up
23 anything on the Internet. As I said, you're going to know
24 more about this case than you probably will -- than
25 anybody else. So I will see you tomorrow at 10:00. Be

1 safe.

2 (WHEREUPON, the jury exits the courtroom at 4:25 p.m., and
3 proceedings adjourned, to be reconvened on Wednesday,
4 October 31, 2018.)

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1 Wednesday, October 31, 2018

2 (WHEREUPON, proceedings reconvened at 10:23 a.m.)

3 THE COURT: Anything we need to take up before ---

4 MS. HAMMACK: Not from the State.

5 THE COURT: I know that there will be foundational
6 testimony. Is there going to be any objection to this
7 video?

8 MR. CHANDLER: None at all. I spoke with my client,
9 Your Honor, and he's in agreement, and I am as well with
10 his decision not to object to the introduction of the
11 video.

12 THE COURT: Okay. All right. You can bring them in.
13 (WHEREUPON, the jury entered the courtroom at 10:24 a.m.)

14 THE COURT: Ladies and gentlemen, coming into a
15 strange courthouse, even though I've been here many times
16 before, I don't know if you can hear me yelling inside, if
17 I'm yelling at anybody, but I wasn't this morning. But we
18 were talking about scheduling. And there is a pretty good
19 chance that we will be finished at lunch today. And,
20 again, normally, we would just plow through and get this
21 case to you. I don't want to do that for various reasons.

22 So once we finish with the testimony today, we will
23 be finished with all the testimony that we're going to
24 hear so that we'll come in tomorrow to hear the arguments
25 and then my charge to you. And as I said, I'll have to

1 literally read to you 25, 26 pages of charges, so we
2 probably will leave today. I just don't want to push
3 tonight. So bear with us, and appreciate your patience.

4 Okay. You can call your next witness.

5 MS. DELOACH: The State would call Cassie Taylor to
6 the stand, please.

7 THE CLERK: Place your left hand on the Bible and
8 raise your right hand.

9 WHEREUPON,

10 CASSIE TAYLOR

11 After having been duly sworn, testified as follows:

12 THE CLERK: Please have a seat on the witness chair,
13 state your full name and watch your step.

14 DIRECT EXAMINATION

15 BY MS. DELOACH:

16 Q Good morning, Cassie. Can you state your full name
17 for the record?

18 A Cassie Bryce Taylor.

19 Q And where do you work?

20 A Aiken Regional Medical Centers.

21 Q And how long have you been working there?

22 A Eight and a half years.

23 Q And what is your job title?

24 A So, I am the forensic program coordinator, and I'm
25 also the director of third floor.

1 Q And what is your educational background?

2 A So I have a bachelor's of science in nursing, I am
3 currently working on a master's degree, and I also have
4 been certified in sexual assault nurse examiner.

5 Q Do you have any special trainings?

6 A For the sexual assault?

7 Q Yes.

8 A So I trained at Medical University of South Carolina,
9 am competent in adult, adolescent and pediatrics. What
10 that means is I went down there for a week for adult and
11 adolescents and then also a separate week for pediatrics.
12 It was a 40-hour class where we learned about evidence
13 collection. We had people from SLED coming and talk to us
14 about evidence collection and DNA and then what their
15 process is.

16 We learn about the South Carolina laws. We are
17 trained in trauma associated care as far as how to
18 interview a victim that has just gone through a trauma,
19 how to take our time with them and just how to
20 forensically interview them, also how we also interact
21 with law enforcement. And we are also involved with the
22 local advocacy centers, which is the Child Advocacy Center
23 and the Cumbee Center.

24 We also have to do clinicals with a physician
25 whenever we come back. We have to do so many cases as

1 well as pelvic exams with a physician before we are deemed
2 competent.

3 Q And did you receive any certifications after doing
4 everything that you just described?

5 A So I'm competent in adult, adolescent and pediatrics.

6 Q And are you required to do any additional trainings
7 or certifications to stay up to date with the laws or
8 examination practices?

9 A So every four years we have to go back and refresh
10 our skills at MUSC. We have to go through a clinical
11 competency with MUSC for them to check off that we are
12 still practicing within our scope of practice. And then
13 we also are involved in the International Association of
14 Forensic Nurses. That way we stay up to date on new
15 practices or protocols for collecting the best evidence.

16 Q And is a sexual assault nurse commonly called -- I'm
17 sorry, sexual assault examiner, is that commonly called a
18 SANE nurse?

19 A Yes.

20 Q Okay. And how long have you been a SANE nurse?

21 A Three and a half years.

22 Q And have you ever trained anyone else to be a SANE
23 nurse?

24 A Yes. I oversee the program, so I have trained seven
25 other people.

1 Q And how many sexual assault kits have you collected?

2 A I would say easily 75 to 100.

3 MS. DELOACH: Your Honor, at this time, I would like
4 to qualify this witness as an expert in sexual assault
5 examination.

6 THE COURT: Any objection?

7 MR. CHANDLER: Without objection.

8 THE COURT: All right. She's qualified.

9 MS. DELOACH: Thank you, Your Honor.

10 BY MS. DELOACH:

11 Q Were you working on March 23rd, 2017?

12 A No.

13 Q Were you working on ---

14 A I was on call.

15 Q Okay. Did you receive a call to come into the
16 hospital that day?

17 A Yes.

18 Q And were you working in your current capacity when
19 you came in on call?

20 A As a sexual assault nurse, yes.

21 Q And did you perform an examination on **Complainant** Laird
22 that day?

23 A I did.

24 Q And why did you perform an examination on her?

25 A So whenever a victim presents to the emergency

1 department, if they are within the time frame that is
2 described by the State and they describe a sexual assault
3 that occurred, then we perform a sexual assault exam. And
4 she did present with complaints of a sexual assault, and
5 she was within the time frame for a pediatric.

6 Q What is that time frame?

7 A So for ages 14 and under, the time frame is 48 hours.

8 Q And what kind of examination did you perform on her?

9 A So once I entered the room, at first I introduce
10 myself to the patient. A lot of times with children we
11 have to gain their trust. We can't just go in there and
12 start asking questions like we can with an adult. So with
13 children, we either color or we play a game for a little
14 bit just to gain their trust to get us -- to open up and
15 talk to us. And with **Complainant** she had a stuffed animal,
16 so we were talking about her animal, the name of the
17 animal.

18 And then what I do is after I've gained her trust, we
19 have anatomical dolls that we use, boy and girl, that have
20 body parts. And I use those dolls to -- I'll point to the
21 eyes, I'll point to the nose, I'll point to the ears to
22 make sure that the child is competent and knows the
23 correct body parts. And then I'll point to the vagina,
24 the rectum, the breast to learn what that victim calls
25 those parts. That way, whenever I am going through my

1 exam, I speak the language of that child so that she
2 understands what I'm asking of her.

3 We get consents before any of this. I get consents
4 from the parents for the sexual assault examination, for
5 me to take evidence off her body, and for us to turn over
6 the kit to the police.

7 And then once I gain the patient's trust, we do the
8 anatomical doll and then I start my examination.

9 Q And do you get any additional information from the
10 parent or child during the sexual assault examination?

11 A Yes. So it depends on the maturity of the child. If
12 the child is willing to talk to me and tell me what
13 happened, then I will interact with the child. Obviously,
14 if it's a 3-year-old, an 18-month-old that can't speak to
15 what happened, I'll get the testimony from the mother or
16 father. I still do the head-to-toe exam regardless of
17 what's told to me. If a child comes in in DSS custody and
18 it's an 18-month-old that can't speak for themselves, I'll
19 still do the full head-to-toe exam like I would anyone
20 else. But depending on what the child or the parent tells
21 me is the area that I'll focus at.

22 Q And what kind of questions do you normally ask the
23 children or the parents when it comes to the assault?

24 A So the first thing I start with is I'll ask the
25 parents. A lot of times when children have been sexually

1 assaulted, they'll have changes in behavior or sleep
2 habits, bowel or bladder habits, so I'll ask the parents
3 do they have a pediatrician, are the immunizations up to
4 date, have they had sleeping issues, are they having any
5 issues like regressing with -- if they're potty trained,
6 are they regressing. So I'm just trying to get a picture
7 of the home life, how many people are in the home, who
8 lives in the home, who's in the bedroom with the child.

9 And so then I'll just ask the child, if they're able
10 to speak to me and tell me what happened, I just say,
11 "Tell me what happened." If the mom said it happened last
12 night, tell me what happened last night when 'blank'
13 entered your room. And then I just document what the
14 child tells me.

15 Q Did you do that in this case?

16 A I did.

17 Q During the general physical exam, what is conducted?

18 A During the physical exam?

19 Q Yes, ma'am.

20 A So I start at the head, and I look all the way -- I
21 look at the body head to toe, front and back, and I'm
22 looking for any type of injury, any type of bruising, any
23 type of substance that shouldn't be there. So I look at
24 the body head to toe, front and back, and then we start
25 the exam.

1 We'll have the patient undress on a piece of paper,
2 and that way, if anything falls off the patient, whether
3 it's a hair or we've had, you know, paper fall out, leaves
4 fall out, we collect that as well. And then once the
5 patient is undressed, I look at them again from head to
6 toe with an alternate light source looking for any types
7 of illuminated areas.

8 Q What kind of light source is that?

9 A It's an alternate light source.

10 Q Okay. And did you use that light source in this
11 case?

12 A I did.

13 Q And did anything shine?

14 A Yes.

15 Can I look at my paperwork real quick?

16 Q Yes.

17 A So she illuminated in three different areas: on her
18 left inner-upper arm, on her left elbow and her right
19 anterior thigh.

20 Q And what normally causes the light to illuminate?

21 A So semen, saliva or any type of topical product like
22 if it's lotion, sunscreen, A&D ointment, anything that
23 shouldn't be there.

24 You know, the alternate light source is all about
25 reflection and absorption of the light, and so it

1 illuminates products that aren't typical of the skin. So
2 it illuminates that as something that shouldn't be there
3 so it tells us there's something foreign there, to swab
4 it.

5 Q Okay. So once it illuminates, what do you do next?

6 A So we do wet-to-dry collection. So first we swab it
7 with a wet Q-tip that's sterile, and then we swab it with
8 a dry Q-tip that's sterile, and then we place it in our
9 dryer.

10 Q Okay. And you did that in this case?

11 A Uh-huh.

12 Q Any additional type of examinations that you do
13 during your general examination of the child?

14 A So we also look at the vagina and the rectum.

15 Q And did you do that in this case?

16 A I did.

17 Q And did you observe any injuries in this case?

18 A I did not observe any injury.

19 Q Did you observe any unusual -- anything unusual in
20 her genitalia area?

21 MR. CHANDLER: Objection, Your Honor. Leading.

22 THE COURT: Yeah. Try not to lead. Just rephrase
23 it.

24 BY MS. DELOACH:

25 Q Did you observe anything else?

1 A So I noticed on both of her buttocks she did have a
2 rash. On both of her inguinal areas, she had a rash, and
3 right below her rectum, she had a reddened area with no
4 skin breakdown.

5 Q Okay. Were there any physical ailments?

6 A No.

7 Q And what normally causes rashes or redness?

8 A Well, there's many things. It could be poor hygiene,
9 it could be -- as far as in the vaginal area, in the
10 rectal area, it could just be poor wiping, it could just
11 be irritation to the skin from clothing, it also could be
12 a friction -- friction injury from rubbing.

13 Q Okay. And did you notate the child's cleanliness?

14 A Yes.

15 Q And what was that?

16 A I documented she was tired, well-nourished, clean and
17 age-appropriate. She was quiet, holding a black stuffed
18 animal, asked for mother on exam, mother's at bedside and
19 comforting.

20 Q Were there any acute injuries?

21 A No.

22 Q And is it unusual for there not to be any type of
23 injury in this type of case?

24 A No.

25 Q And why is that?

1 A Well, there's many components to creating an injury.
2 Number one is the force that's applied. Number two is the
3 body's ability to adapt. In your -- a woman's vagina is
4 very flexible, it's very elastic, and it's made to adapt.
5 Whether you're a child or an adult, that is the anatomy of
6 the vagina. So as far as injury is concerned, number one,
7 it's the amount of force that's applied; number two, the
8 body's ability to adapt; and number three, the size of the
9 object. So obviously, a finger is much smaller than a
10 penis or foreign object, and also, a finger is much more
11 pliable than a penis or an object.

12 Q And does the absence of an injury mean that a sexual
13 assault didn't happen?

14 A No.

15 Q And once the sexual assault kit was completed, what
16 did you do?

17 A So once the sexual assault kit was completed,
18 everything was labeled and sealed. I turned it over to
19 the police department.

20 MS. DELOACH: Beg the Court's indulgence.

21 THE COURT: Yes, ma'am.

22 BY MS. DELOACH:

23 Q During your examination, did you test for any
24 infections?

25 A Yes.

1 Q And were any present?

2 A Yes. She was positive for urinary tract infection.

3 Q And what normally causes a UTI?

4 A Urinary tract infection is due to bacteria entering
5 into the urethra going into the bladder. It could be
6 caused by her not -- again, not wiping correctly, poor
7 hygiene, or it also could be induced by outside entry of
8 bacteria.

9 Q And, again, you noted that she was clean?

10 A Yes.

11 MS. DELOACH: Nothing further from the State. Please
12 answer any questions that the defense may have for you.

13 THE COURT: Any questions?

14 MR. CHANDLER: Yes, Your Honor.

15 THE COURT: All right.

16 CROSS EXAMINATION

17 BY MR. CHANDLER:

18 Q Good morning, Ms. Taylor. How are you doing this
19 morning?

20 A Good.

21 Q Ms. Taylor, you had indicated that the alleged victim
22 in this matter, your patient at the time, was clean.
23 Didn't you note that her teeth wasn't brushed that
24 morning?

25 A Mom said she didn't brush her teeth that morning.

1 Q Okay. Would you call that good hygiene?

2 A If she missed a day, I mean, overall, I'd say good
3 hygiene.

4 Q I just asked -- I didn't say "if." I said did she do
5 -- would you call that good hygiene, yes or no?

6 A No.

7 Q Ms. Taylor, you had indicated that there were no
8 injuries to the vagina or the rectum.

9 A Uh-huh.

10 Q Was there a scratch in the vagina?

11 A No.

12 Q Like if there was a hangnail, the finger had a
13 hangnail in it, you didn't see any signs of it?

14 A She did not have any injury to the vagina.

15 Q And, in fact, she didn't have any injuries to the
16 rectum.

17 A Correct.

18 Q And you had indicated that the absence of an injury
19 doesn't necessarily rule out injury because of the
20 elasticity, but isn't it true that if you had injury to
21 the vagina or the rectum, you would say that that would be
22 evidence of injury?

23 A Correct.

24 Q So it's evidence of injury if it's present, but if
25 it's not present, it doesn't discount?

1 A Correct. The majority of our children that we have
2 that have documented sexual assault do not present with
3 injury.

4 Q Could it also be possible that there was no visible
5 injury because there was never an assault?

6 A I can't say that.

7 Q You said the alternative. You can't say that it's
8 possible? All I'm saying is possible. I'm not saying
9 exists. Isn't it possible?

10 A My job is to collect evidence on what the victim
11 says.

12 Q Ma'am, yes or no?

13 MR. CHANDLER: Your Honor, would you please instruct
14 the ---

15 THE COURT: Yeah. If you can answer yes or no. But
16 I'll let her explain. Answer yes or no first.

17 THE WITNESS: Tell me your question.

18 BY MR. CHANDLER:

19 Q Is it possible?

20 A Tell me your question again.

21 Q My question is, is it possible that the absence of
22 any injury to the vagina or any acute injuries to the
23 rectum, isn't it possible that means that there was never
24 any trauma there in the first place?

25 A Correct.

1 Q Ms. Taylor, you had indicated that because of the
2 light, I think it was some special light that you had
3 indicated ---

4 A Uh-huh.

5 Q --- that you did some swabbing of these areas?

6 A Correct.

7 Q That would be -- did you do an oral swab?

8 A Yes.

9 Q Did you do a rectal swab?

10 A Yes.

11 Q Did you do a swab of the left inner-upper arm?

12 A Yes.

13 Q A swab of the left elbow?

14 A Yes.

15 Q And a swab of the right anterior thigh?

16 A Correct.

17 Q What did you do with those swabs?

18 A So once I collected the swabs, we put them in the
19 dryer to dry because we do wet-to-dry swabs. And then
20 once they're dry, I label them and I put them in the
21 correct envelope, seal it with the evidence seal, initial
22 it, time and date it and put it in the box.

23 Q And that box you're talking about, who does that box
24 go to?

25 A This box stays in my custody until I turn it over to

1 the police.

2 Q All right. So you did swabs on all these areas where
3 the light showed some stuff. Do you know the results of
4 those swabs at all?

5 A Do I know the results of the swabs?

6 Q Yeah.

7 A No.

8 Q Okay. All right. Rashes and UTIs, I think you
9 indicated poor hygiene, poor wiping. You did indicate
10 that?

11 A Yes.

12 MR. CHANDLER: Okay. Beg the Court's indulgence.

13 THE COURT: Yes, sir.

14 BY MR. CHANDLER:

15 Q Ms. Taylor, in your notes when you did this kit, you
16 did indicate that her hygiene activity was that she didn't
17 use any mouthwash?

18 A So the documentation is asking if -- since the
19 assault, have you done X or Y, and mouthwash, the answer
20 was no.

21 Q What about bathe or shower?

22 A She had not had a shower since the assault.

23 Q Okay. So -- but when you did your assessment of her,
24 initially, you said she was clean.

25 A So can I comment on that?

1 Q Uh-huh. Please.

2 A Okay. So whenever you're looking at the SLED
3 paperwork, I have to complete eight pages of SLED
4 paperwork, and before I even get into my exam, I have to
5 describe the appearance of how someone presents, and that
6 is what I described. I described that she was tired, she
7 was well-nourished, clean and age-appropriate. So that
8 was my description of her general physical appearance.

9 Q So she appeared clean to you even though she hadn't
10 bathed or used mouthwash or brushed her teeth?

11 A Well, the assault happened after midnight and then
12 she went to school.

13 Q Please answer yes or no, ma'am.

14 A So what was the question?

15 Q So she appeared clean to you, but after not bathing,
16 not using mouthwash and not brushing her teeth.

17 A Correct.

18 Q And, Ms. Taylor, you said that some of these rashes
19 or things that you had mentioned could happen from poor
20 hygiene?

21 A Could.

22 MR. CHANDLER: No further questions. Please answer
23 any questions the State has.

24 MS. DELOACH: Very briefly Your Honor.

25 THE COURT: Yes, ma'am.

REDIRECT EXAMINATION

BY MS. DELOACH:

Q With a positive UV light, can you tell from the illumination what type of substance is there?

A No.

Q And you just swab it and put it in the kit.

A Correct.

Q And when you talked to **Complainant** did she indicate that she had urinated that ---

MR. CHANDLER: Objection, Your Honor. Calls for hearsay.

THE COURT: Well, ladies and gentlemen, I'll send you out for just two minutes. Don't get too comfortable out there. But don't talk about the case.

(WHEREUPON, the jury exits the courtroom at 10:48 a.m.)

THE COURT: What was your question? I just want to make sure somebody didn't say something.

MS. DELOACH: Yes, Your Honor. I was asking if she had noted whether the child had urinated, had eaten anything that day or had drank anything that day. The defense did go into whether she had showered or brushed her teeth. I was just taking that a step further.

THE COURT: Okay. You can ask her if she knows that first. If she does know it, then I would allow it. But if she doesn't, I'll -- okay. And I would assume y'all

1 would object to it. But not what she said, but whether or
2 not, based on her knowledge, this child had bathed,
3 urinated, whatever.

4 MS. DELOACH: Yes, Your Honor.

5 THE COURT: Okay. All right. You can bring them in.

6 And I'm assuming y'all would object to that, so
7 you're protected.

8 MR. CHANDLER: Okay. You've already noted the
9 objection.

10 THE COURT: Yeah. Objection noted.

11 (WHEREUPON, the jury entered the courtroom at 10:49 a.m.)

12 THE COURT: Okay. You can proceed.

13 MS. DELOACH: Thank you, Your Honor.

14 BY MS. DELOACH:

15 Q Through your examination, did you gain any knowledge
16 whether the child had urinated?

17 A Yes.

18 Q Whether she had eaten that day?

19 A She had.

20 Q Whether she had drank anything that day?

21 A She did.

22 MS. DELOACH: Okay. Nothing further, Your Honor.

23 THE COURT: Okay. Thank you, ma'am.

24 THE WITNESS: I'm done?

25 THE COURT: Yeah.

1 MS. HAMMACK: Your Honor, may Ms. Taylor be released
2 from her subpoena so she can go back to work?

3 MR. CHANDLER: No objection.

4 THE COURT: Without objection, you are. Thank you.

5 MS. HAMMACK: The State calls Donna Money.

6 THE CLERK: Place your left hand on the Bible and
7 raise your right hand.

8 WHEREUPON,

9 DONNA MONEY

10 After having been duly sworn, testified as follows:

11 THE CLERK: Please have a seat in the witness chair,
12 watch your step, and state your full name.

13 THE WITNESS: Donna Money.

14 DIRECT EXAMINATION

15 BY MS. HAMMACK:

16 Q Agent Money, I want to call you the right thing. Is
17 "agent" the proper term?

18 A Yes.

19 Q Can you tell the jury what you do for a living?

20 A I am a DNA analyst in the DNA Casework Department at
21 the South Carolina Law Enforcement Division, also known as
22 SLED.

23 Q And what does that mean you do every day?

24 A As a DNA analyst, I perform forensic DNA analysis on
25 evidence items and known standards submitted by local

1 agencies in this state.

2 Q And how long have you been doing that for SLED?

3 A Approximately six years.

4 Q What did you have to do to be able to be qualified to
5 do that?

6 A Prior to being signed off to do analysis, I underwent
7 a year and a half long training program under a qualified
8 analyst, which included training samples, practice
9 samples, oral exams or in exams and mock courtroom
10 exercises.

11 Q Was that after advanced education?

12 A Yes. I got a degree in forensic science from the
13 Pennsylvania State University in 2011.

14 Q So after getting a degree and after undergoing
15 training and training under someone, how did you start in
16 this field? Did you just get a caseload and jump right
17 in?

18 A I underwent supervised casework, and then after that
19 period of six months, I was signed off to do everything
20 solo.

21 Q And do you do any regular not necessarily
22 recertification, but education to stay up to date on
23 scientific standards?

24 A We are required by the FBI to have a minimum of eight
25 hours of continuing education every year, which could be

1 going to conferences or training programs.

2 Q And during the course of your career, have you had to
3 testify in court about DNA?

4 A Yes.

5 Q About how many times have you testified in court?

6 A 25.

7 Q Have you been qualified as an expert?

8 A Yes.

9 Q And about how many times have you been qualified as
10 an expert?

11 A In all, 25.

12 MS. HAMMACK: Your Honor, at this time, we would move
13 this witness be qualified as an expert in DNA analysis.

14 THE COURT: Any objection?

15 MR. CHANDLER: Without objection, Your Honor.

16 THE COURT: All right. Without objection.

17 BY MS. HAMMACK:

18 Q Agent Money, can you give the jury a basic idea of
19 how you analyze items for potential DNA?

20 A So basic DNA is just a chemical found in the human
21 body. You get half of it from your biological mom and
22 half of it from your biological dad. When we get a piece
23 of evidence at the lab, it undergoes a four-step process
24 in order for us to ultimately develop a DNA profile.
25 We'll extract the DNA for, say, for instance, a swab,

1 after that, determine how much is present. From there,
2 we'll amplify or make copies of it to have more to work
3 with, and then that sample is run through an instrument
4 that will separate the DNA based by size, and from there,
5 that information is translated into what is known as a DNA
6 profile.

7 Q And items that you examine for potential DNA, where
8 do they come from?

9 A It's items submitted by local agencies in the state.

10 Q And when you say "local agencies," are you talking
11 about law enforcement?

12 A Yes.

13 Q So when an item comes into SLED to be analyzed, does
14 it go anywhere before it comes to you?

15 A Depending on the case type or the item type, it may
16 go through our Serology or Evidence Processing Department.

17 Q And can you tell the jury what you mean when you're
18 talking about the Serology Department?

19 A Serology is the identification of body fluids.

20 Q So once something goes through that department and
21 ultimately comes to you, that's when you start looking for
22 potential DNA?

23 A Yes.

24 Q Are there different types or sources of DNA?

25 A DNA can come from any cell in your body minus red

1 blood cells. It can come from your skin cells, your
2 saliva, your internal organ tissue.

3 Q And do you have different terms for DNA that comes
4 from saliva or some other substance versus DNA that comes
5 exclusively from a skin cell?

6 A Typically, we refer to DNA from your skin cells as
7 touch DNA, and then everything else is grouped together.

8 Q Did you have a chance to examine any items in this
9 case for potential DNA?

10 A Yes.

11 Q And what items did you examine?

12 A May I refer to my report?

13 Q Absolutely.

14 A A sexual assault evidence collection kit was
15 submitted for this case. And that kit first went through
16 our serology department. The serologist in that case then
17 forwarded to me two evidence samples and one known
18 standard.

19 Q And what evidence samples were forwarded to you from
20 serology?

21 A I received vaginal swabs from the outer labia and
22 rectal swabs.

23 Q And I think you just spoke to this, but I want to
24 make sure that we covered it. You said that you got two
25 items to examine and a known standard?

1 A Yes.

2 Q Was that your words?

3 A Yes.

4 Q Can you explain to the jury what a known standard is?

5 A A known standard is just something collected from a
6 person that we know is their profile. For instance, this
7 was a buccal swab which is just a swab rubbed inside your
8 cheek.

9 Q And can you tell me who that known standard came
10 from?

11 A The victim in this case, **Complainant**.

12 Q And what do you use the known standard for when you
13 compare it to the other items you're analyzing?

14 A For instance, in a sexual assault case, we use it to
15 compare to the evidence profiles to see, one, the profiles
16 line up with the victim, and, two, to see if there's any
17 foreign DNA.

18 Q And in examining the items in this case, were you
19 able to find any DNA foreign to **Complainant**?

20 A For these two items, no.

21 Q Is that an unusual finding?

22 A It's not uncommon.

23 Q And why is that?

24 A Typically, there are a lot of activities that could
25 go on between the time of collection and from an alleged

1 incident. Based on the information in the SANE report in
2 this case, it appears that the victim may have urinated or
3 defecated, and there may have been some cleansing of some
4 sort.

5 Q So if you have somebody that urinates or defecates or
6 bathes or changes clothes or a hundred different other
7 things, can that affect your ability to find foreign DNA
8 on someone or on someone's swabs?

9 A It's possible. When dealing with skin cells, for
10 instance, they can easily transfer versus, say, blood or
11 saliva.

12 Q So if you're looking for what you call touch DNA,
13 that's a lot easier to transfer based on other things that
14 have happened; is that what you're saying?

15 A Yes.

16 Q Are there other things besides bathing, urinating,
17 eating, drinking that can affect your ability to discover
18 DNA in a case?

19 A If there was not enough to begin with, then we may
20 not be able to detect it.

21 Q And what can affect how much DNA there was to begin
22 with?

23 A It depends on the circumstances of when it was being
24 deposited. If there was a quick handling of, say, a pen
25 versus a long-term hold of a pen, that could affect how

1 much DNA could be left, the amount of pressure, whether or
2 not somebody typically deposits skin cells more
3 significant than others.

4 Q So the actual person that deposits DNA can affect
5 your ability to find DNA?

6 A It's one possibility, yes.

7 Q Agent Money, in your job, when you go to detect
8 foreign DNA, do you make any conclusions as to whether or
9 not something happened based on your findings?

10 A No. We just go based on the evidence that we look
11 at, and we just report it.

12 Q So if you don't find any foreign DNA in a case, do
13 you have any conclusion about whether or not something
14 happened?

15 A No.

16 MS. HAMMACK: Give me just a second.

17 Agent Money, please answer any questions that
18 Mr. Chandler may have for you.

19 CROSS EXAMINATION

20 BY MR. CHANDLER:

21 Q Good morning, Agent Money. How are you doing this
22 morning?

23 A I'm fine. Thank you.

24 Q In all of your investigations of all evidence that
25 was collected in this case, did you find any DNA, yes or

1 no?

2 A There was DNA from the victim.

3 Q From the victim.

4 A Yes.

5 Q And other than from this alleged victim, did you find
6 any other DNA?

7 A There was no DNA unlike the victim.

8 Q Did you test buccal swabs from the vaginal area?

9 A I collected evidence swabs from the vaginal area.

10 Q Okay. Did you also collect swabs from, I think it
11 was testified earlier it was a light and there was a swab
12 from the left inner-upper arm, did you evaluate that?

13 A Those swabs were evaluated by our serologist in this
14 case.

15 Q Oh, so you didn't do it.

16 A I did not receive that item.

17 Q Okay. But for what you evaluated, there was --
18 basically, there was no evidence of anything.

19 A There was no indication of a foreign profile.

20 Q So there was no evidence of anybody other than the
21 alleged victim, **Complainant**.

22 A The only indication was that there was victim DNA.

23 Q And that would be the DNA of the alleged victim,
24 **Complainant**?

25 A Yes.

1 MR. CHANDLER: No further questions.

2 THE COURT: Anything on redirect?

3 MS. HAMMACK: Extremely briefly.

4 THE COURT: Okay.

5 REDIRECT EXAMINATION

6 BY MS. HAMMACK:

7 Q Agent Money, why didn't you get those other swabs
8 from serology, or why didn't serology send them to you?

9 A After the serology department tested the other swabs
10 in the case, based on the case circumstances, it was felt
11 that testing for DNA was not probative.

12 Q And when you say it was felt that further testing was
13 not probative, was serology able to find anything for you
14 to test?

15 A No.

16 MS. HAMMACK: Okay. Thank you. No further
17 questions.

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

19 MS. HAMMACK: And, Your Honor, may she be released
20 from her subpoena?

21 THE COURT: Any objection?

22 MR. CHANDLER: None, Your Honor.

23 THE COURT: Okay. You're released. Thank you. Be
24 safe.

25 MR. CHANDLER: Your Honor, I do have a matter I need

1 to take up.

2 THE COURT: Okay. Ladies and gentlemen, I'll send
3 you back. Go ahead and take ten minutes and stretch. And
4 don't talk about the case.

5 (WHEREUPON, the jury exits the courtroom at 11:03 a.m.,
6 and a recess is taken.)

7 (WHEREUPON, the jury entered the courtroom at 11:17 a.m.)

8 THE COURT: All right. Ladies and gentlemen, thank
9 you for your patience.

10 Okay. You can continue.

11 MS. DELOACH: Thank you, Your Honor. The State would
12 call Kim Sawyer with the Child Advocacy Center.

13 THE CLERK: Place your left hand on the Bible and
14 raise your right.

15 WHEREUPON,

16 KIMBERLY SAWYER

17 After having been duly sworn, testified as follows:

18 THE CLERK: Please have a seat in the witness chair,
19 watch your step, and state your full name.

20 THE WITNESS: My name is Kimberly Sawyer.

21 DIRECT EXAMINATION

22 BY MS. DELOACH:

23 Q Good morning. Where do you work at?

24 A I work at the Child Advocacy Center of Aiken County.

25 Q And how long have you been working there?

1 A I have been there for eight years.

2 Q And what is your job title?

3 A I am the forensic interview specialist and
4 multidisciplinary team coordinator.

5 Q What's your educational background?

6 A I have a bachelor's of science in psychology and a
7 master's in science and applied clinical psychology.

8 Q Are you trained to do forensic interviews?

9 A I am.

10 Q And were you working on March 30th, 2017?

11 A Yes.

12 Q In your present capacity?

13 A Yes.

14 Q And did you have an opportunity to conduct a forensic
15 interview with **Complainant** on that day?

16 A I did.

17 Q And was that interview recorded?

18 A It was.

19 Q I'm showing you what will be marked as State's
20 Exhibit 4. Do you recognize this?

21 A I do.

22 Q And how do you recognize it?

23 A Because I initialed it.

24 Q And what is it?

25 A It is the audio and video recording of my interview

1 with **Complainant**

2 Q And is it a clear and accurate depiction of that
3 interview on that day?

4 A Yes.

5 MS. DELOACH: Your Honor, at this time, the State
6 would like to enter State's Exhibit 4 into evidence.

7 THE COURT: Any objection to the admission of the
8 video?

9 MR. CHANDLER: None. No, none.

10 THE COURT: Okay. Got you. All right.

11 MS. DELOACH: And permission to publish to the jury.

12 THE COURT: Sure.

13 (WHEREUPON, State's Exhibit Number 4 was marked for
14 identification and admitted into evidence.)

15 THE COURT: I have to admit I didn't know that was
16 there. I was afraid I was starting to imagine things.

17 (WHEREUPON, State's Exhibit Number 4, a video, was played
18 in open court.)

19 MS. HAMMACK: Your Honor, if I may, just in pausing
20 the video, some of the jurors are indicating they're
21 having a hard time hearing. We do have it at maximum
22 volume, and it does actually get louder ---

23 THE COURT: Okay.

24 MS. HAMMACK: --- as the video progresses. But we
25 have the speaker up to the microphone to get it as loud as

1 possible.

2 THE COURT: This is about the best we can do at this
3 point.

4 (WHEREUPON, State's Exhibit Number 4, a video, continued
5 to play in open court.)

6 MS. DELOACH: Nothing further from the State. Please
7 answer any questions that the defense may have for you.

8 MR. CHANDLER: Beg the Court's indulgence.

9 THE COURT: Yes, sir. Take your time.

10 MR. CHANDLER: No further questions, Your Honor.

11 THE COURT: You can step down.

12 MS. HAMMACK: And, Your Honor, may this witness be
13 released from her subpoena?

14 THE COURT: Absolutely.

15 MR. CHANDLER: No objection, Your Honor.

16 THE COURT: Sure. All right.

17 MS. HAMMACK: Your Honor, at this time, the State
18 rests.

19 THE COURT: Okay. All right. Ladies and gentlemen,
20 we've reached the point now where you've heard all the
21 testimony that you're going to hear from the State. This
22 is the point at which in every trial we would have to
23 break for us to handle separate matters, and here it would
24 be an hour break.

25 Again, because of today and kind of your schedule,

1 we're breaking for the day today. And I understand it's
2 very early. A lot early. We couldn't finish this thing
3 today if we kept proceeding.

4 So tomorrow morning at 10:15 instead of 10:00.
5 That's my fault. I've got something at 10:00 that I've
6 got to handle. And you'll be given this case tomorrow.
7 In all likelihood, you may hear some testimony, you may
8 not, but by tomorrow, at some point, you will hear the
9 final arguments, and then you'll have to sit and listen to
10 me, again, read 26 or 27 pages worth of law. So don't eat
11 too much chocolate tonight and be too wide open.

12 I'll see you tomorrow. Don't talk about the case.

13 (WHEREUPON, the jury exits the courtroom at 12:09 p.m.)

14 THE COURT: Okay. They've rested. Any motions?

15 MR. CHANDLER: Yes, Your Honor. May it please the
16 Court. Your Honor, at this time I would like to move for
17 a directed verdict on all counts and all charges against
18 my client. It is clear that the State has not proven any
19 evidence, even given in the light most favorable to the
20 State, where a jury could reasonably believe without -- or
21 reasonably conclude without conjecture that my client
22 committed a crime.

23 Basically, the State presents the testimony of a
24 child, the State presents a healthcare worker who says
25 there's no injury, a SLED analyst that does not present

1 any DNA. And, frankly, the State has failed to even
2 produce the instrumentality of this alleged incident. And
3 because of that, we would ask that you direct a verdict of
4 not guilty on all counts, Your Honor.

5 THE COURT: Okay. Yes, ma'am. Anything?

6 MS. HAMMACK: Your Honor, there was direct testimony
7 to each of the elements of each of these offenses on the
8 day charged. That's for the jury to consider.

9 THE COURT: Yeah. I think these are factual issues,
10 and I think they're good questions that you can argue to
11 the jury.

12 I won't hold you to it because I don't want to do it
13 today, but I guess tomorrow morning I guess you've got to
14 decide if you're going to call any witnesses. And I know
15 we've talked, but what we'll do tomorrow morning is if you
16 decide not to, I will do his Fifth Amendment rights and
17 then we'll start arguing. But I'll give you today. I'm
18 just not going to make you tell me that now.

19 MR. CHANDLER: Thank you, Your Honor.

20 THE COURT: And I'm sorry to call it for so early.
21 I'm not sure we could -- we've reached the point where it
22 would make me nervous if we sent this case to the jury.
23 Because the best-case scenario is they would get it at
24 1:30, and that's kind of the best-case scenario. So just
25 one of those things.

1 All right. I'll see y'all tomorrow. I'll be here
2 about 10:00, 10:15.

3 MR. CHANDLER: Thank you, Your Honor.

4 MS. HAMMACK: Your Honor, would you like us to submit
5 any proposed jury charges via e-mail this afternoon?

6 THE COURT: Yeah. She's got what I've already done.
7 I will tell you that this is -- my charge will be less
8 than this because I'm taking out as much of the
9 nonapplicable and extemporaneous language as I can, but
10 I'll just do it by strike-through, and I'll try to tell
11 you tomorrow. But sure. Tomorrow morning.

12 MS. HAMMACK: Thank you, Judge.

13 (WHEREUPON, proceedings adjourned at 12:12 p.m., to be
14 reconvened on Thursday, November 1, 2019.)

15 * * * * *

1 Thursday, November 1, 2018

2 (WHEREUPON, proceedings reconvened at 10:42 a.m.)

3 THE COURT: Anything we need to take up before
4 closing arguments?

5 MS. HAMMACK: Your Honor, I don't know if you need to
6 put on the record the defense is resting so that we
7 can ---

8 THE COURT: Yeah. We need to do that. But did you
9 have a motion or am I just ---

10 MR. CHANDLER: Yes, Your Honor.

11 THE COURT: Just the spoliation is all you've got.
12 All right.

13 MR. CHANDLER: We had a -- yes. And it's a proposed
14 charge. And that was it. I mean, and accompanying it is
15 a due process motion, but it's our posture that the
16 spoliation charge would correct a dismissal based on this
17 due process. So yes.

18 THE COURT: All right. And I'm jumping the gun
19 because you haven't rested yet, so I apologize for that.
20 Do you want to officially rest in front of the jury or do
21 you want me to? It doesn't matter. I will tell them
22 that . . .

23 MR. CHANDLER: Your Honor, I spoke with my client,
24 and he would rather do it outside the presence.

25 The defense rests, Your Honor.

1 THE COURT: All right. Sir, come on up. I need to
2 put you under oath real quick and ask you about your Fifth
3 Amendment rights.

4 THE CLERK: Place your left hand on the Bible and
5 raise your right.
6 WHEREUPON,

7 MICHAEL ALEXANDER COLLINS
8 After having been duly sworn, testified as follows:

9 THE CLERK: He's been sworn, Your Honor.

10 THE COURT: Yeah. We're just talking now, but you
11 are under oath. What I need to do now is explain to you
12 your Fifth Amendment rights. You have the right to claim
13 the protection of the Fifth Amendment. Do you understand
14 that?

15 DEFENDANT COLLINS: Yes.

16 THE COURT: And you have the right to testify or not
17 testify based upon your own internal decision. Do you
18 understand that?

19 DEFENDANT COLLINS: Yes, sir.

20 THE COURT: If you don't testify, I'm going to charge
21 this jury that they cannot use that against you. Do you
22 understand that?

23 DEFENDANT COLLINS: Yes, sir.

24 THE COURT: If you do testify, you're subject to
25 certain cross-examination which could -- which is an issue

1 you need to take up with your lawyer, talk about what
2 might be asked of you. Have you done that?

3 DEFENDANT COLLINS: Yes, sir.

4 THE COURT: Okay. Have you made a decision about
5 whether or not you want to testify?

6 DEFENDANT COLLINS: I would like to not testify, to
7 reserve the final argument.

8 THE COURT: Okay. So you want to rest and not
9 testify, and then I will charge the jury that they cannot
10 take that -- use that against you in any way.

11 DEFENDANT COLLINS: Yes, sir.

12 THE COURT: Okay. Do you have any questions for me
13 now?

14 DEFENDANT COLLINS: No.

15 THE COURT: Do you have any questions for your
16 lawyer?

17 DEFENDANT COLLINS: Just a few.

18 THE COURT: Okay.

19 (Pause in proceedings.)

20 THE COURT: Let me ask you something. You understand
21 that you would get the last argument anyway. You
22 understand that?

23 DEFENDANT COLLINS: I'm getting the last arguments
24 anyway.

25 THE COURT: Yeah. I mean, are you making the

1 decision to testify based upon the order of closing
2 arguments?

3 DEFENDANT COLLINS: I'm making it based on not being
4 subject to cross-examination.

5 THE COURT: Okay. And you have any questions for me
6 now?

7 DEFENDANT COLLINS: No. That was all the questions.

8 THE COURT: All right. Thank you.

9 DEFENDANT COLLINS: Thank you, Your Honor.

10 THE COURT: All right. I'll allow you to claim your
11 Fifth Amendment right, and I will charge them.

12 DEFENDANT COLLINS: All right. Thank you.

13 JURY CHARGE CONFERENCE

14 THE COURT: All right. Now that you've rested, let's
15 talk about spoliation. I think that's the only thing we
16 have left. And I understand that you want a spoliation
17 charge. I can't find a case where spoliation is triggered
18 by the actions of a non-State party, but if you've got
19 one, I'll be happy to listen.

20 MR. CHANDLER: Your Honor, there's been testimony
21 that actually was offered by the alleged victim's mother
22 that she actually said that they told her they didn't need
23 it. And we would argue that that is an action, at least
24 it's in the evidence that that would be an action of the
25 State, and as a result, that spoliation is triggered and

1 would be an appropriate charge, Your Honor.

2 THE COURT: Yes, ma'am.

3 MR. CHANDLER: And, again, I want to base our
4 argument based on the constitution issues that this is a
5 violation of due process for my client not to have the
6 instrumentality of the major allegation and the inability
7 to evaluate the sex toy, the dildo, for DNA, Your Honor,
8 as well as describing the -- excuse me, Your Honor, but
9 based on the size and dimensions of it compared to an
10 8-year-old girl, discussing all of those possibilities, my
11 client lost it by, number one, based on the evidence, the
12 inaction of the State, and because of that, we do believe
13 that that is a violation that, according to State v.
14 Reeves, is corrected and is remedied by a spoliation
15 instruction, Your Honor.

16 Thank you, Your Honor.

17 THE COURT: Okay. Thank you.

18 Yes, ma'am.

19 MS. HAMMACK: First of all, as Your Honor stated, the
20 spoliation charge only applies when this is an action by
21 the State. Mom throwing away the vibrator in this case
22 was not an action by the State or a state agency even with
23 her saying that she thought law enforcement told her that
24 she could throw it away. There was also testimony by law
25 enforcement that they didn't tell her that.

1 Most importantly, the standard for a spoliation
2 charge is whether a state agency acted in bad faith, and
3 that standard has not been met here.

4 The second prong is also that there could have been
5 exculpatory evidence found on this as opposed to other
6 evidence that was present at trial. And in this case, as
7 stated in State v. McBride, which I can hand up to Your
8 Honor, it's speculative at best whether there could have
9 been exculpatory evidence on this vibrator. And, in fact,
10 it probably would have been more harmful to the defense
11 than it would have been exculpatory. Under State v.
12 Reeves that Mr. Chandler gave you and this State v.
13 McBride, they both set out that standard, and it just
14 hasn't been met.

15 MR. CHANDLER: Just a brief reply, Your Honor.

16 THE COURT: Yeah.

17 MR. CHANDLER: What would be exculpatory, obviously,
18 Your Honor, if the child's DNA is not on the dildo that
19 she says was inserted inside of her and in her anus, so --
20 inside her vagina and her anus. And so, actually, there
21 is the potential exculpatory.

22 As for the actions of the State, there is enough
23 evidence that has already been brought before the jury,
24 and it becomes a jury question, Your Honor, and thus
25 making the instruction proper because the mother actually

1 said, "They told us they didn't need it," and we would
2 believe that the inaction is an action of the State, the
3 failure to secure some valuable evidence. Frankly, Your
4 Honor, it's like having a stabbing with the State saying
5 we don't need a knife, it's like a shooting with the State
6 not asking for the bullet or the gun. And that -- and,
7 Your Honor, we believe that because of that, it is an
8 action on behalf of the State.

9 Further, it is potentially exculpatory, and it
10 becomes a jury question. And that's how I posture that it
11 would be an appropriate charge because of that.

12 THE COURT: All right. I'm going to deny the
13 spoliation charge because I do think it has to be a State
14 action. But, quite frankly, the SLED person, I mean, I
15 think it's a factual issue. You've got a victim -- or the
16 mother of the victim saying she was told to throw it away,
17 and you've got a SLED person that says they never said
18 that. I think that goes to credibility. But I
19 understand.

20 And what I'll do, I'll let you look at this. If you
21 want to look at it now, that's fine. I'll make my
22 spoliation of evidence jury charge a Court's exhibit, just
23 to keep the record straight.

24 MR. CHANDLER: Thank you, Your Honor. And,
25 obviously, our objection to your decision. Yes, Your

1 Honor.

2 THE COURT: Sure. Yeah.

3 Okay. Anything else we need to take up?

4 MS. HAMMACK: Your Honor, just very briefly. There's
5 been some -- there was some testimony earlier this week
6 wherein defense questioned the child about if anybody had
7 told her what to say. There was also some testimony that
8 was objected to and discussed outside the presence of the
9 jury regarding a video recorded by the victim's mother of
10 her speaking to her children. Your Honor ultimately ruled
11 that that video was inadmissible unless and until a proper
12 foundation was laid. That was never done and that video
13 was never admitted.

14 We also discussed the argument of coaching coming out
15 in cross-examination, and asked whether that opened the
16 door to Jeffcoat testimony regarding prior consistent
17 statements. Because Your Honor found it was not
18 sufficient testimony about coaching, we would ask that the
19 defense not discuss coaching of the child or the substance
20 of that video that Your Honor has previously found
21 inadmissible in their closing. I don't want to object in
22 closing, I don't ever plan to object in closing, but we
23 would ask that the Court make note that that was found
24 inadmissible and that it not be brought up in closing.

25 THE COURT: Well, there's two different things. I

1 think he can bring up potential coaching because he asked
2 about it.

3 MR. CHANDLER: Yes.

4 THE COURT: But the video I don't think he can bring
5 up.

6 MR. CHANDLER: And, Your Honor, that was our posture.

7 THE COURT: Okay.

8 MR. CHANDLER: Obviously, there's enough to talk
9 about coaching, but we understand that the video is not in
10 evidence. But, again, you've noted our objection to it
11 not being entered in.

12 THE COURT: Absolutely.

13 MR. CHANDLER: Yes, Your Honor. Thank you, Your
14 Honor.

15 THE COURT: Okay. Well, what I'll do is if your --
16 do either one of you have any idea how long you'll be?
17 I'm just trying to figure out whether I'll move right into
18 the charge or -- it doesn't matter. I mean, we're here
19 today. Y'all have been very nice to me in regards to my
20 blowing your week up, so take as long as you want.

21 MR. CHANDLER: Thank you, Your Honor.

22 THE COURT: All right. Let me bring up one thing.
23 One juror, one of the alternate jurors is sick. I don't
24 know which one, but he was late this morning. Whereas my
25 problems are navel up, his are navel down, and I would

1 like to kind of send him home. Because if I get that
2 combination, I'm going to kill somebody. So are we okay
3 if we let that alternate juror go?

4 MS. HAMMACK: No objection from the State, Your
5 Honor.

6 MR. CHANDLER: Beg the Court's indulgence.

7 THE COURT: Yeah.

8 MR. CHANDLER: Your Honor, one brief question. Are
9 all the other jurors available today?

10 THE COURT: Yeah. Everybody else -- and the first --
11 is it the first alternate or the second alternate?

12 THE CLERK: I think it's the second.

13 THE COURT: I think it's the second alternate.

14 THE CLERK: He was the last one to come.

15 THE COURT: He came. He was 15 minutes late. He's
16 got stomach issues.

17 THE CLERK: That was Number 2. That was Alternate
18 Number 2.

19 MR. CHANDLER: No objection, Your Honor.

20 THE COURT: Okay.

21 THE CLERK: No pun intended.

22 THE COURT: Bring him in first, and keep him really
23 far away from me because I'm really serious.

24 THE BAILIFF: Are you ready now?

25 THE COURT: Yeah. Bring him in. I'm going to let

1 him go.

2 (WHEREUPON, Court's Exhibit Number 3 was marked for
3 identification.)

4 (WHEREUPON, Alternate Juror Number 2 entered the
5 courtroom.)

6 THE COURT: How are you doing, sir? I heard you're
7 sick. I'm going to let you go home, man. I've been not
8 feeling great myself, so I don't want you to have to sit
9 up here. So I hope you feel better, and everybody
10 understands. Thank you for sitting here for a couple of
11 days.

12 All right, brother. Be safe.

13 He has that same dead look behind his eyes that I do.
14 I mean, it's like I don't care. I don't know what you're
15 saying. It doesn't matter. I just want to get to bed.

16 Okay. Are you all ready?

17 MS. HAMMACK: Yes, sir.

18 THE COURT: You can bring them in.

19 (WHEREUPON, the jury entered the courtroom at 10:57 a.m.)

20 THE COURT: All right. Madam Forelady and ladies and
21 gentlemen of the jury, I'm going to tell you what's been
22 going on while you've been back there and also to tell you
23 where we are in this trial.

24 The defense has rested. In other words, the defense
25 is not going to present any evidence. We are at the point

1 where we will allow the attorneys for both sides to give
2 you their final argument, and then I have to charge you in
3 this case. And as I've been trying, kind of hinting, I
4 have to read to you a fairly extensive legal charge.

5 I want to tell you something very important. The
6 defendant in any case in South Carolina or the United
7 States of America is not required to testify. The Fifth
8 Amendment to the Constitution prohibits forcing a
9 defendant in such a situation to testify, and, in fact, I
10 will order you, when I read to you the law in this case, I
11 will tell you and order you not to take that into account.
12 In other words, you should never discuss the fact that he
13 did not testify.

14 As I told you and as I will tell you in a few
15 minutes, jumping ahead a little bit, but these indictments
16 you'll have in the jury room with you. They are literally
17 pieces of paper that start this process, and in this
18 process, the defendant is never required to testify. So
19 for the third time, and again, I'll do it in a few
20 minutes, the fourth time, you cannot discuss the fact that
21 he hasn't testified. The State has the burden of proving
22 each and every element of the crime by evidence beyond a
23 reasonable doubt.

24 So we are now at the point where the attorneys are
25 going to give you their closing statements. As I told you

1 two days ago, the closing statement is not evidence. The
2 only evidence you'll have in this courtroom was given from
3 the witness stand and any exhibits that may be introduced.

4 After the attorneys have finished their closing
5 arguments, I'll probably take a five- or six-minute break,
6 because once I start reading this, I will stop and give
7 you a break if you need it, but it's very difficult to do.
8 So depending on how long the lawyers argue, I'll either
9 roll right into reading this to you, or I'll take a break
10 and let y'all stretch and clear your heads. Thank you for
11 being so patient.

12 Yes.

13 MS. HAMMACK: Beg the Court's indulgence for some
14 minor technical difficulties.

15 THE COURT: Sure. Not a problem.

16 CLOSING ARGUMENTS

17 MS. HAMMACK: Members of the jury, yesterday an
18 8-year-old on video told you how a vibrator worked. She
19 described it for you, she described what it was used for,
20 and she told you how it was used on her. Two days ago on
21 Tuesday, that same little girl, she's now 10 and in fourth
22 grade, she demonstrated for you with her finger how that
23 man's finger moved inside her vagina.

24 These last couple days haven't been normal days for
25 you guys. You've heard things that people don't talk

1 about in mixed company, you've heard things that people
2 don't want to think about could ever happen. This hasn't
3 been a normal week for you guys, but March 19th, 2017, was
4 not a normal day for 8-year-old **Complainant**.
5 March 22nd, 2017, was not a normal day for a second
6 grader.

7 By now y'all are very clear on what the facts have
8 been in this case and what happened in March of 2017 at
9 118 Holley Estates here in Aiken County, like I said, over
10 by Silver Bluff High School. You heard that March 19th
11 was a Sunday, that **Complainant** mom, Jennifer, had to go to
12 work at Walmart. Her replacement was late and she had to
13 work overtime. And you heard that while she was at work,
14 the defendant was trusted with watching her children, the
15 boys and one little girl. She left her children alone
16 with him to care for them while she was at her job.

17 You heard that while **Complainant** mother was at work,
18 **Complainant** was in the defendant's bedroom on the defendant's
19 bed where he asked her, Do you know what a sex toy is?
20 I'm going to show you, the second grader, what a sex toy
21 is. **Complainant** described for you what it looked like, that
22 It was skin color, that it had bumps and ribs, kind of
23 like the wrinkles on a wrist, and that when you flip a
24 switch, it vibrated.

25 Then the defendant took that vibrator, and as

1 **Complainant** told you in her words, "He did sex stuff to me."

2 The defendant pushed the vibrator in just a little into
3 her private, into her vagina, and then when it was all
4 said and done, he cleaned her off and cleaned that
5 vibrator off so no one would know.

6 Then again, just three days later, on the evening of
7 March 22nd, 2017, **Complainant** was asleep in her bed. The
8 defendant came into her room. Just like in his room where
9 there were no witnesses, there was no one to help, he got
10 **Complainant** alone, he pulled down her pants and her panties,
11 he pushed her dress up, and then he put his pointy finger
12 in her vagina. And when he was done, he started laying
13 the groundwork for his story to cover his tracks.

14 He went in the kitchen in the middle of the night and
15 cooked chicken, chicken that **Complainant** doesn't even like.
16 And he put it in her room to set the stage to tell his
17 story the next day.

18 The next morning, March 23rd, 2017, that wasn't a
19 normal day either. Because as you heard, the defendant,
20 who normally stays asleep in the morning while Jennifer
21 gets the kids ready for school, who normally gets mad when
22 the kids are loud and wake him up, the defendant, who
23 supposedly hasn't been talking to her for 48 hours because
24 he's mad at her, all of a sudden wants to snuggle, wants
25 to sleep on her side of the bed.

1 And this morning, instead of a man sleeping like he
2 always does, he gets up with Jennifer, he follows her all
3 around the house, and he makes sure that she's never
4 around the children alone where they can speak outside of
5 his presence. He makes sure that **Complainant** doesn't have a
6 chance to tell her mother what happened the night before.
7 And he goes ahead and starts laying that groundwork with
8 this story to cover his tracks. He tells Jennifer
9 **Complainant** was sleepwalking last night, and she went and got
10 some chicken out of the kitchen because she was
11 sleepwalking. You know, that chicken that you caught me
12 cooking when you woke up in the middle of the night,
13 that's what that was all about. That was the chicken that
14 **Complainant** got because she was sleepwalking. Nothing weird
15 happened last night. Nothing criminal happened.

16 And you heard that the first chance that **Complainant** got
17 alone with her mother on the way home after school, she
18 did what she'd been waiting to do since the night before.
19 She couldn't keep his secret anymore. She told her mother
20 what the defendant had done to her.

21 They never made it home. Jennifer pulled over on the
22 side of the road, she took her child to the Sheriff's
23 Office, she took her child to the hospital to be poked and
24 prodded, to have a full head-to-toe exam, to have to look
25 at an 8-year-old to see if there's DNA or injuries or

1 semen or saliva on her. And then **Complainant** had to go to
2 her dad's for the night, and Jennifer stayed in a hotel.

3 Now, you heard after that how law enforcement got
4 involved and the investigation that they made to try to
5 uncover anything else that might show or contribute to
6 this story that they had heard. And I want to talk to you
7 about that, because there were three things that
8 Mr. Chandler brought up in his opening, and they're
9 actually pretty good and so I want to talk about those.

10 But first he said was that the State failed -- is
11 going to fail to meet the burden of proof, that they have
12 a burden to produce evidence. And there's been a lot of
13 talk about evidence in this case. And at the beginning of
14 this trial two days ago, Mr. Chandler told you that you're
15 just going to hear the statement -- your allegedly going
16 to hear the statement of a little girl. Well, it's not
17 alleged. She sat there and talked to you. You watched
18 her on video.

19 But he made a point that there is no other evidence,
20 so let's talk about evidence for a minute. When law
21 enforcement began their investigation into this report,
22 they started talking to the people that might know the
23 most: eye witnesses, the victim who was there, her
24 mother.

25 They then sent **Complainant** to the hospital to try to see

1 if there was any potential physical evidence that could be
2 found on her body.

3 You heard about the sexual assault exam and how
4 that's performed. Cassie Taylor, who performs all those
5 sexual assault exams here in Aiken, talked about how she
6 showed -- or she shown a UV light, an alternate light on
7 **Complainant** to look for substances that might reflect. She
8 stated there were some areas on her arm and on her leg,
9 that reflected so she took swabs. Now, she said those
10 swabs can't differentiate between blood, saliva, semen,
11 lotion, deodorant, sunscreen, but she took those swabs
12 just to see if there was anything that they could find.

13 You heard about how law enforcement sent those swabs
14 for more analysis to see if the SLED crime lab here in
15 Columbia could find out what was on those swabs.

16 You also heard about how law enforcement went to the
17 crime scene. It's not all the yellow tape that you see on
18 TV. In this case, the crime scene was two bedrooms. Law
19 enforcement went and documented these bedrooms so you
20 could see the bed where this happened.

21 They also sent **Complainant** for a forensic interview so
22 that when she gave her statement right after these events
23 occurred, it could be videotaped so that y'all could see
24 it. And you watched it right here. It was a little
25 quiet, but you got to see **Complainant** statement the day

1 that this was reported.

2 You also heard that the law enforcement went looking
3 for the vibrator that **Complainant** described in her interview.

4 Now let's talk about some of the results of their
5 search for evidence. You got to watch **Complainant** video.
6 You get to see through those pictures this crime scene.

7 Now, we don't have a vibrator, and that was talked
8 about. When asked where the vibrator was, Jennifer told
9 you, "I threw it away." Now, Mr. Chandler asked her a lot
10 of questions about the vibrator being evidence, and
11 unfortunately, Jennifer Laird is not a police
12 investigator, and she told you when she looked at that
13 vibrator, she wasn't thinking, ah-ha, this could be a clue
14 or this could be evidence. She told you that when she
15 looked at one of the most intimate of objects, she saw
16 something that made her stomach churn. When she looked at
17 one of her possessions, she didn't see it being used by
18 adults in a consensual relationship. It disgusted her to
19 think that that object had been put inside her second
20 grader's vagina, and she got rid of it because it made her
21 sick.

22 We heard from the SLED analyst, Donna Money, who
23 examined the swabs from the sexual assault kit for
24 potential DNA. And y'all, DNA is way above my pay grade,
25 and she explained it very simply how it works, that it

1 comes from skin cells, from bodily fluids, and that you
2 can leave DNA on things. But DNA is easily destroyed. A
3 lot of things can make DNA unable to be found. And she
4 didn't find any DNA that wasn't **Complainant** in this case.
5 And she told you that's not unusual. She said that DNA
6 can be lost or destroyed if somebody eats or drinks or
7 changes clothes or bathes, that some people leave more DNA
8 than others, that doing all these things can affect the
9 ability to get DNA, that how long something occurs can
10 affect it. There's a million reasons why she said that
11 DNA may not be found in the case, and because of that, DNA
12 or the lack of DNA doesn't mean that a sexual assault
13 didn't occur.

14 Similarly, when Cassie Taylor testified that she
15 didn't see any glaring injuries on **Complainant** she said
16 that's not uncommon either. She said that doesn't mean
17 that a sexual assault didn't occur. And she went over
18 with you the reasons why you may not have obvious injuries
19 after a sexual assault. She described the physical
20 characteristics of a vagina, the way the skin stretches,
21 that it's made to accommodate, that it's flexible, and so
22 the insertion of an object or a finger may not necessarily
23 cause injuries. In fact, she stated that in most of the
24 cases where she's conducting a sexual assault kit, she
25 doesn't see injuries.

1 Now, the defense would have you believe that you have
2 to have DNA or you have to have injuries to prove a sexual
3 assault, and that's just not real life, and it's just not
4 the law. As the judge told you at the beginning of this
5 trial, this isn't TV, we're not CSI, there is not DNA in
6 every case. If there was, I'd be in Hollywood and I'd be
7 making a whole lot more money. But the fact of the matter
8 is, the law also acknowledges that those things aren't
9 required to prove that a sexual assault happened.

10 If I have a headache, if his back hurts, you all may
11 not can see it. Does that mean that my headache's not
12 real? Does that mean that it doesn't count? Does that
13 mean that the judge's back doesn't hurt because you can't
14 see it? No. And the law doesn't require that.

15 The judge is going to tell you about the law. I want
16 you to listen because he's going to tell you that the
17 State has the burden of proving guilt beyond a reasonable
18 doubt. What he's not going to say is that DNA is required
19 to get past reasonable doubt, because it's not. But what
20 he is going to talk to you about is something called
21 direct evidence, and direct evidence is evidence that
22 directly proves a point or directly proves a fact. And
23 what's really important is one of the first examples of
24 direct evidence that proves the fact is eyewitness
25 testimony. The defense told you that you were just going

1 to hear the story of a little girl. Well, the thing is,
2 under the law, the statement of that little girl is direct
3 evidence of this crime.

4 Now, I have a lot to say to y'all, and I ask y'all to
5 bear with me. This is the last chance I get to talk to
6 y'all, and when I'm done, Mr. Chandler is going to come up
7 and he's going to talk to you. I don't get to come back
8 up after, so I have a lot of things I want to make sure
9 that y'all hear. Y'all have been patient so far, so I ask
10 you to stick with me as I make sure that I covered
11 everything that I want you to hear.

12 Now, the judge is also going to talk to you about the
13 credibility of witnesses, that you can believe some
14 people, you don't have to believe others, you can believe
15 part of what somebody says and not part. But I want to
16 talk to you about our eyewitness.

17 I want to talk to you about **Complainant**. When you
18 listen to **Complainant** I want you to ask yourselves what does
19 she have to gain from this? What good has come into her
20 life because of this? When she told her mother what
21 happened, she had to go to the hospital, she didn't get to
22 go home, she had to talk to strangers about one of the
23 most embarrassing and scary and worst moments in her life,
24 and then she had to do it again in front of y'all.

25 The defense attorney talked about -- or talked to

1 **Complainant** about, well, haven't you gotten in trouble before
2 for not cleaning? You got your phone taken away, didn't
3 you? And he took your phone away. I don't know if he's
4 trying to insinuate that **Complainant** made up this story
5 because she got her phone taken away, but she told you
6 she's gotten in trouble before. If she's gotten in
7 trouble before, she's had her phone taken away before, why
8 hasn't she made up some story before now? Why did she
9 wait till now?

10 And if **Complainant** is going to make up this story, how
11 is an 8-year-old going to make up a story about something
12 they don't know anything about? Did **Complainant** go and
13 google, hey, what's something that is really bad? Ooh, a
14 sex toy. Let's see what that is. Let me figure out what
15 a sex toy is so that I can get him in trouble.

16 8-year-olds don't know what vibrators look like.
17 They don't know how they work. It's not reasonable to
18 believe that **Complainant** would make up some story because at
19 one random time she got in trouble.

20 The other thing that's important is that the
21 defendant's actions show you that **Complainant** is telling the
22 truth because they showed him covering his own tracks.
23 She tells you first thing he says is promise to keep a
24 secret. If you tell your mother, I'll kill you.

25 He gets her alone away from anyone else, away from

1 witnesses that could come up here and tell you what they
2 saw. He puts lotion on **Complainant** and on that vibrator, and
3 as she said on that video that you watched, so mom
4 wouldn't find out.

5 He got her alone in her bedroom when everyone else
6 was asleep, and he started crafting that story again with
7 the chicken to cover his tracks. He was covering his
8 tracks and crafting the story because the defendant was
9 somewhere he wasn't supposed to be, and he was doing
10 something that he wasn't supposed to be doing.

11 Now I want to talk to you about Jennifer for a little
12 bit. The defense asked Jennifer a lot of questions, and
13 what the defense wants to do is to get you looking at
14 Jennifer and forget why you're here. They don't want you
15 to like her. Members of the jury, you're not here to
16 decide whether you like somebody or not. That's not the
17 point. But what the defense wants you to believe is that
18 Jennifer put her child up to all of this because she was
19 mad at him. Mr. Chandler said the hand that rocks the
20 cradle rules the world, and he asked Jennifer about
21 something that happened months before this incident. He
22 said, "Isn't it true that he's still married and he was
23 texting his wife from y'all's bed, and didn't that make
24 you mad?"

25 She said, Sure it did. That was months ago. Months

1 that day after day she stayed with the defendant, they
2 stayed together. Months went by where she didn't call the
3 police and report him for committing a crime, but the
4 defense wants you to believe that she waited and waited
5 and finally put her child up to saying something that
6 children don't know anything about because she was mad at
7 something that happened months ago. That's not
8 reasonable. She told you that has nothing to do with this
9 case.

10 The defense also asked her about the defendant
11 accusing her of being on porn sites and that he didn't
12 talk to her for 48 hours looking for her on porn sites.
13 Well, if that's the case, why is he snuggled to her on her
14 side of the bed and hanging all around her the next
15 morning? Is it reasonable to think that a mother would
16 have her child go through all of this because he accused
17 her of being on porn sites?

18 The defense made a really big deal about a letter
19 that Jennifer wrote to the defendant after these charges,
20 and he made a point of saying, "You told him that you
21 didn't know what happened." If she's trying to get him in
22 trouble because she's mad at him, why would she say she
23 didn't know what happened? It doesn't really help her
24 case getting him in trouble. It doesn't make sense, and
25 it doesn't make sense because it's not reasonable and it's

1 not doubt.

2 Members of the jury, if Jennifer or **Complainant** were
3 trying to get the defendant in trouble by lying about it,
4 make it a good one. Say that he had been having sex with
5 **Complainant** night after night, keep the vibrator to give to
6 law enforcement. It doesn't make sense for her to be
7 trying to get him in trouble when she's doing things that
8 don't get him in trouble. The story just doesn't match.

9 The judge is going to talk to you about reasonable
10 doubt, but it's also something that's pretty common sense.
11 And that was the second thing that Mr. Chandler talked to
12 y'all about in opening statements. He said, "Use your
13 experiences, use your common sense." And he's exactly
14 right.

15 When the judge talks to you about reasonable doubt,
16 he's going to tell you that it's proof that leaves you
17 firmly convinced, but what's important is that you have to
18 think about what's reasonable. Is it reasonable for a man
19 to get up in the middle of the night to cook chicken and
20 put it in a child's room and then tell his girlfriend that
21 the child was sleepwalking? Is it reasonable to accuse a
22 woman of lying on somebody when she then turns around and
23 says, "Well, I don't know what happened," and she throws
24 away something that maybe law enforcement could have used?
25 It's not reasonable.

1 Members of the jury, I want to tell you a story that
2 kind of explains reasonable doubt. It's a story about
3 little Johnny. Little Johnny's mother just baked cookies.
4 She pulled them out of the oven, they're sitting there
5 cooling on top of the stove, she tells little Johnny,
6 "Don't touch these cookies. They're hot, they're for
7 later, you're going to ruin your supper." She walks off
8 out of the kitchen to go do something else, and when she
9 comes back, three cookies are missing. She goes and finds
10 little Johnny. She asked him if he took the cookies, and
11 of course he says no. But she looks, and he's got crumbs
12 on his shirt, he's got chocolate on his hands.

13 Little Johnny's mother doesn't need to swab his
14 fingers for DNA to know who took those cookies. Little
15 Johnny's mother doesn't have to see a burn on his finger
16 from grabbing that hot pan to know who took those cookies.
17 She can use her common sense and her life experiences to
18 know that her little boy just ate those cookies he wasn't
19 supposed to. Y'all have that same common sense and those
20 same life experiences. You don't need DNA, you don't need
21 fresh injuries to know exactly who stuck their finger
22 inside of **Complainant** vagina and who used a sex toy on her.

23 Now I want to talk about the elements of criminal
24 sexual conduct with a minor, because that's what you have
25 to answer today. There are four main questions that you

1 have to answer. The first one: On March 19th, 2017, did
2 the defendant commit criminal sexual conduct with a minor
3 in the first degree against 8-year-old **Complainant**?

4 Question 2: Did the defendant commit criminal sexual
5 conduct with a minor in the third degree on
6 March 19th, 2017, against **Complainant**? Questions 3 and
7 4 are the same but for the night of March 22nd. These are
8 the questions that you have to answer when you go back in
9 that room.

10 And so let's go over the elements that make up each
11 of these charges. The judge is going to read them to you.
12 I gave you an idea about them at the beginning, but let's
13 go through them one more time.

14 So for criminal sexual conduct with a minor in the
15 first degree, the State has to prove that there was a
16 sexual battery. And I told you at the beginning that
17 sexual battery is any intrusion or penetration, however
18 slight, even just a little bit, into any opening of the
19 body. **Complainant** told you that on March 19th, 2017,
20 when she was in her mom and uncle Mike's bedroom, that he
21 did the sex stuff with her with the vibrator, the skin
22 colored one with the bumps, that he turned that switch and
23 that he put it on her vagina and then he pushed it in a
24 little. That's a sexual battery.

25 The other element is that the victim must be less

1 than 11 years old. That one's pretty easy. **Complainant** 8,
2 and nobody's questioning whether or not she was 8 years
3 old in 2017.

4 Question 2: On March 19th, 2017, did the defendant
5 commit criminal sexual conduct with a minor in the third
6 degree against **Complainant**? The first thing that has
7 to be shown is that the actor, which is a weird word, the
8 person charged with the crime, is over the age of 14.

9 **Complainant** told you that Mike was a grown-up, Investigator
10 Sturgill told you that he was 31 years old. Y'all can see
11 him. Y'all have eyes. He's over the age of 14.

12 That he committed a lewd or lascivious act upon the
13 body of another. Y'all, those are just fancy legal terms
14 for a sexual act. She told you how, on March 19th, 2017,
15 he placed that vibrator against her vagina and then pushed
16 it in.

17 Again, we know that she's under the age of 16.

18 For the arousal or sexual desires, that one's kind of
19 self-explanatory. It's easy. When the defendant looked
20 at **Complainant** in his bedroom that day and said, "Does this
21 feel good," he wasn't asking as a doctor. He was asking
22 her sexually.

23 March 22nd, 2017, that night, your third question:
24 Is the defendant guilty of criminal sexual conduct with a
25 minor in the first degree? Again, we know **Complainant** is

1 8 years old. A sexual battery, she said, "He took his
2 pointy finger and he put it inside my vagina and he moved
3 it up and down." She showed you what he did.

4 March 22nd, 2017, criminal sexual conduct with a
5 minor in the third degree. Again, we know the defendant's
6 over 14, we know that **Complainant** is under 16.

7 The lewd or lascivious act, he's touching her vagina
8 with his hand. On her video she tells you, "He kissed me
9 on the lips." Those are for sexual desires. "Just relax.
10 Do you want me to stop?"

11 A couple more things and I promise y'all I'm going to
12 sit down.

13 The defense talked a lot about a scratch. They were
14 asking her about a scratch. They asked **Complainant** "Well,
15 did you tell your mom that the defendant scratched you?"

16 She said "no."

17 He asked Jennifer, "Well, didn't your child tell you
18 that he scratched her?"

19 She said, "No. She said his finger was pointy."

20 He asked the nurse examiner, "Did you see a scratch?"

21 She said "no."

22 "Did **Complainant** tell you that the defendant scratched
23 her?"

24 "No."

25 So I don't know what that scratch is about, but I

1 just want to clarify, there's not been any testimony about
2 a scratch.

3 The defense also talked to Jennifer a lot about if
4 she told her child what to say, and he asked **Complainant**
5 that. "Did your mom tell you what to say?"

6 And she said "no."

7 "Well, did the solicitor? You met with her. Did she
8 tell you what to say?"

9 "Actually, yeah. She did."

10 "What did she tell you to say?"

11 "She told me to tell the truth."

12 Now, I imagine the defense is going to get up here
13 and tell you that Jennifer was trying to get her daughter
14 to say something to get the defendant in trouble. There's
15 been no testimony, no evidence of that at all. Jennifer
16 said she hadn't talked to her child about what happened,
17 but as she found out, she pulled over on the side of the
18 road and went to the sheriff's department. **Complainant** said
19 her mom hasn't told her what to say about anything.

20 And what's important is that every time **Complainant**
21 had to talk about this, she said the same things. When
22 she had to talk about it 18 months, almost two years ago,
23 and you watched that video, she said the same things to
24 you today. Now, it's not exactly the same. It's not
25 100 percent word for word, and if it was, I imagine he'd

1 get up and say, "Ah, it's rehearsed. It's too perfect.
2 It's definitely a story. It's definitely a lie."

3 You know, back then she could remember what he was
4 wearing. A couple days ago, she couldn't remember what he
5 was wearing when he was in her room. But she remembers
6 the important things. She remembers the things that an
7 8-year-old, that a 10-year-old is never going to forget:
8 what that vibrator looked like when he told her he was
9 going to show her what it did, what his finger did when it
10 was inside of her vagina, what he told her to make sure
11 that nobody would find out, what he did to cover his
12 tracks, throwing chicken that she doesn't even like into
13 her room.

14 The defense brought up a point that, well, your
15 brothers were in their room asleep. If you'd have called
16 out for help, could they have heard you? I just want to
17 get one thing clear. The law does not say that it is okay
18 to sexually molest a second-grader if she doesn't call out
19 for help. That's not the rule. **Complainant** told you that
20 she didn't call out for help because she was scared. She
21 was scared of the man that said he would kill her if she
22 said anything.

23 You have four questions to answer. The defense is
24 going to get up and they're going to talk a long time to
25 you about there's no evidence, there's no evidence, just a

1 story of a little girl, which is direct evidence. They're
2 going to talk to you a lot about Jennifer. You shouldn't
3 like Jennifer. She -- you know, she's probably telling
4 her kids what to say and she wrote the defendant a letter.
5 I don't care if you like her or not. That's not the
6 question.

7 When the defense is up here talking, I want you to
8 pay attention, but I want you to remember the four
9 questions that you have to answer. When he's talking
10 about DNA or scratches or mom, I want you to remember that
11 the law that the judge is going to tell you doesn't
12 require any of that. You don't need crumbs on a shirt or
13 chocolate on hands to know exactly what happened those two
14 evenings.

15 Don't forget about **Complainant**. Don't forget, "Just
16 relax. Does that feel good? Do you want me to stop?"
17 Don't forget a little girl describing to you what a sex
18 toy is, what it does, what it did to her. Don't forget a
19 second-grader telling you about that man's finger in her
20 vagina. Find him guilty.

21 THE COURT: Yes, sir.

22 MR. CHANDLER: May it please the Court.

23 THE COURT: Yes, sir.

24 MR. CHANDLER: Madam Solicitor, members of the jury
25 panel, this is the last time that I'm going to be able to

1 speak before you, to speak on behalf of my client,
2 Mr. Michael Collins.

3 Now, I want you to remember that he is the same
4 person who Judge Maddox told you stands innocent of all
5 charges until the State proves their burden of proof and
6 finds him guilty beyond a reasonable doubt.

7 Now, this is not about a hunch. This is not about a
8 gut feeling. It absolutely has to be about every piece of
9 evidence that is offered by the State.

10 The judge is going to tell you that my client did not
11 have to testify, and he's already done it and he's going
12 to remind you, and he's also going to say that he did not
13 have to present any evidence because beyond a reasonable
14 doubt is a very high standard. It is in civil cases they
15 have preponderance of the evidence where they tilt the
16 scale ever so slightly, but beyond a reasonable doubt is
17 much higher than that, and it's important. And the reason
18 why it's important, because every citizen of this state,
19 every member of our community can't just be convicted of a
20 crime where their future is at stake just because somebody
21 said something. It has to be more. It has to be
22 something that's so significant that it would rise to the
23 level of beyond a reasonable doubt.

24 Now, I know the State talked about little Johnny, and
25 the reality of it is that is a good story to talk about

1 reasonable doubt. But I want to remind you in this case
2 the State has not offered a missing cookie, no crumbs or
3 chocolate. And don't let that absence of any evidence
4 that the State has offered to excuse them for their burden
5 of proof.

6 When Investigator -- the lead investigator Sturgill
7 was before you, I asked, "Is this all you have for the
8 jury? Is this all you have to offer the jury regarding my
9 client's future?"

10 And he said, This is all we have, the testimony of a
11 young and impressionable child.

12 At the beginning of this trial, I asked you to do
13 three things. The first thing I asked you to do was to
14 listen carefully to all of the evidence that's presented.
15 You've done that. I know there's been a lot of stops and
16 starts to this trial, but I promise you, this case is
17 very, very important to Mr. Collins. And because his
18 future is at stake, ladies and gentlemen of the jury, he
19 appreciates your attentiveness.

20 And the solicitor is correct. We did ask you to use
21 your everyday experiences. In fact, the judge mentioned
22 it before. The most valuable thing that you can bring to
23 jury service is your everyday experiences.

24 Now, this case, you will have to hold the State to
25 that very high burden, and over the past few days, the

1 only thing that the State has proven is that they don't
2 have any injury. The State proved -- the only thing that
3 the State has to prove is that they don't have any DNA,
4 and the only thing that the State has to prove is that
5 over these last three days, that they don't even have the
6 vibrator or the dildo.

7 Now, it can't be shifted to Mr. Collins because the
8 mother said that they told her that they didn't need it.
9 So today we can't evaluate the vibrator to see if there's
10 any DNA, because if it was in the young lady, then it
11 would have been on the vibrator. Why don't we have it?
12 Because the State said they didn't need it. We're not
13 talking about Jennifer.

14 No injury, no DNA, no vibrator.

15 No injury. The nurse comes, and she's very reluctant
16 to admit it. In fact, ultimately, she had to. She will
17 go through all of these things, but ultimately, there was
18 no injury to the vagina, there was no injury to that young
19 lady's anal exam. And when we look at it, I mean, we'll
20 talk about it, but the reality of it is that on the video
21 that you watched, the young lady said that his fingers
22 were sharp. These are the State's witnesses.

23 In the testimony of Jennifer Laird, she said that he
24 had fingernails that scratched her daughter's vagina and
25 sharp. Whether it's on the video from **Complainant** from

1 Jennifer that it's a scratch, and the reality of it is,
2 when the nurse looked at her, she had to admit it. In
3 fact, the only thing that she found was a rash and other
4 symptoms that could be consistent with a lack of hygiene
5 or poor hygiene. And she had to ultimately admit that
6 **Complainant** came to her the very next day unwashed, no
7 brushing of her teeth, and even no mouthwash. Use your
8 everyday experiences.

9 The nurse collected a lot of evidence. And the State
10 can't get away with saying, "Oh, well, we don't need DNA."
11 But they collected it. So deal with the fact that you
12 didn't have it.

13 So they collected DNA around the child's vagina, her
14 anus, her right thigh, her left deltoid, her left forearm.
15 And guess what? Nothing has been offered. You know you
16 haven't heard from this stand or anywhere that there was
17 any DNA. That's important. They can't say, "Well, this
18 is not CSI." But they had the technology. And if it was
19 there, they would have said it was there. And, in fact,
20 the nurse had to admit, I said, "Hey, look, you're going
21 to all these lengths to say that just because I don't find
22 any scratch, just because I don't find any sharp object,
23 and just in case I don't find any injury into this young
24 lady, it doesn't rule it out." So how hard was it for her
25 to say, "Well, yeah, it is possible that there's no

1 assault"? And the reason why it's possible, because there
2 was no assault. And Agent Money looked. She said there
3 was no other DNA other than the DNA of the child.

4 Now, the most disturbing thing is that there is a
5 description of a dildo or a vibrator. The State says,
6 "Well, how does a young lady know about it?" Ladies and
7 gentlemen of the jury, you watched the video, and I'm
8 going to direct you specifically at 9:51 on this video
9 that you watched. When the young lady talked about a sex
10 toy, the investigator said, "Wait. Sex toy, how do you
11 know about it?" Who she said she heard about it? Michael
12 Collins? No. She said, "I heard it from my mother,"
13 9:51. It's on the video. It's in the State's evidence.
14 They want to know why this young lady knows about a sex
15 toy, why does she know how it works. Because she got it
16 from her mother.

17 Now, what kind of mother tells her child about a sex
18 toy? What kind of mother talks to her child, takes -- has
19 a child make certain allegations after she has been
20 impressionable and after she's been coached? Well, it's
21 the same kind of mother who takes this alleged piece of
22 evidence and destroys it before we can evaluate it. It's
23 the same kind of mother that admits that she wasn't on
24 speaking terms with my client and that she was mad at my
25 client because he was talking to his wife or texting his

1 wife while she was in the bed with him.

2 Now, look, the judge is going to tell you you get to
3 judge the credibility of the witnesses, and it is these
4 witnesses that are saying these things about my client,
5 and the State just simply has not offered their case
6 within or beyond a reasonable doubt.

7 The truth of the matter is that the hand that rocks
8 the cradle does rule the world, and the most influential
9 person in our life is our mother. And that's how a young
10 lady could be coached to achieve whatever ends and
11 whatever angry ends that her mother has.

12 Now, while at the beginning of this trial Michael
13 Collins sits completely innocent as he stood before you,
14 and it was the State's burden to provide beyond a
15 reasonable doubt his case. We asked the investigator, "Is
16 that all you have? Just the testimony of a child?"
17 There's no corroboration, there's no -- there is no --
18 there are no injuries.

19 Even the allegations are made with the door open.
20 Who does that? Use your everyday experiences. In a room
21 with kids running around, as **Complainant** said, were running
22 in and out, won't even knock at the door to come in, who
23 does that? It doesn't make sense, and the reason why it
24 doesn't make sense and the reason why we don't know today
25 what happened, the reason why that you would have a

1 hesitation to act, you would have -- you would not be
2 fully convinced about what happened is because the State
3 has failed to produce any evidence other than the words of
4 a very young and a very impressionable child.

5 It's very difficult to sit down when you know that so
6 much is at stake. It's very difficult to sit down when
7 you know that the burden hasn't been reached and the State
8 is harping on the slightest bit of evidence, not one piece
9 of evidence that has been offered to corroborate anything
10 that's been said..

11 Ladies and gentlemen, this is a high standard. This
12 is not a hunch. This is not a gut feeling. And the
13 reason why we have this is because it's a protection that
14 every citizen of this state, every member of our community
15 has. You just can't say something and not offer anything
16 to support it. And because the State has failed to do
17 that, the third and final thing I ask you to do is to come
18 back with a verdict that reflects and supports the
19 evidence or lack of evidence that was presented. And the
20 only verdict, the only verdict that reflects the fact that
21 the nurse had nothing to offer, the only verdict that
22 reflects the fact that SLED had nothing to offer, the only
23 verdict that reflects the fact that despite the fact that
24 **Complainant** said his finger was sharp and the mother said he
25 scratched her. And there is no injury at all, the only

1 verdict is not guilty on each and every count.

2 You have a cute little girl, and I just -- but you've
3 got to have more than that. It can't be in your gut.
4 It's got to be supported by evidence, and there has been
5 none. There are no missing cookies, there is no chocolate
6 and there are no crumbs, but there's a whole lot of
7 reasonable doubt. The only verdict is not guilty.

8 You've given an oath to follow the charges given by
9 this judge, and many decisions that we make are not
10 comfortable, but this is a court of law. This is not
11 Jerry Springer and we can't just throw accusations with so
12 much riding on it. The only verdict is not guilty.

13 THE COURT: All right. Ladies and gentlemen, what
14 I'm going to do is take a quick break mainly to give you
15 just a minute to stretch, also to let some people in the
16 courtroom who might want to leave, leave. Once I begin
17 charging you on the law, again, I will take a break for
18 your sakes, but you're the only people I'll stop for. So
19 I'm going to let everybody clear the courtroom that wants
20 to get out and then, as I said, bring you back in. I will
21 read this to you and explain the law to you and we'll let
22 you begin your deliberations.

23 Take a few minutes. And if you need to use the
24 restroom, how about knocking on the door when everybody is
25 ready to come back in and I'll be ready. But don't talk

1 about the case yet.

2 (WHEREUPON, the jury exits the courtroom at 11:54 a.m.)

3 THE COURT: All right. Y'all, I'll take a minute. I
4 figured none of y'all want to listen to me read the law.

5 MR. CHANDLER: Before we break and then afterwards, I
6 would just like to renew all motions that we had
7 throughout the course of this trial.

8 THE COURT: Okay.

9 MR. CHANDLER: Yes. Thank you.

10 THE COURT: All right. I'll assume all those motions
11 are renewed, and obviously denied, and you're protected
12 for the record. And I did make the spoliation of evidence
13 proposed charge a Court's Exhibit.

14 MR. CHANDLER: Thank you, Your Honor.

15 THE COURT: All right. Very good job. I'll be back.
16 And like I said, anybody that doesn't want to listen to me
17 read needs to leave right now.

18 (WHEREUPON, a recess is taken at 11:55 a.m.)

19 (WHEREUPON, proceedings reconvened at 12:09 p.m.)

20 MR. CHANDLER: Your Honor?

21 THE COURT: Yes, sir.

22 MR. CHANDLER: I hate to be so repetitious.

23 THE COURT: That's okay.

24 MR. CHANDLER: But I would like to renew my motion
25 for a directed verdict. I believe that even given this

1 evidence in the light most favorable to the State, they
2 failed to provide any evidence to what is the basic
3 elements of this crime that any jury could reasonably
4 believe beyond a reasonable doubt or find beyond a
5 reasonable doubt that my client would have committed each
6 and every accusation.

7 THE COURT: Okay.

8 MR. CHANDLER: And I also renew all of -- every
9 motion, the motion regarding the video, the exclusion of
10 the video as well the charge that we do believe, based on
11 information presented during the State's closing that
12 would even make the inclusion of that video even ---

13 THE COURT: Spoliation.

14 MR. CHANDLER: Spoliation, yeah. A spoliation charge
15 and the inclusion of the video even more ---

16 THE COURT: I got you. The coaching video.

17 MR. CHANDLER: The coaching video. Thank you.

18 THE COURT: Okay. And, again, I think you've done a
19 good job, but I'm denying that. I think that's the proper
20 ruling on that.

21 Okay. All right. You can bring them in.

22 (WHEREUPON, the jury entered the courtroom at 12:11 p.m.)

23 CHARGE ON THE LAW

24 THE COURT: All right. Madam Forelady, members of
25 the jury, as I told you two days ago, we've heard all the

1 testimony and evidence that you're going to hear in this
2 case, you've heard the opening statements by the
3 attorneys, you've also heard the closing statement. It's
4 now my obligation and opportunity, but more of an
5 obligation, to charge you on the law as it applies in this
6 case.

7 The first thing I want to tell you is there's a
8 reason why I read the majority of it. If you begin your
9 deliberations and you need a part of the charge recharged
10 to you, in other words, if you send a note back asking for
11 anything that I tell you to be recharged, the reason I
12 read it is I can be consistent, so I apologize for reading
13 it. As I've told many jurors in the years that I've had
14 this job, I've read to two groups of people in my life. I
15 read to my children to make them go to sleep and I've read
16 to juries to try to keep them from going to sleep. So if
17 you will give me about 35 minutes, I will read as fast as
18 I can and as clear as I can. But when you begin your
19 deliberations, if you need anything recharged, it will be
20 consistent.

21 The first thing I want to tell you is what I've told
22 you twice and I think the attorneys have told you. You'll
23 have these indictments with you in the jury room. These
24 are not evidence, but they are the process, the pieces of
25 paper that begin this process, and you'll have them with

1 you. It is very important and a very substantive
2 constitutional right that this defendant has pled not
3 guilty, and that requires and places the burden on the
4 State to prove each and every element beyond a reasonable
5 doubt.

6 You should not discuss in your deliberations the fact
7 that the defendant has been indicted. Again, you'll have
8 them with you. There's nothing mysterious about them.
9 But a judge's concern is that for some reason a juror
10 might look at this and say, "Well, they've been indicted,
11 therefore they're obviously guilty." You can't even
12 discuss the fact that they're indicted. Any criminal case
13 in any county in this state begins this way. It is still
14 the burden -- the State still has the burden of proving
15 their case and every element of their case beyond a
16 reasonable doubt.

17 Now, ladies and gentlemen, I charge you that the
18 indictments in this case allege several different causes
19 of action -- or offenses against the defendant. Excuse
20 me. Indictment Number 1 is criminal sexual conduct with a
21 minor; Indictment Number 2 is criminal sexual conduct of a
22 minor; then there's Indictment Number 3 is a third-degree
23 criminal sexual conduct with a minor; Indictment Number 4
24 is Count 2, which is a third-degree criminal sexual
25 conduct with a minor. The reason I tell you that is that

1 you need to address each charge independently. So you'll
2 have to address the charges -- the first charge you take
3 up, and, Madam Forelady, it's up to you which one you take
4 up first, and then deal with that particular charge, and
5 then set it aside and deal with the second charge. In
6 other words, each and every allegation by the State is set
7 forth in the indictment and has been argued, but you as a
8 jury have to take those charges separately and deal with
9 one and then deal with another and not be influenced by
10 your decision on the previous charge. Each and every
11 indictment sets forth a separate fact situation which is
12 why you have to do that.

13 Now, the defendant can be found guilty or be found
14 not guilty on any of these and an opposite conclusion
15 reached on the other indictments. It's up to you again.
16 But address them basically singly and not as a group.

17 Now, ladies and gentlemen, I want to charge you
18 something that is very important. The defendant in this
19 case has pled not guilty to the indictment, and I
20 understand this is somewhat repetitive but it's that
21 important. A person charged with committing a crime in
22 South Carolina is never required to prove himself not
23 guilty.

24 I charge you that it's an important rule of law that
25 the defendant in a criminal trial, no matter what the

1 seriousness of the charge may be, will always be presumed
2 to be innocent of the crime for which the indictment was
3 issued unless guilt has been proven by evidence satisfying
4 you of that guilt beyond a reasonable doubt. This
5 presumption of innocence does not end when you begin your
6 deliberations, but it accompanies the defendant throughout
7 the trial until you reach a verdict of guilt based on
8 evidence satisfying you of that guilt beyond a reasonable
9 doubt. It is a very old way to describe it, but I like
10 the visual. This defendant began the day, Monday, when we
11 started selecting a jury with a robe of innocence about
12 his shoulders. He still has that robe of innocence about
13 his shoulders. It will only be removed from him once you
14 determine that the State has met the burden of proof and
15 therefore you remove that burden of innocence. Again,
16 it's just a visual I sort of like.

17 Now, the simple answer to what reasonable doubt is is
18 reasonable doubt is the kind of doubt that would cause a
19 reasonable person to hesitate to act. I'll explain that a
20 little further. As I said, the State has the burden of
21 proving the defendant guilty beyond a reasonable doubt.
22 Some of you may have served on juries in the past as
23 jurors in the past in civil courts or in a civil case in
24 which the burden of proof was a preponderance or greater
25 weight of the evidence. Evidence beyond a reasonable

1 doubt is significantly higher -- is a significantly higher
2 threshold than that in a civil case.

3 Proof beyond a reasonable doubt is proof that leaves
4 you firmly convinced of the defendant's guilt. Obviously,
5 there's very few things in life or in this world that we
6 know with absolute certainty, and in criminal cases, the
7 law does not require proof that overcomes every possible
8 doubt. If, based on your consideration of the evidence,
9 you are firmly convinced the defendant is guilty of the
10 crimes charged, you must find the defendant guilty. If,
11 on the other hand, you think there is a real possibility
12 that the defendant is not guilty, you must give the
13 defendant the reasonable -- or the benefit of the doubt
14 and find him not guilty.

15 Now, as I told you Monday, you and I have had very
16 different roles during the course of this trial. I don't
17 think I raised my voice. I've done everything I could not
18 to give you any indication about whether or not I had a
19 problem with a witness. Any problem I have regarding the
20 credibility of a witness shouldn't be considered by you.
21 I've really tried hard not to do that. And, again, the
22 lawyers have been good and this has been one of those
23 cases where yelling wasn't important. But if, for some
24 reason, I've given you some indication that I believe a
25 witness or disbelieved a witness, disregard that. You are

1 the only 12 people and one alternate here who can
2 determine what the facts are in this case, and my opinion
3 of the facts, basically, are irrelevant.

4 Now, you have to take the law as I'm giving it to you
5 now as the law in this case, and you can't go back and
6 begin deliberating and wish the law were different or
7 think the law is different or hope that the law is
8 different. I'm giving you the law that you apply. You
9 apply the law as I give it to you to the facts as you
10 determine them to be, and that's how you reach a verdict.
11 But, again, our roles never cross.

12 Now, ladies and gentlemen, I charge you there are two
13 types of evidence which are generally presented during a
14 trial. There's direct evidence and circumstantial
15 evidence.

16 Direct evidence is the testimony of a person who
17 claims to have actual knowledge of a fact such as an
18 eyewitness. It is evidence which immediately establishes
19 the main fact to be proved.

20 Circumstantial evidence is proof of a chain of facts
21 and circumstances indicating the existence of a fact. It
22 is evidence which immediately establishes collateral facts
23 from which the main fact may be inferred. Circumstantial
24 evidence is based on inference and not on personal
25 knowledge or observation.

1 The law makes absolutely no distinction between the
2 weight or value to be given direct evidence or
3 circumstantial evidence, nor is a greater degree of
4 certainty required of circumstantial evidence than of
5 direct evidence. You should weigh all the evidence in
6 this case, and after weighing all the evidence, if you are
7 not convinced of the guilt of the defendant beyond a
8 reasonable doubt, you must find the defendant not guilty.

9 Now, necessarily, one of the greatest jobs you have
10 had during the course of this trial is you've had to
11 determine and you will have to determine the credibility
12 of witnesses. Credibility, as I said briefly on Monday,
13 simply means believability. You have to determine who you
14 believe. You can believe everything that a witness
15 testified to from this witness stand, or you can believe
16 nothing that they said. You can take a portion of what
17 they testified to and believe it and disregard the
18 remainder. That is something that you have to decide
19 individually and collectively as a jury. Simply, do you
20 believe these witnesses and which part of the testimony do
21 you believe. That's up for you to determine, as I said,
22 individually and collectively. You've had a chance to
23 observe these witnesses, so you can determine whether or
24 not they had a chance to have seen what they claim to have
25 saw or their manner in testifying, do they have some

1 reason to testify in which they did. Again, that's up to
2 you. And I can't tell you how to do it, but you have to
3 determine the credibility of all the witnesses.

4 Now, ladies and gentlemen, the rules of evidence
5 ordinarily do not permit witnesses to testify to opinions
6 or conclusions. An exception to this rule exists for
7 witnesses that in the law are called expert witnesses. A
8 witness who, by education and experience, has become
9 expert in some art, science, profession or calling may
10 state an opinion to the relevant and material matter in
11 which that person is declared an expert. That person may
12 also state the reasons for that opinion.

13 You should consider any expert opinion received into
14 evidence in this case, and like all the other witnesses,
15 give it the weight that you believe that it deserves. If
16 you decide that the opinion of an expert witness is not
17 based on sufficient education and experience or if you
18 conclude that the reasons given in support of an opinion
19 are not sound or that the opinion is outweighed by other
20 evidence, you may disregard the opinion in its entirety.
21 An expert witness's testimony is to be given no greater
22 weight than that of other witnesses simply because they've
23 been declared an expert. Further, you are not required to
24 accept an expert witness's opinion even though it is
25 uncontradicted.

1 Now, ladies and gentlemen, during this trial, you
2 have heard testimony from a child. I charge you that
3 where a witness is a child in a case, you must determine,
4 as with all the other witnesses, whether that testimony
5 was believable. In deciding believability you may
6 consider not only matters that I've already discussed with
7 you, but you also may consider the age of the child, the
8 child's ability to observe and remember facts, and the
9 child's ability to understand and answer questions.
10 Because young children may not fully understand what is
11 happening in this courtroom, it's up to you to decide
12 whether the Court [sic] understood the seriousness of
13 appearing as a witness in a criminal trial. It's up for
14 you to determine whether the child understood the
15 questions. You have to determine whether the child has a
16 good memory and whether the child understands the
17 difference between lying and telling the truth. In
18 addition, young children may be influenced by the way the
19 questions are asked. It's up to you to decide whether the
20 child understood the questions that were asked.

21 Now, I'm going to repeat something again for the last
22 and fifth time. I want to emphasize and instruct you that
23 you cannot consider, in any manner whatsoever, the fact
24 that the defendant did not testify in this case. A
25 defendant, in any case, has the constitutional right to

1 remain silent, and the assertions of this right may not
2 and must not be considered by you in your deliberations.
3 I repeat, under your oath, you are to draw no conclusions
4 whatsoever from the fact the defendant in this case did
5 not testify. The fact that the defendant did not testify
6 should not even be discussed in the jury room. The burden
7 of proof, as I've stated several times, is on the State.
8 The defendant is not required to prove their innocence.
9 The burden of proof remains with the State to prove guilt
10 beyond a reasonable doubt.

11 Just for the parties, there's a charge on page 23 and
12 24 that I am removing right now and then we'll talk about
13 it.

14 Ladies and gentlemen, I charge you that in order to
15 establish criminal liability, criminal intent is required.
16 The mental state required to be proven by the State for a
17 particular crime must be purpose, intent and knowledge,
18 recklessness or criminal negligence.

19 Criminal intent must be proven by the State beyond a
20 reasonable doubt. Criminal intent is always a matter that
21 must be determined by you the jury from the circumstances
22 surrounding the situation. Obviously, there's no way to
23 prove criminal intent to a mathematical certainty, but you
24 have to make a determination about whether or not that was
25 -- criminal intent was present.

1 It is not necessary to establish intent by direct or
2 positive evidence, but intent may be established by an
3 inference in the same way as any other fact by taking into
4 consideration the acts and parties and all the facts and
5 circumstances of the case. Criminal intent is a mental
6 state, a consciousness of wrongdoing. It's up to you the
7 jury to determine what the defendant intended to do based
8 on the circumstances shown to have existed at the time.

9 All right. I charge you that an issue in this case
10 is the identification of the defendant as the person who
11 committed the crime charged. The State has the burden of
12 proving identity beyond a reasonable doubt. You must be
13 satisfied beyond a reasonable doubt of the accuracy of the
14 identification of the defendant before you may convict the
15 defendant.

16 Identification testimony is an expression of belief
17 or impression by a witness. You must determine the
18 accuracy of the identification of the defendant. You must
19 consider the believability of each identification witness
20 in the same way as you will determine the credibility of
21 other witnesses. You may consider whether the witness had
22 an adequate opportunity to observe the defendant at the
23 time of the offense. This will be affected by things such
24 as how long or short of a time was available, how far or
25 close the witness was, the lighting conditions and whether

1 the witness had the chance to see or know the person in
2 the past.

3 Once again, I instruct you that the burden of proof
4 is on the State for every element charged, and this
5 specifically includes the burden of proving beyond a
6 reasonable doubt the identity of the defendant as a person
7 who committed the crime. If, after examining the
8 testimony, you have a reasonable doubt as to the accuracy
9 of the identification, you must find the defendant not
10 guilty.

11 All right. And just for you that are starting to get
12 antsy, I'm nearing the end.

13 So I'm going to tell you what the charges are and I'm
14 going to read the statute now that applies to each of
15 these charges, so listen very carefully.

16 The defendant is charged with two counts of
17 first-degree criminal sexual conduct with a minor and two
18 counts of third-degree criminal sexual conduct with a
19 minor. When two or more acts of criminal sexual conduct
20 occur at or about the same time, each act is a separate
21 crime rather than one continuing crime.

22 Now, South Carolina Code Section 16-3-655(2) defines
23 first-degree criminal sexual conduct with a minor. And
24 I'm going to paraphrase but substantially read to you the
25 statute without a lot of the extraneous language.

1 The defendant is charged with first-degree criminal
2 sexual conduct with a minor. The State must prove beyond
3 a reasonable doubt that the defendant engaged in a sexual
4 battery with the victim. A sexual battery is sexual
5 intercourse, cunnilingus, fellatio, anal intercourse or
6 any intrusion, however slight, of any part of a person's
7 body or of any object into the genital or anal openings of
8 another person's body except when the intrusions are
9 accomplished for medically recognized treatment.

10 The State must prove beyond a reasonable doubt that
11 the victim was less than 11 years old at the time of the
12 sexual battery. Consent, willingness, indifference or
13 ignorance on the part of the minor, if any, as to what was
14 taking place does not, in any way, affect the charge of
15 criminal sexual conduct with a minor because in this
16 state, an unmarried woman under the age of 14 cannot
17 legally consent to sexual battery -- or to sexual act.

18 There is also a charge for third-degree criminal
19 sexual conduct with a minor. And, Madam Forelady, I'll
20 explain this in a minute, but you'll see that I've
21 basically got two verdict forms for first degree and third
22 degree, and I will explain that.

23 Now let me define third-degree sexual conduct with a
24 minor, and this is set forth in 16-3-655(C). A defendant
25 is charged with third-degree criminal sexual conduct with

1 a minor. In that case, the State must prove beyond a
2 reasonable doubt that the defendant committed or attempted
3 to commit a lewd, lascivious act upon or with the body or
4 its parts of a child under 16 years of age. The State
5 must prove beyond a reasonable doubt that the defendant
6 acted with the intent of arousing, appealing to or
7 gratifying the lust, passions or sexual desires of the
8 defendant or the child. The State must prove beyond a
9 reasonable doubt the defendant was over the age -- and
10 again, that's the defendant was over the age of 14 at the
11 time of the act.

12 All right. Ladies and gentlemen, when you begin your
13 deliberations, if there is anything that you need or if
14 you need for me to recharge any portion of that law, Madam
15 Forelady, just write it out on a piece of paper, put the
16 time and date and then knock on the door. If you need any
17 of this recharged to you, I will bring you back in and
18 reread the whole thing to you. Or if you have some
19 question that you think I can help you with, write it
20 down. If I can answer a question, I'm going to bring you
21 in here and answer it. If the law prevents me from
22 answering, I'll bring you in here and basically tell you I
23 can't answer.

24 Now, Madam Forelady, I think it will be self-evident,
25 but -- in fact, you'll see in the old days you had the

1 indictment that went back to the jury, and there was a
2 place down on the lower left form for the verdict. We
3 don't use that anymore. You'll have with you four verdict
4 forms, and each of them refer to a specific indictment by
5 a long number, and you'll see that. And each of them
6 says, "We the jury find the defendant" and there's a
7 place to check "guilty" or "not guilty." Believe it or
8 not, I'm required to tell you that the fact that I put
9 "guilty" first should have no bearing on any decision.
10 One of them had to come first. In this verdict form,
11 guilty is first, but you shouldn't infer anything from
12 that.

13 Your verdict has to be unanimous. That means that
14 you all have to agree. So, again, if I can help you in
15 any way, I will.

16 Once you begin your deliberations, there can't be any
17 breaks. You'll have to stay in there, obviously, until
18 you have finished. We've, obviously, ordered lunch, so
19 you don't have to worry about that.

20 What I need to do at this point is send you back but
21 ask that you not begin your deliberations yet. In about
22 two minutes, we'll send any evidence back that was
23 admitted. We'll send the indictments and these verdict
24 forms, and at that point you can begin your deliberations.

25 Again, if you have any questions or problems, write

1 them out and let me know.

2 Don't begin your deliberations until we deliver this
3 to you. Thank you for listening.

4 (WHEREUPON, the jury exits the courtroom at 12:34 p.m.)

5 THE COURT: The identification I kicked out, and I'm
6 always thinking about two pages ahead, which is a huge
7 mistake, but I put it back in.

8 So any objections to the charge other than anything
9 previously stated from the State?

10 MS. HAMMACK: No, Your Honor.

11 MR. CHANDLER: Your Honor, just because I previously
12 stated it, but I'm objecting to the exclusion of the
13 spoliation charge. Yes, Your Honor.

14 THE COURT: All right. How many exhibits do we have?

15 THE REPORTER: Four.

16 THE COURT: I guess what we'll have to do, if they
17 want to watch that video, we'll have to bring them in and
18 clear the courtroom. I've had to do that before. Is
19 there any way for them to watch it back there?

20 MS. HAMMACK: We have a clean computer, courtroom
21 computer that we can put back there with those speakers..

22 THE COURT: Okay. Why don't you get that ready and
23 we'll just deliver that back. But it has nothing on
24 there, the computer?

25 MS. HAMMACK: I don't think so. Our computer person

1 isn't in here. I'll find out for sure, but my
2 understanding is we have a court computer just for that
3 purpose.

4 THE COURT: Okay. All right. Make sure everything
5 you've got together is together.

6 MS. HAMMACK: Do we need the alternate?

7 THE COURT: Yeah. I just left him out in the hall.
8 I'm going to go talk to him.

9 All right. Y'all have looked at the verdict form.
10 Here's the indictments. We'll add them to any exhibits.
11 Just make sure y'all are together on what's going back.

12 THE COURT: I'll tell you what I'm going to do. I'm
13 going to bring them back in real quick and tell them we're
14 sending the computer. I should have done that. If they
15 can't watch or if they have trouble with it, because God
16 knows, then we'll bring them back in and they'll watch it
17 here.

18 MS. HAMMACK: Okay. Do we want to see if they need
19 it?

20 THE COURT: Well, I'm going to go ahead and tell them
21 because I don't want them to have to send a question out.

22 MS. HAMMACK: Okay.

23 THE COURT: I'll give them the option, and then that
24 will take care of anything.

25 MS. HAMMACK: We've got someone coming up right now

1 to verify the computer.

2 THE COURT: Okay. Yeah. Bring them in real quick
3 and then I'll . . .

4 (WHEREUPON, the jury entered the courtroom at 12:37 p.m.)

5 THE COURT: Ladies and gentlemen, one of the pieces
6 of evidence is that disk. What we'll do is we are
7 verifying we have a clean computer, and we will send the
8 disk back. Obviously, it's introduced into evidence. In
9 a few minutes, we'll deliver a computer. If you don't
10 want to watch it on that computer or if, like me, you have
11 trouble with everything mechanical, if you need to come
12 back in here and watch it on that TV, I'll be happy to
13 clear the courtroom and allow you to watch it. I don't
14 know if you want to watch it. It doesn't matter. But if
15 you have trouble with that computer and the speakers,
16 Madam Forelady, just write it out and we'll bring you in
17 here.

18 Okay. We'll have everything delivered to you in
19 30 seconds.

20 And, alternate, I'll be out to talk to you in just a
21 second.

22 (WHEREUPON, the jury exits the courtroom at 12:39 p.m.)

23 THE COURT: I'll be here waiting on them if they need
24 me. And then I told everybody to be back about 2:00 and
25 we'll -- so when you get the clean computer up here, just

1 let me know and we'll deliver it to them.

2 (WHEREUPON, a recess is taken at 12:40 p.m., and the jury
3 starts deliberating at 12:58 p.m.)

4 (WHEREUPON, the jury entered the courtroom at 3:00 p.m.)

5 THE COURT: All right. Madam Forelady, I want to
6 make sure that I've got the question right. It is,
7 Number 1, can we get a transcript of Jennifer's testimony;
8 Number 2, can we get a transcript of Agent Money's
9 testimony; and 3, a definition of reasonable doubt; and
10 then there was a coffee with an exclamation mark.

11 All right. The coffee should be back there now.

12 On the two transcripts, there are no transcripts.
13 What I can do, if you want me to, and I'll let you make
14 this decision, I'll let you go back and remake this
15 decision, we can queue up their testimony and you can
16 listen to it again over the loudspeakers. If you need to
17 do that, I need you to let me know when you get back in
18 there just by sending out another note that says "queue it
19 up." It will take, there's a little bit of delay entailed
20 in finding it in the recording. So if you decide you want
21 to relisten to that testimony, just send me out another
22 note saying which one, and if both, that's fine.

23 In regard to the definition of reasonable doubt, this
24 is one that it's not an unusual question and I try to read
25 it as carefully as I can. What I can do is charge you on

1 the alternative reasonable doubt charge, which is a long
2 one.

3 So I will tell you what I told you before. The State
4 has the burden of proving the defendant guilty beyond a
5 reasonable doubt. Some of you may have served as jurors
6 in civil trials where you were told it's only necessary to
7 prove that a fact is more likely true or not true such as
8 by a greater weight or preponderance of the evidence. In
9 criminal cases, the State's proof must be more powerful
10 than that. It must be beyond a reasonable doubt.

11 Proof beyond a reasonable doubt is proof that leaves
12 you firmly convinced of the defendant's guilt. There are
13 very few things in the world that we know with absolute
14 certainty, and in criminal cases, the law does not require
15 proof that overcomes every possible doubt.

16 If, based on your consideration of the evidence, you
17 are firmly convinced that the defendant is guilty of the
18 crime charged, you must find the defendant guilty. If, on
19 the other hand, you think there's a real possibility that
20 the defendant is not guilty, you must give the defendant
21 the benefit of the doubt and find him not guilty.

22 I will wait for you to let me know if you want to
23 relisten to all of that, and if you will tell us, if it's
24 these two, just say we need to listen to both, and I'll
25 leave you back there to deliberate while we queue it up,

1 okay?

2 Thank you.

3 (WHEREUPON, the jury exits the courtroom at 3:03 p.m.)

4 (WHEREUPON, Court's Exhibit Number 4 was marked for
5 identification.)

6 (WHEREUPON, the jury entered the courtroom at 3:38 p.m.)

7 THE COURT: Madam Forelady, I understand you have a
8 verdict.

9 JURY FOREPERSON: Yes.

10 THE COURT: Okay. If you would hand it to . . .

11 All right. The clerk is going to read out the
12 verdict. I don't want any noise at all with the results,
13 period. Okay.

14 VERDICT

15 THE CLERK: Your Honor, in the case 2017-GS-02-01425,
16 the State vs. Michael Collins, charged with first-degree
17 criminal sexual conduct with a minor, we the jury find the
18 defendant guilty; 2017-GS-02-01429, the State vs. Michael
19 Collins, Count 2 of first-degree criminal sexual conduct
20 with a minor, we the jury find the defendant guilty;
21 2017-GS-02-01426, the State vs. Michael Collins, Count 1
22 of third-degree criminal sexual conduct with a minor, we
23 the jury find the defendant guilty; 2017-GS-02-01427, the
24 State vs. Michael Collins, Count 2 of third-degree
25 criminal sexual conduct with a minor, we the jury find the

1 defendant guilty.

2 Ladies and gentlemen of the jury, if this is your
3 verdict, please indicate by raising your right hand.

4 (WHEREUPON, all jurors raised their right hands.)

5 THE CLERK: All hands are raised, Your Honor.

6 THE COURT: All right. Ladies and gentlemen, I'm
7 going to send you back there one last time. I'll be back
8 there to talk with you privately. It will just be me and
9 you in about three or four minutes.

10 (WHEREUPON, the jury exits the courtroom at 3:41 p.m.)

11 THE COURT: Okay. Any motions before I go back there
12 and talk with them?

13 MR. CHANDLER: May it please the Court, Your Honor.

14 THE COURT: Yes, sir.

15 MR. CHANDLER: On behalf of the defense, we would ask
16 that you direct a verdict of not guilty on all charges.
17 Your Honor, we believe that there has not been enough
18 evidence for the jury beyond conjecture to come up with --
19 reasonably come up with a verdict of guilty on all counts.

20 Further, Your Honor, we would also note our
21 objections to the exclusion of specific videos, the jury
22 charge regarding spoliation, and encompassing all of the
23 motions and exceptions that we have stated and noted
24 previously.

25 THE COURT: Okay. All right. And I understand your

1 motion and accept it. I'll deny those motions.

2 MR. CHANDLER: Further, Your Honor, we would move for
3 a new trial. I'm sorry. We would move for a new trial in
4 light of those motions.

5 THE COURT: Okay. And that's denied.

6 What I'll do is I'll go back and talk to them, give
7 them the option. If you all get the paperwork filled out,
8 I'll be back.

9 (WHEREUPON, a recess is taken at 3:42 p.m.)

10 (WHEREUPON, proceedings reconvened at 4:09 p.m.)

11 THE COURT: Okay. Y'all come on up here.

12 Anything you want to put on the record before I go to
13 the defense?

14 MS. HAMMACK: Your Honor, just the defendant's
15 criminal history.

16 THE COURT: Okay.

17 MS. HAMMACK: From 2005, theft by shoplifting out of
18 Georgia and a harassment of another out of Aiken; 2008, a
19 malicious injury to personal property and public drunk out
20 of Aiken County, interference with government property out
21 of Georgia; in 2012, a malicious injury to personal
22 property; 2015, an unlawful use of telephone; and in 2016,
23 a domestic violence second degree.

24 **Complainant** mother, Jennifer, has prepared a letter to
25 be read to the Court if Your Honor's inclined.

1 THE COURT: Sure.

2 MS. HAMMACK: Your Honor, our victim advocate,
3 Jessica Gomez, will be reading the letter for Ms. Laird.

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

5 MS. GOMEZ: I'm really not sure where to begin.
6 Mr. Collins and I go way, way back, 14 years. He was my
7 first love. He was always there for me when no one else
8 was. He was my best friend, my confidant my lover, my
9 everything. But as years went by, he changed. It was as
10 if he learned how to use these things to manipulate to get
11 what he wanted or felt like he needed.

12 As you may have already seen, we have a history with
13 domestic violence. I was manipulated every time into
14 believing it was always my fault, that if I had done
15 something different or looked different or answered
16 differently, he would not behave violently towards me.

17 He convinced me that there was something wrong with
18 me, that I was crazy and bipolar. He convinced me that no
19 one would accept my children or love me other than him. I
20 believed him and so accepted his behavior and believed his
21 lies. I blame myself for everything. I took his
22 punishments and would continue to as long as he didn't
23 hurt my children.

24 There were so many more occurrences that happened
25 between him and I, but I was never brave enough to report

1 it or leave. But now he has touched my daughter, and
2 that's where I draw the line.

3 Since this has happened, my parents and family have
4 disowned me. They blame me for everything. My ex-husband
5 has caused me problems with DSS saying that my children
6 are not safe with me because of Mike. My daughter will
7 forever have to live with the memories of a grown man
8 touching her inappropriately. I have nightmares about
9 Mike coming home and doing things to my daughter or
10 myself.

11 I find myself paranoid, constantly looking over my
12 shoulder to see if he has someone spying on me. Sometimes
13 I wake up in a panic because I feel like he is in bed with
14 me breathing on my neck and rubbing on me, making me feel
15 horrified and absolutely disgusted.

16 The simple thought of him or his name horrifies my
17 daughter and I. This has caused havoc between **Complainant**
18 and her sister who is 3. All I ask is that you review his
19 past charges and make a fair sentencing so that history
20 doesn't repeat itself or another young lady and her
21 family doesn't have to be subject to this with him in the
22 future.

23 THE COURT: Okay. All right. Anything else?

24 MS. HAMMACK: No, Your Honor.

25 THE COURT: Give me just a second.

1 Yes, sir.

2 MR. CHANDLER: May it please the Court. Your Honor,
3 you've heard all the evidence that's presented here, and
4 what I will offer to you for the purposes of mitigation
5 and mitigation only, my client is 31 years old. He went
6 as far as the fifth grade. He grew up primarily in the
7 Georgia-South Carolina area, and he fashions himself a
8 jack of all trades. He can fix some things, he can build
9 anything.

10 Your Honor, my client maintained his innocence even
11 after there was discussion of a ten-year sentence. Your
12 Honor, while the video did not make it into evidence, you
13 heard the coaching of the mother of the twins regarding
14 their father and some Family Court matter. Every time
15 he's always refused any discussion of a plea because he
16 maintained his innocence. Because of that, Your Honor, we
17 would request the minimum sentence on each and every one
18 of the charges.

19 THE COURT: Okay. Mr. Collins, anything you want to
20 tell me? Happy to hear from you.

21 DEFENDANT COLLINS: (Shakes head negatively.)

22 THE COURT: Okay. All right. Anything else?

23 MS. HAMMACK: Not from the State.

24 MR. CHANDLER: Not from the defense. Thank you.

25 THE COURT: All right. Well, look. I've got great

1 concerns about these children just because I'm concerned
2 about what they've been through and what they're going to
3 go through, so I really think everybody ought to step back
4 and evaluate their lifestyle. But that's just something
5 -- everybody has an opinion.

6 SENTENCING

7 THE COURT: Mr. Collins, what I'm going to do on
8 these, obviously, the minimum sentences are pretty stiff.
9 I'm going to sentence you to the minimum on all four, but
10 the minimum on the first degree on each of these is
11 25 years and the minimum on the third degree is 15 years.
12 I'm going to sentence you to 25 and 25 on the first, and
13 15 and 15 on the third and run them concurrent so they
14 don't add to your time.

15 I'm also giving you credit for any time you served in
16 jail. Do you know how many days that would be? I'll put
17 down here for them to calculate.

18 MR. CHANDLER: Your Honor, the jail keeps that ---

19 THE COURT: Yeah. If you've got a day, that's better
20 for me to put it because they calculate it wrong every
21 time. They under calculate.

22 MR. CHANDLER: Beg the Court's indulgence.

23 578 days.

24 THE COURT: All right. I'm going to write down
25 credit for 578. Is that what you said?

1 MR. CHANDLER: Yes, Your Honor.

2 THE COURT: Okay.

3 MR. CHANDLER: Thank you, Your Honor.

4 THE COURT: Thank you. Good luck to you.

5 (WHEREUPON, trial proceedings concluded at 4:18 p.m.)

6 * * * * *

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1 CERTIFICATE OF REPORTER

2
3 STATE OF SOUTH CAROLINA)

4 COUNTY OF GREENVILLE)

5
6
7 I, CHERYL A. SMITH, Official Court Reporter for the
8 Thirteenth Judicial Circuit of the State of South
9 Carolina, do hereby certify that the foregoing is a true,
10 accurate and complete Transcript of Record of the
11 proceedings had and evidence introduced in the trial of
12 the captioned case, relative to appeal, in the Court of
13 General Sessions for Aiken County, South Carolina, on the
14 30th and 31st day of October and the 1st day of November,
15 2018.

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

18
19 February 4, 2019

20
21
22 Cheryl A. Smith

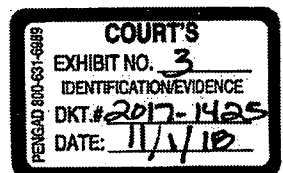
23 Cheryl A. Smith, CVR-M

24 Court Reporter
25

SPOILIATION OF EVIDENCE

IN THIS CASE, THERE ARE ALLEGATIONS OF SPOILIATION OR DESTRUCTION OF EVIDENCE. THE STATE NOT ONLY HAS THE BURDEN OF PROOF OF GUILT BUT ALSO IT HAS THE BURDEN OF PRODUCING EVIDENCE WHICH COULD ESTABLISH THE INNOCENCE OF THE DEFENDANT.

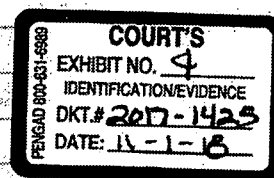
WHEN EVIDENCE IS LOST OR DESTROYED BY A PARTY, YOU MAY INFER THAT THE EVIDENCE WHICH WAS LOST OR DESTROYED BY THAT PARTY WOULD HAVE BEEN ADVERSE TO THAT PARTY. IF YOU FIND FIRST THAT EVIDENCE WAS SPOILED OR DESTROYED, AND IF YOU FURTHER FIND THAT THE EVIDENCE COULD HELP ESTABLISH THE INNOCENCE OF THE DEFENDANT, YOU MAY THEN CONSIDER THOSE FACTS IN DECIDING WHETHER OR NOT THE STATE HAS MET ITS BURDEN OF PROOF.



Your Honor,

- ① Can we get a transcript of Jennifer's testimony
- ② The Agent Moray transcripts
- ③ Definition of Reasonable Doubt

Coffee!



STATE OF SOUTH CAROLINA)
)
COUNTY OF AIKEN)
)

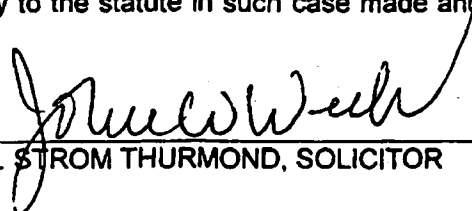
INDICTMENT FOR
CRIMINAL SEXUAL CONDUCT WITH A
MINOR-FIRST DEGREE

§ 16-03-0655(A)(1)

At a Court of General Sessions, convened on August 7, 2017, the Grand Jurors of Aiken County present upon their oath:

That **MICHAEL ALEXANDER COLLINS** did in Aiken County on or about March 19, 2017, commit the crime of Criminal Sexual Conduct With A Minor In The First Degree, in that the Defendant did commit a sexual battery upon **Complainant** a minor who was under eleven (11) years of age at the time of the incident. All in violation of §16-3-655, 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.


J. STROM THURMOND, SOLICITOR

WITNESSES

Aiken County Sheriff

Shannon C Sturgill

Law Enforcement Case #: 17-016878

AAH

ARREST WARRANT NUMBER

2017A0210900039 FILED August 3 2017

Robert J. White
C.C.P. & G.S.
Katie F. Williams

ACTION OF GRAND JURY

true bill

Kevin D. Ogleby

Foreperson of Grand Jury
Date: August 3, 2017

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2017GS0201425

The State of South Carolina

County of Aiken

COURT OF GENERAL SESSIONS

AUGUST TERM 2017

THE STATE
vs.

MICHAEL ALEXANDER COLLINS

CDR #: 0385

Indictment for

CRIMINAL SEXUAL CONDUCT WITH A
MINOR-FIRST DEGREE

§ 16-03-0655(A)(1)

J. STROM THURMOND, SOLICITOR

STATE OF SOUTH CAROLINA)
)
COUNTY OF AIKEN)
)

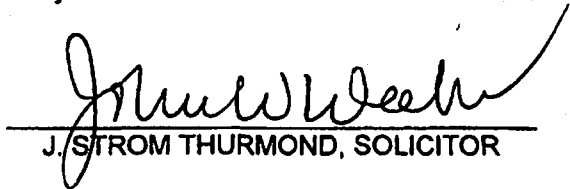
INDICTMENT FOR
CRIMINAL SEXUAL CONDUCT WITH A
MINOR-THIRD DEGREE

§ 16-03-0655(C)

At a Court of General Sessions, convened on August 7, 2017, the Grand Jurors of Aiken County present upon their oath:

That **MICHAEL ALEXANDER COLLINS**, being over the age of fourteen (14) years, did in Aiken County on or about March 19, 2017, wilfully and lewdly commit or attempt to commit a lewd or lascivious act upon or with the body of **Complainant**, 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 or such child. All in violation of §16-03-655 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.


J. STROM THURMOND, SOLICITOR

WITNESSES

Aiken County Sheriff

Shannon C Sturgill

Law Enforcement Case #: 17-016878

DOCKET NO. 2017GS0201426

The State of South Carolina

County of Aiken

AAH

COURT OF GENERAL SESSIONS

AUGUST TERM 2017

ARREST WARRANT NUMBER

2017A0210900040

FILED August 3 2017

Robert J. White (VN)
C.C.P. & G.S.

THE STATE

vs.

Katie J. Williams
Deputy Clerk

MICHAEL ALEXANDER COLLINS

ACTION OF GRAND JURY

true bill

Levin M. Oghsby

Foreperson of Grand Jury

Date: August 3, 2017

CDR #: 3661

Indictment for

VERDICT

CRIMINAL SEXUAL CONDUCT WITH A
MINOR-THIRD DEGREE

§ 16-03-0655(C)

Foreperson of Petit Jury

Date:

J. STROM THURMOND, SOLICITOR

STATE OF SOUTH CAROLINA)
)
COUNTY OF AIKEN)
)

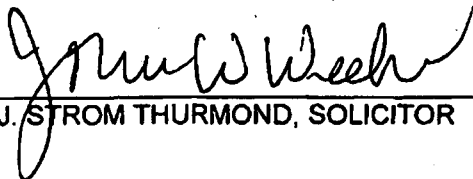
INDICTMENT FOR
CRIMINAL SEXUAL CONDUCT WITH A
MINOR-THIRD DEGREE

§ 16-03-0655(C)

At a Court of General Sessions, convened on August 7, 2017, the Grand Jurors of Aiken County present upon their oath:

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Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


J. STROM THURMOND, SOLICITOR

WITNESSES

Aiken County Sheriff

Shannon C Sturgill

Law Enforcement Case #: 17-016878

AAH

ARREST WARRANT NUMBER

2017A0210900041

FILED August 3 20 17

C.C.P. & G.S.

ACTION OF GRAND JURY

true bill

Foreperson of Grand Jury

Date: August 3, 2017

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2017GS0201427**The State of South Carolina****County of Aiken****COURT OF GENERAL SESSIONS****AUGUST TERM 2017****THE STATE**

vs.

MICHAEL ALEXANDER COLLINS**CDR #: 3661****Indictment for****CRIMINAL SEXUAL CONDUCT WITH A
MINOR-THIRD DEGREE****§ 16-03-0655(C)****J. STROM THURMOND, SOLICITOR**

STATE OF SOUTH CAROLINA)
)
COUNTY OF AIKEN)
)

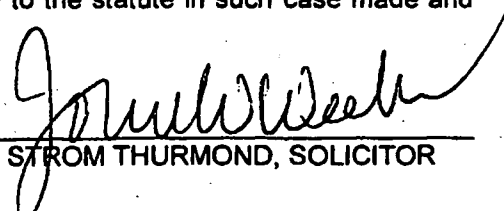
INDICTMENT FOR
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Against the peace and dignity of the State, and contrary to the statute in such case made and provided..


J. STROM THURMOND, SOLICITOR

WITNESSES

Aiken County Sheriff

Shannon C Sturgill

Law Enforcement Case #: 17-016878

DOCKET NO. 2017GS0201429

The State of South Carolina

County of Aiken

AAH

ARREST WARRANT NUMBER

COURT OF GENERAL SESSIONS

AUGUST TERM 2017

2017A0210900042

FILED August 3 20 17

Robert L. White
C.C.P. & G.S. (initials)

THE STATE
vs.

Katie P. Williams
Deputy Clerk

MICHAEL ALEXANDER COLLINS

ACTION OF GRAND JURY

true bill

Levin H. Ogleby

Foreperson of Grand Jury
Date: August 3, 2017

CDR #: 0385

Indictment for

VERDICT

CRIMINAL SEXUAL CONDUCT WITH A
MINOR-FIRST DEGREE

§ 16-03-0655(A)(1)

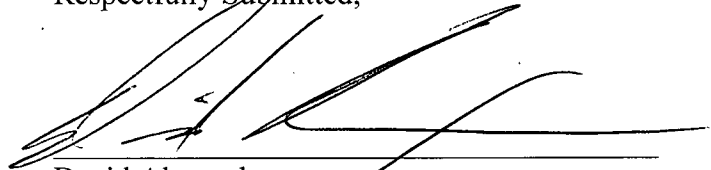
Foreperson of Petit Jury
Date:

J. STROM THURMOND, SOLICITOR

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



David Alexander
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 7th day of August, 2019.

RECEIVED
AUG 07 2019
SC Court of Appeals