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STATE OF SOUTH CAROLINA

In The Court of Appeals

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APPEAL FROM LEXINGTON COUNTY

Clifton Newman, Circuit Court Judge

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

MICHAEL ROSCOE,

APPELLANT

APPELLATE CASE NO. 2013-000906

RECORD ON APPEAL

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STATE OF SOUTH CAROLINA	)	
	)	COURT OF GENERAL SESSIONS
COUNTY OF LEXINGTON	—)	2008-GS-32-00186
		2013-GS-32-01199

STATE OF SOUTH CAROLINA	)	
	)	
vs.	)	TRANSCRIPT OF RECORD
	)	VOLUME 1
MICHAEL ROSCOE	)	
_____ DEFENDANT	—)	

April 22, 2013
Lexington, South Carolina

B E F O R E:

THE HONORABLE CLIFTON NEWMAN, JUDGE; and a jury.

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

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Attorney for the State

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CAROL M. THUEME, RPR
Official Court Reporter

1 ready?

2 MS. MAYES: Yes, Your Honor.

3 One issue in this case, Your Honor, is that when
4 the defendant was originally arrested, he had multiple
5 other people who were also arrested pursuant to the same
6 investigation. Included in that group of people who were
7 arrested and subsequently prosecuted is an inmate by the
8 name of Chana Harsey, and her role in this is that she was
9 the mother of the girls and involved in this prostitution
10 ring. And ultimately, Your Honor, she pled guilty in
11 2007.

12 At that point in time, she was represented by
13 Public Defender Sally Henry. She pled guilty and was
14 sentenced to 15 years' incarceration. She is presently
15 serving that sentence. We had to have her transported
16 here to the Judicial Center.

17 THE COURT: She got 15 years?

18 MS. MAYES: Yes, sir, Your Honor.

19 THE COURT: Okay.

20 MS. MAYES: In anticipation that we may be
21 speaking with her, Your Honor, about any knowledge she has
22 concerning this case or is willing to share concerning
23 this case, I did correspond with her previous attorney,
24 Ms. Sally Henry, as to her position on speaking with
25 Ms. Harsey.

1 Ms. Henry's position is that because she has
2 already pled guilty and been sentenced, that the
3 representation that she and the Public Defender's Office
4 had with Ms. Harsey ended upon her guilty plea and the
5 15-year sentence. She stated that there were no
6 negotiations that involved further cooperation, and at
7 that point in time, she felt that there was no -- that she
8 felt there was no continuing attorney-client relationship
9 with Ms. Harsey.

10 I wanted to go ahead and put that on the record
11 before we approach her. I do expect that to happen at
12 some point today.

13 THE COURT: All right. Is she back there or
14 where is she?

15 MS. MAYES: She is not here on the fourth floor,
16 but my understanding is she is in the Judicial Center.

17 THE COURT: All right. That's a matter of
18 record.

19 MS. MAYES: In addition to that, Your Honor, the
20 State has filed what we would refer to as a rape shield
21 law compliance motion, and that is to ensure that there is
22 no improper questioning, statements, evidence, anything
23 like that, offered without at least notice to the State
24 and then a proffer of what that would be.

25 And in this case, of course, we're dealing with

1 MS. MAYES: Yes, sir, Your Honor. May it please
2 the Court.

3 THE COURT: Yes, ma'am.

4 MS. MAYES: Imagine a life where a child is
5 unable to trust their own parent, their own mother, to
6 properly care for them. Unable to trust their own mother
7 to protect them. Life where a mother sells their child as
8 a prostitute. A life where a child is sold for money or
9 drugs and expected to perform any sex act that a buyer
10 wishes to purchase. This is the life of ^{Oldest Victim} and
11 ^{Youngest Victim} This life right here in Lexington County.

12 You'll hear testimony in this case and evidence
13 from both girls about exactly what they went through when
14 they lived here in Lexington County with their mother at
15 [REDACTED]. You'll hear testimony that not only
16 were they sold for prostitution to this defendant, Michael
17 Roscoe, but also for other people. You'll hear that their
18 mother fell into a life of drugs, and that her addiction,
19 her own needs, far superseded any concerns she had for her
20 own children.

21 You'll hear specifically that when it comes to
22 this defendant, Michael Roscoe, that both ^{Oldest Victim} and
23 ^{Youngest Victim} knew him as Uncle Roscoe. And the reason that
24 they called him "uncle" is because he was a cousin to
25 their dad, and he had known them their whole life, pretty

1 much their whole life since they were small children. Yet
2 that did not stop him from buying them for sex. Not just
3 once or twice, but repeatedly.

4 You'll hear that eventually, finally the girls
5 had the courage to tell. First, ^{Oldest}_{Victim} at the age of 17,
6 she had reported to other family members, but that went
7 nowhere. You'll hear that eventually she reported this at
8 her high school. And then a few months later, ^{Youngest Victim}
9 then just 15, was finally able to come clean about the
10 life she had been living there at [REDACTED]. And
11 she, too, admitted to law enforcement what had been going
12 on right there in her own home.

13 You'll also hear from Lieutenant Sam Gunter, who
14 was the investigator in this case. Lieutenant Gunter is
15 with the Lexington County Sheriff's Department. You'll
16 hear that ultimately he interviewed the defendant in this
17 case, Michael Roscoe. And Michael Roscoe admitted he paid
18 cash money for oral sex from ^{Oldest Victim} who was just
19 17.

20 The law in this case, ladies and gentlemen, is
21 actually very simple. These crimes are very simple. They
22 are criminal sexual conduct with a minor in the 2nd degree
23 and promoting prostitution of a minor. And all that
24 sounds like a bunch of fancy legalese, but it's actually
25 very simple.

1 At this point in time when these crimes were
2 going on in the year 2006, this defendant, Michael Roscoe,
3 was approximately 30 years old. The girls were 14 and 17.
4 And it is illegal and unlawful here in South Carolina for
5 someone who is that age to engage in sex with someone
6 under the age of 16, which would have been ^{Youngest Victim}
7 ^{Youngest Victim} was 14 years old. That, on its face, is a
8 crime. Doesn't even have to be sexual intercourse, it can
9 be any type of sex.

10 In addition, the crime of promoting prostitution
11 of a minor is also very simple. The law defines a minor
12 under this statute as a person under the age of 18, so
13 that's ^{Oldest Victim} and ^{Youngest Victim}. They were both under 18 when
14 this was going on.

15 Prostitution is any sex act in exchange for
16 money or something of value; it could be money, it could
17 be drugs. It doesn't have to be intercourse, it can be
18 any type of sex act. So, again, the law on that matter is
19 quite simple.

20 I submit, ladies and gentlemen, after all is
21 said and done, the State will meet its burden of proof.
22 This case was made by the Lexington County Sheriff's
23 Department. You'll hear evidence that multiple persons
24 were arrested in connection with this offense, including
25 the biological mother of ^{Oldest Victim} and ^{Youngest Victim}

1 After all is said and done, ladies and gentlemen, I
2 believe the State will meet its burden of proof
3 abundantly, and that is proof beyond a reasonable doubt,
4 that Michael Roscoe engaged in criminal sexual conduct
5 with a minor and promoting prostitution of a minor for
6 buying sex, sex acts with a minor.

7 Thank you.

8 THE COURT: Mr. Williams?

9 MR. WILLIAMS: May it please the Court.

10 THE COURT: Yes, sir.

11 MR. WILLIAMS: Ladies and gentlemen of the jury,
12 I'm Theo Williams. I know I stood up earlier when you all
13 were being chosen. My office is right across the street
14 on the corner of Number 1 and Number 6.

15 The first thing I'd like to get out of the way
16 is that you're jurors. You're not here to be entertained,
17 so it doesn't matter how good the story is. It doesn't
18 matter what emotion is thrown into this. It doesn't
19 matter how we write the script. Because what you jurors
20 are supposed to do is to take the testimony of witnesses
21 and any other evidence that's introduced, and you evaluate
22 it, and you make a determination as to whether or not it's
23 good evidence or it's truthful testimony and determine
24 what the facts are, and then you apply the facts to the
25 law as His Honor will charge you.

1 Now, I will give you this: This is a good
2 story. Back in 2006, there were these allegations about
3 this mother and this father, as you've already heard, and
4 they went around and charged a bunch of people. My client
5 happened to be one of those bunch of people. Now,
6 everybody has not even been to court yet. But my client,
7 it became his time six years later, I guess, to come to
8 court and contest these facts. And that is what he's
9 doing here today; he's contesting these facts.

10 You know, sometimes you can be brought up into
11 something or captured into something where you had nothing
12 to do with it except being either kin or living nearby. I
13 would suggest to you that before you just assume what is
14 being stated in opening argument is the truth, is that you
15 listen to the witnesses and determine what you believe to
16 be the truth because that's really all you have got to do.

17 We know this: We know that he was arrested back
18 in 2007, and he comes here today on two things known as
19 indictments that were indicted in April of 2013, over six
20 years later.

21 It doesn't mean anything when you have an
22 indictment. The judge will instruct you at the conclusion
23 of this case that an indictment is just a process, it's a
24 way in which those charges can be heard by you. It has no
25 evidentiary matter or bearing whatsoever. But you have to

1 have a way in which you can actually have it brought to
2 you.

3 But I will tell you this: He contests the
4 charges. The judge will tell you later on that anytime
5 you are charged with a crime, you don't have to put up
6 evidence, whether he does or he doesn't, you don't have to
7 put up any evidence. The burden of proof is always on the
8 State to prove the guilt of the defendant beyond a
9 reasonable doubt.

10 I would suggest to you that there will be a lot
11 of doubt in your mind before this case is over with as to
12 whether or not there was any violation of the law.

13 I'd ask that you ask the State to bring forward
14 all those witnesses, bring forward the mother, bring
15 forward the father, bring forward those individuals who
16 were involved in this, and then see if they are really
17 pointing the finger at my client or if my client just
18 happened to be some poor guy who lived nearby.

19 I may stand up here periodically and object to
20 things as being hearsay, or something of that nature.
21 That's what lawyers do. The Judge up on the bench, he'll
22 tell us to sit down and shut up if we say the wrong thing.
23 He rules on objections.

24 You do your job as jurors and make the truth
25 come out, and if you do that, then that's all we ask.

1 Thank you.

2 THE COURT: Call your first witness.

3 MS. MAYES: The State calls ^{Oldest Victim}

4 ^{Oldest Victim} after being duly sworn, testified
5 as follows:

6 THE CLERK: Have a seat. Once you're seated,
7 speak up loud and clear, stating your full name, spelling
8 your last on the record, please.

9 THE WITNESS: My full name is ^{Oldest Victim}

10 [REDACTED].

11 DIRECT EXAMINATION

12 BY MS. MAYES:

13 Q ^{Oldest Victim} good afternoon.

14 MR. WILLIAMS: Your Honor, if I can request that
15 there will be some other place that this thing might be
16 put so I can look at the jury also.

17 MS. MAYES: Beg the Court's indulgence.

18 (Pause.)

19 BY MS. MAYES:

20 Q ^{Oldest Victim} , how old are you today?

21 A I'm 23.

22 Q Can you state for the record what your actual date of
23 birth is?

24 A [REDACTED].

25 MR. WILLIAMS: Your Honor, I hate to interrupt

1 again. I can't see the witness now. Is there some other
2 position where this might be placed?

3 MS. MAYES: Your Honor, I have no objection to
4 Mr. Williams placing it wherever he wants to place it, as
5 long as when it's used, the jury will be able to see the
6 notations.

7 MR. WILLIAMS: Thank you, Your Honor.

8 THE COURT: All right.

9 THE WITNESS: My birthday's [REDACTED], [REDACTED].

10 BY MS. MAYES:

11 Q All right. And what county do you currently live in?

12 A Kershaw.

13 Q And when you mentioned that you live in Kershaw
14 County, who do you live with?

15 A My fiance and our son.

16 Q Now, have you ever lived in Lexington County?

17 A Yes, ma'am. From the -- from a child until the age
18 of 18.

19 Q All right. What are the houses that you remember
20 living in?

21 A The most recent one is [REDACTED]. I've moved around a lot
22 growing up.

23 Q Okay. And when you mention [REDACTED], specifically, was
24 that a family residence?

25 A Yes, ma'am.

1 Q All right. And do you remember the name of that
2 street?

3 A [REDACTED].

4 Q [REDACTED]?

5 A Yes, ma'am.

6 Q Now, when you lived at [REDACTED], can you
7 tell us who all lived in that house with you?

8 A My mother, Chana, my father, Wade, and my -- and my
9 two sisters, Skye and ^{Youngest Victim}, my sister's girlfriend and
10 her son, and we had occasionally people living with us on
11 and off.

12 Q Okay. And I'm going to back up a little bit and
13 start at the beginning of what you mentioned.

14 A Yes, ma'am.

15 Q This is [REDACTED], correct?

16 A Yes, ma'am.

17 Q And you mentioned your mother. What is your mother's
18 name?

19 A Chana, C-H-A-N-A, Harsey.

20 Q All right. Now, her name is spelled C-H-A-N-A, but
21 you pronounce it Shauna?

22 A Yes, ma'am.

23 Q All right. And you mentioned your father?

24 A Yes, ma'am.

25 Q What is his name?

1 A Willie Wade Harsey.

2 Q Are Chana Harsey and Willie Wade Harsey your
3 biological parents?

4 A Yes, ma'am.

5 Q And you mentioned a sister by the name of Skye?

6 A Yes, ma'am.

7 Q Is she older than you or younger than you?

8 A She's older than me.

9 Q And you mentioned another sister?

10 A ^{Youngest Victim} . She's my little sister.

11 Q And does ^{Youngest Victim} go by a nickname?

12 A <sup>Youngest
Victim</sup>

13 Q And when you mentioned she's your little sister,
14 what's the age difference between you and <sup>Youngest
Victim</sup>

15 A She's a year or two younger than me.

16 Q All right. And when we talk about this residence at
17 [REDACTED], can you describe what type of home it
18 was?

19 A It was a mobile home.

20 Q All right. I'm going to show you some photographs
21 and ask you if you recognize what's in these particular
22 photographs. The first is going to be State's Exhibit 7
23 and 8.

24 A Yes, ma'am. These are pictures of the outside of the
25 house after everybody left.

1 Q All right. And I just need you to make sure you
2 speak into the microphone so the court reporter can get
3 everything that you say.

4 A Yes, ma'am. These are pictures of the house after
5 everybody left.

6 Q And when you say "the house," what house are you
7 referring to?

8 A [REDACTED].

9 Q All right. That's the house we were talking about
10 that you previously lived at with your family members?

11 A Yes, ma'am.

12 Q All right. And can you tell us whether or not those
13 photographs are a fair and accurate representation of the
14 house as you remember it?

15 A Yes, ma'am. The windows are more busted out of it
16 now than in these pictures, but, yes.

17 Q Okay. The photograph that I just showed you, if you
18 take a look at this photograph, can you tell us whether or
19 not this appears to be the same residence?

20 A Yes, ma'am, that is.

21 Q All right. So this is the house you're referring to
22 as [REDACTED], correct?

23 A Yes, ma'am.

24 Q Can you tell us whether or not you were still living
25 at this house at [REDACTED] in the year 2006 when

1 you were 17?

2 A We were in a hotel room at that time.

3 Q Okay. I want to go back to before your -- why would
4 you go to motel room?

5 A Because Chana had a drug problem and bought drugs
6 instead of paying the light bill.

7 Q Okay. So there was a point in time when your power
8 was cut off?

9 A Yes, ma'am.

10 Q And when your power was cut off, where did y'all end
11 up going?

12 A The Travelers Inn, Knights Inn or Carolina Lodge.

13 Q Okay. Now, before you kind of were going motel to
14 motel, can you tell us whether or not you were at [REDACTED]
15 [REDACTED]?

16 A Yes, ma'am, we were.

17 Q So you were there up until your power got cut off?

18 A Yes, ma'am.

19 Q And you turned 17, you said before your birthday is
20 what month and day?

21 A [REDACTED].

22 Q So on [REDACTED] of 2006, you turned 17. And at that
23 point in time when you had turned 17, can you tell us
24 whether or not your mom and dad were still living at the
25 home?

1 A My mother was.

2 Q Okay.

3 A My father left.

4 Q And did he go to live somewhere else outside of the
5 presence of your family?

6 A Yes, ma'am.

7 Q Did he start a residence somewhere else?

8 A As far as I know of. I don't know where he moved to,
9 though.

10 Q All right. And was ^{Youngest} _{Victim} still at home with you and
11 your mom --

12 A Yes, ma'am.

13 Q -- in 2006?

14 A Yes.

15 Q Can you tell us, ^{Oldest Victim} how it is you know the
16 defendant in this case, Michael Roscoe?

17 A He is my dad's cousin. I've known him since I was in
18 diapers as Uncle Roscoe.

19 Q And when you say since you were in diapers, I mean
20 had there ever been a point in time when you didn't know
21 Michael Roscoe?

22 A No, ma'am.

23 Q And what's your understanding of the actual, I guess,
24 relationship between your father, Willie Wade Harsey, and
25 the defendant, Michael Roscoe?

1 A Their dads are brothers.

2 Q So they would be cousins?

3 A Yes, ma'am.

4 Q Oldest Victim where is your mother at today?

5 A In prison for this trial.

6 Q When you say that, you mean for the charges --

7 A Yes, for the charges that he's being accused of.

8 Q For?

9 A Prostitution of minors.

10 MR. WILLIAMS: Your Honor, I have a matter of
11 law to take up with the Court outside the presence of the
12 jury.

13 THE COURT: All right. Ladies and gentlemen, I
14 will have you go to the jury room for a few minutes.

15 Please do not discuss the case.

16 (The jury left open court at approximately
17 3:33 p.m.)

18 THE COURT: Yes, sir.

19 MR. WILLIAMS: Your Honor, I would move for a
20 mistrial. Obviously, I think -- and they can bring out
21 the fact that her mother, Chana, was involved in
22 soliciting the children for prostitution. What they can't
23 bring out is the fact that she is in prison for the same
24 charges that my client is being tried for because that's
25 an indication that some other jury has heard the same set

1 of facts and made the determination of guilt of one of the
2 two co-defendants, if you will, who is being charged with
3 the same crime. So on the basis of that, Your Honor, we
4 would move for a mistrial.

5 THE COURT: Ms. Mayes.

6 MS. MAYES: Yes, sir, Your Honor. I believe
7 what her response was is that her mother is in prison for
8 what he is being accused of, which is prostitution of a
9 minor, referring to that it -- the name of the charge is
10 the same, but she did say what he's accused of.

11 Furthermore, Your Honor, what the State foresees
12 happening is that regardless of whether or not Chana
13 Harsey is cooperative or chooses to be cooperative, we
14 would call her as a witness to verify that she is, in
15 fact, in prison and that she has this record. It is an
16 impeachable record.

17 THE COURT: Mr. Williams.

18 MR. WILLIAMS: I don't have anything to add to
19 that, other than she can't call someone else who has
20 already been convicted and use that to convict my client
21 in regards to the same charges that he's being charged
22 with. She's in jail for the same charge, and that's what
23 she said, she's in jail for the same charge. Then I think
24 that's improper because it's an indication to this jury
25 that another jury has already made the determination on

1 those facts.

2 MS. MAYES: What our intention would be is to
3 call her and ask her about her knowledge of these events.
4 I don't believe she would be entitled to claim the Fifth
5 due to her current status as a conviction.

6 THE COURT: Well, let me hear the testimony
7 again, what she said, rather than your interpretations of
8 what she said.

9 Can you play it back?

10 (The requested portion of the record was .
11 played back.)

12 THE COURT: Mr. Williams, what else?

13 MR. WILLIAMS: It's clearer than I remember it.
14 She said, "in prison for this trial," and then she goes on
15 to refer to my client and the charge in connection with
16 her mother. I have nothing to add to that.

17 THE COURT: Well, the question was asked. There
18 is no objection to the question. What response would be
19 acceptable?

20 MR. WILLIAMS: Well, the question was -- and I
21 think we stopped before -- she said, "Where is your mother
22 now?" She simply could have said "in jail." She
23 elaborated further. There is nothing -- I have no basis
24 to object to her simply saying that she's in jail.

25 THE COURT: She's in prison, right.

1 MR. WILLIAMS: I have no basis to object to that
2 testimony, that she's in prison, but when she elaborates
3 and she says she's in jail for this trial, for the same
4 thing that the defendant is being charged with today, I
5 think I do have a basis to object to that because clearly
6 what she's saying is that some other jury -- maybe not
7 even a jury, she didn't go that far, but she's already
8 been adjudicated for the same trial, the same facts, the
9 same thing that they're being asked, that this jury's
10 being asked to evaluate today.

11 So you're right, I objected when I could, but I
12 don't think I have an objection until she goes further
13 than "in prison."

14 THE COURT: All right. Ms. Mayes.

15 MS. MAYES: Yes, sir, Your Honor. I do think
16 that she misspoke. I do think in prison for --

17 THE COURT: Well, you asked an open-ended
18 question and she responded.

19 MS. MAYES: Promoting prostitution of a minor.
20 The State's position is that that would be admissible.

21 THE COURT: Why didn't you ask her that? Or why
22 was it necessary to ask her any question about it? What's
23 the point in trying to get her to explain all of that to
24 the jury?

25 Go ahead. I'm sorry.

1 MS. MAYES: And that would be sort of the family
2 dynamics that are being laid out.

3 But, Your Honor, I do think that a curative
4 instruction and striking of the testimony could redeem the
5 problem.

6 MR. WILLIAMS: I'm not sure that a lobotomy can
7 take that out, Your Honor.

8 THE COURT: All right.

9 MS. MAYES: And if I could state for the record,
10 my question may certainly have been worded in a much
11 better way, but I don't think that the witness intended to
12 elicit anything improper, and that was not our intent to
13 elicit a reference to the defendant in the response.

14 THE COURT: Well, the intent of the witness is
15 totally irrelevant as relates to the defendant's right to
16 a fair trial.

17 All that having been said, a mistrial should not
18 be granted unless absolutely necessary and the judge
19 should exhaust other methods to cure possible prejudice
20 before aborting a trial. So I'm going to make an effort
21 at that with a curative instruction with this jury, and
22 we'll see how it all goes from here. And so I deny the
23 motion for a mistrial. I may reconsider it later.

24 Let's bring the jury back.
25

1 (The jury came into open court at approximately
2 3:47 p.m.)

3 THE COURT: Ladies and gentlemen, the Solicitor
4 asked the witness where is her mother and she said, "in
5 prison charged with the same offenses that this defendant
6 is charged with."

7 This defendant has pled not guilty to these
8 charges, he's presumed to be not guilty of these charges.
9 The fact that someone else may have been convicted of a
10 charge has no bearing at all on whether this defendant is
11 guilty of the charge. Before you can find this defendant
12 guilty of any charges, you must be convinced beyond a
13 reasonable doubt of his guilt based on evidence presented
14 in this court as it relates to the charge against this
15 defendant, not based on someone else being convicted even
16 if that person is charged with the same or similar
17 offenses.

18 You may proceed.

19 Otherwise, in addition to all of that, you are
20 to otherwise disregard the testimony of this witness in
21 relation to why her mother is in prison.

22 BY MS. MAYES:

23 Q Ms. Harsey, do you know what the word "prostitution"
24 means?

25 A To have sex with someone for money or something else

1 of the same value.

2 Q Can you tell us going back in time to when you
3 resided at [REDACTED], can you tell us whether or
4 not you had knowledge of prostitution?

5 A At that time I didn't know that's what it was called.

6 Q And can you tell us whether or not you were involved
7 in that?

8 A Yes, ma'am, I was.

9 Q Whose idea was it? How did it start?

10 A It was my mother's idea, and it started with her.

11 Q About how old were you when you became involved in it
12 directly, and by that I mean where you would actually have
13 sex with someone for money?

14 A I started after I was raped at the age of 13.

15 MR. WILLIAMS: Objection, Your Honor.

16 THE COURT: The basis for the objection?

17 MR. WILLIAMS: At the age of 13 would put it
18 outside the scope of the indictment that we're trying
19 today, and it has no relationship to my client.

20 THE COURT: Ms. Mayes.

21 MS. MAYES: Yes, sir, Your Honor. My question
22 was how old was she when she got started in this, and it's
23 not a reference to the defendant.

24 BY MS. MAYES:

25 Q If I might ask further, Ms. Harsey, can you tell us

1 whether or not you had sex with one person for money or
2 more than one person for money?

3 A More than one person.

4 Q Now, you mentioned your mother's involvement. How
5 were these events arranged?

6 A She was the one who did all the dealing with the
7 people.

8 Q All right. And can you tell us whether or not there
9 came a point in time -- can you tell us whether or not
10 Michael Roscoe was involved in that?

11 A Yes, ma'am, he was one of the ones she talked to.

12 Q And can you tell us whether or not that involvement
13 included having sex or engaging in some type of sex act
14 with Michael Roscoe?

15 A Yes, ma'am, it did.

16 Q Can you tell us whether or not that was for money?

17 A Yes, ma'am.

18 Q Who would arrange the meetings with Mr. Roscoe and
19 yourself?

20 A My mother.

21 Q Who would he normally pay the money to?

22 A Me.

23 Q And then what happened?

24 A I'd have to give it to her.

25 Q Can you tell us whether or not that was still going

1 on throughout the time that you lived at [REDACTED]

2 [REDACTED]?

3 A Yes, ma'am, it was.

4 Q Did there ever come a point in time when someone
5 else -- when anyone else was involved with this with
6 Michael Roscoe other than yourself?

7 A Yes, ma'am.

8 Q Who is that person?

9 A Youngest Victim

10 Q Youngest Victim can you tell us whether or not
11 that's the same Youngest Victim that you talked about
12 earlier?

13 A Yes, ma'am, it is.

14 Q Your younger sister?

15 A Yes, ma'am.

16 Q How is it you have knowledge of Youngest Victim's
17 involvement with the defendant, Michael Roscoe?

18 A He paid my mother a \$300 bet.

19 MR. WILLIAMS: Objection, Your Honor. The
20 objection is hearsay and speculation unless she qualifies
21 that with some sort of foundation.

22 THE COURT: All right. Ms. Mayes.

23 BY MS. MAYES:

24 Q Ms. Harsey, do you have knowledge yourself of any
25 activity between Mr. Roscoe and your sister, Youngest Victim ?

1 A Yes, ma'am. Once. And I was in the living room when
2 it happened.

3 Q All right. We're going to talk a little bit about
4 that.

5 When you say you were in the living room when it
6 happened, living room of what home?

7 A [REDACTED], the picture you're about to pick
8 up.

9 Q All right. This family residence right here?

10 A Yes, ma'am.

11 Q Where your mom lived and ^{Youngest} _{Victim} lived also?

12 A Yes, ma'am.

13 Q What did you yourself see take place in the living
14 room?

15 A He asked my mother if he could take my sister's
16 virginity. He'd pay her \$300 in a check to take her to
17 his -- to my mother's bedroom to have sex with her. They
18 came out, he handed her the \$300 check with the date and
19 address and everything, all but the name scratched out.

20 Q All right. Ultimately, was your mother able to cash
21 that check?

22 A No, ma'am, she was not.

23 Q And when you heard the defendant say this and make
24 this arrangement, was ^{Youngest} _{Victim} home?

25 A No, ma'am, she was up at my grandmother, my nanny's

1 house.

2 Q All right. Were you present ultimately when she came
3 home?

4 A Yes, ma'am.

5 Q What happened when she came home that you yourself
6 observed?

7 A She was taken to the room by him -- well, by my
8 mother with him waiting on her in there.

9 Q And what room are you referring to?

10 A My mother -- the back bedroom where my mother and
11 father slept together.

12 Q Michael Roscoe and your younger sister went in that
13 bedroom?

14 A Yes, ma'am.

15 Q What else can you tell us about your contact with
16 Michael Roscoe?

17 A I had sex with him, I gave him blow jobs. It wasn't
18 always at his house. It was at Peachtree Rock Road, which
19 is a wilderness -- a wildlife preserve place. It's got
20 nature trails.

21 Q All right. And when you say blow job, you're
22 referring to what?

23 A Giving head, sucking his dick, penis.

24 Q All right. And did that happen one time or more than
25 one time with Mr. Roscoe?

1 A More than one time.

2 Q Can you tell us whether or not your -- or how this
3 was arranged directly, whether it was Mr. Roscoe and you
4 or Mr. Roscoe and someone else?

5 A Most of the time it was Mr. Roscoe and my mother.

6 Q All right. Now, when he paid money, what kind of
7 things would happen with the money that you had knowledge
8 of?

9 A If it was me, he'd hand me the money and I'd hand it
10 to my mother, or most of it.

11 Q All right. What would you use any of the money for?

12 A To buy my sister something to eat.

13 Q And did you see what your mother did with the money?

14 A She went and brought drugs or had me go get the drugs
15 for her.

16 Q Had you seen your mother use drugs in the family
17 home?

18 A Yes, ma'am.

19 Q Has that happened on one occasion or multiple
20 occasions?

21 A Multiple occasions.

22 Q Do you remember talking with any member of your
23 family about what was going on?

24 A Yes, ma'am.

25 Q Who do you remember confiding in?

1 A I talked to Skye -- well, she goes by Reome on
2 Facebook -- but Skye Snelgrove, my aunt Wilhamina, my
3 grandmother.

4 Q All right. And ultimately did you tell someone
5 outside the family?

6 A I told quite a few people outside of the family.

7 Q Okay. And can you tell us whether or not you ever
8 told anyone at your old school?

9 A Yes, ma'am, I talked to the guidance counselor and
10 the sheriff deputy that was on site.

11 Q Okay. And what school was that?

12 A Airport High School.

13 Q And when you say the deputy on site, you're talking
14 like school resource officer?

15 A Yes, sir.

16 Q And other staff employed there at the school?

17 A Yes, ma'am.

18 Q And ultimately can you tell us whether or not law
19 enforcement was notified?

20 A Yes, ma'am. The school requirement, that if
21 something, even if it's not at school, that's going on in
22 the home has to be reported if it's told to them.

23 Q Okay. And when you were approached by law
24 enforcement, can you tell us whether or not you told them
25 what was going on?

1 A Yes, ma'am, I wrote affidavits.

2 Q Now, your younger sister ^{Youngest}_{Victim} at that point in time
3 where was she living?

4 A In the same house, hotel rooms.

5 Q So she was still under your mother's care?

6 A Yes, ma'am.

7 Q And up until the point in time that you were at

8 [REDACTED], ^{Youngest}_{Victim} was there, too?

9 A Yes, ma'am.

10 Q And then once like you said before your power was
11 disconnected and you ended up staying in motels, was ^{Youngest}_{Victim}
12 a part of that, too?

13 A Yes, ma'am.

14 Q You mentioned Peachtree Rock Preserve. Can you
15 describe it a little bit? What kind of place is that?

16 A It's nothing but woods.

17 Q All right. What county is that in?

18 A Lexington. I've been there.

19 Q Okay. If you could describe what you've seen when
20 you were there.

21 A There's a side that's got all the places -- well, all
22 the nature trails you can go on. The wildlife is in
23 there, and it's got a big green sign that says Peachtree
24 Rock Road Preserve.

25 Q Okay. When you say it's all trails, can you tell us

1 where you remember being in that area with Mr. Roscoe?

2 A There is a trail that goes by a waterfall. It was
3 right by the waterfall, by where the rocks going right at
4 the waterfall was.

5 Q And what, if any, other location has this happened
6 with Mr. Roscoe?

7 A In his car or at his house on [REDACTED].

8 Q All right. When you said his house on [REDACTED],
9 can you describe what you recall about his house?

10 A It's a blue double wide.

11 Q All right. And I'm going to show you some pictures
12 and ask you whether or not you recognize them.

13 A Yes, ma'am, that's his house.

14 Q All right. That's the house you referred to earlier?

15 A Yes, ma'am.

16 Q That's a mobile home?

17 A Yes, ma'am.

18 Q And when you said double wide, what do you mean by
19 that?

20 A I've always known trailers to be double wides.

21 Q Now, if you could look at this photo and tell us what
22 we're looking at.

23 A Peachtree Rock Heritage Preserve. That's the trails
24 and the wildlife is supposed to be in it.

25 Q And if you could just take your time and look at

1 State's Exhibit 4, 3, and 6.

2 A Yes, ma'am, these are all pictures of the Peachtree
3 Rock Preserve.

4 Q Now, when something happened with Mr. Roscoe, was it
5 in an area where people were parking and walking around or
6 can you describe the area?

7 A It wasn't where they were parking. Well, it was
8 where they were walking around but not where they were
9 parking.

10 The last picture you gave me, Exhibit 6, the
11 trail goes down into the woods, and there's off to the
12 left or to the right, the waterfall towards the left of
13 it.

14 Q All right. And is there an area where you could go
15 off the trail?

16 A Yes, ma'am.

17 Q All right. And what do you mean by that?

18 A You can get lost very easily in Peachtree Rock even
19 with the trails. You -- just stepping off with one foot
20 and turning around you could get lost.

21 Q All right. And are there areas that are secluded?

22 A Somewhat.

23 Q Now, the incident at his home, can you tell us
24 whether that happened one time or more than one time at
25 the [REDACTED] mobile home?

1 A It happened more than once there.

2 Q And what do you remember about being at his
3 residence?

4 A We had sex in his living room on his couch and in his
5 bed in his bedroom.

6 Q Now, how was it that you got to his house?

7 A He came to [REDACTED] and picked me up.

8 Q And can you tell us what would happen when he would
9 actually physically arrive at the residence?

10 A I'd get in the car -- he'd hand me the money, I'd get
11 in the car and we'd go, and when everything was done, he'd
12 take me home.

13 Q How would you know when he would be arriving at the
14 residence?

15 A My mother would let me know.

16 Q Can you tell us whether or not that was still going
17 on at the [REDACTED] location up until the point that your
18 electricity got cut off and you all left the home?

19 A Yes, ma'am, but it wasn't always with me. It was
20 either me or my mother at that time.

21 Q Your mother was involved in this as well?

22 A Yes, ma'am.

23 Q Now, your father you mentioned is Willie Wade Harsey?

24 A Yes, ma'am.

25 Q When he left the family home, was there another --

1 any other male figure who was permanently there at the
2 home? And by that I mean living there full time?

3 A I think Roscoe might have lived with us -- no, he had
4 just moved out at that time.

5 Q All right.

6 A I think it was just me and my mother -- no, my boy --
7 I'm going to say my boyfriend at that time was living
8 there.

9 Q And what is his name?

10 A I remember his first name was Jace. He went by
11 Klepto.

12 Q Okay. And you mentioned that your sister Skye also
13 had someone living there?

14 A Yes, her girlfriend and their son -- or her son.

15 Q Can you tell us whether it was common or uncommon to
16 have various people in and out of the home?

17 A It was very common.

18 MS. MAYES: Beg the Court's indulgence.

19 (Pause.)

20 BY MS. MAYES:

21 Q ^{Oldest Victim} can you describe what it was that prompted you
22 to tell someone at Airport High School?

23 A I didn't want my sister growing up going through what
24 I was going through.

25 MS. MAYES: Nothing further at this time.

1 THE COURT: Yes, sir, Mr. Williams.

2 MR. WILLIAMS: May it please the Court.

3 CROSS-EXAMINATION.

4 BY MR. WILLIAMS:

5 Q Oldest Victim when was the event involving the \$300 check?

6 A I had just -- I was about to turn 17.

7 Q Was it before you turned 17?

8 A I think it was after I turned 17.

9 Q It was after you turned 17?

10 A Yes.

11 Q And you say after you turned 17, so what month would
12 that have been?

13 A June.

14 Q June?

15 A I turned 17 in May, the month after would be June.

16 Q All right. June of 2006?

17 A Yes.

18 Q Yes? Do you remember what -- do you remember what
19 part of the month it was in?

20 A No, I do not.

21 Q But you're sure it was after you turned 17?

22 A Yes.

23 Q Now, in that there was a check which was given, I
24 assume you saw the check, right?

25 A Yes, I did.

1 Q What was the date on the check?

2 A It was scratched out.

3 Q I thought the name was scratched out?

4 A No, the date and the address was scratched out. The
5 name was still on it.

6 Q What name was on the check?

7 A Michael Roscoe's name.

8 Q So it was Michael Roscoe's check?

9 A Yes.

10 Q So it would be a check which was issued on a checking
11 account that Michael Roscoe would have owned?

12 A Yes.

13 Q So it should be fairly easy to determine if Michael
14 Roscoe had a checking account in the year of 2006,
15 wouldn't it?

16 A Yes.

17 Q That would be fairly easy to determine that, wouldn't
18 it?

19 A Yes.

20 Q And you're 100 percent sure that this was a checking
21 account that Michael Roscoe had?

22 A I'm pretty sure of it.

23 Q Well, you saw it on the check, right?

24 A Yes.

25 Q And this check was given to your mother; is that

1 right?

2 A Yes.

3 Q What bank was it drawn on?

4 A I didn't pay that close attention to the check.

5 Q You paid enough attention to know that it had Michael
6 Roscoe's name on it and that it was for \$300. Who was it
7 made payable to?

8 A Chana Harsey.

9 Q So it was made payable to your mother, but you didn't
10 notice what bank it was drawn on?

11 A It wasn't written to me, so no, I didn't pay that
12 close attention to it.

13 Q What happened to that check?

14 A She tried to cash it and was told she couldn't.

15 Q Well, now, were you there?

16 A I went to the store with her when she tried to cash
17 it.

18 Q You went to the store?

19 A But I was not in the store when she did it.

20 Q So what you're testifying to is the fact that your
21 mother has given you some testimony or some story about
22 this check; is that correct?

23 A I seen the check.

24 Q Well, where is that check now?

25 A I don't know.

1 Q Which store did you go to try to cash it at?

2 A The Corner Pantry across from BoJangles and Sonic.
3 Down from [REDACTED] where Roscoe lived.

4 Q And the Corner Pantry normally cashes personal checks
5 for \$300 from one individual to another one?

6 A Huh?

7 Q You have seen your mother take \$300 checks to the
8 Corner Pantry from one individual to another and cash them
9 there?

10 A I've seen -- I know Corner Pantry cashes personal
11 checks.

12 Q In that amount of money?

13 A I didn't say in that amount of money. I've gotten
14 paychecks cashed there, but this was after the fact of
15 everything that happened.

16 Q Now, this was in June of 2006; is that correct?

17 A About me getting checks cashed there? No, this was
18 after everything happened. This was when I was on my own.

19 Q Let me take you back. You've got this one event that
20 you've testified to about this \$300 check. Then you say
21 that there have been events which occurred at Michael
22 Roscoe's house, at your house, at Peachtree Rock. When
23 did those events happen?

24 A The events at his house and Peachtree happened from
25 the age of -- between 16 and 17.

1 Q Okay.

2 A The event at my house didn't happen to me.

3 Q All right. So you say the events at Mr. Roscoe's
4 house happened between the ages of 16 and 17 with you; is
5 that right?

6 A Yes.

7 Q How is it that you happened to pick those two ages to
8 talk about?

9 A I'm sorry. She didn't have me -- or she didn't have
10 me sleep with him from the age of 14, 15. I'm sorry, was
11 I --

12 Q How do you remember those ages or those dates?

13 A Those ages? Because that's when most of it was
14 happening with my family, when she was --

15 Q So that's 2005; is that right?

16 A 2000 and --

17 Q You turned 17 in May of 2006, right?

18 A I'm not good at math. I'm really not.

19 Q When's your birthday?

20 A [REDACTED].

21 Q And you were 17 on May of 2006, correct?

22 A Yes.

23 Q So if it occurred when you were 16 and 17, are you
24 saying that it occurred in 2005?

25 A It started right before I turned 17, right before I

1 turned 17.

2 Q So it would have started -- and since you turned 17
3 in May of 2006, you say right before. Does right before
4 mean like a month before?

5 A It could have been two months.

6 Q Two months.' So these events that you're referring to
7 are April and May of 2006 is when these sexual allegations
8 involving my client occurred; is that right?

9 A Yes.

10 Q But not until then?

11 A Not until then.

12 Q And the reason why this was occurring was because
13 your mother would have these gentlemen come over and she
14 would get money from them and then she would send you all
15 off to have sex with these gentlemen, right?

16 A Yes.

17 Q You have identified that residence right here as
18 being your residence?

19 A Yes.

20 Q Do you know when this picture was taken?

21 A After she was put in prison and everybody that was
22 living there, or around there, left.

23 Q Do you know the year this picture was taken?

24 A No.

25 Q How about any of these other pictures? How about

1 this one, the one at Peachtree Rock? Do you know when
2 these pictures were taken?

3 A No, I do not.

4 Q Now, the allegations about sex at my client's house I
5 think you said occurred with my client, the way you said,
6 it's April and May of 2006. Does that include Peachtree
7 Rock also?

8 A Yes, it does.

9 Q So in the months of April and May of 2006, how many
10 times did you have sex with him?

11 A Just sex or oral, too?

12 Q Both.

13 A Six times just sex. It was numerous times oral and
14 sex or just oral. No, I didn't actually keep up with it.

15 Q And that's April and May of 2006?

16 A Yes.

17 Q And where were you living then?

18 A Between [REDACTED] and hotels with Chana and

19 Youngest Victim

20 Q And how long did you live at [REDACTED] before
21 you left [REDACTED]?

22 A And went to the hotel?

23 Q Uh-huh. What month?

24 A I lived there almost my whole life until we went to
25 the hotel when the lights were cut off.

1 Q And when was that?

2 A I'm not exactly sure of the month. I'm really not.

3 Q All right. So you left [REDACTED] and went
4 directly to these motels or hotels, right?

5 A Yes.

6 Q And you stayed at these hotels or motels continuously
7 up until what date?

8 A Until I was taken and put in foster care.

9 Q Where was the foster care?

10 A Columbia, I think.

11 Q When did you live at [REDACTED]?

12 A Huh?

13 Q When did you live at [REDACTED]?

14 A After I was 18 and released myself from foster care.

15 Q What year would that have been in?

16 A '07.

17 Q So you said after you were 18, so at least May of
18 2007?

19 A Yes.

20 Q Do you remember giving your statement to Detective
21 Sam Gunter?

22 A Yes.

23 Q Do you remember when you gave him the statement?

24 A Yes, I do.

25 Q What month was that?

1 A I don't remember what month it was.

2 Q Take a minute to look at it and see if it helps you
3 remember.

4 A January 26th.

5 Q Of what year?

6 A '07.

7 Q So you gave a written statement to Detective Sam
8 Gunter in January of 2007; is that correct?

9 A Yes.

10 Q And where were you living in January of 2007?

11 A It says at [REDACTED].

12 Q Are you saying you were not living there?

13 A I do not remember living there at that time.

14 Q Did Detective Gunter know where you lived in January
15 of 2007?

16 A That's where I might have told him to meet me at.

17 Q Now, the vehicle that you said that Michael Roscoe
18 came to pick you up in, do you remember the car he used to
19 pick you up in?

20 A All I remember, it was a two-door car, and it was
21 silver.

22 Q You don't know if it was a Ford, a Chevrolet or --

23 A No, I've never been one to really pay attention to
24 the make and model of a vehicle.

25 Q And do you know how long he had that car?

1 A No, I do not.

2 Q Do you know if it was in his name or not?

3 A No, I do not.

4 Q Now, who was present when he came and picked you up
5 at your house?

6 A My mother, me and my little sister. My mother and my
7 little sister would have been inside, I would have been
8 outside.

9 Q Why would you have been outside if they were inside?

10 A Because I was asked to wait outside for him because I
11 was told he was on his way.

12 Q So he would make some -- make some call, is that
13 right, to your mother and then you would have waited
14 outside, so your sister never would have seen you leaving
15 the house, right?

16 A Not unless she was outside with me.

17 Q And you don't know -- you don't have any idea other
18 than the fact that it happened in April and May of 2006?

19 A No, I do not.

20 Q Now, you said that you had several of these people
21 staying with you at this location. Where would he pick
22 you up at this location?

23 A In the driveway.

24 Q Where is the driveway?

25 A Where the satellite thing is --

1 Q Uh-huh.

2 A -- the light pole, about right there.

3 Q Right here?

4 A No. Where the light poles are --

5 Q Yeah.

6 A -- on the other side of it, by the bedroom.

7 Q Back over here?

8 A No. The bedroom, the window that you see on this end
9 of it by the light -- no, the other --

10 Q Will you step down and show me?

11 A This is the driveway, from right here all the way
12 back. This is the bedroom and the light pole. He pulled
13 up here and picked me up.

14 Q And who was staying there with you?

15 A My mother, my father, and at the time my little
16 sister. Skye was still there until Chana put her out.

17 Q So in April and May of 2006, your mother, your
18 father, Skye was there and -- what's your father's name?

19 A Willie Wade Harsey. And he may have already been
20 gone.

21 Q Skye and who else?

22 A Skye, me, ^{Youngest} _{Victim} and Chana.

23 Q What about, you told the Solicitor something about
24 Skye and her girlfriend and her girlfriend's son?

25 A Yes. My mother put Skye's girlfriend and her son out

1 when I told her, my sister's girlfriend, that my mother
2 was selling me to my uncle because my sister girlfriend's
3 confronted my mother about it.

4 Q And James or Klepto, who is that?

5 A That was my ex-boyfriend. Well, he was my boyfriend
6 at the time, but he left me.

7 Q And when -- but he wasn't staying there at the same
8 time?

9 A No. He was staying there beforehand.

10 Q So he was living there before April and May, right?

11 A Yes.

12 Q And when did he move out?

13 A When he went to jail.

14 Q So Klepto and Skye and her girlfriend and the son
15 were not living there in April and May of 2006?

16 A No, they weren't.

17 Q And neither was your daddy?

18 A No.

19 Q Okay. So which motel did you move into, first one?

20 A Travelers Inn.

21 Q And that was just the three of you?

22 A Yes. The first time, yes.

23 Q Okay. When you moved back in there again -- when did
24 you move into the Travelers Inn, what month?

25 A I don't remember what month. It was right after our

1 lights were cut off.

2 Q And when were your lights cut off?

3 A I don't remember what month.

4 Q How many times had your lights been cut off?

5 A Well, growing up, on and off.

6 Q How many?

7 A About six, seven times.

8 Q So lights going off at your house didn't necessarily
9 mean something in terms of when you would move out. Would
10 you always move out when the lights went out?

11 A No.

12 Q But you distinctly remember moving out sometime in
13 2006?

14 A Yes, because we couldn't -- my father wasn't there to
15 take care of the bills.

16 Q All right. So any of this dealing that we're
17 referring to involving my client is some conversation he
18 had with your momma; is that right?

19 A Yes.

20 Q And is she going to testify?

21 A I have no clue.

22 MR. WILLIAMS: Beg the Court's indulgence, Your
23 Honor.

24 THE COURT: All right.

25 (Pause.)

1 BY MR. WILLIAMS:

2 Q Didn't Michael have his wife and children residing
3 with him in 2006?

4 A If you're referring to Angela?

5 Q Yeah.

6 A She stayed with us with her two kids, yes.

7 Q So she didn't stay with Michael?

8 A I didn't say she didn't stay with Michael. But she
9 did come and stay at the house a couple of nights.

10 Q But she normally lived with Michael, she and the
11 children lived with Michael, didn't they?

12 A As far as I know of.

13 Q So how is it that you went to his house when they
14 were staying there and had sex at his house?

15 A They weren't always together.

16 Q So these would be specific days where they would be
17 out shopping or something?

18 A Yes. Don't know what they were doing, but they
19 weren't there.

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

21 THE COURT: From the State.

22 MS. MAYES: Yes, sir, Your Honor.

23 REDIRECT EXAMINATION

24 BY MS. MAYES:

25 Q Ms. Harsey, what do you mean by the fact that Angela

1 and he were not always together?

2 A Well, to begin with, as far as I know of, him and
3 Angela weren't married, from what I can remember. He
4 stayed with Katie and Brandon and Tony and Kimberly for
5 some part of it.

6 Q All right. And the person that Mr. Williams referred
7 to as Angela, she actually had stayed with your family for
8 some period of time?

9 A Yes, she did because when my mother was arrested for
10 drugs in the house, Angela and her kids were there at the
11 house.

12 Q All right. And Angela was the girlfriend of
13 Mr. Roscoe?

14 A Yes.

15 Q All right. Now, the house at [REDACTED], which is
16 the defendant's house that Mr. Williams was just asking
17 you about, what color would you describe it as?

18 A Blue.

19 Q Was Angela there when Mr. Roscoe and you had sex at
20 that location?

21 A No, she was not.

22 Q I'll show you another photograph and ask you whether
23 or not you recognize this place.

24 A That's the same house.

25 Q When you say "same house," you're referring to the

1 same house in State's Exhibit 10?

2 A Yes, ma'am.

3 Q And that's the house you've identified as the house
4 of Michael Roscoe?

5 A Yes, ma'am.

6 Q On [REDACTED].

7 Now, Mr. Williams was asking you specifically
8 about the time period involved here. Are you able to
9 state an exact date and time, et cetera, for when these
10 acts occurred?

11 A No, ma'am, I am not.

12 Q Okay. But can you tell us whether or not it was
13 still going on after you turned 17 and were living at [REDACTED]
14 [REDACTED]?

15 A Yes, ma'am, it was.

16 Q And he was asking about the lights cut off. I
17 believe you said it's been cut off six or seven times?

18 A Yes, ma'am.

19 Q What, if anything, was different about the time that
20 it was cut off where your family ended up having to go to
21 various motels?

22 A It was just me, my mother and my little sister. We
23 had no source of income other than the money she was
24 getting for selling us for drugs.

25 Q So at this point in time can you tell us whether or

1 not the lights stayed off or the power stayed off?

2 A The power did not come back on.

3 Q So it was permanently cut off?

4 A Yes, ma'am.

5 Q You mentioned going into foster care. Let me back up

6 a little bit and ask about when you were living there [REDACTED]

7 [REDACTED] with your family. Were there ever times

8 that you ran away?

9 A Yes, ma'am.

10 Q And you would stay somewhere else?

11 A Yes, ma'am.

12 Q Ultimately you would come back home?

13 A Yes, ma'am.

14 Q What did you consider home, or the place you --

15 A Wherever my little sister was at the time.

16 Q That was considered your home?

17 A Yes.

18 Q Where you lived.

19 And when the police actually came and

20 interviewed you, did you have various friends and

21 neighbors at the [REDACTED] area?

22 A Yes, ma'am, I did.

23 Q Can you tell us whether it was common or uncommon to

24 stay with a friend?

25 A It was not uncommon for me to stay at a friend's

1 house.

2 Q When you spoke about going into foster care, what
3 caused you to go into foster care?

4 A They came and made me go.

5 Q What happened?

6 A They pulled up at the address that I was just asked
7 about, [REDACTED], and had me get in the car.

8 Q All right. And that was when your mother was
9 arrested?

10 A It was shortly right before she was arrested.

11 Q All right. And did you end up staying in foster care
12 until you were 18?

13 A Yes, ma'am. It was only a couple of months, but yes,
14 ma'am.

15 Q That was when you were 17?

16 A Yes.

17 Q And all this had come out.

18 Did you go into the same foster care home or
19 foster home as ^{Youngest} or did you all go --
Victim

20 MR. WILLIAMS: Objection to relevance, Your
21 Honor.

22 THE COURT: Your response?

23 THE WITNESS: We didn't stay --

24 THE COURT: No, the response by the Solicitor.

25 MS. MAYES: Yes, sir, Your Honor. The State's

1 position is that it's relevant to establish their
2 whereabouts after reporting it to the police.

3 THE COURT: Whereabouts when?

4 MS. MAYES: After reporting it to the police.

5 THE COURT: After reporting this to the police?

6 MS. MAYES: Yes, sir, Your Honor.

7 MR. WILLIAMS: The location of -- I don't want
8 to argue the motion in front of the jury, Your Honor,
9 about that. I just said it was not relevant, the question
10 was not relevant.

11 THE COURT: How would it be redirect?

12 MS. MAYES: I believe he questioned her on cross
13 about being in foster care and about the time that it all
14 came out and how old she was when she reported it.

15 THE COURT: I overrule the objection.

16 BY MS. MAYES:

17 Q Now, you were talking before to Mr. Williams about
18 talking to the police and he was asking you about a
19 location at [REDACTED]. [REDACTED], can you
20 tell us whether or not that would be in the general
21 neighborhood of your old home, [REDACTED]?

22 A Yes, ma'am.

23 Q So you met with the police at this location. Where
24 did you go next?

25 A I probably stayed there if it was a friend. If not,

1 I went and sat by myself or went back home.

2 Q All right. And how much time was it, if you could
3 estimate, between when you gave the statement to the
4 police at [REDACTED] and when you ended up going into
5 foster care?

6 A A couple of days afterwards.

7 Q All right. And you testified you were in foster care
8 until the age of 18?

9 A Yes, ma'am.

10 Q All right. And did ^{Youngest}_{Victim} go into foster care, too?

11 A Yes, ma'am.

12 Q Was she in a different foster care home than you?

13 A Yes, ma'am.

14 Q And here in court today, are you able to tell us
15 exactly what the first time or the date of the first time
16 that you had some type of sexual relations with
17 Mr. Roscoe?

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

19 MS. MAYES: Thank you. Nothing further.

20 THE COURT: Yes, sir.

21 MR. WILLIAMS: Just two questions.

22 RE-CROSS-EXAMINATION

23 BY MR. WILLIAMS:

24 Q Ma'am, didn't you tell the police you kept a diary?

25 MS. MAYES: Your Honor, I object. That's not

1 proper recross.

2 MR. WILLIAMS: She just asked a question about
3 the dates and times, Your Honor, and whether or not she's
4 able to recall them, and I asked whether or not she kept a
5 diary or not.

6 THE WITNESS: I did keep a diary, yes, I did,
7 but where those are at this current moment, I have
8 absolutely no clue.

9 BY MR. WILLIAMS:

10 Q And who lives at [REDACTED]?

11 A Now I don't know, but I think at the time Jeremy did.

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

13 THE COURT: You may step down.

14 Call your next witness.

15 MS. MAYES: The State calls Betsy Kosh.

16 BETSY KOSH, after being duly sworn, testified as
17 follows:

18 THE CLERK: Have a seat, please, ma'am. Once
19 you're seated, please speak up loud and clear, stating
20 your full name and spelling your last, please.

21 THE WITNESS: My name is Betsy Kosh. It's
22 spelled K-O-S-H.

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

24 (Pause.)

25

1 DIRECT EXAMINATION

2 BY MS. MAYES:

3 Q Good afternoon. Could you give us some information
4 about yourself?

5 A I'm the customer service supervisor at Mid-Carolina
6 Electric.

7 Q All right. And as part of your job duties, can you
8 tell us whether or not you're familiar with the records at
9 Mid-Carolina?

10 A I am.

11 Q And for purposes of court and other official
12 business, a custodian of records?

13 A Correct.

14 Q And you said that's Mid-Carolina Electric?

15 A Uh-huh.

16 Q What can you tell us about Mid-Carolina Electric?
17 How is it that your company serves certain residents of
18 Lexington County that aren't served by SCE&G?

19 A Well, years ago there was a decision made to design
20 or to assign territories to the utilities and then the
21 cooperatives served a certain area of the state, so it's
22 very well defined who serves what particular location.

23 Q Okay. Do you have records of which particular
24 locations are served by Mid-Carolina?

25 A Well, I mean I could look up an address and see if we

1 serve that or not, yes.

2 Q All right. And for purposes of this case, can you
3 tell us whether or not your company was asked to research
4 records of [REDACTED]?

5 A Yes, we were.

6 Q Can you tell us whether or not Mid-Carolina Electric
7 served [REDACTED]?

8 A We do. We have served it.

9 Q Can you tell us whether or not you have records for
10 the year 2006?

11 A We have, yes, ma'am, we do.

12 Q Do you have those with you today?

13 A I have -- yes, I've got a billing history.

14 Q Okay. I'm going to show you a document which is
15 noted as State's Exhibit 1 and just ask you to take a
16 moment and look through those records and whether or not
17 you recognize them and can authenticate them.

18 A Yes, this is what we provided on that address for
19 those dates of service.

20 Q Okay. So that would be the records for [REDACTED]
21 [REDACTED]?

22 A Uh-huh.

23 Q Now, can you tell us during the year 2006, whether or
24 not there is a record of power or electric services being
25 disconnect?

1 A There is. These are kind of older records so we
2 don't have any actual forms that would document that other
3 than looking at the credit history on the account for
4 those dates of service. We see three different occasions
5 when the service was cut for nonpayment.

6 Q All right. And I'm going to ask you to refer
7 specifically to the record that you're talking about.

8 A Okay.

9 Q And what are the -- for the year 2006, what are the
10 dates or months for which there was a disconnect or
11 non-service order in effect?

12 A Okay. Well, we cut it off for nonpayment in June and
13 August and September of '06.

14 Q Okay.

15 A I can kind of probably pick the dates based on when
16 payment was made with the service charge that we put on
17 for nonpayment, but it would be a guess.

18 Q All right. You mentioned June and August and
19 September?

20 A Right.

21 Q Now, if it's cut off in June, what would have
22 happened between June and August for it to get on again
23 and then be cut off again in August?

24 A Well, they would have to pay the bill to get it cut
25 back on.

1 Q Okay. So if it's cut off in June but the bill is
2 paid, it would be cut back on?

3 A Right. Immediately, yes, ma'am.

4 Q Okay. And then it's cut off again in August?

5 A Correct.

6 Q And then, according to your testimony, it was cut off
7 again in September?

8 A That's right.

9 Q So between August and September, what would have had
10 to happen for it to get cut back on again to be get cut
11 off?

12 A We had a payment in August to cut it back on.

13 Q Okay. So there would have been an August payment
14 when it's cut back on, and then what happened in
15 September?

16 A It was cut off on September 7th is what I see on the
17 account records, and we didn't get payment, so what we do,
18 our present procedures are to finalize an account after
19 ten days approximately if no payment has been received.

20 Q All right. And so what makes the -- what makes the
21 September disconnect different than the ones that had
22 happened in June and August?

23 A We didn't receive payment for the amount that it was
24 cut off for.

25 Q So it was permanently cut off?

1 A Right. Well, it was cut off in the same manner, that
2 would have been for nonpayment.

3 Q And was it ever cut back on by your agency?

4 A Not at that location. It's still off as far as I can
5 tell.

6 Q All right. So that date in which it was cut off and
7 not cut back on -- in other words, you didn't get a
8 payment to cut it back on -- was what date?

9 A September 7th.

10 Q Of what year?

11 A 2006.

12 Q Okay. So that was considered an account finalized?

13 A Correct.

14 Q And not cut back on?

15 A Right.

16 Q By your agency?

17 A That's correct.

18 MS. MAYES: I believe State's Exhibit 1 is
19 already in evidence, Your Honor.

20 Nothing further at this time.

21 MR. WILLIAMS: May it please the Court.

22 THE COURT: Yes.

23 CROSS-EXAMINATION

24 BY MR. WILLIAMS:

25 Q Ma'am, how many years were you asked to examine the

1 record of [REDACTED]?

2 A From January 2006 -- January 1, 2006 through
3 January 26th, 2007.

4 Q So you were not asked to examine the record prior to
5 January 1 of 2006?

6 A Correct.

7 Q So prior to that, you have no idea how many times it
8 was cut off prior to that?

9 A I could research the records on the account and by
10 virtue of when we see disconnect charges assessed to the
11 account, we could determine it had been cut off, yes.

12 Q Could you do that right this minute?

13 A No, I would have to have a computer to look up the
14 account.

15 Q And whose name was the account in?

16 A Willie Harsey.

17 Q All right. And in terms of your knowledge about who
18 was staying at that location, do you have any knowledge
19 whatsoever of who was staying at that location?

20 A We can only go by a contact that we have with the
21 member and we do restrict our contact to them or their
22 spouse, so that would be noted in the account.

23 Q So the person who would have been residing at that
24 location would have been Willie Harsey; is that correct?

25 A As far as -- it's the member on the account. They

1 may or may not reside there.

2 Q Who is the member on the account?

3 A Willie Harsey.

4 Q And that was from January 1 of 2006 until
5 September 7th of 2006; is that correct?

6 A Correct.

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

8 REDIRECT EXAMINATION

9 BY MS. MAYES:

10 Q And Willie Harsey's name is on the account, but you
11 yourself wouldn't have knowledge of who was actually
12 living in that home?

13 A Absolutely not.

14 Q All right. And the only account finalization that
15 you have a record of is the one that occurred on 9-7-06
16 when it was cut off and not cut back on by your agency?

17 A That's correct.

18 MS. MAYES: Your Honor, may we approach?

19 (A bench conference was held with the judge and
20 attorneys in the presence of the jury but out of the
21 hearing of the jury.)

22 BY MS. MAYES:

23 Q So as far as you're aware, that account was finalized
24 and closed in September of 2006?

25 A It was.

1 Q And your agency never provided services to that
2 location again?

3 A I don't show that we have another active account at
4 that location.

5 MS. MAYES: Thank you. Nothing further.

6 MR. WILLIAMS: No questions, Your Honor.

7 THE COURT: Thank you. You may step down.

8 Next witness.

9 MS. MAYES: May we approach?

10 (A bench conference was held with the judge and
11 attorneys in the presence of the jury but out of the
12 hearing of the jury.)

13 THE COURT: Let's stand a moment, ladies and
14 gentlemen, and have a little stretch.

15 MS. MAYES: The State calls Chana Harsey.

16 THE COURT: I think considering that it's ten to
17 five, we probably should break for the day and start with
18 this witness tomorrow morning.

19 Ladies and gentlemen, we'll stop for the day.
20 We'll start back at 9:30 tomorrow morning.

21 Please do not discuss the case. We'll see you
22 then.

23 (The jury left open court at approximately 4:50
24 p.m.)

25 THE COURT: All right. Anything else we need to

STATE OF SOUTH CAROLINA	)	
	)	COURT OF GENERAL SESSIONS
COUNTY OF LEXINGTON	—)	2008-GS-32-00186
		2013-GS-32-01199

STATE OF SOUTH CAROLINA	)	
	)	
vs.	)	TRANSCRIPT OF RECORD
	)	VOLUME 2
MICHAEL ROSCOE	)	
_____ DEFENDANT	—)	

April 23, 2013
Lexington, South Carolina

B E F O R E:

THE HONORABLE CLIFTON NEWMAN, JUDGE; and a jury.

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

SUZANNE MAYES, ASSISTANT SOLICITOR
Attorney for the State

ROBERT T. WILLIAMS, SR., ESQ.
Attorney for the Defendant

CAROL M. THUEME, RPR
Official Court Reporter

1 THE COURT: Anything before the jury comes in?

2 MS. MAYES: Not at this time, Your Honor.

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

4 (The jury came into open court at approximately
5 9:38 a.m.)

6 THE COURT: Good morning. Welcome back. Day
7 number two on the State's case.

8 You may call your next witness.

9 MS. MAYES: The State calls Melissa Turner.

10 THE CLERK: Place your left hand on the Bible
11 and raise your right.

12 MELISSA TURNER, after being duly sworn,
13 testified as follows:

14 THE CLERK: Have a seat. Upon having a seat,
15 speak up loud and clear. State your full name, spelling
16 your last on the record, please.

17 THE WITNESS: Melissa Turner, T-U-R-N-E-R.

18 DIRECT EXAMINATION

19 BY MS. MAYES:

20 Q Ms. Turner, where are you employed?

21 A With Lexington School District 2, Airport High
22 School.

23 Q Okay. And what do you do at Airport High School?

24 A At the time, I was the registrar in the guidance
25 office.

1 Q And where are you employed right now?

2 A I'm still at Lexington 2, I'm just at Fulmer Middle
3 School.

4 Q Going back to when you were at Airport High School,
5 what was your job responsibility there?

6 A I was registrar in the guidance office. I enrolled
7 students, kept records, did transcripts.

8 Q All right. Can you tell us whether or not you were
9 employed at Airport High School during the fall of 2006?

10 A I was.

11 Q Now, during the time that you were employed at
12 Airport High School in 2006, did you know a student by the
13 name of ^{Oldest Victim}

14 A Yes, ma'am.

15 Q And did you know a student by the name of ^{Youngest Victim}

16 [REDACTED] who went by the name ^{Youngest Victim} [REDACTED]?

17 A Yes, ma'am.

18 Q During that time, fall of 2006, was ^{Youngest Victim} a student
19 there?

20 A She was.

21 Q ^{Youngest Victim} was a student?

22 A Yes, ma'am.

23 Q What was her grade level or status?

24 A She was a special-needs student.

25 Q All right. Can you tell us whether or not -- you

1 aren't allowed to say specifics of what anyone said to
2 you, but can you tell us whether or not you received any
3 information in connection with prostitution?

4 A I did.

5 Q And who did you receive that information from?

6 A Oldest Victim

7 Q All right. Do you have documentation or did you have
8 the opportunity at the time to document the specific date
9 in which you received that information?

10 A Yes, ma'am, October 11th, 2006.

11 Q Okay. And where were you when you received a report
12 from Oldest Victim

13 A In the guidance office at Airport High School.

14 Q When you received that information, what was the next
15 step?

16 A I had to report it to my SRO.

17 Q And what do you mean by "SRO"?

18 A She's our resource officer with Lexington County.
19 She's on site at all times.

20 Q Okay. So that is a police officer, a law enforcement
21 officer?

22 A Yes, with Lexington County.

23 Q Okay. And when you say you had to report it, what do
24 you mean by that?

25 A As an employee, if a student reports something to me,

1 I am obligated to report it to law enforcement.

2 Q If it involves allegations of abuse --

3 MR. WILLIAMS: Objection to leading.

4 MS. MAYES: I can rephrase that, Your Honor.

5 THE COURT: All right.

6 BY MS. MAYES:

7 Q What type of things are you mandated to report?

8 A Anything that is of an illegal status that a student
9 reports to me, I have to report to law enforcement.

10 MS. MAYES: Thank you. Nothing further.

11 MR. WILLIAMS: No questions, Your Honor.

12 THE COURT: Thank you. You may step down.

13 MS. MAYES: The State calls Jeremy Futch.

14 JEREMY FUTCH, after being duly sworn, testified
15 as follows:

16 THE CLERK: Have a seat, please. Once you're
17 seated, state your full name, spelling your last on the
18 record, please.

19 THE WITNESS: Jeremy Futch, F-U-T-C-H.

20 DIRECT EXAMINATION

21 BY MS. MAYES:

22 Q And, Mr. Futch, where do you currently reside?

23 A Aiken, South Carolina.

24 Q And prior to living in Aiken, can you tell us whether
25 or not you ever resided in Lexington County?

1 A Yes, ma'am.

2 Q Can you tell us whether or not you resided in the
3 Lexington County area during the timeframe of 2006, 2007?

4 A Yes, ma'am.

5 Q How old are you today?

6 A Thirty-six.

7 Q Say that again.

8 A Thirty-five.

9 Q Mr. Futch, do you have any criminal convictions?

10 A Yes, ma'am.

11 Q What are your criminal convictions within the last
12 ten years?

13 A Forgery, assault and battery of a high and aggravated
14 nature, breach of trust, check fraud.

15 Q All right. Now, you mentioned that you have a
16 conviction for forgery. Can you tell us what county that
17 conviction is from?

18 A Lexington County.

19 Q And do you know what agency investigated your forgery
20 case?

21 A Lexington County Sheriff's Department.

22 Q All right. When you were being investigated for that
23 forgery, tell us about that investigation and what you
24 recall about meeting with officers.

25 A I was being investigated for forgery, Detective

1 Robbie Lint was investigating me. During the process of
2 that investigation, or that interview, I felt guilty about
3 something I had done, and I shared some information that I
4 had paid for sexual favors with a 15-year-old.

5 Q All right. And you reported that to Detective Lint?

6 A Yes, ma'am. He then brought an officer by the last
7 name of Gunter in.

8 Q Can you tell us whether or not you're referring to
9 Detective Sam Gunter?

10 A Yes, ma'am.

11 Q That would be the two detectives here in the
12 courtroom, Robbie Lint and Detective Gunter?

13 A Yes.

14 Q Did you have an opportunity to provide a statement to
15 law enforcement?

16 A Yes, ma'am.

17 Q I'm going to show you a document and ask you whether
18 or not you recognize it.

19 A Yes, ma'am.

20 Q What is the date on which you reported this
21 information to law enforcement?

22 A 1/26/2007.

23 Q So that would be January 26, 2007?

24 A Yes, ma'am.

25 Q Now, you said that when you met with the detectives,

1 you told them that you had paid money for sex with a
2 15-year-old. Who is that 15-year-old that you were
3 referring to in January of 2007?

4 A Youngest Victim

5 Q And what name did you know Youngest Victim by?

6 A Youngest
Victim

7 Q When you said that you had paid for sex with her, who
8 did you pay that money to?

9 A I paid it to Chana Harsey, her mother.

10 Q Did you know the Harseys when they lived at a
11 location called [REDACTED]?

12 A Yes, ma'am.

13 Q How were you familiar with the [REDACTED] area?

14 A I lived there on and off for two-and-a-half years.

15 Q When you say you "lived there," do you mean at their
16 house or another location?

17 A I lived at [REDACTED].

18 Q All right. So you lived in the [REDACTED] area
19 yourself?

20 A Yes, ma'am.

21 Q When you lived in the [REDACTED] area, are we
22 talking about before January of 2007 or after?

23 A Before.

24 Q When you lived in the [REDACTED] area, did you
25 know the Harseys then?

1 A Yes, ma'am. I met them through my best friend's
2 ex-wife.

3 Q Okay. I'm going to show you some photographs and ask
4 you whether or not you recognize these photographs, which
5 would be State's Exhibits 8 and 7?

6 A Yes, that's the trailer.

7 Q When you say "that's the trailer," you were referring
8 to whose residence?

9 A That was Chana Harsey's house. ^{Youngest}Victim and ^{Oldest}Victim lived
10 there.

11 Q ^{Youngest}Victim and ^{Oldest}Victim lived with her?

12 A Yes, ma'am.

13 Q Had you ever had an opportunity to visit that home?

14 A Yes, ma'am, several occasions.

15 Q Have you ever met or been around the defendant in
16 this case, Michael Roscoe?

17 A Yes, ma'am, I met him a couple of times.

18 Q Where did you meet him?

19 A I met him one time. Chana had asked me to take the
20 girls over to his trailer for a baby-sitting--

21 MR. WILLIAMS: Objection to hearsay, Your Honor.

22 MS. MAYES: I can rephrase that, Your Honor.

23 BY MS. MAYES:

24 Q When did you actually physically see him?

25 A He showed up at Chana's house sometimes.

1 Q So when you physically saw him, whose house was he
2 at?

3 A He was at Chana's.

4 Q And you're referring to which house?

5 A This one.

6 Q [REDACTED]?

7 A Yes, ma'am.

8 Q Have you yourself ever seen either of the girls in
9 his presence?

10 A Yes, ma'am.

11 Q What do you recall about that?

12 A He came over to pick them up for a baby-sitting gig.

13 Q Have you ever seen either one of the girls leave with
14 him?

15 A Yes, ma'am. The particular time that he came over,
16 he came over to pick ^{Youngest}Victim -- ^{Youngest}Victim up to baby-sit.

17 Q And when you use the word "baby-sit," who did you get
18 that information from?

19 A Chana.

20 MR. WILLIAMS: Objection to hearsay, Your Honor.

21 THE COURT: The objection is sustained.

22 BY MS. MAYES:

23 Q All right. Did you actually -- when you say he came
24 to pick her up, is that something you actually observed?

25 A Yes, ma'am.

1 Q And who did -- what -- I have to ask very basic
2 questions, but exactly how did they leave together?

3 A She walked to the car, got into the passenger's side
4 of the car, he got in the driver's side and they left.

5 Q All right. And you're referring to who when you say
6 "she"?

7 A Youngest
Victim

8 Q And, again, that was in the timeframe they lived in
9 what location?

10 A They lived at [REDACTED].

11 MS. MAYES: All right. Nothing further at this
12 time.

13 MR. WILLIAMS: May it please the, Court.

14 THE COURT: Yes, sir.

15 CROSS-EXAMINATION

16 BY MR. WILLIAMS:

17 Q Mr. Futch, what I understand is that you have seen my
18 client on two occasions?

19 A Yes, sir.

20 Q And on one occasion, you saw his cousin get in his
21 car and ride over -- ride somewhere?

22 A Yes, sir.

23 Q And you lived at [REDACTED]?

24 A Yes, sir.

25 Q Do you recall Oldest
Victim Lee Harsey living with you in

1 January of 2007?

2 A Yes, sir.

3 Q So after she moved out of her home, she moved in with
4 you; is that right?

5 A She moved in with me and my friend, yes, sir.

6 Q Who is your friend?

7 A David Blue.

8 Q So she moved in with you and another guy, right?

9 A Yes, sir.

10 Q Did anyone else move in besides ^{Oldest Victim} Did ^{Youngest}
11 come along with her? _{Victim}

12 A No, sir.

13 Q Just ^{Oldest Victim}

14 A Yes, sir.

15 Q And how long did she live with you at [REDACTED]

16 [REDACTED]?

17 A I think it was maybe three or four months before I
18 got arrested. And then after that, I don't know.

19 Q Now, the statement that you were arrested -- I think
20 you've already said you were arrested by Lexington County
21 for writing forged checks, right?

22 A Yes, sir.

23 Q And while you were in there, you managed to pick up
24 the ABHAN also; is that right? That was a charge you
25 subsequently pled to, right?

1 A Yes, sir.

2 Q And the basis of that had to do with the two
3 children, right?

4 A Yes, sir.

5 Q Because you made admissions about the two children.

6 A Yeah, I made admissions about one, yes, sir.

7 Q Did you plead to having done something with both
8 children or one?

9 A Just one.

10 Q Well, when you interviewed the police officer,
11 September of 2007, is that when you gave your statement to
12 the police officer?

13 A Yes.

14 Q You didn't say anything at all about my client doing
15 anything wrong, did you?

16 A No, sir.

17 Q You only admitted your sexual escapades with one
18 child?

19 A Yes, sir.

20 Q Now, the convictions that you said that you were
21 found guilty of were the forgery, the ABHAN, dealing with
22 the sex act with the child, breach of trust, where was
23 that at?

24 A The breach of trust, I do believe, was in Georgia.

25 Q All right.

1 A That was a previous charge.

2 Q But it's within ten years; is that right?

3 A Yes, sir, I do believe so.

4 Q All right. What about the additional check fraud
5 charge?

6 A I incurred that after I went to court. They served
7 those warrants after I went to court for ABHAN.

8 Q And weren't you also convicted of a forgery -- was
9 the forgery you were convicted of dealing with checks or
10 money?

11 A It was dealing with checks. I'd taken some checks
12 from my brother's checkbook.

13 Q So you weren't convicted of a forgery dealing with
14 falsifying or altering a transcript or diploma?

15 A Yes, sir, I was.

16 Q So this is another forgery, right?

17 A Yes, sir.

18 Q Did you just remember when I read it off?

19 A Yes, sir. I've been convicted -- over the last ten
20 years, I've been charged and convicted several times for
21 non-violent crimes.

22 Q How many?

23 A A good handful.

24 Q Is it your handful?

25 A It's my handful.

1 Q How big would that be?

2 A About ten.

3 Q So actually, we have got at least a couple of
4 forgeries, you got the ABHAN, you got the fraudulent
5 check, we got some stuff out of Georgia. Just one out of
6 Georgia?

7 A Yes, sir, as far as I know.

8 Q What about a theft by taking out of the state of
9 Georgia?

10 A Yes, sir.

11 Q So is that one you just forgot to tell us about?

12 A It was a long time ago, sir.

13 MR. WILLIAMS: I don't have any other questions.

14 THE COURT: Redirect?

15 MS. MAYES: Yes, sir, Your Honor.

16 REDIRECT EXAMINATION

17 BY MS. MAYES:

18 Q Just to clarify some of the timeframe that
19 Mr. Williams was asking you about, when ^{Oldest}_{Victim} was staying
20 with you, that was while you were living at what location?

21 A [REDACTED].

22 Q At [REDACTED]?

23 A Yes, ma'am.

24 Q Okay. Were they still living in their house at
25 [REDACTED] or had they left?

1 A They -- Chana and ^{Youngest}_{Victim} were still staying up there.
2 They were in and out. They were going to motels because
3 the power kept getting cut off.

4 Q Okay. Now, was there a period of time when they left
5 altogether?

6 A I do believe so, yes, ma'am.

7 Q And when they left altogether, did you ever have an
8 opportunity to go to the new place they were staying?

9 A Yes, ma'am. I found it on accident.

10 Q Okay. And what is the general location of that
11 place?

12 A Simmons Lane.

13 Q Simmons Lane?

14 A Yes, ma'am.

15 Q And when you paid for --

16 MR. WILLIAMS: Objection to leading.

17 BY MS. MAYES:

18 Q You testified previously that there was a period
19 where you paid for sex with ^{Youngest}_{Victim}

20 A Yes.

21 Q Where were they living when that happened?

22 A Simmons Lane.

23 Q All right. The Simmons Lane, can you tell us whether
24 or not that is where they were located in January 2007?

25 A Yes, ma'am.

1 Q In other words, how close in time was the incident
2 with you and ^{Youngest}_{Victim} and you reporting that to police?

3 A Within two weeks.

4 Q So by your explanation, can you tell us whether or
5 not that would have been January of 2007?

6 A Yes, ma'am.

7 Q All right. And in that period of time, January of
8 2007, when the police came to interview ^{Oldest}_{Victim} after you
9 had made that disclosure to them, where was ^{Oldest}_{Victim} staying
10 at the time?

11 A I do believe she was staying at [REDACTED].

12 Q And that was your place, the [REDACTED]?

13 A Yes, ma'am, I was picked up from there.

14 Q So would that have been before or after the Harseys
15 lived at this location?

16 A They weren't living there when she was picked -- when
17 I was picked up.

18 Q Okay. And what about when they came to interview
19 ^{Oldest}_{Victim} at your place?

20 A No, they weren't living there, either.

21 Q All right. Now, Mr. Williams was asking you about
22 the conviction that you have for, I think the term you
23 used was ABHAN. Is that the assault and battery of a high
24 and aggravated nature?

25 A Yes, ma'am.

1 Q Did that have to do with the event you told us about,
2 having sex with ^{Youngest} Victim for money?

3 A Yes, ma'am. I was originally charged with CSC,
4 criminal solicitation of a minor and CSC with a minor.

5 Q So your conviction is actually because you were
6 arrested and charged in this case?

7 A Yes, ma'am.

8 Q Can you tell us whether that was before or after you
9 reported this to law enforcement?

10 A It was after.

11 Q All right. And did you serve time for that?

12 A Yes, ma'am, I served --

13 MR. WILLIAMS: Objection to the relevance of
14 that, Your Honor.

15 THE COURT: Objection overruled.

16 BY MS. MAYES:

17 Q You can answer the question.

18 A Yeah, I served 386 days in Lexington County, and then
19 I went to court.

20 MS. MAYES: Thank you. Nothing further.

21 THE COURT: Mr. Williams?

22 RECROSS-EXAMINATION

23 BY MR. WILLIAMS:

24 Q And ^{Youngest Victim} older sister came to stay with you and
25 lived with you for three months after you had sex with her

1 younger sister?

2 A No. No, sir.

3 Q Oldest Victim came to live with you after you had had sex
4 with Youngest Victim right?

5 A No. Oldest Victim came to live with us before I had sex with
6 Youngest Victim

7 Q So she was living with you when you had sex with

8 Youngest Victim

9 A Yeah, but she didn't know.

10 Q She didn't know?

11 A No.

12 Q Because you didn't tell her?

13 A Yeah, that's right.

14 Q Because Oldest Victim was your girlfriend?

15 A No.

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

17 THE COURT: Thank you, sir. You may step down.

18 MS. MAYES: The State calls Chana Harsey.

19 THE COURT: Ladies and gentlemen, I'm going to
20 have you step to the jury room for just a few minutes.

21 When you return, Mr. Lewis, I'm going to appoint
22 you to serve as the foreperson of the jury. You'll take
23 the foreperson's seat, the bailiff will tell you where
24 that is, when you come back.

25 As foreperson, you will be the spokesperson for

1 THE COURT: All right. The jury's back. Your
2 next witness.

3 MS. MAYES: The State calls Chana Harsey.

4 CHANA HARSEY, after being duly sworn, testified
5 as follows:

6 THE CLERK: Have a seat, please, ma'am. Once
7 you're seated, speak up loud and clear, stating your full
8 name, spelling your last, please.

9 THE WITNESS: Chana, C-H-A-N-A, Harsey,
10 H-A-R-S-E-Y.

11 DIRECT EXAMINATION

12 BY MS. MAYES:

13 Q Now, Ms. Harsey, I'm going to start by asking you
14 where you are currently located, where you currently
15 reside?

16 A Right now?

17 Q Yes.

18 A Camille Griffin Graham Institute.

19 Q And is that part of the South Carolina Department of
20 Corrections?

21 A Yes, ma'am, it is. I've been there for six years and
22 have six years left.

23 Q Do you have any criminal convictions?

24 A Yes, ma'am, I do.

25 Q All right. What are your criminal convictions within

1 the last ten years?

2 A Prostitution of a minor, of my daughters.

3 Q Anything else? Have you had a drug conviction within
4 the last ten years?

5 A Yes, I did.

6 Q With possession with intent to distribute a
7 controlled substance?

8 A Yes, ma'am.

9 Q All right. Now, when talk about promoting
10 prostitution of a minor, you said that was your daughters?

11 A Uh-huh.

12 Q Who were your daughters?

13 A ^{Oldest Victim} right there in front of me and my other
14 daughter, ^{Youngest Victim}

15 Q All right. Are you able to see from this board from
16 where you are, or do I need to bring it closer?

17 A I can see it.

18 Q I would like to ask you a little bit about your
19 family, Ms. Harsey.

20 Who is the father of ^{Oldest Victim} and ^{Youngest Victim}

21 A Willie Wade Harsey.

22 Q Willie Wade Harsey?

23 A Yes, ma'am.

24 Q Did you and Willie Wade Harsey and ^{Oldest Victim} and ^{Youngest Victim}
25 ever live together as a family?

1 A Yes, ma'am.

2 Q What are some of the locations in which you lived
3 together as a family?

4 A [REDACTED], and I can't remember the other --
5 the other address.

6 Q All right. Do you recognize this location?

7 A Yes, ma'am.

8 Q What is that location?

9 A That's [REDACTED]. That's where we lived at
10 before me and my husband split up.

11 Q Okay. Did there come a point in time -- you said you
12 and your husband split up. Did there come a point in time
13 when your husband, Willie Wade Harsey, no longer lived
14 here at this residence with you and the girls?

15 A Yes, ma'am.

16 Q And once he left, who do you recall being at the
17 home?

18 A Me and my daughters.

19 Q And when you say "daughters," you're referring to?

20 A All three of my girls. I had four daughters, but
21 three lived there.

22 Q Oldest Victim Youngest Victim and who is the other one?

23 MR. WILLIAMS: Objection to leading.

24 BY MS. MAYES:

25 Q I can rephrase that.

1 Who were the three daughters you're referring
2 to?

3 A Skye, ^{Oldest}_{Victim} and ^{Youngest}_{Victim}

4 Q All right. Now, Skye, is she older or younger than
5 ^{Oldest}_{Victim} and ^{Youngest}_{Victim}

6 A She's older than ^{Youngest}_{Victim} now.

7 Q What about older or younger than ^{Oldest}_{Victim}?

8 A She's older than ^{Oldest}_{Victim}

9 Q So she would be the oldest of the three?

10 A Yes, ma'am.

11 Q All right. How is it, Ms. Harsey, if at all, that
12 you know the defendant in this case, Michael Roscoe?

13 A Michael Roscoe is kin to my ex-husband, and he had
14 dealings with my daughters.

15 Q Okay. When you say he is kin to your ex-husband,
16 you're referring to who? You're referring to who that
17 he's kin to?

18 A Wade.

19 Q All right. So he's kin to Willie Wade Harsey. Do
20 you know how he's kin?

21 A He's his cousin.

22 Q All right. And growing up, what did the girls know
23 him, what name did the girls know him by?

24 A Roscoe.

25 Q All right. Now, you mentioned that he had dealings

1 with your daughters?

2 A Yes, ma'am.

3 Q What do you mean by that?

4 A He had sexual favors with my daughters.

5 Q All right. And when you say "sexual favors," can you
6 tell us whether -- or how do you have knowledge of that?

7 A Because I was asked. And it wasn't just once, it was
8 more than once.

9 Q When you say you were asked, who is that person who
10 would ask you for sexual favors from your daughters?

11 A Roscoe.

12 Q Referring to?

13 A Michael.

14 Some blow jobs mostly because they really didn't
15 care for head -- I mean, for sexual favors.

16 Q All right. He told you -- when you're referring to
17 "sexual favors," did he ever tell you what he wanted?

18 A Pretty much, blow jobs.

19 Q Whose words were those?

20 A Michael's and my girls.

21 Q Now, when you say that he would ask you for this, can
22 you tell us whether or not that means it was with your
23 knowledge and permission?

24 A Yes, it had to be with my permission.

25 Q Was money involved in this, Ms. Harsey?

1 A Some of the time, yes. And, then, some of the time,
2 it was more a free thing.

3 Q When you say "some of the time" money was involved,
4 what are you referring to?

5 A Well, sometimes he had it for nothing and other times
6 he would pay.

7 Q What would he pay?

8 A The lowest amount he would pay would be about \$20.

9 Q What is the highest amount he paid?

10 A It never really got too much higher than that.

11 Q What is the highest amount he was supposed to pay?

12 A Three hundred and something dollars. I had a check
13 and it never got cashed.

14 Q And when you say there was a check for three hundred
15 or some dollars, who gave you a check?

16 A Michael. And it came from his boss man.

17 Q Who told you it came from his boss man?

18 A He did. And I tried to take it to the bank, and it
19 wouldn't -- it wouldn't cash.

20 Q All right. When you say "he," he told you it was
21 from his boss man, who are you referring to?

22 A I don't know what his boss man's name is.

23 Q All right. But who told you it was from his boss
24 man?

25 A Michael.

1 Q And do you know for sure exactly where you tried to
2 cash the check?

3 MR. WILLIAMS: Objection. She's testifying,
4 Your Honor.

5 THE COURT: Just ask the question, please.

6 MS. MAYES: Yes, sir, Your Honor.

7 BY MS. MAYES:

8 Q Do you know exactly where you tried to cash the
9 check?

10 A Down there at the airport. One of the banks right
11 there at the airport.

12 Q All right. Do you know the name of it?

13 A No, not right offhand.

14 Q Do you know how many times you tried to cash the
15 check?

16 A About four or five times.

17 Q All right. And those four or five times you tried,
18 were you ever able to get money out of the check?

19 A No, ma'am.

20 Q Okay. Now, why is it that he paid \$300 on one
21 occasion?

22 A That was for my baby girl.

23 Q When you say that was for your "baby girl," whose the
24 one --

25 A Yeah. Her name is ^{Youngest Victim}

1 Q Was that the first -- or can you tell us whether or
2 not he had ever paid for ^{Youngest} _{Victim} before that time he paid
3 the \$300?

4 A Yes, he had tried -- he had paid before.

5 Q All right. What was it about this time that he was
6 paying three hundred?

7 A My lights went off, and at that particular time, I
8 couldn't get the light bill paid, so he said he was going
9 to try to help me.

10 Q All right. Now, you mentioned before that oral sex
11 was involved in this?

12 A Yes, ma'am.

13 Q Can you tell us whether or not there were occasions
14 that included intercourse?

15 A I can't say for sure whether or not there was
16 anything involved. I know that ^{Oldest} _{Victim} --

17 Q Well, let me ask you this: Were you physically
18 present when he would have sexual relations with your
19 girls?

20 A Yes, at the motel.

21 Q Okay. But were you physically in the room or in the
22 bed?

23 A No, I wasn't in the room.

24 Q That's what I'm asking. Were you there to observe
25 the actual sex acts that took place?

1 A I was there to see my daughter do sexual favors as
2 far as blow jobs. She -- my oldest one got to where --
3 she got to where she did not want to do it anymore.

4 Q Okay. And your oldest one, you're referring to, who?

5 A ^{Oldest Victim} right there.

6 Q When she got to when she didn't want to do it
7 anymore, how would you go about still making money?

8 A ^{Youngest Victim}

9 Q And that is how ^{Youngest Victim} got involved?

10 A That's how ^{Youngest Victim} got involved.

11 Q All right. Were there ever times that Mr. Roscoe
12 came to your residence at [REDACTED]?

13 A Many times.

14 Q Were there ever any times?

15 A Yes.

16 Q Would that be one time or more than one time?

17 A It would be more than one time.

18 Q All right. If there was an arrangement with one of
19 the girls, how would he go about finding a place or
20 location to carry out the deal?

21 A There was never any other time. It was always with
22 my -- it was -- that was always with him.

23 Q What I'm asking you is: How would it -- was it
24 always at your house or was it at other places, too?

25 A It was at other places. We stayed at the motel, and

1 we had to come up with money to get a place to live at at
2 that particular time.

3 Q Now, before you were staying at the motel and you
4 were still here at [REDACTED] with the girls, did
5 Michael ever come to that residence?

6 A Yes.

7 Q All right. Can you tell us whether or not he ever
8 left the residence with one of the girls?

9 A Yes. And they always went around the corner from
10 where our house was.

11 Q All right. So when you say they would leave with
12 him, tell us how that would happen. Now, how did that go
13 about? Let's start at your home with the girls, and an
14 arrangement is made, what happens next?

15 A They would go around the corner from where we lived
16 at, and each one of them would come back about 15 minutes
17 or so, or 15 minutes prior to them leaving, and sometimes
18 they would have \$20, sometimes they wouldn't have \$20.

19 Q All right. Now, did he drive a vehicle?

20 A Yes.

21 Q All right. How do you know that?

22 A Because I was right there.

23 Q All right. Did you ever see either of the girls
24 leave with him in a vehicle?

25 A Yes, ma'am, numerous times.

1 Q Was that also with your knowledge and permission?

2 A Yes, ma'am.

3 Q For a deal?

4 A Usually, it was for money. I had a real bad drug
5 habit.

6 Q All right. Let's talk about that. What type of
7 drugs were you addicted to during the timeframe that we're
8 talking about where you lived with the girls there at
9 [REDACTED] when this was going on?

10 A I did a lot of coke, a lot of weed and a lot of
11 crack. And when you do stuff like that, it really messes
12 with your head.

13 Q All right. When you say you did those drugs, can you
14 tell us whether or not you actually had an addiction?

15 A Yes, a very bad one.

16 Q All right.

17 A I don't now, but I did.

18 Q When you say "a very bad one," describe what that was
19 like. How often were you using drugs like cocaine or
20 crack?

21 A A good bit. A very, very good bit. And it makes you
22 lose the very thing that you love the most.

23 Q And do drugs like cocaine and crack cost money?

24 A Yes, very much.

25 Q Can you tell us whether or not you were using drugs,

1 such as cocaine and crack, during the timeframe that
2 Michael would pick up one of your daughters?

3 A Yes, I was.

4 Q What about during the timeframe that he paid you \$300
5 for your baby girl, ^{Youngest}_{Victim}?

6 A Yes.

7 Q What about during the timeframe that the power got
8 cut off and you left [REDACTED]?

9 A I was still doing stuff. If I wasn't doing it, my
10 babies were.

11 Q I want to take you, Ms. Harsey, to September of 2006.
12 Can you tell us whether or not in that timeframe of
13 September of 2006 you recall the power getting cut off?

14 A Yes, ma'am. I remember that very well.

15 Q And when your power got cut -- let me ask you this:
16 Was there a time that the power got cut off for good and
17 you couldn't even pay the bill at all?

18 A Yes.

19 Q When your power got cut off for good, where did you
20 all go?

21 A We went mostly to the motel. And me and my daughters
22 both did what we had to do when -- when it come to getting
23 something to eat.

24 Q All right. And when you were living in motels, can
25 you tell us whether or not that included ^{Youngest}_{Victim} staying at

1 the hotels?

2 A Yes, it did.

3 Q And in the fall of 2006, your daughter, ^{Youngest}_{Victim} was
4 14. Whose custody was she in?

5 MR. WILLIAMS: Objection to leading.

6 BY MS. MAYES:

7 Q Let me ask it this way: What is your daughter's date
8 of birth, ^{Youngest}_{Victim}

9 A [REDACTED] -- [REDACTED] [REDACTED].

10 Q All right. So in the fall of 2006 before
11 [REDACTED], she would have been how old?

12 A About 14.

13 Q Okay. When she was 14, whose custody or care was she
14 in?

15 A They were in mine.

16 Q All right. And that included a period of time when
17 you were staying at motels?

18 A Yes, ma'am.

19 Q Did Michael Roscoe -- did you have any involvement
20 with Michael Roscoe during the timeframe that your power
21 got cut off and you were staying at motels?

22 A Yes, ma'am.

23 Q The deals you talked about before, can you tell us
24 whether or not the deals still went on after you were in
25 the motel?

1 A Yes.

2 Q Can you tell us whether or not Michael Roscoe was
3 involved in that?

4 A Yes, ma'am.

5 Q With which one of your daughters?

6 A Youngest Victim

7 Q Talking about your youngest daughter, ^{Youngest}
^{Victim}

8 Ultimately, Ms. Harsey, do you remember where
9 you were when you got arrested?

10 A I was somewhere in the boondocks.

11 Q Was this before or after your power had got cut off
12 at the [REDACTED] house?

13 A After the power cut off.

14 Q All right. So after the power got cut off, you
15 stayed in motels, and then, ultimately, you said you were
16 arrested somewhere in the boondocks?

17 A Yes, ma'am.

18 Q Do you remember what month or year that was?

19 A All I know is, it was right before I got arrested.
20 I'm not sure what the day is.

21 Q When you were in the boondocks?

22 A Yeah. I know I was scared to death.

23 Q Do you remember which officers were present when you
24 were arrested?

25 A Him.

1 Q Referring to Sergeant Lint?

2 A Yeah.

3 Q Was your daughter, ^{Youngest}_{Victim} there with you, when you
4 said in the boondocks when you got arrested?

5 A Yes, ma'am, she was.

6 Q And you were arrested and taken where?

7 A Lexington County Jail, and then I went to court, and
8 I got sentenced to 15 years.

9 Q All right. Well, let me ask you this: Did you
10 ever -- have you ever had custody or care of your
11 daughter, ^{Youngest}_{Victim} since that day that you were arrested?

12 A No, ma'am, but we write.

13 Q Okay. So you have not had custody of your daughter
14 since that date?

15 A No, ma'am.

16 MS. MAYES: Beg the Court's indulgence.

17 (Pause.)

18 BY MS. MAYES:

19 Q Ms. Harsey, if other people were around and -- were
20 other people ever around when you and Michael had a deal
21 or discussed arrangements?

22 A Mostly just my girls.

23 Q All right. Did you ever have a word that you used or
24 do you recall a word that you used when he would go off
25 with the girls?

1 A He was baby-sitting or they were baby-sitting Dukes'
2 baby.

3 Q All right. And what do you mean by "baby-sitting"?

4 A Dukes was supposed to be there, which is Michael's
5 girlfriend, and a lot of times, she wasn't even in the
6 picture.

7 Q All right. Why was the term "baby-sitting" used?

8 A I think because sometime they would and -- but my
9 intents of the time, they wasn't doing anything except for
10 doing the -- doing the blow jobs.

11 MS. MAYES: Nothing further.

12 THE COURT: Mr. Williams.

13 CROSS-EXAMINATION

14 BY MR. WILLIAMS:

15 Q So, Ms. Harsey, you're telling me that the children
16 baby-sitted Michael's children sometimes; is that right?

17 A That's allegedly what they were supposed to be doing,
18 but they weren't, they were --

19 Q Didn't you just say a minute ago that sometimes they
20 baby-sitted but sometimes they didn't?

21 A That's what they were supposed to be doing. But --
22 and I'll allege -- I can't even say the word -- they never
23 did no baby-sitting because nine-tenths of the time, they
24 were over there with Roscoe, and there was no baby to be
25 baby-sitting.

1 Q Well, now, if you were the kingpin or if you were the
2 person organizing this prostitution, then why would there
3 be any use of the word "baby-sitting" whatsoever? I mean,
4 why wouldn't you just say, I'm sending my girls out with
5 you to have sex with you?

6 A Because I'm not technically that kind of a person,
7 but we needed the money. We had nowhere to stay, nowhere
8 to go, nowhere to do nothing.

9 Q So you came up with the word of "baby-sitting" to
10 cover that; is that right?

11 A Pretty much.

12 Q So Michael Roscoe never came up with this phrase of
13 "baby-sitting," you came up with it to cover up your
14 prostituting your children out, right?

15 A I don't know because I'm not understanding what your
16 question is.

17 Q Well, you said earlier that Michael was mostly
18 seeing, was it ^{Youngest}Victim or ^{Oldest}Victim or was it both of them, or
19 who was it?

20 A It was the both of them. There wasn't no just one.
21 They got a blow job from both my girls.

22 Q They got?

23 A He got.

24 Q How many men did you prostitute those girls out to?

25 A One.

1 Q Just one?

2 A Yep.

3 Q What about Jerry Futch? What about Jeremy Futch?

4 A I went to jail because of Jeremy Futch.

5 Q Okay. Well, if you went to jail because of Jeremy
6 Futch, then I guess that means that you must have
7 prostituted your children out with Jeremy Futch. Isn't
8 that what that means?

9 Do I need to say it a different way? Do you not
10 understand what I'm saying?

11 A I'm not illiterate.

12 Q Well, do you understand what I'm saying?

13 A The only one that was with Jeremy was ^{Oldest Victim}

14 Q Okay. So you went to jail because you prostituted
15 ^{Oldest Victim} out with Jeremy Futch, right? That is either yes or
16 no, isn't it, ma'am?

17 A Well, it might be just yes or no to you, but I'm
18 still lost.

19 Q You're lost about it, you're confused about it? I'm
20 sorry. Do you need assistance answering that question?

21 A What do you mean, do I "need assistance"?

22 Q Do you know the answer to the question? How many
23 men, ma'am?

24 A You know how many men, nothing. My daughter slept
25 with Roscoe. ^{Oldest Victim} also slept with Jeremy, but Jeremy was

1 seeing ^{Oldest Victim}

2 Q Who else? Who else?

3 A What do you mean, "who else"?

4 Q Who were the other men?

5 A There -- please, don't act that they're -- they're
6 something they're not because I don't appreciate that.

7 Q So you're saying there were no other men?

8 A Nine-tenths of the time, Roscoe got a blow job. The
9 one that ^{Oldest} _{Victim} was seeing was Jeremy, and they're the ones
10 that signed a statement to get me put in the penitentiary.

11 Q Who signed the statement which put you in the
12 penitentiary?

13 A Jeremy Futch and my daughter.

14 Q Do you know who Jonathan Jaworsky is?

15 A Yeah.

16 Q Who is Jonathan Jaworsky?

17 A He's my niece's husband.

18 Q Was he involved in any of this?

19 A He helped us at the motel.

20 Q How did he help you at the motel?

21 A He -- he had a room. But as far as sexual stuff, no.

22 Q So he got a room for you all at the motel, but there
23 was no sexual stuff?

24 A That's right.

25 Q Do you know whether or not he was charged?

1 A I have no idea.

2 Q Do you know the number of men that were actually
3 charged?

4 A Am I supposed to?

5 Q Well, if you're in charge of prostituting your girls
6 out, I would hope you would know.

7 A Well...

8 Q When was the first time that you made a statement
9 saying that Michael Roscoe was involved with anything
10 involving your children?

11 A Michael Roscoe was the one person out of the 15,000,
12 if you want to say that, that got a blow job from all of
13 my girls, except for one.

14 Q When was the first time that you told law enforcement
15 or told anyone that Michael Roscoe was involved in any
16 type of sexual things with your daughters?

17 A The first time I discussed anything with anybody, it
18 was with that gentleman back there.

19 Q That gentleman back there. Which gentleman?

20 A Him.

21 Q Him?

22 A The gentleman right there. I don't know why you
23 acting like you don't know what I'm talking about.

24 Q Do you know his name?

25 A No, I don't know it. I know he's a detective, and

1 he's the one who come in and busted up my house.

2 Q So you're saying that when you were arrested by the
3 detective, that you gave a full statement stating that
4 Michael Roscoe was involved and having sex with your
5 children; is that right?

6 A I can't remember what I told. I mean, it's been six
7 years.

8 Q Ma'am, this is -- I simply want to know when you came
9 up with this idea that Michael Roscoe was involved with
10 having sex with your children.

11 A You know what? You go ahead and have whatever kind
12 of idea you want. I know who my daughter was going down
13 on.

14 Q Do you remember when you were arrested and placed in
15 jail?

16 A Yeah. The letter from Roscoe? Or to Roscoe?

17 Q Did you write a letter to Roscoe?

18 A Ding, ding. Yes, I did.

19 Q And what did you put in that letter to Roscoe?

20 A I was telling him I was sorry. At that particular
21 moment, I didn't know what to think or what I was doing.

22 Q Well, you said more than you were sorry, didn't you?
23 Do you need a copy to look at? That's your original
24 letter you wrote, isn't it?

25 A I cannot read that fast.

1 Q I'm sorry. All right. Does that refresh your memory
2 about what you put in the letter to Michael Roscoe after
3 you were arrested?

4 A Pretty much, yeah.

5 Q And you said you were sorry he was caught up in all
6 this, right?

7 A Yeah, but the thing is, is I was admitting what I had
8 did.

9 Q Yeah. What you said was, that is some of Wade's and
10 Oldest Victim and I use the S word. Isn't that what you said?

11 That's some of Wade and Oldest Victim "S" lies upon lies?

12 That's what you told Michael Roscoe, wasn't it? Do you
13 need to see it again, ma'am?

14 A No, I do not need to see it again. But like I told
15 you, and I'll tell you 15 times until I die: Roscoe had
16 oral sex with my girls, and you don't know because you
17 weren't there. Did I have a drug addict (sic)? Yes. Am
18 I willing to admit that? Yes.

19 Q Let me ask you this: If you're under arrest and
20 you're sending a letter to Michael Roscoe, who you know is
21 having sex with your children, why would you put in the
22 letter that that's just some of Oldest Victim and Wade's lies,
23 some of their "S"? Why would you tell him it's not true?
24 Because you know what the truth is. Why would you put
25 that in the letter?

1 A I sure do know what the truth is.

2 Q Why would you put it in a letter that you sent to
3 him? Why would you put that in a letter?

4 A Because I also had got a letter from him.

5 Q What did his letter say?

6 A That -- I don't even remember what it is. Like I
7 said, six years is a long time to remember something. But
8 a lifetime is something that you're going to remember your
9 daughter sucking somebody's dick. Excuse me.

10 Q So right after you were arrested, you didn't really
11 remember any of this going on. But six years later as
12 you're sitting in jail, it comes to you that he must have
13 been involved in this deal; is that right?

14 Clearly, right after you were arrested, it
15 wasn't happening because you said it was just lies.

16 A No, it wasn't no lies to her giving head to nobody.

17 Q Ma'am, how many conversations have you had with the
18 Solicitor?

19 A I don't know.

20 Q Did you have some right before you came out here
21 today? You look like you're searching for an answer.

22 A No. But I really don't like you trying to perjure me
23 either. That's not going to happen, so you quit making
24 them accusation faces because it's not going to work.
25 It's not going to work.

1 Q Did you have conversations with the Solicitor today
2 prior to your testimony?

3 A One.

4 Q Today?

5 A Is there something you didn't understand about that?

6 Q Did you have one yesterday?

7 A I was told to come back today.

8 Q Did you have a conversation with her yesterday, also?

9 A What did I just say?

10 Q You said you were told to come back today.

11 A Okay. Well, where am I going to go from?

12 Q How many --

13 A I'm -- I'm incarcerated.

14 Q How many conversations have you had with the
15 Solicitor's office?

16 How much correspondence have you had with your
17 two girls since you've been in jail for the last six
18 years?

19 A More than you want to believe. And don't -- don't --
20 that's one thing, right there, don't mess with that.

21 Q How many letters --

22 A They might have putted me in jail, and they might
23 have put me in prison, but they're my babies. And whether
24 or not you know it or not, sluts or prostitutions, or
25 whatever you want to call it, they're my daughters.

1 Q Ma'am, I'm not talking about your daughters.

2 A I'm just telling you because you're trying to make
3 accusations that you have no idea what you're running the
4 mouth -- what you're running your mouth about. None. And
5 whatever Roscoe's telling you, I tell you what you can do
6 with that, spit in one hand.

7 Q When did the sexual acts go on?

8 A Which time?

9 Q What year?

10 A It's when I lived on [REDACTED].

11 Q When did you live on [REDACTED]?

12 A I can't tell you the exact date. I know it's on
13 [REDACTED], it's -- because that's where I lived at.

14 Q 2004?

15 A No, I don't think so.

16 Q Well, you tell me when you lived on [REDACTED].

17 A I don't know the date.

18 Q 2003?

19 A Let's try this again. I don't know the date.

20 Q Let's talk about that \$300 check you got. You said
21 that was from Michael Roscoe's employer; is that right?

22 A Yeah.

23 Q What happened with the check?

24 A They wouldn't cash it.

25 Q Where is it?

1 A The bank. Do I know the name of the bank? No.

2 Q Well, if the bank wouldn't cash it, why would the
3 bank still have it? You sure you went to the bank and not
4 the Corner Pantry to cash the check?

5 A No, not hardly. It was over \$300.

6 Q You wouldn't have gone to the Corner Pantry to cash
7 the check?

8 A Did I just say I wouldn't?

9 Q Have you and your daughters talked about what you
10 were going to say in the courtroom?

11 A No, I haven't talked to my daughter about it, but I'm
12 going to tell you what. Both of them can testify to what
13 Michael and them did. And I can grant you that it won't
14 be no lie, and just like the one I'm going to tell you
15 right now is not a lie. You can presume, you can wishful
16 darn think. You can do whatever you want to do. You
17 might need to get some more money from Roscoe.

18 Q How many times did your power get cut off at your
19 place?

20 A A couple.

21 Q Just two?

22 A Like I said, a couple. I didn't say no amount.

23 Q Well, is a couple, two?

24 A It got cut off several times.

25 Q More than three? Four?

1 A I really don't think that's none of your business. I
2 do -- I got -- I can just tell you my lights got turned
3 off, and that's really all that you need to know.

4 Q And I guess I've only got one last question I'm going
5 to ask you.

6 The officer that you told about your leasing
7 your children out to prostitution with Michael Roscoe
8 would be -- let me stand over there close to him -- I'm
9 not going to mess with you -- would be this gentlemen
10 right here?

11 A Yeah.

12 Q And you told him that when you were arrested?

13 A That was what?

14 Q You told him that when you were arrested?

15 A Technically, they had already been informed.

16 Q You told him that when you were arrested?

17 Ma'am, this is not complicated. I just want to
18 know when was the first time you told law enforcement some
19 story like this?

20 A There is no story like this, dear.

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

22 THE COURT: Any redirect?

23 REDIRECT EXAMINATION

24 BY MS. MAYES:

25 Q Ms. Harsey, these officers came and arrested you, I

1 believe that's already been your testimony, came and
2 arrested you in 2007. Did you tell the truth?

3 A Yes, ma'am, I did.

4 Q You're saying that you told them that you were
5 involved in the prostitution of your daughters?

6 A When I got arrested?

7 Q When you got arrested --

8 A When I was asked the question, yes, I did.

9 Q Ms. Harsey, isn't it a fact that you did not tell
10 them --

11 MR. WILLIAMS: Objection, Your Honor.

12 MS. MAYES: I believe that --

13 MR. WILLIAMS: She's already answered that
14 question.

15 THE COURT: Pardon?

16 MR. WILLIAMS: She's already answered the
17 question. She said she did tell the truth when she talked
18 to the officer.

19 THE COURT: Well, she was now asked another
20 question.

21 What's the question?

22 MR. WILLIAMS: I'll withdraw the objection.

23 THE COURT: All right. Proceed.

24 Restate the question.

25 MS. MAYES: Yes, sir, Your Honor.

1 BY MS. MAYES:

2 Q Isn't it a fact that you denied any involvement in
3 this?

4 A To start off with, yes. And then I felt guilty, and
5 I went back and told the truth.

6 Q When are you saying you told the truth? Would that
7 have been yesterday when you went --

8 MR. WILLIAMS: Objection to leading.

9 THE COURT: Objection sustained.

10 BY MS. MAYES:

11 Q Did you meet with Detective Lint --

12 THE COURT: How many questions do you want to
13 ask before she has an opportunity to answer? State one
14 question, then answer.

15 MS. MAYES: Yes, sir, Your Honor.

16 BY MS. MAYES:

17 Q Can you tell us whether or not you met with
18 Detective Lint yesterday?

19 A Yes, I did.

20 Q Before yesterday, Ms. Harsey, had you ever admitted
21 to law enforcement that you were involved in prostituting
22 your daughters?

23 A Yes, I did because I was already caught up in it.

24 Q When are you saying that you admitted that to them?

25 A I can't remember the exact date.

1 Q Ms. Harsey, would you agree or disagree that you
2 never admitted anything to law enforcement, any
3 involvement at all, until yesterday?

4 A Yes.

5 MS. MAYES: Okay. Nothing further.

6 THE COURT: Mr. Williams.

7 RECROSS-EXAMINATION

8 BY MR. WILLIAMS:

9 Q What prompted you yesterday to change your entire
10 story about what happened?

11 A (No response.)

12 MR. WILLIAMS: No other questions, Your Honor.

13 THE COURT: Are you withdrawing that question?
14 You don't have an answer.

15 MR. WILLIAMS: I do withdraw that question.

16 THE COURT: Okay. The question is withdrawn.
17 You may step down, ma'am.

18 MS. MAYES: The State calls Detective Lint.

19 THE COURT: Let's stand for a moment, ladies and
20 gentlemen, take a little stretch.

21 All right.

22 CHARLES ROBERT LINT, JR., after being duly
23 sworn, testified as follows:

24 THE CLERK: Have a seat, please, sir. Once
25 you're seated, speak up loud and clear, spelling your full

1 name, spelling your last on the record.

2 THE WITNESS: Charles Robert Lint, Jr. Lint is
3 spelled L-I-N-T.

4 DIRECT EXAMINATION

5 BY MS. MAYES:

6 Q And, Sergeant Lint, how long have you been with the
7 Lexington County Sheriff's Department?

8 A Since May of 2003.

9 Q All right. And for what period of time have you been
10 involved in criminal investigation?

11 A Since July of 2004.

12 Q Can you tell us whether or not that includes major
13 crimes?

14 A Yes, ma'am.

15 Q What about crimes such as sexual assault or sexual
16 exploitation of children?

17 A Yes, ma'am.

18 Q Can you tell us whether or not you were involved in
19 the investigation concerning Oldest Victim and Youngest Victim

20 [REDACTED]?

21 A Yes, ma'am, I was.

22 Q And do you have with you your case file materials in
23 connection with that case?

24 A Yes, ma'am.

25 Q Specifically, Sergeant Lint, can you tell us whether

1 there were multiple suspects in this case or just one?

2 A Multiple.

3 Q Okay. Let's start with the mother or parent of the
4 children, ^{Oldest Victim} and ^{Youngest Victim} What is her
5 name?

6 A Chana.

7 Q That would be the witness we just heard from?

8 A Correct. Yes, ma'am.

9 Q Was she married at the time?

10 A Yes, ma'am.

11 Q All right. Who was she married to?

12 A Wade Harsey.

13 Q All right. Can you tell us whether or not Wade
14 Harsey was also involved in this investigation?

15 A Yes, ma'am.

16 Q Was he arrested as a result of this investigation?

17 A Yes, ma'am.

18 Q Now, I want to kind of go back a little bit and talk
19 about some of the information that came through to law
20 enforcement.

21 There was first a report in October of 2006 at
22 Airport High School; is that correct?

23 A Yes, ma'am.

24 Q All right. After the report at Airport High School,
25 ultimately, how did you become involved in the

1 investigation?

2 A I became involved in January of 2005 -- January of
3 2004 -- I'm sorry -- January 24th, 2007.

4 Q Okay. How did you become involved in the case in
5 January of 2007?

6 A I was investigating a forgery that was reported to
7 the sheriff's department by a Chris Borjah, I think is the
8 correct way to pronounce his name. That is the brother of
9 Jeremy Futch.

10 Q And that forgery, was it related to this
11 investigation or completely separate?

12 A Completely separate.

13 Q All right. What happened during the course of that
14 forgery investigation that led to information in this case
15 involving ^{Oldest}Victim and ^{Youngest}Victim

16 A I obtained arrest warrants for Jeremy Futch for
17 forgery, for forging a check from his brother's business.
18 He was arrested on January 26, 2007, brought to the
19 Lexington County Sheriff's Department where I conducted an
20 interview with him in relation to that case.

21 Q All right. And, ultimately, can you tell us whether
22 or not he provided information regarding prostitution of
23 minors?

24 A Yes, ma'am, he did.

25 Q Can you tell us whether or not he himself was

1 arrested in the prostitution of minors investigation?

2 A Yes, ma'am, he was.

3 Q For what reason was he arrested?

4 A For the oral sex that he received, that he confessed
5 to, from ^{Youngest Victim}

6 Q And during the course of that investigation, can you
7 tell us whether or not there was information that he had
8 provided money to Chana Harsey for that?

9 A Correct. Yes, ma'am.

10 Q Ultimately, were there other suspects other than
11 Jeremy Futch who were implicated and arrested?

12 A Yes, ma'am.

13 Q Can you tell us whether or not Michael Roscoe was one
14 of those people?

15 A Yes, ma'am.

16 Q Now, when this information came to light in January
17 of 2007 from Jeremy Futch, how, if at all, were you
18 involved in interviewing either of the girls?

19 A I assisted Lieutenant Gunter. I asked him to come in
20 on the interview. At the time, I was a property crime
21 investigator. That's why I was investigating forgery.
22 Lieutenant Gunter at the time was -- Detective Gunter was
23 working in the major crimes unit, and I asked him to come
24 in for the interview, and he became lead investigator and
25 I assisted him.

1 Q All right. Did you have the opportunity to sit in on
2 various interviews with suspects such as Chana Harsey?

3 A There was no interview with Chana Harsey.

4 Q Can you tell us whether or not Chana Harsey was
5 cooperative?

6 A No, she was not.

7 Q And by not cooperative, what do you mean by that?

8 A When we arrested Chana Harsey out in the Gilbert
9 area, once we located her and ^{Youngest Victim} at the time of her
10 arrest, she did not want to cooperate nor did she provide
11 any written statements or oral statements to us. She
12 denied any involvement.

13 Q So to your knowledge, when was the first time
14 Ms. Harsey became -- or acknowledged willingness to
15 cooperate?

16 A That would be yesterday.

17 Q And during the course of the investigation, did she
18 ever provide information to law enforcement?

19 A No, she did not.

20 Q Once Ms. Harsey was arrested, what happened
21 concerning her daughter, ^{Youngest Victim}

22 A She was taken into protective custody by myself and
23 Lieutenant Gunter.

24 Q So, Sergeant Lint, in review, who is the person that
25 gave information that started this investigation that led

1 to these arrests?

2 A Jeremy Futch.

3 MS. MAYES: Thank you. Nothing further.

4 THE COURT: Mr. Williams?

5 CROSS-EXAMINATION

6 BY MR. WILLIAMS:

7 Q Jeremy Futch never said anything at all about Michael
8 Roscoe, did he?

9 A Not in my interview with him, no, sir, he did not.

10 Q And Chana Harsey, the first time that she's ever said
11 anything about Michael Roscoe, to your knowledge, was
12 yesterday?

13 A She did not talk -- we did not discuss anything about
14 the case, only whether or not she was going to be
15 cooperative and come in here today to testify.

16 Q But that is the first time she's indicated at all she
17 was going to testify against Michael Roscoe?

18 A Correct. Yes, sir.

19 Q Yesterday?

20 A To my knowledge, yes, sir.

21 Q And how many suspects were arrested?

22 A Excluding the ones we've already talked about --

23 Q Well --

24 A -- or you want...

25 Q Give me a list.

1 A Give me just a second. I got to add them up.

2 Q Okay.

3 A Six. I may be off one or two, one at least, off the
4 top of my head.

5 Q And at least one of them hadn't -- besides my client,
6 there's another one who hadn't even been to court yet,
7 right?

8 A I don't know the answer to that question.

9 Q You don't know what happened about these six
10 suspects? You don't know what the crime is, do you?

11 A I do not, no, sir.

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

13 REDIRECT EXAMINATION

14 BY MS. MAYES:

15 Q And included in those six suspects, can you tell us
16 whether or not her mother, Chana Harsey, was one?

17 A Correct. Yes, ma'am.

18 Q And what about the father, Willie Wade Harsey?

19 A Yes, ma'am.

20 Q And what about Jeremy Futch?

21 A Yes, ma'am.

22 Q And Michael Roscoe?

23 A Yes, ma'am.

24 Q Can you tell us whether you recognize the name J.
25 Finley, Jim Finley?

1 A Yes, ma'am.

2 Q Would he have been one of the subjects arrested?

3 A Correct. Yes, ma'am.

4 Q And do you recognize the name Jonathan Jaworsky?

5 A Yes, ma'am.

6 Q Would he have been one of the subjects arrested?

7 A Yes, ma'am.

8 MS. MAYES: Nothing further.

9 MR. WILLIAMS: No questions on recross, Your
10 Honor.

11 THE COURT: Thank you, sir.

12 THE WITNESS: Thank you.

13 THE COURT: Next witness.

14 MS. MAYES: The States calls ^{Youngest Victim}

15 ^{Youngest Victim} after being duly sworn,

16 testified as follows:

17 THE CLERK: Have a seat, please, ma'am. Once
18 you're seated, state your full name, speak up loud and
19 clear, spelling your last.

20 DIRECT EXAMINATION

21 BY MS. MAYES:

22 Q ^{Youngest Victim} can you state your full name?

23 A ^{Youngest Victim} [REDACTED].

24 Q And what is your date of birth?

25 A [REDACTED].

1 Q Okay. How old are you right now?

2 A Twenty-one.

3 Q Okay. There has been a lot of testimony about this
4 already, but I'm going to go ahead and write down your
5 date of birth. What is that?

6 A [REDACTED].

7 Q All right. [REDACTED].

8 There has also been a lot of testimony already
9 about your parents and your sister, but can you tell us
10 where you recall living with them as a family?

11 A [REDACTED].

12 Q All right. And could you get a little bit closer to
13 the microphone so that the court reporter can get
14 everything you say.

15 Do you recognize what is shown in this
16 photograph?

17 A That's the house we lived at [REDACTED].

18 Q All right. And who all do you recall living in this
19 house with you?

20 A It was me, my sister ^{Oldest Victim} Wade and Chana.

21 Q And you use the terms "Wade and Chana." Can you
22 tell --

23 A My mom and dad.

24 Q Your biological parents?

25 A Uh-huh.

1 Q Are you the youngest in the family?

2 A Yes, ma'am.

3 Q What was life like when you lived there with your
4 family at [REDACTED] in that last six months before you
5 all ended up leaving the house?

6 A Well, it was kind of confusing because we'd be
7 jumping from place to place, and then going back to the
8 house.

9 Q Why would you jump from place to place?

10 A Because we'd either have no electricity or there'd be
11 hardly nothing, no food.

12 Q Okay. Can you tell us whether or not you ever
13 observed drug activity in that home?

14 A Yes, ma'am.

15 Q What do you mean by that?

16 A I seen my mom and father do drugs as far as shooting
17 up and doing crack and smoking weed.

18 Q Okay. What was your mother like when she was using
19 crack cocaine?

20 A She was very giddy. She had to have it.

21 Q What did your family do for money?

22 A My father did construction, even though it didn't
23 last long, and Momma prostituted out me and my sisters.

24 Q Okay. What was your mom like if you didn't want to
25 do something?

1 A Very mean. It was either her way or the highway.

2 Q How would the situation be arranged that you talked
3 about, you said your mom prostituted you out, your or your
4 sister?

5 A She would either call Roscoe or Roscoe would call my
6 mother.

7 Q When you say "Roscoe," you're referring to who?

8 A The guy over there.

9 Q What happened to you with Roscoe?

10 A He took my virginity.

11 Q Where did that happen at?

12 A My mom's room on my dad's side of the bed.

13 Q What house was that?

14 A [REDACTED].

15 Q How was that arranged?

16 A He called my mom, and he told her that if --

17 MR. WILLIAMS: Objection to hearsay, Your Honor.

18 BY MS. MAYES:

19 Q You can't say what you heard from somebody else.

20 So how did you go about being made aware that
21 this was going to take place?

22 A I came home from school and it happened.

23 Q Whose idea was this?

24 A My mom's --

25 MR. WILLIAMS: Objection, speculation.

1 BY MS. MAYES:

2 Q Was it your idea?

3 A No, ma'am, it was not.

4 Q Were there ever occasions that happened with
5 Mr. Roscoe outside of the home?

6 A Yes, ma'am.

7 Q How would that happen?

8 A He would find a way to call my mother.

9 Q All right. And what would happen next?

10 A He would come to wherever we were and either get oral
11 or double.

12 Q And when you say "wherever we were," can you tell us
13 whether or not this has happened at places other than
14 [REDACTED]?

15 A Yes, ma'am.

16 Q What are some of the other places?

17 A Travelers Inn, Knights Inn and others in the area.

18 Q They were motels?

19 A Yes, ma'am.

20 Q How would you -- were there ever times that you went
21 anywhere with Michael Roscoe?

22 A Yes, ma'am.

23 Q How would that happen?

24 A He would come pick us up -- or excuse me, pick me up
25 in a car.

1 Q And who would be driving?

2 A He would. Michael Roscoe would.

3 Q Where do you remember him taking you?

4 A His house.

5 Q When you say "his house," can you describe it?

6 A It's a bluish, white-ish color, and it's a trailer.

7 Q All right. I'm going to show what is State's
8 Exhibit 10 and ask you whether you recognize what is in
9 this photograph.

10 A Yes, ma'am.

11 Q What is that location?

12 A That is Michael Roscoe's house.

13 Q Do you recognize this location?

14 A Yes, ma'am.

15 Q What is that?

16 A That's Michael Roscoe's house.

17 Q Have you been there with him one time or more than
18 one time?

19 A More than once.

20 Q What happened once you got there?

21 A He would either take me to the couch or his bedroom
22 and tell me what he wanted.

23 Q What are you referring to when you say "what he
24 wanted"?

25 A As far as sex.

1 Q Did you ever have sexual intercourse with him?

2 A Yes, ma'am.

3 Q Did that happen one time or more than one time?

4 A More than one.

5 Q Did he ever say anything to you about it?

6 A He told me if it ever got out, that he would not
7 admit to it. And me to be quiet.

8 Q How long have you known Michael Roscoe?

9 A Since I was basically -- as long as I can remember.

10 Q All right. Was there ever a time in your life when
11 you didn't know him?

12 A No, ma'am.

13 Q Growing up, what did you call him?

14 A Uncle Roscoe.

15 Q Do you recall whether there was ever a time that the
16 electricity or power at your [REDACTED] house got cut
17 off for good?

18 A Yes, it was the last time.

19 Q And when you say "the last time," did you ever go
20 live in that house again after that?

21 A For, like, two days.

22 Q Okay. Once it was cut off for good, where did you
23 and your mother go?

24 A Motels.

25 Q You mentioned before some of the motels. I'm going

1 to show you a picture and ask you whether or not you
2 recognize it.

3 A Yes, ma'am.

4 Q What is that location?

5 A Travelers Inn.

6 Q Okay. Is the Travelers Inn one of the places that
7 you stayed with your mother?

8 A Yes, ma'am.

9 MS. MAYES: Your Honor, this would be, I
10 believe, State's Exhibit 11 for evidence.

11 (WHEREUPON, State's Exhibit No. 11 was marked
12 only for identification.)

13 BY MS. MAYES:

14 Q Youngest Victim after you left [REDACTED] for good and
15 you were at the Travelers Inn, was there ever contact with
16 Michael Roscoe at that point?

17 A Yes, ma'am.

18 Q What do you recall taking place at the Travelers Inn?

19 A I met with him for it.

20 Q Okay. Was it oral sex or something more?

21 A More.

22 Q Do you know what the word "intercourse" means?

23 A My private part touches his private part.

24 Q Okay. Did his private part go in your private part?

25 A Yes, ma'am.

1 Q He had sex with you?

2 A Yes, ma'am.

3 Q Those times at Travelers -- was it at Travelers Inn
4 one time or more than one time, do you recall?

5 A From what I recall, just once.

6 Q Okay. Was there money involved?

7 A Yes, ma'am.

8 Q The money that was paid for these things, who
9 ultimately got the money?

10 A My mother.

11 Q Now, in addition to Michael Roscoe, were there other
12 people that had sex with you for money?

13 A Yes, ma'am.

14 Q Do you know the name, Jeremy Futch?

15 A Yes, ma'am, I do.

16 Q Is he one of those people?

17 A Yes, ma'am, he was.

18 Q Who got the money when Jeremy Futch had sex with you?

19 A My mother.

20 Q What did you feel about telling other people that
21 this was going on while it was going on?

22 A I couldn't.

23 Q When you say you couldn't, what are some of the
24 reasons you felt like you couldn't tell?

25 A Because I'd be taken away from my mother and put in

1 foster care. They would label me.

2 Q This is when you were 14?

3 A Yes, ma'am.

4 Q ^{Youngest}
_{Victim} in October of 2006, do you recall anyone at
5 Airport High School asking you questions?

6 A Yes, ma'am. The cops chased me down and took me in
7 the office and tried to ask me questions.

8 Q Okay. So when you say "cops," you mean police
9 officers?

10 A Yes, ma'am.

11 Q So police officers came to ask you questions?

12 A Yes, ma'am.

13 Q Did they ask you about prostitution?

14 A Yes, ma'am.

15 Q Did you tell them what was going on?

16 A No, ma'am.

17 Q And why or why not?

18 A Because I was scared I was going to get put in foster
19 care, and because my momma told me not to, and I didn't.

20 Q Were you still in your mom's care at that point in
21 time?

22 A Yes, ma'am.

23 Q So you didn't tell the police in October of 2006 what
24 was going on?

25 A No, I did not.

1 Q Okay. Now, let me go all the way to January of 2007.

2 In January of 2007, did your mother get
3 arrested?

4 A I'm honestly not sure what date she did get arrested.

5 Q Okay. Were you there when your mom got arrested?

6 A Yes, ma'am, I was.

7 Q Okay. Tell us about that.

8 A They came in, got her. I had to get dressed, so I
9 got dressed, and then she got in one car and I got in the
10 other.

11 Q Okay. Did you actually see the police officers take
12 her away?

13 A Yes, ma'am.

14 Q Once she was taken away, did the police talk with
15 you?

16 A They sat there and they talked to me, and then they
17 talked more to me once they got me in the emergency place.

18 Q In a shelter?

19 A Yes.

20 Q At this point after your mom was arrested, did you
21 tell the police what was going on?

22 A Yes, ma'am.

23 Q Why did you tell them then?

24 A Because I was away from my mom, and she couldn't do
25 anything.

1 Q These things with Mr. Roscoe, were they still going
2 on up to the point that the power got cut off for good at
3 [REDACTED]?

4 A Yes, ma'am, they were.

5 MS. MAYES: Nothing further at this time, Your
6 Honor.

7 MR. WILLIAMS: May it please the Court.

8 THE COURT: Mr. Williams.

9 CROSS-EXAMINATION

10 BY MR. WILLIAMS:

11 Q Youngest Victim, as I understand your testimony, that
12 there was one sexual intercourse act involving my client,
13 and that that occurred at the Travelers Inn; is that
14 correct?

15 A As far as the Travelers Inn, yes.

16 Q And -- well, you said that was the first one, right?

17 A I believe I told her the first one was at my -- the
18 house that I grew up at, in my mom and dad's bedroom.

19 Q So that would have been the first one?

20 A Yes, sir.

21 Q And when was that?

22 A I'm not honestly sure of the date.

23 Q Do you know what year it was?

24 A No, sir, I do not.

25 Q Do you know when you moved out of the residence on

1 [REDACTED]?

2 A When the lights went off.

3 Q And when did the lights go off?

4 A I'm honestly not sure of the date.

5 Q So you don't know when that was either; is that
6 correct?

7 A Yes, sir, that's correct.

8 Q So I just want to make sure I understand this. You
9 don't know when you had sex with him, you don't know when
10 you moved out of the house, right?

11 A I was 14 years old. Yes, my memory ain't great on
12 the dates and times, but I'm pretty sure I know what
13 happened to my body.

14 Q Well, when the police first talked to you, do you
15 remember when they talked to you?

16 A I was at Airport.

17 Q Okay.

18 A My freshman year.

19 Q So what year was that?

20 A I know I was a freshman.

21 Q Well, do you recall the event of talking to the
22 police at Airport High School?

23 A Yes, sir.

24 Q And you denied that anything was going on, didn't
25 you?

1 A Yes, because I had that culture.

2 Q And how many months after you had this conversation
3 was it that your mother was arrested?

4 A I'm honestly not sure.

5 Q And did you tell the police, when your mother was
6 arrested, what was going on?

7 A Yes, sir, I did.

8 Q On that day?

9 A Yes, sir.

10 Q You're a hundred percent sure?

11 A Yes.

12 Q Okay. And actually, the first words out of your
13 mouth in terms of who you were having sex with was
14 somebody by the name of Billy Jack Able?

15 A Okay.

16 Q Is that true?

17 A I don't remember everybody's name. It was a lot of
18 people.

19 Q Well, now, you've been in the courtroom the last two
20 days, right?

21 A Uh-huh.

22 Q The whole time?

23 A Yes, sir.

24 Q Have you heard his name mentioned before just now?

25 A I don't know.

1 Q Well, he wasn't listed by the police officer earlier
2 as one of the suspects, was he? Was he?

3 A I'm not sure.

4 Q How about Mooney? Did you tell the police about a
5 guy named Mooney?

6 A Probably.

7 Q Probably? Do you know a guy named Mooney?

8 A Yeah.

9 Q And was your mother prostituting you out with this
10 guy named Mooney?

11 A Yes, sir.

12 Q Was he listed as one of the suspects by the police
13 officer?

14 A I do not believe so.

15 Q How about a guy by the name of Dee? Do you know a
16 guy by -- did you tell the police officers you were being
17 prostituted out with a guy named Dee?

18 A Probably so.

19 Q Was he listed as one of the suspects?

20 A I do not believe so.

21 Q Do you know anything about the \$300 check?

22 A A little.

23 Q Did you ever see a \$300 check?

24 A Not with my eyes.

25 Q You never saw the \$300 check?

1 A Not with my eyes.

2 Q What did you see it with?

3 A I got told by my mother.

4 Q You never saw a check for \$300.

5 When did your dad move out of the house?

6 A I'm not sure of the date.

7 Q Now, was your dad one of the suspects that was
8 listed?

9 A Yes, he was.

10 Q What was he charged with?

11 A Prostitution is all I'm aware of.

12 Q Well, didn't you say that your mother was the one
13 that was taking the money to have you prostituted out,
14 right?

15 A Yes.

16 Q What was your dad's involvement?

17 A He knew about it, but he didn't try to stop it.

18 Q He knew about it. Was he living there?

19 A He was in the first part until he decided to move
20 out.

21 Q So he was living there and knew about it but didn't
22 do anything about it?

23 A Right.

24 Q He wasn't negotiating this?

25 A I'm not particularly sure.

- 1 Q Were you angry when your dad moved out?
- 2 A Yes, he was my father.
- 3 Q You were upset that you were stuck there in a
- 4 trailer, no electricity and no dad?
- 5 A Yes, sir.
- 6 Q Who did you blame for that?
- 7 A Nobody. Something's happening is all.
- 8 Q But you were angry with your dad about it, weren't
- 9 you?
- 10 A Yes. Don't every child get upset?
- 11 Q What kind of vehicle did Michael Roscoe have?
- 12 A All I know is that it was a car.
- 13 Q A car. Are you sure he didn't have a truck?
- 14 A I'm not positive, sir.
- 15 Q So you're not really sure if it was a car or a truck?
- 16 A What I remember is that it was a car.
- 17 Q But he could have had a truck?
- 18 A It's very possible.
- 19 Q When you were living at the motel, was your sister,
- 20 your older sister, living with Jeremy Futch?
- 21 A I believe so.
- 22 Q And he was the one having sex with you, right?
- 23 A Yes, once.
- 24 Q And you didn't tell your sister about it?
- 25 A Me and her didn't talk at that time.

1 Q Is that because he was her boyfriend?

2 A I'm not sure what they were.

3 Q Is that what you thought? Did you think that was her
4 boyfriend?

5 A I knew that she needed to get away. That's all I
6 remember, sir.

7 MR. WILLIAMS: I don't have any other questions,
8 Your Honor.

9 REDIRECT EXAMINATION

10 BY MS. MAYES:

11 Q Ms. Harsey, Mr. Williams was asking you about the
12 years and the specific dates. Do you know specific dates?

13 A No, sir -- no, ma'am, I do not.

14 Q All right. But do you know the places that this
15 happened?

16 A Yes, ma'am.

17 Q All right. And those places, I believe your
18 testimony was to Mr. Williams that you were at the house
19 until the lights got cut off?

20 A Yes, ma'am.

21 Q Do you remember that event?

22 A Yes, ma'am.

23 Q Do you remember how old you were, then?

24 A Fourteen.

25 Q So you remember being 14, and you remember being a

1 freshman in high school, but you don't remember the year;
2 is that right?

3 A Correct.

4 Q He was also asking you about your father in this
5 case. Was your father arrested?

6 A Yes, ma'am, he was.

7 Q All right. And with your father was arrested and
8 your mother arrested, where did you go?

9 A I went to foster care.

10 Q How long did you remain in foster care?

11 A Until I turned the age of 18.

12 Q Ms. Harsey, do you know all of the different vehicles
13 that Mr. Roscoe may have had access to or may have driven
14 in the year 2006?

15 A No, ma'am.

16 MS. MAYES: Nothing further.

17 THE COURT: Anything further?

18 RE CROSS-EXAMINATION

19 BY MR. WILLIAMS:

20 Q Do you know anything about the vehicles that he would
21 have driven in the year 2006?

22 A All I remember is a car.

23 MR. WILLIAMS: No further questions, Your Honor.

24 THE COURT: You may step down.

25 Next witness.

1 MS. MAYES: The State calls Lieutenant Sam
2 Gunter.

3 SAMUEL B. GUNTER, after being duly sworn,
4 testified as follows:

5 THE CLERK: Have a seat please, sir. Once
6 you're seated, speak up loud and clear, state your full
7 name, spelling your last on the record.

8 THE WITNESS: Samuel B. Gunter, G-U-N-T-E-R.

9 DIRECT EXAMINATION

10 BY MS. MAYES:

11 Q And Detective -- I'm sorry, Lieutenant Gunter, what
12 is your experience in law enforcement?

13 A I've been with the Lexington County Sheriff's
14 Department since August of 1991.

15 Q All right. And since '91, how much of that time with
16 the sheriff's department has been spent as an investigator
17 or a detective?

18 A Fifteen years.

19 Q All right. And what form of investigation did you
20 originally start out in?

21 A Narcotics.

22 Q And can you tell us whether or not you were ever
23 involved in any major crimes investigation?

24 A I was.

25 Q Did that include crimes such as sexual assault or

1 sexual exploitation of minors?

2 A Yes, ma'am, it did.

3 Q Now, Lieutenant Gunter, can you tell us whether or
4 not you were involved in the investigation concerning the
5 arrest of Michael Roscoe in the year 2007?

6 A I was.

7 Q Do you have with you your investigative report?

8 A I do.

9 Q Let me go back a little ways before 2007 and ask you
10 about October of 2006.

11 Are you aware of whether or not there was a
12 report at Airport High School in October of 2006?

13 A There was, yes, ma'am.

14 Q And can you tell us whether it was the same
15 investigation or a different investigation that led to
16 information in 2007?

17 A It's a different investigation.

18 Q Who was the subject or what was the nature of that
19 investigation in 2007 that led to information?

20 A I was contacted by Sergeant Lint that he had someone
21 in the interview room that was giving information in
22 reference to something that would be considered a major
23 crime, and asked me if I would come in and sit in on the
24 interview.

25 Q All right. And that interview was with who?

1 A Jeremy Futch.

2 Q And during that interview with Jeremy Futch, do you
3 remember the exact -- the exact date that you were
4 notified?

5 A January 26 of 2007.

6 Q All right. So on January 26, 2007, when you were
7 notified of this information, did y'all actually speak
8 with Jeremy Futch?

9 A Yes, ma'am.

10 Q Can you tell us whether or not that led to an
11 investigation of prostitution of minors?

12 A It did. Mr. Futch admitted to having paid Chana --
13 Chana Harsey \$60 to have sex with her daughter.

14 Q And which daughter was that?

15 A Youngest Victim

16 Q All right. And ultimately, did you have a chance to
17 talk with ^{Oldest Victim} the oldest of the two sisters?

18 A I did.

19 Q And you can't say what she said to you, but can you
20 tell us whether or not she was able to provide information
21 in the case?

22 A She did.

23 Q How did you first become aware of the subject,
24 Michael Roscoe?

25 A Through my interview with ^{Oldest Victim}

1 Q You talked to ^{Oldest Victim}

2 A Yes, ma'am.

3 Q And after you were provided that information, can you
4 tell us whether or not Chana Harsey was arrested in this
5 case?

6 A Eventually, yes, ma'am.

7 Q And what date was Ms. Harsey arrested?

8 A The 26th, also.

9 Q So the same day you got information from Jeremy
10 Futch -- on what date did you follow up with an interview
11 of ^{Oldest Victim}

12 A That same day, the 26th.

13 Q So the same day you got information from Mr. Futch,
14 you interviewed ^{Oldest Victim} and then obtained arrest
15 warrants for Chana Harsey?

16 A Yes, ma'am.

17 Q Were you present when Chana Harsey was arrested?

18 A Yes, ma'am, I was.

19 Q When she was arrested, can you tell us whether or not
20 her youngest daughter, ^{Youngest Victim} was present at the scene?

21 A She was.

22 Q What was the general location in which they were
23 staying when that arrest took place?

24 A Summerland Court.

25 Q Do you recall whether that was a residence?

1 A It was.

2 Q Okay. So --

3 A It was a residence of what we were told was Anthony
4 Drafts.

5 Q Of a male subject by the name of Anthony Drafts?

6 A Yes, ma'am.

7 Q So Ms. Harsey, Chana Harsey, the mother, is actually
8 arrested at that location. What happened to ^{Youngest Victim}

9 A Sergeant Lint and I took ^{Youngest Victim} and took her to the
10 DSS office pursuant to placing her in protective custody.

11 Q Because she was what age at the time?

12 A Fourteen.

13 Q And ^{Oldest Victim} was what age at the time?

14 A Seventeen.

15 Q On that first day, did you yourself have the
16 opportunity to speak with ^{Youngest Victim}

17 A Yes, ma'am, I did.

18 Q Can you tell us whether or not she was cooperative?

19 A She was.

20 Q Was she able to provide information?

21 A She did.

22 Q And based upon her information, how, if at all --
23 based on the information you received, how, if at all, did
24 that play into the investigation of Michael Roscoe?

25 A It allowed us to further our investigation with

1 Mr. Roscoe and obtain arrest warrants for him.

2 Q And on what day was he arrested?

3 A I believe it was January 28th.

4 Q Two days later Mr. Roscoe is arrested, and to clarify
5 that, after you interviewed ^{Oldest}Victim and ^{Youngest}Victim

6 A Yes, ma'am.

7 Q What is the jurisdiction of the residence of
8 [REDACTED]?

9 A Lexington County.

10 Q What is the jurisdiction of Peachtree Rock Heritage
11 Preserve?

12 A Lexington County.

13 Q What is the jurisdiction of the defendant's residence
14 at [REDACTED], [REDACTED]?

15 A Lexington County.

16 Q What is the jurisdiction of the Travelers Inn at
17 Airport Boulevard?

18 A Within Lexington County.

19 Q Are you familiar with the airport -- with the
20 Travelers Inn on Airport Boulevard?

21 A Somewhat.

22 Q Have you been to that location before?

23 A I'm sure I have, but not that I can tell you
24 definitely.

25 Q How did y'all go about determining that the Travelers

1 Inn that they stayed at was the one on Airport Boulevard?

2 A Because I believe they told me it was the one on
3 Airport Boulevard.

4 Q And that is within Lexington County?

5 A Yes, ma'am.

6 Q Now, you mentioned that arrest warrants were obtained
7 for Michael Roscoe. Do you have with you a copy of that
8 arrest warrant?

9 A I do.

10 Q What is his date of birth?

11 A [REDACTED].

12 Q With him being born in [REDACTED] of [REDACTED], how old was
13 he at the time of his arrest?

14 A Thirty.

15 Q In the timeframe --

16 A Thirty, 31.

17 Q -- in which he was arrested, based on these
18 allegations, was what year?

19 A 2007.

20 Q And the timeframe in which it's alleged in the
21 warrant that events occurred were what year?

22 A 2006.

23 Q Did you have an opportunity to actually speak with
24 Mr. Roscoe concerning these allegations?

25 A I did.

1 Q How did that take place?

2 A After Mr. Roscoe was arrested on February the 1st of
3 2007, myself and along with Detective Roger Beaver
4 interviewed Michael Roscoe in an interview room at the
5 sheriff's office. Mr. Roscoe was given his Miranda
6 warnings at the beginning of the interview. At that
7 point, he stated the only thing he ever did was get a blow
8 job from ^{Oldest} Victim after she was 17 years old. He stated he
9 had never done anything with ^{Youngest Victim}

10 Q All right. Let me stop you right there.

11 When you interview someone, are they advised of
12 their Miranda rights?

13 A Typically, yes, ma'am.

14 Q All right. Let's go back to the beginning of this.

15 Do you have with you documentation from your
16 investigative report about your interview with Mr. Roscoe?

17 A I do.

18 Q And what date did that occur?

19 A February the 1st of 2007.

20 Q At what location?

21 A The Lexington County Sheriff's Office.

22 Q Now, what is the location between the sheriff's
23 office and the detention center, the jail?

24 A They're adjacent buildings on the same complex.

25 Q Had he actually been placed under arrest at this

1 time?

2 A Yes, ma'am. He was arrested back on the 28th, I
3 believe it was.

4 Q And how do you go about setting up an interview or
5 arranging an interview with someone who is in custody at
6 the detention center?

7 A Go over there and get him, pick him up.

8 Q And go where?

9 A Next door to the interview rooms at the sheriff's
10 office.

11 Q All right. And approximately how far -- what would
12 the distance be between the jail and the interview room of
13 the sheriff's office?

14 A A hundred yards, maybe.

15 Q Okay. At what point is the subject advised of his
16 Miranda rights?

17 A Once I sit him down and get ready to talk to him.

18 Q Do you have any notations in your investigative
19 report concerning advising Mr. Roscoe of his Miranda
20 rights?

21 A Yes, ma'am, I do, at the beginning of the interview.

22 Q All right. Specifically, what does it say?

23 A Roscoe was given his Miranda warnings at the
24 beginning of the interview.

25 Q Now, when you advised the subject of his Miranda

1 warnings, how do you go about doing that?

2 A Well, typically from a card that I carry.

3 Q And do you have the card with you today?

4 A I do.

5 Q Can you state for the record, and slowly for the sake
6 of the court reporter, exactly what Mr. Roscoe was advised
7 of on February 1st, 2007, when he was taken over to an
8 interview room?

9 A Yes, ma'am.

10 "You have the right to remain silent. Anything
11 you say can and will be used against you in a court of
12 law.

13 You have the right to talk to a lawyer and have
14 him present with you while you are being questioned. If
15 you cannot afford to hire a lawyer, one will be appointed
16 to represent you before any questioning, if you wish.

17 You can decide at any time to exercise these
18 rights and not answer any questions or make any
19 statements.

20 Do you understand each of these rights I've
21 explained to you?

22 Having these rights in mind, do you wish to talk
23 to us now?"

24 Q All right. And can you tell us whether or not he did
25 wish to talk with you as an investigator?

1 A He did.

2 Q Was he made aware that you were, in fact, an
3 investigator?

4 A Yes, ma'am.

5 Q Now, at any point in time, did he appear to be under
6 the influence of alcohol or drugs when you advised him of
7 his Miranda rights?

8 A No, ma'am.

9 Q Did he appear to comprehend and fully understand your
10 communications with him?

11 A Yes, ma'am.

12 Q Was he able to communicate and respond back to you?

13 A Yes, ma'am.

14 Q Did you threaten or coerce him in any way to
15 participate in an interview?

16 A No, ma'am.

17 Q Was he promised anything in exchange for
18 participating in an interview?

19 A No, ma'am.

20 Q Based upon your observations on February 1st, 2007,
21 can you tell us whether or not he appeared to voluntarily
22 waive his Miranda rights?

23 A He did.

24 Q In your opinion, was he speaking with you freely and
25 voluntarily?

1 A Yes, ma'am.

2 Q What exactly did he say to you concerning this
3 investigation?

4 A The only thing he ever did was get a blow job from
5 ^{Oldest} after she was 17 years old.
^{Victim}

6 Q All right. Now, you used words "blow job." Whose
7 words were those?

8 A His.

9 Q And at anywhere in your investigative report, does it
10 contain the defendant's own words such as quotations?

11 A Around "get a blow job."

12 Q So the words "get a blow job" are in quotations?

13 A Yes, ma'am.

14 Q Because they were whose words?

15 A Michael Roscoe's.

16 Q And he said he got a blow job from ^{Oldest} when she was
17 how old?
^{Victim}

18 A After she was 17.

19 Q She was 17 when the investigation was going on,
20 correct?

21 A I'm not exactly sure. She was -- November of --

22 Q All right. Do you have your investigative report
23 with you?

24 A I do. But it doesn't -- I don't have her age at
25 that -- at that time in here.

1 Q All right. Did you obtain a statement from ^{Oldest}
2 [REDACTED] ^{Victim}?

3 A I did.

4 Q On what date did you obtain a statement from her?

5 A On the 26th of January.

6 Q Do you have a copy of it with you?

7 A I'm looking. I do.

8 Q All right. Do you have a copy of ^{Oldest Victim}
9 statement?

10 A I do.

11 Q On what day was her statement obtained?

12 A January 26.

13 Q All right. So ^{Oldest Victim} statement was obtained on
14 January 26?

15 A Yes, ma'am.

16 Q All right. So at this point in time, the
17 investigation's already ongoing?

18 A Yes, ma'am.

19 Q All right. And Michael Roscoe was arrested two days
20 later?

21 A Yes, ma'am.

22 Q All right. On the date that you obtained the
23 statement from ^{Oldest Victim} how old is she, how old is it noted?

24 A She's 17.

25 Q All right. She's 17. And does it note her date of

1 birth?

2 A It does, but it's blacked out on my copy.

3 Q I'm going to show you a document and ask you whether
4 or not you recognize it.

5 A Yes, ma'am.

6 Q What is that?

7 A That is a copy of ^{Oldest Victim} statement.

8 Q Same statement?

9 A Same statement, yes, ma'am.

10 Q And what is her date of birth noted to be?

11 A [REDACTED] of [REDACTED].

12 Q All right. So she turned 17 [REDACTED] -- she's 17 --

13 A Of 2006.

14 Q Okay. She's 17 when you're conducting this interview
15 in 2007?

16 A Yes, ma'am.

17 Q And, in fact, would not have turned 18 until several
18 months after this interview with Roscoe?

19 A Correct.

20 Q All right. So going back to the statement, he stated
21 that he got a blow job from <sup>Oldest
Victim</sup> after she was 17?

22 A Yes, ma'am.

23 Q And based on the information we just discussed, she
24 was, in fact, still 17 at the time, correct?

25 A Yes, ma'am.

1 Q And what, if anything else, did he say concerning

2 Oldest Victim

3 A As he's walking -- as we're -- as I'm back at the
4 jail getting ready to put him back into the jail, he makes
5 the comment that all he ever did was pay \$40 to get a blow
6 job from Oldest Victim

7 Q Is that noted in your investigative report?

8 A It is.

9 Q And according to your notation from your interview,
10 he paid \$40 for the blow job. Did he state who he paid it
11 to?

12 A No, ma'am.

13 Q As you were taking him back and he states that he
14 paid the \$40 for the blow job, did he make any further
15 statements about his involvement in this case?

16 A No, ma'am, he did not.

17 Q And did he admit to anything with Youngest Victim or Youngest Victim

18 [REDACTED]?

19 A No, ma'am, he did not.

20 Q The information that he gave you concerning this
21 verbal statement after he waived his Miranda rights, can
22 you tell us whether it was or was not documented in your
23 investigative report in this case?

24 A Yes, ma'am, it was.

25 Q Now, who were the other subjects who were also

1 arrested in this case?

2 A Chana Harsey, Wade Harsey, Jeremy Futch, Jaworsky,
3 Finley, and that's all off the top of my head.

4 Q Okay. And Wade Harsey, or Willie Wade Harsey, is the
5 father of the girls?

6 A He is.

7 Q What was the charge he was arrested for?

8 A Unlawful conduct towards a child.

9 Q He was not arrested for prostitution?

10 A No, ma'am.

11 Q For unlawful conduct?

12 A Yes, ma'am.

13 Q Does that include neglect?

14 A It does.

15 MS. MAYES: Beg the Court's indulgence.

16 (Pause.)

17 BY MS. MAYES:

18 Q Now, you mentioned the first time that ^{Youngest Victim}
19 was interviewed was on the date that Chana was arrested.

20 A Yes, ma'am.

21 Q Did you also have the opportunity to speak with her
22 at any other point in time?

23 A I did.

24 Q And when was that?

25 A On February the 2nd of 2007.

1 Q And where was she located or staying at the time?

2 A At the children's shelter in Richland County.

3 Q Was she cooperative with you at that point?

4 A She was.

5 Q Now, about her mother, Chana Harsey, would you
6 characterize her as cooperative?

7 A No, ma'am.

8 Q Why or why not?

9 A She denied everything in my initial interview with
10 her.

11 Q And throughout the investigation, to your knowledge,
12 she denied everything?

13 A Yes, ma'am, she did.

14 MS. MAYES: Nothing further, Your Honor.

15 MR. WILLIAMS: May it please the Court.

16 THE COURT: Yes, sir.

17 CROSS-EXAMINATION

18 BY MR. WILLIAMS:

19 Q To characterize in professional, I guess, law
20 enforcement terms, you would say that a person is
21 non-cooperative if they fail to admit the allegations that
22 they're charged with. Would you say that is true?

23 A Correct, yes, sir.

24 Q So you start off with the proposition that you're
25 guilty, and if the person denies that they're guilty,

1 they're referred to as non-cooperative?

2 A Yes, sir.

3 Q Let's talk about those documents.

4 There was a comment about, noted in your
5 investigative report, quotes around statements allegedly
6 made by Michael Roscoe. The report which you're looking
7 at, is that your notes that you made when you interviewed
8 Michael Roscoe?

9 A No, sir.

10 Q It's not?

11 A No, sir.

12 Q When you interview people, do you make notes?

13 A Typically, yes, sir.

14 Q Where are those notes?

15 A I have no idea.

16 Q So what you're referring to, what your testimony is
17 based on, if you will, is something that was typed up by
18 you or by --

19 A By me.

20 Q -- a secretary?

21 A By me.

22 Q What's the date of those notes?

23 A The 12th of February.

24 Q When was the alleged meeting that you had with
25 Michael Roscoe?

1 A The 1st, I believe, of February.

2 Q So some 12 days later, without notes, you try to type
3 up your best recollection of the conversation that you and
4 Michael Roscoe had?

5 A Well, I would have had my notes back in 2007 when I
6 typed up the interview.

7 Q You say "would have." Do you have independent
8 recollection of possessing those notes?

9 A No, sir, I do not.

10 Q So when you say you "would have," you are speculating
11 that you would have those notes at that time?

12 A Yes.

13 Q And if you had not had those notes at that time, you
14 would have been typing up something, if you will, to tie
15 this case up in a bundle, wouldn't you?

16 A I'm not going to tie some -- I'm not going to tie a
17 case up in a bundle if it wasn't what was said.

18 Q Well, what if it was said that somebody else had sex
19 with ^{Oldest}Victim for \$45 and you attributed the wrong name to
20 it, that could have been said, couldn't it?

21 A No, sir.

22 Q Let me ask you this: When you had this interview --
23 let me take you back.

24 Let's use the Solicitor's notes, here. Right
25 here, October the 11th of 2006.

1 A Yes, sir.

2 Q It's your understanding, being the investigating
3 officer on this charge, that some individual made a report
4 at Airport High School of prostitution by their mother?

5 A Correct.

6 Q October the 11th of 2006?

7 A Yes, sir.

8 Q Who was the agency that was supposed to investigate
9 that?

10 A Lexington County Sheriff's Office.

11 Q Were you appointed at that time, were you listed at
12 that time as the investigating officer to investigate
13 those charges?

14 A On that case, no, sir, I was not.

15 Q Who was listed as the investigative officer on that
16 case?

17 A Roger Beaver.

18 Q Roger Beaver?

19 A Yes, sir.

20 Q And is Roger Beaver still employed with Lexington
21 County Sheriff's Department?

22 A No, sir, he is not.

23 Q So do you know what happened with this case for the
24 month of October of 2006?

25 A Do I know what's happened to it since then?

1 Q Do you know what happened in the month -- who was
2 interviewed and what transpired in October of 2006?

3 A No, sir.

4 Q Do you know what transpired in this case in November
5 of 2006?

6 A No, sir, I do not.

7 Q Do you know what transpired with this case in
8 December of 2006?

9 A No, sir, I do not.

10 Q Your first knowledge about this particular case was
11 January, some four months later after the police had
12 already investigated it, January of 2007, right?

13 A Yes, sir.

14 Q And you were put on this case because you had some
15 guy who got picked up on a forgery who says that he had
16 sex with one of Chana's children, and that's how you get
17 involved?

18 A Correct.

19 Q Was there an urgency to complete this case?

20 A Yes, sir.

21 Q How many people were arrested?

22 A I believe I just -- I named them off just a minute
23 ago, six.

24 Q Have all of those people been handled as of this
25 date?

1 A I'm not sure of that. I don't believe so.

2 Q Now, let's talk about the date which you say my
3 client came over and gave you a statement or made a
4 statement. He didn't give you a statement, he made a
5 statement, right?

6 A Yes, sir.

7 Q You're a lieutenant in investigations, right?

8 A No, sir. I'm a lieutenant over in narcotics now.

9 Q Over in narcotics now?

10 A Yes, sir.

11 Q Please tell the jury the number of jobs you have had
12 at the Lexington County Sheriff's Department.

13 A Road patrol, narcotics detective, major crimes
14 detective, white collar crimes detective, community
15 services sergeant, and now I'm a lieutenant over
16 narcotics.

17 Q In those -- how many years have you worked at the
18 Lexington County Sheriff's Department?

19 A Twenty-two.

20 Q In those 22 years of working with Lexington County
21 Sheriff's Department, were you aware that there was a
22 statement form that the Lexington County Sheriff's
23 Department used to take statements from individuals?

24 A Absolutely.

25 Q Matter of fact, Mr. Futch, the guy who started this

1 whole thing, gave a statement, didn't he?

2 A He did.

3 Q A written statement?

4 A He did.

5 Q And on those written statement forms, it provides on
6 those written statement forms the Miranda warnings which a
7 person is allotted, right?

8 A Yes, sir.

9 Q And you check them off, and you're explained -- or
10 the defendant or person being interviewed is explained
11 what his rights are, and then there is a section down
12 there for him to give his written statement?

13 A Yes, sir.

14 Q Did you offer my client a chance to write down this
15 statement that you say he made?

16 A To be honest with you, I don't remember whether I
17 gave him an opportunity to write it or not.

18 Q Well, if he had written it down, wouldn't it be a
19 stronger case? I mean, to be in writing --

20 A I don't know that it's any strong -- I don't know
21 that it's any stronger or any weaker whether he writes it
22 down or not.

23 Q We would know exactly, as was questioned in direct
24 examination, we'd know exactly in quotes what my client
25 would have said, wouldn't we?

1 A Yes, sir.

2 Q Because it would be in his handwriting?

3 A Correct.

4 Q Now, who was present when this statement was taken?

5 A Are we talk -- okay. There's two separate parts
6 there. Are we talking about in the interview room when he
7 made the comment that all he had ever done was gotten a
8 blow job from ^{Oldest}_{Victim} after she was 17? Or are we talking
9 about the part about paying \$40 for that blow job?

10 Q Let's take the first statement. Who was present at
11 the first statement?

12 A Detective Beaver.

13 Q Anybody else?

14 A No, sir.

15 Q Was there a tape recorder going at the time?

16 A No, sir, there was not.

17 Q Why not?

18 A It's not typical practice to tape interviews.

19 Q But it is the practice to have the statements written
20 down?

21 A On some occasions, yes, sir. I'm not going to sit
22 here and tell you that I've always gotten written
23 statements from every interview I've ever done.

24 Q I just want to know why you didn't get one done this
25 time. That's all I want to know.

1 A Because he wasn't offering anything at the time.

2 Q Well, you said he made a statement.

3 A He made a verbal statement, yes, sir.

4 Q And did you give him the chance to write that down?

5 A I cannot tell you whether I offered him that at this
6 point or not.

7 Q This was no recording?

8 A No, sir.

9 Q Then, is it your testimony that Detective Beaver was
10 not with you when you escorted him back to the jail, and
11 he voluntarily simply says, well, I paid \$45 for that. He
12 just voluntarily says that?

13 A As we were standing at the gate waiting on them to
14 open the gate.

15 Q And who was standing at the gate when he made this
16 statement?

17 A He and I.

18 Q Anybody else?

19 A No, sir.

20 Q Did you say, can we record that information?

21 A No, sir.

22 Q Did you even ever ask him whether or not he was
23 represented by an attorney prior to any of these
24 questions?

25 A No, sir, I wouldn't.

1 Q Did you find the diary that you all were looking for?

2 A No, sir, we did not.

3 Q And it was -- someone who -- it was your impression
4 that there was some written diary that dealt with all of
5 this somewhere, right?

6 A Correct.

7 Q You never found that diary?

8 A No, sir, we did not.

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

11 REDIRECT EXAMINATION

12 BY MS. MAYES:

13 Q About the diary, Lieutenant Gunter, does your
14 investigative report have any notation specifically
15 concerning that?

16 A I'm sure it does.

17 Q Was there an effort by law enforcement to search for
18 that?

19 A We did, yes, ma'am.

20 Q All right. And, specifically, do you have the date?

21 A I'm trying to find it here.

22 Q Okay.

23 A It does not have the specific -- it's in
24 chronological order of these -- of the investigative -- it
25 would have been January 31st.

1 Q All right. And who accompanied you in that effort?

2 A Sergeant Lint.

3 Q All right. And where specifically did you go to make
4 the search?

5 A [REDACTED].

6 Q All right. That would be the family house that we've
7 talked about multiple times?

8 A Yes, ma'am.

9 Q And at that point in time, do you recall whether
10 there was any active electricity going on in the home?

11 A There was not.

12 Q Was anyone living in the home?

13 A No, ma'am.

14 Q What is your general description of the home at that
15 point?

16 A That it had been ransacked.

17 Q All right. And considering the word "ransacked,"
18 were you able to locate any diary?

19 A No, ma'am. No, ma'am, we were not.

20 Q Now, he was asking you about various forms of
21 statements, written, recorded, things of that nature.

22 What is your testimony about where you were with
23 Mr. Roscoe when he made the statement to you about paying
24 \$40 for oral sex from ^{Oldest Victim}

25 A We were at the gate walking back into the detention

1 center.

2 Q Describe where that area is.

3 A It's in the parking lot, the back parking lot of the
4 sheriff's office. It's a big chain link gate that they
5 have to buzz you in.

6 Q All right. So you stand at the gate and wait for
7 someone to buzz you in?

8 A Yes, ma'am.

9 Q Is that generally the type of setting in which you
10 would be running a tape recorder?

11 A No, ma'am.

12 Q Is that generally the type of setting in which you
13 would type out a written statement form?

14 A No, ma'am.

15 Q Can you tell us whether or not that portion of the
16 statement was spontaneously or un-spontaneously made?

17 A Yes, ma'am, it was spontaneously made.

18 Q And by "spontaneous," who brought that portion of the
19 conversation out?

20 A I did not ask any questions to prompt a response from
21 him.

22 Q It came freely and voluntarily from whom?

23 A Michael Roscoe.

24 Q Is there any question in your mind about the content
25 of the statement that was made to you by Michael Roscoe on

1 February 1st, 2007?

2 A No, ma'am, there's not.

3 Q And his admission that he had paid money for oral sex
4 from ^{Oldest} Victim when she was 17?

5 A Yes, ma'am.

6 MS. MAYES: Nothing further.

7 MR. WILLIAMS: Just one question.

8 RECROSS-EXAMINATION

9 BY MR. WILLIAMS:

10 Q And in the interview room, there were chairs and
11 tables and pads and all kinds of things, wasn't there?

12 A Yes, sir.

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

14 THE COURT: Thank you, sir. You may step down.

15 MS. MAYES: The State calls ^{Youngest Victim}

16 THE CLERK: Still under oath, Your Honor?

17 THE COURT: Yes. Come forward, ma'am.

18 ^{Youngest Victim} having been previously sworn,
19 testified as follows:

20 REDIRECT EXAMINATION

21 BY MS. MAYES:

22 Q Ms. Harsey, I'm going to ask you to take a look at
23 State's Exhibit 11, which was previously identified as the
24 Travelers Inn. What do you remember about that general
25 location? Do you remember anything that was near the

1 Travelers Inn location?

2 A Another motel and a gas station.

3 Q All right. And what do you remember about the road
4 it was on?

5 A It was right down the street from Airport High.

6 Q All right. And when you say "right down the street,"
7 what do you mean by that?

8 A The road was within walking distance of my school.

9 MS. MAYES: Thank you. Nothing further.

10 MR. WILLIAMS: Just a couple of questions.

11 RECROSS-EXAMINATION

12 BY MR. WILLIAMS:

13 Q And how long did you stay at the Travelers Inn?

14 A It was off and on.

15 Q How long did you stay at the Travelers Inn?

16 A A week or two, maybe, at the time.

17 Q A week or two at the time. And do you have or do you
18 know whether or not anyone is going to introduce copies of
19 the registration where you stayed at the Travelers Inn in
20 this trial?

21 A I don't know.

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

23 THE COURT: You may step down.

24 MS. MAYES: The State rests, Your Honor.

25 THE COURT: Ladies and gentlemen, that is the

1 State's case. We need to take up some matters prior to
2 proceeding.

3 Did lunch arrive, Madam Clerk?

4 THE CLERK: It's on its way up the elevator now.

5 THE COURT: It's on its way. All right. Well,
6 we'll break for about an hour, an hour and ten, 15
7 minutes.

8 You can go wherever you want to. You just need
9 to be back in the jury room in an hour and ten minutes.

10 THE BAILIFF: They can leave with their lunch?

11 THE COURT: Yes.

12 THE BAILIFF: Okay.

13 THE COURT: We'll break for one hour and ten
14 minutes.

15 (The jury left open court at approximately 12:25
16 p.m.)

17 THE COURT: All right. Mr. Williams.

18 MR. WILLIAMS: Your Honor, I'm going to move
19 this so I can see.

20 THE COURT: I appreciate it.

21 MR. WILLIAMS: I'm not sure you want to see me.

22 THE COURT: No. It seems it's been in the way
23 during the whole trial.

24 MR. WILLIAMS: Your Honor, first, I would renew
25 the motion for mistrial that I had previously made.

1 THE COURT: Do you care not to argue his other
2 portion of his motion concerning the --

3 MS. MAYES: 1615? Yes, sir, Your Honor.

4 THE COURT: Yes.

5 MS. MAYES: As to the statute 16-15-415, this
6 actually does encourage -- enticing, encouraging or
7 otherwise facilitating a minor to participate in
8 prostitution. I can't imagine any other means of
9 facilitating a minor -- or any greater means of
10 facilitating a minor to participate in prostitution other
11 than actually paying for it. And that's what, according
12 to the evidence, he admitted to doing with ^{Oldest Victim}
13 And then there is additional evidence that he paid money
14 and facilitated the participation of ^{Youngest}  ^{Victim} in
15 prostitution as well by providing a check to her mother.

16 THE COURT: Concerning the mistrial motion?
17 Concerning the mistrial motion?

18 MS. MAYES: No, sir, Your Honor.

19 THE COURT: No, sir?

20 He renewed his motion for a mistrial. Do you
21 have any comments regarding that?

22 MS. MAYES: Your Honor, originally, the
23 testimony that was objected to or it was considered
24 prejudicial was the fact that a witness made the statement
25 that her mother had been arrested and is in prison for

1 prostitution of a minor, which is the same charge that the
2 defendant has as a result of this same case. And that
3 type of testimony has pretty much been elicited throughout
4 the trial from various witnesses. And defense counsel, as
5 well, has explored the various charges of different
6 people, including Ms. Harsey's conviction and level of
7 involvement in this case.

8 And with that being said, Your Honor, it seems
9 that this evidence would have been forthcoming regardless
10 of whether that witness had made that statement. I guess
11 what I'm getting at is that any error would be harmless
12 error because there has been plenty of admissible evidence
13 on this same subject, further describing her involvement,
14 the involvement of Chana Harsey, both in the prostitution
15 of her daughters in connection with Mr. Roscoe.

16 THE COURT: All right. Anything further?

17 MR. WILLIAMS: Just one thing, Your Honor, that
18 is, we move for dismissal of both of the indictments on
19 the evidence, that there being a lack of evidence in the
20 light most favorable to the State for a conviction on
21 either one of these indictments.

22 THE COURT: I think there is an abundance of
23 evidence, overwhelming evidence, from which the jury can
24 conclude that the defendant is guilty on both charges,
25 that both charges are properly indicted, and I deny the

1 motion for a directed verdict.

2 With regard to the motion for mistrial, the gist
3 of the young lady's testimony was that her mother is in
4 prison for the same thing that this defendant is on trial
5 for. That's an accurate statement that has been reflected
6 throughout the testimony in the trial, particularly, the
7 testimony of the mother who said that that's why she is
8 now in prison. So any error, although the testimony might
9 have been premature, I don't believe it caused the jury to
10 decide this defendant's guilt based on the witness'
11 testimony as to why her mother was in jail.

12 Further, the Court gave instruction that the
13 jury must decide this case as relates to the guilt or
14 innocence of this defendant independently of guilt of
15 anyone else. So any error in that testimony, that
16 unobjected-to testimony coming in would be harmless, that
17 in addition to the curative instruction and the overall
18 testimony throughout the trial indicating involvement of
19 this defendant, and many other people involved in sex with
20 these minors and promoting the prostitution of these
21 minors.

22 So I deny the motion for a mistrial as well as
23 the motion for directed verdict.

24 All right. We're ready to move toward the
25 defense. We've told the jury that they could be out for

1 Ms. Mayes.

2 MS. MAYES: On behalf of the State, we would
3 like to thank you for the careful attention that you have
4 paid throughout this case over the last few days. I
5 realize that some of the testimony that you've heard is
6 the kind of testimony that is not easy to listen to. It
7 seems that you'd rather not have to talk about even in the
8 privacy of closed doors, never mind in a public courtroom.
9 However, we ask you to keep in mind it's absolutely
10 necessary for the proof of this case for all of the
11 details to come forward. It's also part of the elements
12 that we have to prove when describing what exactly sexual
13 battery, sexual acts are part of these crimes.

14 Let's talk a little bit about Chana Harsey.
15 There is no getting around the fact that she is a monster.
16 There is no other way to put it. What kind of person
17 allows drugs to take over their life above and beyond
18 everything else? But that's only the start of it. That
19 is barely the tip of the iceberg.

20 But she went far beyond giving into an
21 addiction. She ends up selling her children, their
22 bodies, their futures to support her drug habit, to
23 support her own selfish needs. And everything that she
24 did was arranged by her, with her knowledge and with her
25 permission. And when ^{Oldest}Victim got old enough to say she

1 didn't want to go along with it anymore, she turned to her
2 14-year-old and sold her for money to that man right
3 there, Michael Roscoe.

4 It started out, he was willing to pay \$300 for
5 ^{Youngest} He had sex with ^{Oldest} numerous times. You've
6 ^{Victim} heard ^{Oldest Victim} testimony. This was going to be his first
7 time with ^{Youngest} and so he gives Chana a check for \$300
8 ^{Victim} that clearly wasn't good, and she wasn't able to cash it.

9 But did she stop ties with him, did she cut him
10 out? Absolutely not. She kept going. And all of a
11 sudden, it didn't have to be \$300 anymore. It could be 40
12 or 20, any amount of money that would allow her to support
13 her own needs and her drug habits, that was enough of a
14 price to sell her children.

15 I think the one thing that stands out more than
16 anything else about Chana Harsey is her overall demeanor.
17 What kind of person do you think she is? What kind of
18 vibe do you get from her? Keep in mind, she has been
19 incarcerated now for years, several years. So she doesn't
20 have access to crack cocaine anymore on a daily basis like
21 she did when she lived at [REDACTED], and yet
22 that's how she is sober. That personality is her sober.
23 Imagine that same person seizing for crack. That's what
24 those girls were living with every day of their lives.
25 That's the only life they had ever known.

1 And as ^{Youngest}_{Victim} put it, it was her way or the
2 highway, and at 14, she couldn't imagine any other life
3 because that's all she had ever known. Her mom made the
4 rules and she followed them. So much so that when her
5 older sister got the courage to tell and did tell at
6 Airport High School back in October of 2006, imagine, if
7 you will, the courage that it took for ^{Oldest}_{Victim} at 17 to
8 finally come forward and tell somebody at Airport High
9 School, this is enough, this has got to stop because it's
10 not just me anymore, it's my sister. My sister is going
11 to grow up exactly the way I did, and I can't stop it.

12 When she had the courage to tell Airport High
13 School, and they find ^{Youngest}_{Victim} who is a freshman, a
14 special-needs student, and they bring her in, and as she
15 described to you, she couldn't tell. At that point in
16 time, she was not ready to tell, she was afraid for the
17 future. Because as bad as life was at [REDACTED],
18 living with her mom's rules and her mom's habit, she had
19 an even bigger fear of going into foster care. So as
20 ^{Youngest}_{Victim} explained, when they asked her at Airport High
21 School what was going on, she denied everything, and so
22 she kept living with it.

23 All of a sudden, they weren't living at [REDACTED]
24 [REDACTED] anymore because they couldn't keep the power on.
25 And when the power went off, they ended up at Travelers

1 Inn. And you heard the testimony from ^{Youngest}_{Victim} about how
2 once they went to Travelers Inn on Airport Boulevard, it
3 still was happening. Michael Roscoe was still coming
4 there to have sex with her. In fact, had intercourse with
5 her here at Travelers Inn. And that would be after the
6 timeframe that the power was cut off in September of 2006.

7 I submit that was September to October of 2006,
8 because the testimony was that after they left Travelers
9 Inn, they went on to other places. And then by the time
10 January of 2007 rolls around that Jeremy Futch talks
11 about, they were already out of the motels and at a place
12 on Simmons Lane. So it was place to place to place.

13 But what didn't change, is that here in
14 Lexington County, Michael Roscoe was still paying for sex
15 with these minors. First ^{Oldest}_{Victim} and then ^{Youngest}_{Victim}

16 When we talk about Michael Roscoe's involvement,
17 let's take a look at the various forms of evidence. And
18 that's one of the things that the Judge is going to charge
19 you on at the close of this case. What I say is not
20 evidence. What Mr. Williams says is not evidence. These
21 are just arguments. What is evidence is the testimony
22 that you heard right there from the witness stand.

23 Testimony from the witness stand can come in two
24 forms. It can be direct evidence or circumstantial
25 evidence. Direct evidence is evidence that someone saw or

1 felt or experienced firsthand. And in this particular
2 case, there is direct evidence from ^{Oldest Victim} because
3 ^{Oldest Victim} was the first person that he paid to have sex with
4 for ^{Youngest Victim} She testified that there were numerous
5 occasions that occurred at the [REDACTED], which is
6 his house, the blue trailer that's been identified and
7 talked about by both girls because he took both of them
8 there.

9 And in addition to the location at [REDACTED],
10 he took ^{Oldest Victim} to Peachtree Rock Preserve. And as she
11 described, there were numerous places there that you go
12 deeper and deeper into the woods, and it's acres of nature
13 trails and wooded areas. Again, anywhere that he could
14 find to be alone with her.

15 Mr. Williams has suggested he had a girlfriend,
16 yet he always found time to be alone with them at [REDACTED]
17 [REDACTED]. And if he couldn't be alone with them there, he
18 ends up here with ^{Oldest Victim} ^{Oldest Victim} talked about the
19 money that was exchanged and the deeds that she would have
20 to do and how her mom would set it up with Michael Roscoe.

21 Next, we have direct evidence from ^{Youngest Victim}
22 [REDACTED]. This type of direct evidence, again, comes from
23 ^{Youngest Victim} herself that he had not only oral sex with her, but
24 also sexual intercourse with her. And as she described,
25 he would tell her what he wanted to do. She described the

1 events at Travelers Inn, [REDACTED], and then at
2 [REDACTED], her own house that first time. She
3 talked about how they had sex in her mother's room and
4 exactly where she was laying in the bed.

5 Most of all, I submit it's important to keep in
6 mind that ^{Oldest}Victim and ^{Youngest}Victim have absolutely nothing to gain
7 by saying this about Michael Roscoe. They have lost
8 everything, the only life they ever knew.

9 Thank God for Jeremy Futch because even though
10 he ended up spending time in jail himself for admitting
11 his role in this, when he came clean to law enforcement
12 about what he knew and what was going on, he had gotten
13 them out of that environment. So he paid a price as well.

14 But by doing so, the girls went into foster
15 care. Not even together, but separate foster homes. And
16 then on top of that, after these disclosures and the
17 information provided about the defendant, Michael Roscoe,
18 the humiliation of admitting that you had sex for money.
19 And then coming into a courtroom in front of 12, 13
20 strangers to talk about the most personal and shameful
21 experiences that one can ever imagine.

22 They have absolutely no motive whatsoever to say
23 this about Michael Roscoe, except that it's true. And
24 throughout the testimony you have heard one thing stand
25 like stone: He did it. He did it. There is no other

1 explanation for why we're here.

2 Let's look in addition to the statements from
3 the girls, the defendant's own statement, the statement he
4 made to Lieutenant Gunter. Now, what is most common in
5 these situations, I submit, is for people to downplay and
6 minimize their involvement. You saw that yourself from
7 Chana Harsey, still trying to downplay and minimize or
8 excuse her behavior, although that can't be done. And
9 here Michael Roscoe waived his Miranda rights and agreed
10 to speak to Lieutenant Gunter because he thinks in his
11 mind, he can put his own spin on it. And so he starts
12 saying, well, the only thing I did was have oral sex with
13 Oldest Victim And he knew Lieutenant Gunter wasn't buying it
14 because Lieutenant Gunter had already talked to Oldest Victim he
15 had already talked to Youngest Victim He knew the truth. And I
16 submit that what they have to say is so compelling, so
17 beyond measure, he knew the truth. He knew when he was
18 getting that story from Michael Roscoe that it wasn't
19 going to float. So he starts taking him back over to the
20 detention center. And as they're waiting for the gate, he
21 further starts trying to justify it. All right. Well, I
22 did get a blow job from Oldest Victim and I paid her \$40. His own
23 admission. As small as it was, and even though it was
24 only a small part of what has really gone on here, that
25 small admission from his own mouth is promoting

1 prostitution of a minor. He is admitting that he paid a
2 minor, who is ^{Oldest Victim} who was 17 at the time, for
3 oral sex.

4 Let's talk about the elements of the case.
5 Promoting prostitution of a minor. Now, when I'm done
6 talking, Mr. Williams is going to talk, and the Judge is
7 going to charge you on the law, and he is going into much
8 more detail than I am now, but he's going to give you the
9 exact definition for this offense, and the elements that
10 the State is required to prove is that the defendant was
11 encouraging or otherwise facilitating a minor to engage in
12 prostitution. What does that mean "otherwise facilitate"?
13 He paid money for it. He showed up. He went through with
14 it. That, in and of itself, is evidence of encouraging or
15 otherwise facilitating a minor to engage in prostitution.
16 Not just once, but on multiple occasions. But you, as the
17 jury, only have to find that at least one event occurred
18 that satisfies these elements.

19 Now, in addition to the element of otherwise
20 facilitating a minor to participate in prostitution, an
21 element is that they have to be a minor. Well, we know at
22 the time he was arrested and all these facts came out when
23 he was arrested, ^{Oldest Victim} was 17 at that point in time, her
24 date of birth being [REDACTED], and ^{Youngest Victim} was 15,
25 her date of birth being [REDACTED]. Clearly, it's been

1 proven beyond a reasonable doubt that both girls were
2 minors. A minor is defined under that statute as a person
3 under the age of 18.

4 Finally, the element of sexual activity in
5 exchange for anything of value. There's been numerous
6 testimony from both girls that money was provided. Oldest
7 has specifically described that she would give the money Victim
8 to her mother, and sometimes she kept money to pay for
9 food for her and Youngest Victim Again, that way of life she had
10 learned from her mother. That exchange of money or
11 anything of value is the final element of promoting
12 prostitution of a minor. As I said before, even his own
13 admission that he paid Oldest Victim \$40 for a blow job to
14 Lieutenant Gunter, that statement alone is proof beyond a
15 reasonable doubt that this offense has been proven. You
16 need only find that one event happened as to either girl
17 during the timeframe of these offenses, which is May of
18 2006 through October of 2006. The indictment will read
19 Oldest Victim and/or Youngest Victim Again, only one of those cases with
20 either girl is applicable under the statute.

21 The second charge before you will be what is
22 called criminal sexual conduct with a minor. When we talk
23 about criminal sexual conduct with a minor, specifically.
24 this statute is in the 2nd degree because it deals with
25 children who are in this age group, at least 14 but less

1 than 16, and that is what defines whether it is 1st degree
2 or 2nd degree, or some other degree. But in this case, it
3 requires sexual battery with the minor who was at least 14
4 but less than 16.

5 What is sexual battery? The Judge will charge
6 you a little bit later about exactly what sexual battery
7 is. But two things that are included or defined as sexual
8 battery are sexual intercourse or fellatio, fellatio being
9 oral sex. Fellatio is indeed a word actually used
10 pursuant to that statute. So, again, you need only find
11 that at least one of those acts occurred during the
12 timeframe of this indictment, which is September and
13 October of 2006.

14 This indictment has to do with ^{Youngest} [REDACTED]
15 because the testimony has been that in the fall of 2006,
16 ^{Youngest} [REDACTED] was 14. This is the period of time that they
17 left [REDACTED] and ended up going to various hotels,
18 including the Travelers Inn. The testimony was that he
19 continued, Michael Roscoe continued to pick her up, take
20 her places to have sex for money, and then when the lights
21 went off at [REDACTED], she ended up going to a motel
22 room at Travelers Inn. We know from the testimony
23 provided by Mid-Carolina Power that the electricity was
24 cut off in September of 2006. That's when they went to
25 the Travelers Inn, and that is when at least one occasion

1 occurred where Michael Roscoe came and had sex with ^{Youngest}
2 for money. During that point in time, she was at least 14 ^{Victim}
3 but less than 16, as the statute requires.

4 The second element here is that the defendant
5 was older than the victim. In this case, Michael Roscoe
6 was 30 years old when these crimes occurred in 2006.
7 Thirty years old when he was engaging in sex with these
8 two minors.

9 When we talk about reasonable doubt, I ask you
10 to keep in mind that reasonable doubt is not just any
11 doubt. Reasonable doubt would be a doubt that would cause
12 you to hesitate to act, to not want to convict. In this
13 case, I would submit reasonable doubt is not just any
14 doubt, it doesn't mean you can't go back in the jury room
15 and continue to deliberate. Reasonable doubt is overcome
16 by evidence that leaves you firmly convinced. And in this
17 case, I submit there is overwhelming evidence to leave you
18 firmly convinced of Michael Roscoe's guilt. ^{Oldest}
^{Victim}

19 [REDACTED]'s testimony alone, I submit, is enough to leave you
20 firmly convinced. But it wasn't just ^{Oldest Victim} Her little
21 sister, ^{Youngest} testified to the same, nearly identical ^{Victim}
22 events happening with her, and how he moved on from ^{Oldest}
^{Victim}
23 to her. Jeremy Futch confirmed the girls were involved in
24 prostitution at their mother's control or direction
25 because he had paid Chana Harsey as well. He told you the

1 events that unfolded after he went forward to law
2 enforcement.

3 You have before you the most noble of
4 opportunities: The chance to strike back against
5 injustice and deliver a verdict that speaks the truth. In
6 this case, the truth is that Michael Roscoe is guilty as
7 charged, guilty of criminal sexual criminal conduct with a
8 minor in the 2nd degree and guilty of promoting the
9 prostitution of a minor.

10 Thank you.

11 MR. WILLIAMS: May it please the Court.

12 THE COURT: Mr. Williams.

13 MR. WILLIAMS: Ladies and gentlemen of the jury,
14 I want to thank you for your kind attention. I'm not
15 going to ask you to strike back for injustice. I'm just
16 going to ask for justice.

17 You know, I've been practicing law a long time,
18 and I guess you get set in your ways. And, then, I guess
19 sometimes it's in the eye of the beholder in regards to
20 what you think trials are about, what jurors are supposed
21 to do and how they're supposed to carry out their job.
22 The jury is supposed to evaluate evidence. And when you
23 evaluate evidence, you judge the credibility of those
24 witnesses that are testifying. And if I put up a million
25 witnesses that are not credible, then what they're saying

1 is incredible. If I put up one witness which is credible,
2 then that is credible. But the point of this is, is that
3 you determine truthfulness based on what you have to deal
4 with.

5 One of the most telling things that I have
6 heard, and I thought I would never hear it -- I have been
7 practicing law since 1976 -- I thought I would never hear
8 an admission to this, and I heard it today. And probably
9 nothing meant by it, but it took it the wrong way, I
10 think. I asked the question about what non-cooperative
11 meant. And non-cooperative in police terms means that
12 whoever you're talking to does not admit that he's guilty.
13 Our system is not based on that presumption. It's just
14 not. Our system is not based on you make a decision in
15 regards to whether or not someone committed a crime or
16 not, and once you make that decision, then if everything
17 doesn't fit, then it's non-cooperative. You start with no
18 decision. You start with a blank page. And you build
19 upon that until you determine that you think a crime has
20 been committed. And that's what happened in this case.

21 To show you evidence of that, all you have to do
22 is look at the time line involved here. I don't think
23 anyone has explained this time line to you. Matter of
24 fact, everybody's danced around about it. No one's even
25 talked about it very much. I hinted about it. If these

1 allegations come forth in October of 2006 by a
2 conversation through the guidance counselor at Airport
3 High School, why does nothing happen October, November,
4 December, January? Why is this case closed? Why is there
5 nothing going on with this? No one has answered that
6 question.

7 If you believe what ^{Oldest}_{Victim} said, ^{Oldest}_{Victim} said she
8 told her grandmother and she told her aunt and she told
9 several other people about this before she even talked to
10 the police.

11 Then you have Jeremy Futch, and we all know how
12 reliable Jeremy Futch is. He's stealing checks from his
13 brother and he admits he's got, like, ten felonies, he's
14 having sex with ^{Youngest Victim} and he says, well, you know, I
15 was paying to have sex and paid \$60 for it, that is what
16 he was talking about. And when that hits the fan -- and
17 that is their rendition of what happens here -- when that
18 hits the fan, then there is this investigation about all
19 these people who are involved in it, all these people who
20 are guilty of a crime. See, I think that this is more
21 like throwing it up against the wall and see what sticks,
22 isn't it? And I'm not just being mean, I will give you
23 examples and reasons for that. People say I'm somewhat of
24 a smart Alec sometimes, but I don't mean to be.

25 If you think about the beginning of this case

1 when there was a list of names read forth, and they gave
2 the names of Youngest Victim Oldest Victim Lee Harsey,
3 Wilhamina Reome, Skye Snelgrove, Jeremy Futch, Jonathan
4 Jaworski, Sam Gunther, Robbie Lint, Detective Roger
5 Beaver, Millicent Wolfe, Melissa Turner, Susan
6 Luberhoff, M.D., Marlana Clary, R.N., Chana Harsey, Wade
7 Harsey, Betsy Kosh.

8 You put witnesses on the stand to prove a point,
9 to testify to something. And you can prove a person is
10 guilty or you can, by the lack of evidence, by the lack of
11 evidence that can tilt so that you figure maybe she's not
12 guilty.

13 Has anyone explained why there was no doctor
14 ever called to testify? Certainly were asked about it.
15 Or nurse.

16 And what is more telling than anything is why
17 Detective Beaver, who is sitting in this courtroom, was
18 never called to testify. And why is that important? Do
19 you remember when Gunter said he talked to my client in an
20 interview room along with Detective Beaver?

21 Of course, I hit Lieutenant Gunter pretty hard
22 because I said, look, you know, you got these other
23 statements where people write things down, you are
24 certainly capable of having a recording device, but you
25 chose not to do that. You have in your presence another

1 detective, Beaver, who should be able to corroborate what
2 transpired in that room, but he's never called to testify.

3 You have some statement that was made near some
4 room. And even the statements that are attributed to my
5 client, none of them involve ^{Youngest Victim} And if you believe
6 what was said, it involved some sort of oral sex with
7 ^{Oldest Victim} -- and I have to keep them straight -- after she was
8 17, if you believe that, and I'm not saying that you
9 should, because, you see, what your job is, is to see if
10 there is sufficient evidence to prove my client is guilty.
11 He doesn't have to prove a thing. But Beaver was not
12 called to testify.

13 You know, it's probably not the greatest idea as
14 a defense lawyer to attack the investigation of a case
15 because as Lexington County residents, I'm sure as
16 citizens of Lexington County, we're taught we are to -- I
17 don't know. We're here for law and order, but we're here
18 to make sure that we don't assume something. We're here
19 to make sure that the right persons are charged, that
20 there is evidence to convict those individuals. And if
21 there's not, then our system says you're supposed to find
22 him not guilty.

23 I could just pick out, I don't know, reasonable
24 doubt, I could just pull them off. All right. All of the
25 allegations about this motel, where something supposedly

1 happened about the motel, nobody can remember when it
2 happened. Nobody can remember when it happened. They
3 can't remember the month, they can't remember the year.
4 You know, they put up a picture to show it, right here.
5 They give you a picture to show it.

6 Why do you think you have these pictures? Do
7 you think there is something meaningful in having these
8 pictures? These pictures are props. They are meant to
9 aid testimony. To say, well, if I've got a picture of the
10 motel, it must mean it's true. If I've got a picture of a
11 sign on Highway 6, Peachtree Rock, it must be true. If
12 I've got a picture of Peachtree Preserve, that must mean
13 something. Why is it important to take this piece of
14 paper here and constantly write on it and show it to the
15 jury? Because if you write it down, it must be true.

16 You determine what the truth is. You're not
17 here to fall to props. Where are the motel receipts? I
18 will bet that we have the ability to go to a motel and run
19 motel receipts to show that somebody stayed at that motel.
20 Checking account. I'll bet that we're capable of running
21 someone's name to see if there is a checking account. I
22 will bet that we can determine if there is a bank which
23 would show that someone tried to cash a check there.

24 See, not only do you have the problems about
25 what is testified to, you got the problems as to how it

1 all fits together. I guess you can believe that my client
2 had a checking account and it had his name on it, and he
3 went to the Corner Pantry to cash a \$300 check or he gave
4 it to somebody to cash a \$300 check. Do you believe that
5 to be true? It's as true as anything else, isn't it?

6 Why does ^{Youngest} _{Victim} ^{Youngest Victim} deny that anything is
7 going on in October of 2006 if something is going on? You
8 know, I don't think it is right for me to sit around here
9 properly and just talk about how nobody could remember
10 anything, nobody could remember the dates, nobody could
11 remember the years. People don't always remember to tell
12 the truth the first time they're talking to the law
13 enforcement. People can't always remember to say the same
14 thing as other people. People can't always remember to
15 testify about what was going on until the day of trial,
16 six years later. I don't know what occurred to make this
17 transition with Ms. Harsey. You'll have to judge
18 Ms. Harsey for yourself.

19 So you say, well, I must convict him of
20 something. Even though there is no evidence that would
21 convince me beyond a reasonable doubt, the plea is to
22 convict my client of something because these girls don't
23 have a motive. That's almost like a negative. How the
24 heck can you look at these witnesses and determine what
25 their motives are? And where does motive fit into facts?

1 You know, I can speculate just like anybody
2 else. I can speculate just like law enforcement. I can
3 say, well, the motive is because when the daddy left the
4 home, you remember one of the children was saying she was
5 mad, she was upset because daddy left the home, and left
6 them without payment for the trailer. The only member of
7 daddy's family that they can go after is Roscoe, Michael
8 Roscoe. He is kin. I don't know. I have no idea what
9 the motive is, but that is not my job. It's not your job.
10 Your job is to see that the truth comes forward, and that
11 there is evidence sufficient to prove the charges before
12 you can convict.

13 And that is why at the beginning of this whole
14 case in opening argument, I talked about these two
15 indictments. Two indictments. One of them says that
16 Michael Roscoe between the months of September the 1st of
17 2006 and October the 31st of 2006, committed a criminal
18 sexual conduct 2nd with ^{Youngest Victim} in Lexington
19 County. Did they prove to your satisfaction, number one,
20 that criminal sexual conduct ever happened, number two,
21 that it happened in September or October of 2006, or
22 whenever?

23 The second indictment is for Michael Roscoe
24 promoting -- promoting prostitution of a minor. He
25 doesn't have a big floppy hat, and he's not standing on

1 the corner. If you believe -- if you believe the facts of
2 the case,, then he's guilty of not promoting prostitution
3 but being involved in prostitution.

4 Between May 22nd, 2006, and October 31st of
5 2006, why did they pick these dates out? Do you think
6 that someone miraculously knows when it happened? Nobody
7 knows when it happened, we've established that. [REDACTED],
8 2006 is somebody's birthday. October 31st of 2006 is the
9 last day of October. So that is how we try cases. That
10 is how we charge people. And that's why we wait after
11 someone is arrested in 2007 and indict them in April of
12 2013.

13 You know, the last comment from the Solicitor
14 is, you are the voice, she wants you to speak for justice
15 or injustice, speak out against injustice. There's all
16 forms of injustice. I'd ask that you do your job. And
17 that's all I ask.

18 Thank you.

19 THE COURT: Ladies and gentlemen, let's stand
20 for a moment.

21 Okay. Mr. Foreman, members of the jury, you
22 have heard the testimony, the evidence and the arguments
23 of the State and the defendant. I will now explain to you
24 the law that applies to this case.

25 Under the Constitution and laws of South

1 Carolina, you are the finders of the facts in this case.
2 I do not have the right to pass upon the facts or even to
3 express any opinion that I might have as to them because
4 this is a matter solely for you, the jury, to determine.
5 As jurors, then, it is your duty to determine the effect,
6 the value, the weight and the truth of the evidence
7 presented during this trial. You are also the judges, the
8 sole judges of the credibility, the sole judges of the
9 credibility, that is the believability of the witnesses
10 who have testified and of the evidence which has been
11 presented during this trial.

12 In passing upon credibility, you may take into
13 consideration many things, such as the demeanor or manner
14 of testifying, whether the witness had reason to be biased
15 or prejudiced or whether a witness' testimony was
16 contradicted on the one hand or supported and corroborated
17 on the other hand. All these things you will consider,
18 bearing in mind that you should give the defendant the
19 benefit of any reasonable doubt. It becomes your duty as
20 jurors to analyze and to evaluate the evidence and
21 determine that evidence which convinces you of its truth.

22 Now, a person who has a past criminal record is
23 competent to testify during a trial. A past record does
24 not affect the ability of that witness to testify. The
25 past record may only be considered by you, if at all, in

1 determining the witness' believability. Remember, you are
2 the sole judges of the facts in the case and of the
3 believability of any and all of the witnesses.

4 As the trial judge, it is my responsibility to
5 preside over the trial of this case and to rule upon the
6 admissibility of the evidence offered during the trial.
7 You are to consider only the testimony which has been
8 presented from this witness stand, together with any
9 exhibits which have been made a part of the record. I
10 have the additional duty to charge you the law applicable
11 to this case. And as the presiding judge, I am the sole
12 judge of the law of this case. It is your duty as jurors
13 to accept as correct and apply the law as I now state it
14 to you, and then reach your verdict.

15 And, finally, I charge you in this regard that
16 you should not be concerned with what you think the law
17 ought to be, but rather what I charge you that the law is.

18 Now, the fact that the defendant was arrested,
19 charged and indicted is not evidence in this case and
20 cannot be considered by you as evidence of guilt in this
21 case, nor does it create any presumption or inference of
22 guilt. The indictments are simply the formal written
23 instruments which contain the charges made against the
24 defendant. An indictment is the formal document by which
25 a case is brought into court.

1 Now, the indictments in this case allege two
2 different offenses against the defendant. The charges are
3 criminal sexual conduct with a minor in the 2nd degree and
4 promoting prostitution of a minor. Each indictment
5 charges a separate and distinct offense. You must decide
6 each indictment separately on the evidence and the law
7 applicable to it, uninfluenced by your decision as to the
8 other indictment.

9 The defendant may be convicted or acquitted on
10 either indictment. You will be asked to write a separate
11 verdict of guilty or not guilty for each indictment.

12 The defendant has pled not guilty to the charges
13 in each indictment, and that plea places the burden on the
14 State to prove the defendant guilty.

15 A person charged with committing a criminal
16 offense in South Carolina is never required to prove
17 himself innocent. I charge you that it is an important
18 rule of the law that the defendant in a criminal trial, no
19 matter what the seriousness of the charges may be, will
20 always be presumed to be not guilty of the crime for which
21 the indictments were issued, unless guilt has been proven
22 by evidence satisfying you of that guilt beyond a
23 reasonable doubt.

24 The presumption of innocence does not end when
25 you begin your deliberations, but it accompanies the

1 defendant throughout the trial until you reach a verdict
2 of guilt based on evidence satisfying you of that guilt
3 beyond a reasonable doubt. The presumption of innocence
4 is like a robe of righteousness placed about the shoulders
5 of the defendant which remains with the defendant until it
6 has been stripped from the defendant by evidence
7 satisfying you of the defendant's guilt beyond a
8 reasonable doubt.

9 Now, the presumption of innocence is not a mere
10 legal theory, it's not just a legal phrase. It is a
11 substantial right to which every defendant is entitled,
12 unless you, the jury, are satisfied from the evidence of
13 the defendant's guilt beyond a reasonable doubt. The
14 State must prove the defendant guilty beyond a reasonable
15 doubt.

16 So what is a reasonable doubt in the law? A
17 reasonable doubt is a doubt which makes an honest,
18 sincere, conscientious juror in search of the truth to
19 hesitate to act. Proof beyond a reasonable doubt must,
20 therefore, be proof of such a convincing character that a
21 reasonable person would not hesitate to rely and act upon
22 it in the most important of his or her own affairs.

23 Proof beyond a reasonable doubt can also be
24 described as proof that leaves you firmly convinced of the
25 defendant's guilt.

1 Now, there are very few things in this world
2 that we know with absolute certainty. And in criminal
3 cases, the law does not require proof that overcomes every
4 possible doubt. If based on your consideration of the
5 evidence, you are firmly convinced that the defendant is
6 guilty, then you must find him guilty. If, on the other
7 hand, you think there is a real possibility that he is not
8 guilty, you must then give him the benefit of the doubt
9 and find him not guilty.

10 Now, I instruct you and emphasize that the fact
11 that the defendant did not testify is not a factor to be
12 considered by you in any way in your deliberations and in
13 your consideration on the question of the guilt or the
14 innocence of the defendant. It must not be considered by
15 you in any manner whatsoever. A defendant has the
16 Constitutional right to remain silent, and the assertion
17 of this right must not be considered by you in your
18 deliberations.

19 So I repeat, under your oath, you're to draw no
20 conclusion whatsoever from the fact that the defendant in
21 this case did not testify. The fact that the defendant
22 did not testify should not even be discussed in the jury
23 room. The burden of proof, as I have stated to you, is on
24 the State. The defendant is not required to prove his
25 innocence. The burden of proof remains on the State to

1 prove guilty beyond a reasonable doubt.

2 A statement alleged to have been made by the
3 defendant has been admitted into evidence in this case.
4 While the Court has determined that the statement is
5 admissible, I instruct you that you make the ultimate
6 decision of whether or not the defendant made the
7 statement. If the defendant did make the statement, you
8 must determine whether the statement was made by the
9 defendant voluntarily and of his own free will. This
10 means that the statement was not caused by pressure, force
11 fear, threats, coercion or intimidation or by hope or a
12 promise of leniency or a reward of any kind. In
13 determining whether the statement was voluntary, you
14 should consider both the characteristics of the defendant
15 and the details of the questioning.

16 Some of the factors that you must consider are
17 the age of the defendant, the defendant's education or
18 lack of education, the defendant's mental ability or
19 capacity, the defendant's IQ or intelligence, the
20 defendant's background and environment, the place and
21 length of detention, the nature of the questioning and the
22 advice, or lack thereof, to the defendant of his
23 constitutional rights, including but not limited to the
24 right to remain silent, that any statement can be made
25 against him in a court of law. The right to have a lawyer

1 present, that if he could not afford a lawyer, a lawyer
2 would be appointed to represent him without any cost. And
3 that he could stop making a statement at any time. You
4 must carefully consider all of the surrounding
5 circumstances before you give any weight to an alleged
6 statement.

7 The State has the burden of proving beyond a
8 reasonable doubt that the alleged statement was voluntary.
9 If you determine that it was, you may give the statement
10 any further consideration that you deem proper. You must
11 decide what weight, if any, should be given to the alleged
12 statement. If you determine the alleged statement was not
13 the free and voluntary statement of the defendant, you
14 should not consider the statement at all.

15 The defendant is charged with criminal sexual
16 conduct with a minor in the 2nd degree. The State must
17 prove beyond a reasonable doubt that the defendant engaged
18 in a sexual battery with the victim, ^{Youngest Victim}

19 A sexual battery is sexual intercourse, cunnilingus,
20 fellatio, anal intercourse, or any intrusion, however
21 slight, of any part of a person's body or of any object
22 into the genital or anal openings of another person's
23 body, except when the intrusion is accomplished for a
24 medically recognized treatment or diagnostic purposes.

25 The State must then prove beyond a reasonable

1 doubt that the victim was less than 16 years old, but at
2 least 14 years old, and that the defendant was older than
3 the victim.

4 The defendant is charged with promoting
5 prostitution of a minor. The State must prove beyond a
6 reasonable doubt that the defendant knowingly enticed,
7 forced, encouraged or otherwise facilitated ^{Youngest Victim}
8 [REDACTED] and/or ^{Oldest Victim} [REDACTED], minors, to participate in
9 prostitution or supervised, supported, advised or promoted
10 the prostitution of or by a minor.

11 Knowingly means with knowledge, consciously, not
12 accidentally. A minor is defined as an individual who is
13 less than 18 years old. Mistake of age is not a defense
14 to a prosecution under this section.

15 Prostitution means engaging or offering to
16 engage in sexual activity with or for another in exchange
17 for anything of value. Sexual activity includes any of
18 the following acts or simulations thereof: Vaginal, anal
19 or oral intercourse with another human being or touching
20 in an act or apparent sexual stimulation or sexual abuse
21 of the clothing or unclothed genitals, pubic hair or
22 buttocks of another person or the clothed or unclothed
23 breast of a human female.

24 Mr. Foreman and members of the jury, I am
25 required to charge you the law as I have done it through

1 these instructions now being given to help guide you to a
2 just and lawful verdict. Whether some of these
3 instructions will apply will depend upon what you find to
4 be the facts. The fact that I have instructed you on
5 various subjects on this case, must not be taken as
6 indicating an opinion of this Court as to what you should
7 find to be the facts or what your verdict should be.

8 In conclusion, you have been selected by both
9 the State and the defendant to be fair and impartial
10 jurors. It is your duty, then, in your joint
11 deliberations to determine the truth in this case, giving
12 the defendant the benefit of every reasonable doubt on
13 each charge. And from the facts which you determine to be
14 true, you take and apply the law, which I have just given
15 you, and thus arrive at a verdict which speaks the truth
16 in this case.

17 I have told you the standards you have to apply
18 to the charges of criminal sexual conduct with a minor
19 second degree and promoting prostitution of a minor. I
20 will give you a copy of these instructions in written
21 form. During your deliberations, you may refer to the
22 instructions to guide your decision-making. You must
23 consider the instructions as a whole and not follow some
24 and ignore others. You have heard the evidence, and now
25 you have heard the law.

1 Whatever your verdict as to each indictment,
2 guilty or not guilty, Mr. Foreman, you will indicate it on
3 the indictments, which will go back to you, that is, the
4 indictments, in this back portion, which indicates
5 "verdict," you write not guilty or guilty, sign and date
6 the indictments for the respective charges.

7 Remember that although the foreman is the only
8 juror who writes the verdict, it is not his alone. The
9 verdict has to be a unanimous verdict.

10 And, Mr. Foreman, you are not authorized to
11 write the verdict until all of you have agreed as to what
12 the verdict should be.

13 Now, ladies and gentlemen, I'm going to send you
14 to your jury room, all of you except the last two jurors
15 who were selected, but do not begin to discuss the case
16 until you have received a copy of this jury charge, the
17 indictments and the exhibits. Once you receive these
18 things, that will be your signal to begin your
19 deliberations. Once you begin your deliberations, you
20 will deliberate until you have reached a verdict, at which
21 time you will knock on the door, advise the bailiff, and
22 he will bring you out to receive your verdict.

23 Please go to the jury room, all of you except
24 the last two jurors who were selected. The alternates
25 will stay.

1 THE COURT: All right. Do you still want me
2 bring them out for that?

3 MR. WILLIAMS: I do, Your Honor.

4 THE COURT: All right. Let's bring the jury out
5 one more time.

6 (The jury came into open court at approximately
7 2:46 p.m.)

8 THE COURT: All right. Ladies and gentlemen, an
9 additional instruction with regard to the criminal sexual
10 conduct with a minor in the 2nd degree, the State must
11 prove beyond a reasonable doubt that the defendant on or
12 about September 1st through October 31st, 2006, engaged in
13 sexual battery with the victim, ^{Youngest Victim}

14 And with regard to promoting prostitution of a
15 minor, the State must prove beyond a reasonable doubt that
16 the defendant, between the dates of May 22nd, 2006,
17 through October 31st, 2006, knowingly enticed, forced,
18 encouraged or otherwise facilitated ^{Youngest Victim}
19 and/or ^{Oldest Victim} [REDACTED], minors, to participate in
20 prostitution or supervised, supported, advised or promoted
21 prostitution of or by a minor.

22 All right. With that additional instruction,
23 I'm going to ask that you return to the jury room, and
24 once again, wait for the copy of the charge, indictment
25 and the exhibits.

1 You may publish the verdicts.

2 THE CLERK: Indictment 2008-GS-32-186, the State
3 versus Michael Eugene Roscoe, indicted for criminal sexual
4 conduct with a minor 2nd degree, the verdict is guilty.

5 Indictment 2013-GS-32-01199, the State versus
6 Michael Roscoe, indicted for promoting prostitution of a
7 minor, the verdict is guilty.

8 They are so signed, Michael Lucas, Foreman,
9 4-23-2013.

10 Mr. Foreman, ladies and gentlemen of the jury,
11 if this is your verdicts, please indicate each of you by
12 raising your right hand.

13 All hands raised, Your Honor.

14 THE COURT: All right. Any additional polling
15 requested?

16 MR. WILLIAMS: Yes, Your Honor.

17 THE COURT: If you would poll the jurors
18 individually, please.

19 THE CLERK: As I call your name, if you'll hold
20 your hand up. I will ask you as to the verdicts, were
21 these your verdicts and are they still your verdicts. At
22 that time, please respond.

23 Michael Lanni, as to the verdicts, were these
24 your verdicts, are they still your verdicts?

25 THE JUROR: Guilty, and they're still my

1 THE JUROR: Yes, ma'am.

2 THE CLERK: Tania Roberts, as to the verdicts,
3 were these your verdicts, are they still your verdicts?

4 THE JUROR: Yes, they are.

5 THE CLERK: Lindsey Swann, as to the verdicts,
6 were these your verdicts, are they still your verdicts?

7 THE JUROR: Yes, ma'am.

8 THE CLERK: David Kirchman, as to the verdicts,
9 were these your verdicts, are they still your verdicts?

10 THE JUROR: Yes.

11 THE CLERK: All jurors polled, Your Honor.

12 THE COURT: All right. The verdict is the
13 unanimous verdict of the jury.

14 Any additional motions?

15 MR. WILLIAMS: No additional motions necessary
16 for the jury. We do have motions, Your Honor.

17 THE COURT: All right. We'll --

18 MR. WILLIAMS: Do you want me to make those now,
19 Your Honor?

20 THE COURT: Yes, sir, we'll entertain them in
21 the presence of the jury.

22 MR. WILLIAMS: Your Honor, we would move to set
23 aside the jury's verdicts and renewing all other prior
24 motions that I've made at the end of the State's case and
25 throughout the entire case, Your Honor, which would

1 include the mistrial motion, the motions for directed
2 verdict dealing with the sufficiency of the evidence as to
3 both indictments, and the motions dealing with -- the
4 particular indictment dealing with the prostitution
5 charge, Your Honor, that from the evidence that my client
6 should have been convicted of the other charge dealing
7 with -- but not the promoting of prostitution charge, Your
8 Honor, that the evidence as a whole should have been
9 sufficient for a return of not guilty, Your Honor, and I
10 move to set aside the jury's verdict in this particular
11 case.

12 THE COURT: All right. Ms. Mayes.

13 MS. MAYES: Yes, sir, Your Honor.

14 The State's position is that there was more than
15 adequate evidence on the record in support of each charge
16 in this case.

17 THE COURT: All right. I respectfully deny the
18 motions. We've heard these motions throughout the trial.
19 I believe that the statute is all-inclusive to include the
20 conduct of the defendant in facilitating, encouraging,
21 promoting and otherwise helping the mother in prostituting
22 these children, so I deny the motion on that. And as well
23 as the other motions, I believe the evidence is
24 sufficient, the evidence is overwhelming, and there is no
25 basis to set aside the verdict of the jury.

1 And, nevertheless, you did it and moved from one to the
2 other.

3 So, Mr. Roşcoe, for the offense of criminal
4 sexual conduct with a minor, the sentence is that you be
5 committed to the State Department of Corrections for a
6 period of 16 years.

7 For promoting prostitution, the sentence of the
8 Court is that you be committed to the State Department of
9 Corrections for a period of eight years.

10 By statute, the promoting prostitution is a
11 sentence to run consecutive to the sentence that you are
12 currently serving, and it will run concurrent with the
13 criminal sexual conduct charge.

14 MR. WILLIAMS: Thank you, Your Honor.

15 THE COURT: Good luck to you, sir.

16 MS. MAYES: Thank you, Your Honor.

17 (Pause.)

18 THE COURT: Let me make sure I said that
19 correctly.

20 The promoting prostitution is consecutive to the
21 sentence you're currently serving and will run concurrent
22 with the sexual assault of a minor, criminal sexual
23 conduct 2nd degree. I think I said that. She said I did.

24 MR. WILLIAMS: I think I heard what you just
25 said.

WITNESSES

Lexington County Sheriffs Department

Samuel Gunter

DOCKET NO. 2008-GS-32-186 amended

The State of South Carolina

County of Lexington

DVM

ARREST WARRANT NUMBER

J053888 (Amended indictment)

COURT OF GENERAL SESSIONS

APRIL TERM 2013

THE STATE

vs.

MICHAEL EUGENE ROSCOE

ACTION OF GRAND JURY

Ron Brasington

Foreperson of Grand Jury

Date *4-8-13*

CDR #: 0397

Indictment for

Criminal Sexual Conduct with A Minor
Second Degree

§ 16-03-0655(B)(2)

VERDICT

Guilty

[Signature]

Foreperson of Petit Jury

Date: *4-23-13*

DONALD V. MYERS, SOLICITOR

A TRUE COPY

[Signature]
Lex. Co. C.C.P., C.S. & F.C.

STATE OF SOUTH CAROLINA	)	INDICTMENT FOR
	)	Criminal Sexual Conduct with A Minor
COUNTY OF LEXINGTON	)	Second Degree
	)	§ 16-03-0655(B)(2)

At a Court of General Sessions, convened on April 2013, the Grand Jurors of Lexington County present upon their oath:

That **MICHAEL ROSCOE** did in Lexington County on or about the months of September 1, 2006 through October 31, 2006, willfully and unlawfully commit the crime of Criminal Sexual Conduct With A Minor in the Second Degree by engaging in sexual battery with a minor female who was at least fourteen (14) years of age but less than sixteen (16) years of age, to wit. including but not limited to sexual intercourse with Youngest Victim DOB [REDACTED], and the defendant Michael Roscoe was older than the victim, and furthermore, the aforesaid defendant was over eighteen years of age, in violation of Section 16-03-655 (B)(2) of the South Carolina Code of Laws, 1976, as amended, (and formerly codified as S.C. Code Section 16-03-655 (C) and 16-3-655(3) of the South Carolina Code of Laws, 1976, as amended).

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


SOLICITOR

WITNESSES

Lexington County Sheriffs Department

Samuel B. Gunter

Law Enforcement Case # 06088601

LSM

ARREST WARRANT NUMBER

13-STR-00026

ACTION OF GRAND JURY

Ron Braxington
Foreperson of Grand Jury
Date 4-8-13

VERDICT

Guilty

Mad Lee
Foreperson of Petit Jury
Date: 4-23-13DOCKET NO. 2013GS3201199

The State of South Carolina

County of Lexington

COURT OF GENERAL SESSIONS

APRIL TERM 2013

THE STATE
vs.

Michael Roscoe

CDR #: 0382

Indictment for

Promoting Prostitution of a Minor

§ 16-15-0415(A)

DONALD V. MYERS, SOLICITOR

A TRUE COPY

RAC
Lex: Co. G.C.P., G.S. & F.C.

STATE OF SOUTH CAROLINA	)	INDICTMENT FOR
	)	Promoting Prostitution of a Minor
COUNTY OF LEXINGTON	)	
	)	§ 16-15-0415(A)

At a Court of General Sessions, convened on April 2013, the Grand Jurors of Lexington County present upon their oath:

That **Michael Roscoe** did in Lexington County between May 22, 2006 through October 31, 2006, willfully and unlawfully commit the offense of promoting prostitution of a minor by knowingly (1) enticing, forcing, encouraging, or otherwise facilitating a minor to participate in prostitution; or (2) supporting, advising, or promoting the prostitution of a minor, to wit: did facilitate a minor who was less than eighteen years of age to participate in prostitution, being Youngest Victim DOB [REDACTED] and/or Oldest Victim [REDACTED], DOB [REDACTED], said prostitution defined in S C Code Section 16-15-375 as engaging or offering to engage in sexual activity with or for another in exchange for anything of value; and furthermore, mistake of age is not a defense to prosecution under this section, in violation of Section 16-15-415, South Carolina Code of Laws (1976), as amended

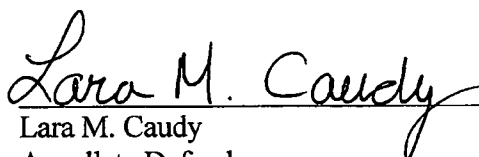
Against the peace and dignity of the State, and contrary to the statute in such case made and provided


 ASSISTANT SOLICITOR

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability, with the August 13, 2007, order from the South Carolina Supreme Court entitled "Interim Guidance Regarding Personal Data Identifiers and Other Sensitive Information in Appellate Court Filings."

May 8, 2014


Lara M. Caudy
Appellate Defender

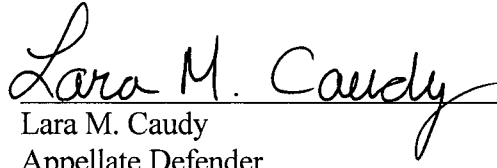
South Carolina Commission on Indigent Defense
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PO Box 11589
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(803) 734-1330

ATTORNEY FOR APPELLANT

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May 8, 2014


Lara M. Caudy
Appellate Defender

South Carolina Commission on Indigent Defense
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ATTORNEY FOR APPELLANT

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SC Court of Appeals