

24373

STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM LEXINGTON COUNTY
Court of Common Pleas

The Honorable Perry H. Gravely, Circuit Court Judge

Civil Action No. 2014-CP-32-4479

Glenn Edwin Vanover, ... Petitioner,

v.

State of South Carolina Respondent.

APPENDIX

VOLUME I

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1 STATE OF SOUTH CAROLINA)
2 COUNTY OF LEXINGTON) IN THE COURT OF GENERAL SESSIONS

3
4 THE STATE)
5 -vs-) TRANSCRIPT OF RECORD
6 GLENN EDWIN VANOVER,) 2011-GS-32-02356
7 DEFENDANT.) 2011-GS-32-02357
8) AUGUST 28, 2012
9) LEXINGTON, SOUTH CAROLINA

10 (VOLUME I)

11 B E F O R E:

12 THE HONORABLE PERRY BUCKNER, JUDGE. ; And a Jury.

13
14 A P P E A R A N C E S:

15 RHONDA W. PATTERSON, ASSISTANT SOLICITOR
16 ATTORNEY FOR THE STATE

17 THEO WILLIAMS, ESQUIRE
18 ATTORNEY FOR THE DEFENDANT

19 MICHAEL R. WATTS
20 CIRCUIT COURT REPORTER
21
22
23
24
25

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1 (PROCEEDINGS, AUGUST 28, 2012)

2 THE BAILIFF: Court is now in session. The
3 Honorable Judge Perry M. Bucker presiding.

4 THE COURT: Thank you. Good afternoon. Please be
5 seated.

6 (Off the record)

7 (Back on the record)

8 THE COURT: All right. Is the State ready to
9 proceed?

10 MS. PATTERSON: The State is ready to proceed,
11 Your Honor.

12 THE COURT: Is the defendant ready to proceed?

13 MR. WILLIAMS: The defendant is ready, Your Honor.

14 THE COURT: Call your case, solicitor.

15 MS. PATTERSON: 2011-GS-32-2356, 2357, the State
16 of South Carolina versus Glenn Vanover, indicted for
17 criminal sexual conduct with a minor under eleven, first
18 degree, two counts.

19 THE COURT: All right, ladies and gentlemen of the
20 jury panel, if you would give me your attention, please.

21 As I told you, for those of you that were with me
22 before yesterday --

23 Some of you were and some of you were not, isn't
24 that right, Hope?

25 THE CLERK: Yes, sir.

1 THE COURT: I have got some new ones in here, all
2 of which were with me for jury qualification.

3 I'm going to ask you certain questions at this
4 time in order to ensure your impartiality to serve as a
5 juror in the trial of this case.

6 If you will recall, on Monday morning I had the
7 clerk put each of you under oath. The answers you are going
8 to give me about this case are also under that same oath
9 which you were administered earlier by the clerk.

10 Now, the State has called for trial the case of
11 the State of South Carolina versus Glenn Edwin Vanover.

12 Mr. Vanover is charged by these two pieces of
13 paper which I hold in my hand, which we call indictments.

14 The indictments are not evidence of any of the
15 allegations contained in the indictment. The indictments
16 are simply the formal written instruments by which the case
17 is brought into this Court of General Sessions in order for
18 this court to hear the case.

19 The defendant is charged with the offense of
20 criminal sexual conduct with a minor under eleven years of
21 age, first degree.

22 He is charged in two different counts with that
23 same offense, one in each of these indictments.

24 To the indictments the defendant has pled not
25 guilty. That places the burden on the State of South

1 Carolina to prove each and every element of the offenses in
2 the indictment beyond a reasonable doubt.

3 And it will be your duty, ladies and gentlemen, to
4 decide, if you are selected as a juror in the trial of this
5 case, to decide whether or not the State has met that
6 burden.

7 Now, ladies and gentlemen, I want you to meet the
8 parties that are going to be trying this case. In the case
9 of the defendant, I will also expect, Mr. Williams, that you
10 introduce your client.

11 Beginning with counsel for the State of South
12 Carolina, please stand, face my jury panel and introduce
13 yourself.

14 MS. PATTERSON: Good afternoon. My name is Rhonda
15 Patterson. I am an assistant solicitor with the Lexington
16 County solicitor's office.

17 THE COURT: And who is seated at counsel table
18 with you, Ms. Patterson?

19 MS. PATTERSON: They would not be helping me to
20 try the case. She's just sitting here with me for jury
21 selection. This is Kate Usery and this is Susan Mayes.

22 My victim's advocate is Teresa Akins. She's also
23 helping me.

24 THE COURT: Very well.

25 Counsel for the defendant.

1 MR. WILLIAMS: I'm Theo Williams. I practice law
2 across the street in the name of Williams, Hendricks,
3 Steigner and Brink. The lawyers in that firm are myself,
4 John Hendricks, Carol Steigner, Lisa Brink, my wife, John
5 Steigner.

6 I have a young lawyer who is not admitted to the
7 Bar yet, who is Michelle Boykin over here.

8 And Ben Steigner is the other lawyer in my firm.
9 And this is my client Glenn Vanover.

10 THE COURT: Mr. Vanover is from where, Mr.
11 Williams?

12 MR. WILLIAMS: Your Honor, he has been in living
13 in Lexington County most recently. He is employed with a
14 Vann --

15 THE DEFENDANT: Vann Services.

16 MR. WILLIAMS: Vann Services.

17 THE COURT: Very well. Thank you.

18 MR. WILLIAMS: Thank you, Your Honor.

19 THE COURT: All right, ladies and gentlemen, you
20 have now met counsel for the State of South Carolina, Rhonda
21 Patterson.

22 You have also met counsel for the defendant, Theo
23 Williams, and you have met the defendant Glenn Vanover.

24 I first ask -- and I understand he lives here in
25 Lexington County.

1 I ask, ladies and gentlemen, first of all, is any
2 member of my potential jury panel related by blood,
3 connected by marriage, or a close personal friend of the
4 defendant Glenn Edwin Vanover of Lexington County, South
5 Carolina, whom you have just met? If so, please stand at
6 this time.

7 Let the record reflect no one is standing.

8 You have also met the attorney for the State of
9 South Carolina. Her name is Rhonda Patterson. She's
10 introduced herself to you. She will be representing the
11 State of South Carolina. She works with the Eleventh
12 Circuit Solicitor's Office.

13 I ask, first of all, is any member of my jury
14 panel related by blood, connected by marriage, or a close
15 personal friend of counsel for the State of South Carolina,
16 Rhonda Patterson, with the Eleventh Judicial Circuit
17 Solicitor's Office? If so, please stand at this time.

18 Let the record reflect no one is standing.

19 I ask now if any person on my jury panel has ever
20 been represented in the past, or currently represented, by
21 counsel for the State of South Carolina, Rhonda Patterson?
22 If so, please stand at this time.

23 Let the record reflect no one is standing.

24 You have also met counsel for the defendant, Mr.
25 Theo Williams. He's identified his law firm and the members

1 of his law firm. He is seated next to his client, Mr. Glenn
2 Vanover, who is the defendant in this case.

3 Is there any member of my jury panel related by
4 blood, connected by marriage, or a close personal friend of
5 counsel for the defendant in this case, Mr. Theo Williams?
6 If so, please stand at this time.

7 Yes, ma'am, if you would give me your name,
8 please, ma'am, and your juror number, if you know it.

9 JUROR NUMBER 177: Alice Miller, 177. My
10 sister-in-law was his paralegal for him.

11 THE COURT: If you would come forward for me,
12 please, ma'am.

13 (Whereupon, the following was an on-the-record
14 bench conference)

15 Counsel may approach.

16 (Whereupon, Juror Number 177 approached the bench)

17 THE COURT: Just come right up here. I promise I
18 won't bite you.

19 JUROR NUMBER 177: Okay. I don't know that it
20 matters, but --

21 THE COURT: Come right on up here. Who --

22 JUROR NUMBER 177: Linda Amick is my
23 sister-in-law.

24 THE COURT: Don't look at him. The court reporter
25 needs to see you when you talk. It's okay.

1 JUROR NUMBER 177: Okay.

2 THE COURT: You wanted to tell me -- you are doing
3 exactly what I asked you to do.

4 JUROR NUMBER 177: Well --

5 THE COURT: Don't let that worry you, but the
6 first thing we need to get on the record is your name and
7 your number so he knows who is speaking.

8 JUROR NUMBER 177: Okay. Mary -- Mary Alice
9 Miller. Mary A. Miller is how you all got it, but I go by
10 Alice.

11 THE COURT: What is it?

12 THE CLERK: 177.

13 JUROR NUMBER 177: 177.

14 THE COURT: Got it? Mary A. Miller, 177.

15 Now, you wanted to tell us about a relationship
16 you believe between Mr. Williams and your family?

17 JUROR NUMBER 177: My sister-in-law is the
18 paralegal for his -- Linda Amick.

19 THE COURT: All right. Your sister-in-law is a
20 paralegal in his office?

21 JUROR NUMBER 177: Right.

22 THE COURT: All right. The fact that your
23 sister-in-law is employed in his office, would that in any
24 way affect your ability to give the State of South Carolina
25 or Mr. Williams and his client, Mr. Vanover, a fair and an

1 impartial trial?

2 JUROR NUMBER 177: I don't think so.

3 THE COURT: All right. Have you discussed this
4 case with your sister-in-law in any manner?

5 JUROR NUMBER 177: No, not that I know of.

6 THE COURT: You understand it would be improper
7 for you to do that?

8 JUROR NUMBER 177: Right, right, yes, sir.

9 THE COURT: And you could put aside anything that
10 you may have heard about this case and decide this case
11 solely upon evidence introduced in this courtroom?

12 JUROR NUMBER 177: Right.

13 THE COURT: Okay. Thank you, ma'am. You may
14 return to your seat.

15 JUROR NUMBER 177: Okay.

16 THE COURT: Thank you. You are doing exactly what
17 I asked you to do.

18 (Whereupon, Juror Number 177 returned to the jury
19 venire panel)

20 THE BAILIFF: Juror Number 202, Your Honor.

21 (Whereupon, Juror Number 202 approached the bench)

22 THE COURT: Andrew Pilot?

23 JUROR NUMBER 202: Yes.

24 THE COURT: How are you doing, Mr. Pilot? I
25 believe I talked to you yesterday --

1 JUROR NUMBER 202: Yes.

2 THE COURT: -- Didn't I?

3 JUROR NUMBER 202: Yes.

4 THE COURT: This is juror number 202, Andrew
5 Pilot.

6 What's the problem, Mr. Pilot?

7 JUROR NUMBER 202: I actually was represented by
8 him about twelve years ago, judge.

9 THE COURT: Mr. Williams?

10 JUROR NUMBER 202: Yes.

11 THE COURT: All right. Has the representation
12 been concluded, Mr. Pilot?

13 JUROR NUMBER 202: Yes.

14 THE COURT: The fact that Mr. Williams represented
15 you twelve years ago and that representation has been
16 concluded, would that in any way affect your ability to give
17 the State of South Carolina or the defendant in this case a
18 fair and an impartial trial?

19 JUROR NUMBER 202: No, sir.

20 THE COURT: Thank you, sir. I appreciate you
21 calling that to my attention.

22 JUROR NUMBER 202: Thank you.

23 THE COURT: Thank you. You may return to your
24 seat.

25 (Whereupon, Juror Number 202 returned to the jury

1 venire panel)

2 (Whereupon, the bench conferences were concluded)

3 THE COURT: Counsel, approach.

4 This doesn't need to be on the record.

5 (Off the record)

6 (Back on the record)

7 THE COURT: All right. I asked you if anyone had
8 ever been --

9 First I asked if there is anyone here for jury
10 service who is related by blood, connected by marriage, or a
11 close personal friend of Mr. Theo Williams, who is counsel
12 for the defendant, and I had one young lady come forward.

13 Is there anyone else in response to that question?

14 All right, Mike, let the record reflect no one
15 else has come forward in response to that question.

16 Now, I have already had a juror anticipate my next
17 question, and that juror doesn't have to come back for it.

18 Is there anyone here for jury duty, other than the juror
19 that's already come forward, and that was, I believe --
20 counsel, I gave you the number. 202, I believe. Wasn't
21 that right?

22 MR. WILLIAMS: Yes, sir.

23 THE COURT: Yeah, other than 202, which was Mr.
24 Pilot, is there anyone here for jury duty who has ever been
25 represented in the past or currently represented now by Mr.

1 Theo Williams, who is counsel for the defendant? If so,
2 please stand at this time.

3 Let the record reflect no one is standing in
4 response to my last question.

5 All right. Now, ladies and gentlemen, I'm going
6 to tell you that what I told you, and it's in the indictment
7 in this case, is not evidence, and it is not. It is just
8 allegations. The State has the burden of proving the
9 allegations in the indictment beyond a reasonable doubt.
10 But I will tell you in order to ask you questions to
11 determine your impartiality to serve as a juror, the
12 indictment alleges that this offense, which I have told
13 you -- it's the same offense in each indictment, criminal
14 sexual conduct with a minor under eleven, first degree.

15 This offense is alleged to have occurred in
16 Lexington County on or between January 1st, 2004, and
17 December 31st, 2007.

18 It is alleged that the defendant had vaginal sex
19 with the victim, Taylor Vanover, who is under eleven at the
20 time of the allegations in the indictment, her date of birth
21 allegedly being October 11th, 1995.

22 I tell you about those allegations, and that's
23 what they are at this stage, in order to ask you this. Has
24 any member of my jury panel read about, heard about, or know
25 anything whatsoever about the facts which are alleged in

1 these two indictments for the offense of criminal sexual
2 conduct with a minor under eleven, first degree? If so,
3 please stand at this time.

4 Let the record reflect no one is standing.

5 I am informed that the potential witnesses in the
6 trial of this case will be as follows:

7 If I call your name and you are present in the
8 courtroom, I ask that you stand and face my jury panel.

9 Are all my jurors on this side over here, Hope?

10 THE CLERK: Yes, sir.

11 THE COURT: All my jurors on this side? I don't
12 have any like I did before?

13 THE CLERK: No, sir.

14 THE COURT: Okay. If you are present in the
15 courtroom when your name is called and you are a potential
16 witness in the trial of this case, I would ask that you
17 stand and face my jury panel.

18 Brooke Elizabeth Richburg, Pelion, South Carolina.

19 Thank you very much.

20 She's standing to your left.

21 Mary Longshore, Lexington County Sheriff's
22 Department.

23 MS. PATTERSON: Your Honor, that's Marty
24 Longshore.

25 THE COURT: I'm sorry, and I got a typo.

1 Marty Longshore, Lexington County Sheriff's
2 Department.

3 Marty, I did not mean to change your name to Mary.
4 That's just Judge Buckner.

5 Deputy Jonathan Grooms, Lexington County Sheriff's
6 Department.

7 Thank you, sir.

8 Mike Horne, Batesburg-Leesville High School
9 teacher.

10 Thank you, sir.

11 Shawn Grant, Lexington County Sheriff's
12 Department.

13 Thank you, sir.

14 Constance Lambert Watkins, Columbia, South
15 Carolina.

16 Thank you, ma'am.

17 Teena Helms, Batesburg, South Carolina.

18 Glenn Vanover.

19 Stand, please, sir, and face my jury panel so they
20 can see you. Thank you. Lexington County, South Carolina.

21 Melanie Vanover, standing to your right.

22 Ms. Vanover, what city do you reside in?

23 MELANIE VANOVER: I live in Pelion.

24 THE COURT: Pardon?

25 MELANIE VANOVER: Pelion.

1 THE COURT: Pelion?

2 MELANIE VANOVER: Yes.

3 THE COURT: Pelion, South Carolina.

4 Margaret Vanover, Pelion, South Carolina.

5 Thank you, ma'am.

6 Any additional witnesses from the State of South
7 Carolina?

8 MS. PATTERSON: Not from the State, Your Honor.

9 THE COURT: Any additional witnesses from the
10 defendant?

11 MR. WILLIAMS: None by the defendant, Your Honor.

12 THE COURT: All right. Thank you.

13 Ladies and gentlemen, I ask now is any member of
14 my jury panel related by blood, connected by marriage, or a
15 close personal friend of any of the potential witnesses in
16 the trial of this case whose names I have just called? If
17 so, please stand at this time.

18 I would ask for you to come forward, please.

19 (Whereupon, the following was on-the-record bench
20 conferences)

21 THE COURT: Get me a number, please.

22 Counsel may approach.

23 THE BAILIFF: 64, Your Honor.

24 THE COURT: Thank you.

25 (Whereupon, Juror Number 64 approached the bench)

1 THE COURT: How are you doing? Good to see you.
2 I think I remember you very well from yesterday.

3 JUROR NUMBER 64: Yes, sir.

4 THE COURT: Mike, hold on one second.
5 This is juror number 64, is that right?

6 JUROR NUMBER 64: Yes, sir.

7 THE COURT: This is Scott Davis.

8 Mr. Davis, are you related by blood to any of the
9 potential witnesses?

10 JUROR NUMBER 64: No, sir.

11 THE COURT: Are you connected by marriage to any
12 of the potential witnesses?

13 JUROR NUMBER 64: No, sir.

14 THE COURT: Are you a close personal friend of any
15 of the potential witnesses?

16 JUROR NUMBER 64: No, sir, I just wanted you to
17 know that Glenn Vanover worked for me.

18 COURT REPORTER: I'm sorry, judge, I couldn't
19 hear.

20 THE COURT: Come closer. They have got to hear
21 you too.

22 JUROR NUMBER 64: He was in my employ. He worked
23 for me at W.B. Gambrin.

24 THE COURT: He is saying that the defendant worked
25 for him.

1 How long ago was that, Mr. Davis?

2 JUROR NUMBER 64: I'm not sure. I would say at
3 least more than six years.

4 THE COURT: Okay. The fact that the defendant
5 worked for you -- what's the name of your company?

6 JUROR NUMBER 64: W.B. Gambrin.

7 THE COURT: And what do y'all do?

8 JUROR NUMBER 64: We are an HVAC service company.

9 THE COURT: I see.

10 The fact that he worked for you, would that in any
11 way affect your ability to give the State of South Carolina
12 or the defendant in this case a fair and an impartial trial?

13 JUROR NUMBER 64: No, sir.

14 THE COURT: Are you certain that you could decide
15 this case solely upon the evidence in this case and on no
16 other outside source?

17 JUROR NUMBER 64: Yes, sir.

18 THE COURT: Thank you, sir. You may return to
19 your seat.

20 JUROR NUMBER 64: Thank you.

21 (Whereupon, Juror Number 64 returned to the jury
22 venire panel).

23 THE BAILIFF: Juror 114, Your Honor.

24 (Whereupon, Juror Number 114 approached the bench)

25 THE COURT: Ms. Hicks?

1 JUROR NUMBER 114: Yes.

2 THE COURT: Hold on one second. Just take it
3 easy.

4 This is juror number 114, Teresa Hicks.

5 JUROR NUMBER 114: Yes.

6 THE COURT: Ms. Hicks, are you related by blood to
7 any of the witnesses?

8 JUROR NUMBER 114: No.

9 THE COURT: Are you connected by marriage to any
10 of the witnesses?

11 JUROR NUMBER 114: No.

12 THE COURT: Are you a close personal friend of any
13 of the witnesses?

14 JUROR NUMBER 114: Not actually the witnesses that
15 you called. I am from Pelion, and so one of the, I guess,
16 related Richburgs is part of -- I just want to make sure
17 that you are aware of that.

18 THE COURT: I'm not sure what you are telling me.
19 I understand you are from Pelion and I have got some witness
20 from Pelion, but I don't understand what you telling me
21 about the Richburgs.

22 JUROR NUMBER 114: Okay. You have a Brooke
23 Richburg?

24 THE COURT: On my witness list, yes.

25 JUROR NUMBER 114: Now --

1 THE COURT: Don't turn around. And the reason I
2 have got you up here is so the rest of the jury can't hear
3 you.

4 JUROR NUMBER 114: Okay. Well, the gentleman that
5 is sitting right I have known --

6 THE COURT: Are you talking about the defendant?
7 Mr. Vanover?

8 JUROR NUMBER 114: No. No, no, no, no. The --
9 right, in the dark blue with the dark hair. We have known
10 each other since I guess -- our fathers worked together and
11 my first marriage we were friends.

12 THE COURT: Is this gentleman a potential witness
13 in the trial of this case?

14 JUROR NUMBER 114: No, but I just want to make
15 sure that --

16 THE COURT: I'm not sure.

17 Counsel, are you aware of who she's referring to?

18 MS. PATTERSON: I think she's talking about her
19 uncle and aunt, who she is sitting with.

20 JUROR NUMBER 114: Right.

21 THE COURT: Are you talking about the victim's
22 uncle and aunt?

23 MS. PATTERSON: Yes, sir, but they are not
24 witnesses.

25 THE COURT: Are you aware of that?

1 MR. WILLIAMS: Yes, sir, I am.

2 THE COURT: The fact -- I understand that you were
3 close to this person, you have known him for a long time.

4 What I need to know, because you brought it to my
5 attention, the fact that you know this person, who
6 apparently is an uncle of a person who will be a witness in
7 the trial of this case, would that in any way affect your
8 ability to give the State or the defendant in this case a
9 fair and impartial trial?

10 JUROR NUMBER 114: Um, I don't think so. I
11 mean --

12 THE COURT: You have got to tell me yes or no.

13 JUROR NUMBER 114: I -- you know, I would assume I
14 would be able to go with the facts. I don't -- you know.

15 THE COURT: Yes, ma'am. Well, I need to know that
16 you can go, based on the evidence in the case. That's the
17 reason I'm asking the questions.

18 Can you decide this case solely upon the evidence
19 introduced in the courtroom and put aside any relationship
20 that you might have had with anyone else?

21 JUROR NUMBER 114: Yeah, I think so. I meant
22 based on the facts.

23 THE COURT: Thank you.

24 JUROR NUMBER 114: I just wanted to make sure that
25 you are aware of it.

1 THE COURT: Thank you, ma'am. You may return to
2 your seat.

3 (Whereupon, Juror Number 114 returned to the jury
4 venire panel)

5 THE COURT: Counsel, approach.

6 (Off the record)

7 (Back on the record).

8 THE CLERK: We have one more, judge.

9 THE BAILIFF: Juror 247, Your Honor.

10 (Whereupon, Juror Number 247 approached the bench)

11 THE COURT: Allan, how are you today?

12 JUROR NUMBER 247: Doing good.

13 THE COURT: Mike, this is juror 247, Allan W.
14 Smith.

15 Mr. Smith, are you related by blood to any of the
16 jurors?

17 JUROR NUMBER 247: No, sir.

18 THE COURT: Are you connected by marriage to any
19 of the jurors?

20 JUROR NUMBER 247: No, sir.

21 THE COURT: Are you a close personal friend of any
22 of the potential -- I say jurors --

23 JUROR NUMBER 247: Witnesses.

24 THE COURT: I mean witnesses.

25 Are you a close personal friend of any of the

1 potential witnesses?

2 JUROR NUMBER 247: I kind of used to be a close
3 personal friend of Marty Longshore, the deputy, when I
4 worked at dispatch.

5 THE COURT: I understand that completely. You
6 used to be close friends? You don't see him as much as you
7 used to?

8 JUROR NUMBER 247: No, sir.

9 THE COURT: The fact that you were close personal
10 friends with Mr. Longshore, who is a potential witness in
11 the trial of this case, would that in any way affect your
12 ability to give the State of South Carolina or the defendant
13 in this case a fair and an impartial trial?

14 JUROR NUMBER 247: No, sir.

15 THE COURT: Thank you, sir. You may return to
16 your seat. You are doing exactly what I asked you to do.

17 (Whereupon, Juror Number 247 returned to the jury
18 venire panel)

19 (Whereupon, the bench conferences were concluded)

20 THE COURT: Has any member of my jury panel read
21 about, heard about, or know anything whatsoever? I think I
22 asked you this in the allegations, but I want to make sure I
23 reiterate it, about the facts which are alleged in this
24 case?

25 Other than those that have already come forward,

1 is anyone else who has read about, heard about, or know
2 anything whatsoever about the facts alleged in this case,
3 please stand at this time.

4 Let the record reflect no one is standing.

5 Has any member my jury panel ever been
6 investigated or charged with any incident involving sexual
7 assault or child abuse? If so, please stand at this time.

8 Let the record reflect no one is standing.

9 Any member of my jury panel ever been employed by
10 or done business with Vann Equipment? If so, please stand
11 at this time.

12 Let the record reflect no one is standing.

13 Does any member of my jury panel have any
14 religious or moral beliefs which would prevent them from
15 passing judgment on another person as a member of the jury?
16 If so, please stand at this time.

17 Let the record reflect no one is standing.

18 Any member of my jury panel know of any bias or
19 prejudice they may have about the facts which are alleged in
20 this case? If so, please stand at this time.

21 Yes, ma'am, if you would please come forward.

22 (Whereupon, the following was an on-the-record
23 bench conference)

24 Counsel may approach.

25 THE BAILIFF: Juror number 33, Your Honor.

1 (Whereupon, Juror Number 33 approached the bench)

2 THE COURT: How are you doing? Just stay right
3 there for me.

4 You are doing fine. I want you to look at my
5 court reporter so that he can see you when you speak to me
6 so he can take it down.

7 Mike, this is juror number 33.

8 This is Janine, is that right?

9 JUROR NUMBER 33: Uh-huh.

10 THE COURT: Bryan?

11 JUROR NUMBER 33: Juror number 33, counsel.

12 Now, I asked you if you had any bias or prejudice
13 about the facts which were alleged in this case and you
14 stood.

15 JUROR NUMBER 33: Right.

16 THE COURT: Would you tell me why you stood, Ms.
17 Bryan?

18 JUROR NUMBER 33: A couple reasons. I was abused
19 as a child by my father.

20 THE COURT: Uh-huh.

21 JUROR NUMBER 33: And the second reason is I lost
22 my son and he died. And I am -- I have some PTSD from that,
23 from both of those things, and it -- I can't stand for
24 children to be hurt in any way.

25 THE COURT: I tell you what I'm going to do, Ms.

1 Bryant. I understand it's difficult for you because of the
2 situation that you had. I'm going to excuse you from
3 service in the trial of this case. All right?

4 JUROR NUMBER 33: (Shaking head yes).

5 THE COURT: You may return to your seat and thank
6 you for bringing that to my attention.

7 (Whereupon, Juror Number 33 returned to the jury
8 venire panel).

9 THE BAILIFF: Juror 121, Your Honor.

10 (Whereupon, Juror Number 121 approached the bench)

11 THE COURT: How are you doing, sir?

12 Good to see you back.

13 JUROR NUMBER 121: Yeah.

14 THE COURT: Juror 121, Johnny Hollis.

15 Mr. Hollis, I asked if you had any bias or
16 prejudice about the facts which are alleged in this case and
17 you came forward. Would you tell me why?

18 JUROR NUMBER 121: My daughter was in my case
19 against my father like in '06, in Lexington County, and
20 Teresa Akins was her advocate as well, so -- I mean, I think
21 I -- I wouldn't be fair I don't think.

22 THE COURT: You don't think that you could be fair
23 in this case?

24 JUROR NUMBER 121: No.

25 THE COURT: I'll excuse you from service in this

1 case. Thank you, sir. You may return to your seat.

2 (Whereupon, Juror Number 121 returned to the jury
3 venire panel)

4 THE BAILIFF: Juror number 245, Your Honor.

5 (Whereupon, Juror Number 245 approached the bench)

6 THE COURT: Mr. Sloan, is that right?

7 JUROR NUMBER 245: Yes.

8 THE COURT: Mike, this is juror number 245. This
9 is Donald L. Sloan.

10 JUROR NUMBER 245: Yes, sir.

11 THE COURT: Mr. Sloan, I asked if you had any bias
12 or prejudice.

13 JUROR NUMBER 245: Yes, I do, sir.

14 THE COURT: Pardon?

15 JUROR NUMBER 245: I said yes, I do, sir.

16 THE COURT: And why is that?

17 JUROR NUMBER 245: My son was molested.

18 THE COURT: And do you believe that would prevent
19 from you giving --

20 JUROR NUMBER 245: Yes, sir.

21 THE COURT: -- the State or the defendant a fair
22 and impartial trial?

23 JUROR NUMBER 245: Yes, sir.

24 THE COURT: I'll excuse you from service in the
25 trial of this case. Thank you. You may return to your

1 seat.

2 (Whereupon, Juror Number 245 returned to the jury
3 venire panel)

4 THE COURT: I think that's everyone.

5 (Whereupon, the bench conferences were concluded)

6 THE COURT: Is any member of my jury panel
7 formally a member of the Lexington County Grand Jury which
8 found the indictments in this case? If so, please stand at
9 this time.

10 Let the record reflect no one is standing.

11 Any member of my jury panel formed any opinion
12 about the alleged guilt or innocence of the defendant in
13 this case? If so, please stand at this time.

14 Let the record reflect no one is standing.

15 Any member of my jury panel a member of or
16 contributed to any group which has as its primary concern
17 the promotion of law enforcement or victims rights? These
18 groups would include, but not necessarily be limited to,
19 MADD, SADD, CAVE, or CADRY. If so, please stand at this
20 time.

21 Let the record reflect no one is standing.

22 Is there any member of my jury panel who knows of
23 any reason whatsoever why they can't give the State of South
24 Carolina or the defendant in this case a fair and an
25 impartial trial? If so, please stand at this time.

1 Let the record reflect no one is standing.

2 Any additional witnesses for the State?

3 MS. PATTERSON: None from the State, Your Honor.

4 THE COURT: From the defendant?

5 MR. WILLIAMS: None by the defendant, Your Honor.

6 THE COURT: Any additional voir dire from the

7 State?

8 MS. PATTERSON: None from the State.

9 THE COURT: Or from the defendant?

10 MR. WILLIAMS: None from the defendant, Your

11 Honor.

12 THE COURT: Madam Clerk, strikes are ten and five.

13 We will be drawing three alternate jurors.

14 Do you agree two and one on the alternates?

15 MS. PATTERSON: Yes, sir.

16 THE COURT: Counsel, approach.

17 (Whereupon, the lawyers approached the bench for
18 an off-the-record discussion)

19 THE COURT: All right, let the record reflect,
20 Mike, that I have met with counsel for the State and counsel
21 for the defendant at the bench. Both sides have agreed to
22 waive any and all alternate jurors in this case. They agree
23 to start with a jury of twelve.

24 However, they also agree, which we want to put on
25 the record, since Rule 14 requires that they agree in

1 writing with the approval of the court, and I agree, that
2 they will proceed with whatever number necessary to complete
3 the trial of the case, should it be necessary for the court
4 to determine during the trial that a jury be excused.

5 Is that correct, from the State?

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

7 THE COURT: Is that correct, from the defendant?

8 MR. WILLIAMS: It is, Your Honor.

9 THE COURT: Very well.

10 The strikes are ten and five.

11 Madam Clerk, we will not be drawing alternate
12 jurors, in light of the agreement of counsel, which we have
13 placed on the record, which both sides agreed by putting it
14 on the record they believe it is in writing with the
15 approval of the court that the jury consists of any number
16 less than twelve by consent, should it become necessary
17 during the trial of the case.

18 Madam Clerk, would you give us a jury, please.

19 THE CLERK: Yes, sir, Your Honor.

20 As we did yesterday, ladies and gentlemen, I call
21 your name, you need to come forward. Bring all your
22 personal effects with you and stand in front of the little
23 podium down here until I give you instructions on whether to
24 return to your seat or to have a seat in the jury box.

25 Number 50, Troy Coker.

1 What say you for the State?

2 MS. PATTERSON: Beg the court's indulgence.

3 (Off the record)

4 (Back on the record)

5 MS. PATTERSON: Please present the juror.

6 THE CLERK: What say you for the defense?

7 MR. WILLIAMS: Please swear the juror.

8 THE CLERK: Have a seat in the jury box, sir.

9 Number 76, Janice Eichelberger.

10 What say you for the State?

11 MS. PATTERSON: Please present Ms. Eichelberger.

12 THE CLERK: What say you for the defense?

13 MR. WILLIAMS: Please excuse the juror from the
14 trial in this case.

15 THE CLERK: Please return to your seat, please,
16 ma'am.

17 283, Holly Whalen.

18 What say you for the State?

19 MS. PATTERSON: Please present Ms. Whalen.

20 THE CLERK: What say you for the defense?

21 MR. WILLIAMS: Please excuse the juror from the
22 trial of this case.

23 THE CLERK: Return to your seat, please, ma'am.

24 41, Tiffini Caughman.

25 What say you for the State?

1 MS. PATTERSON: Please present Ms. Caughman.

2 THE CLERK: What say you for the defense?

3 MR. WILLIAMS: Please swear the juror.

4 THE CLERK: Have a seat in the jury box, ma'am.

5 Number 61, Stephanie Cummings.

6 What say you for the State?

7 MS. PATTERSON: Please present Ms. Cummings.

8 THE CLERK: What say you for the defense?

9 MR. WILLIAMS: Please excuse the juror from the
10 trial in this case.

11 THE CLERK: Please return to your seat, please,
12 ma'am.

13 255, Retha Sox.

14 What say you for the State?

15 MS. PATTERSON: Please present Ms. Sox.

16 THE CLERK: What say you for the defense?

17 MR. WILLIAMS: Please excuse the juror from the
18 trial in this case.

19 THE CLERK: Number 30, Marcia Brown.

20 I'm sorry, return to your seat, ma'am.

21 Ms. Marcia Brown.

22 What say you for the State?

23 MS. PATTERSON: Beg court's indulgence.

24 (Off the record)

25 (Back on the record)

1 MS. PATTERSON: Please present Ms. Brown.

2 THE CLERK: What say you for the defense?

3 MR. WILLIAMS: Please excuse the juror from the
4 trial in this case.

5 THE CLERK: Return to your seat, please, ma'am.

6 Number 247, Allan Smith.

7 What say you for the State?

8 MS. PATTERSON: Please present Mr. Smith.

9 THE CLERK: What say you for the defense?

10 MR. WILLIAMS: Please excuse the juror from the
11 trial in this case.

12 THE CLERK: Return to your seat, please, sir.

13 240, Christopher Sharpe.

14 What say you for the State?

15 MS. PATTERSON: Please present Mr. Sharpe.

16 THE CLERK: What say you for the defense?

17 MR. WILLIAMS: Please swear the juror.

18 THE CLERK: Have a seat in the jury box, sir.

19 292, Cynthia Wise.

20 What say you for the State?

21 MS. PATTERSON: Please present Ms. Wise.

22 THE CLERK: What say you for the defense?

23 MR. WILLIAMS: Please excuse the juror from the
24 trial in this case.

25 THE CLERK: Return to your seat, please, ma'am.

1 Number 254, Summer Solum.
2 What say you for the State.
3 MS. PATTERSON: Please present Ms. Solum.
4 THE CLERK: What say you for the defense?
5 MR. WILLIAMS: Please swear the juror.
6 THE CLERK: Have a seat in the jury box, ma'am.
7 285, Jason Wilber.
8 What say you for the State?
9 MS. PATTERSON: Beg the court's indulgence.
10 (Off the record)
11 (Back on the record)
12 MS. PATTERSON: Please present Mr. Wilber.
13 THE CLERK: What say you for the defense?
14 MR. WILLIAMS: Please swear the juror.
15 THE CLERK: Have a seat in the jury box, sir.
16 202, Andrew Pilot.
17 What say you for the State?
18 MS. PATTERSON: Please excuse Mr. Pilot.
19 THE CLERK: Return to your seat, please, sir.
20 235, Thomas Scott, Jr..
21 What say you for the State?
22 MS. PATTERSON: Please present Mr. Scott.
23 THE CLERK: What say you for the defense?
24 MR. WILLIAMS: Please swear the juror.
25 THE CLERK: Have a seat in the jury box, sir.

1 246, Aerial Smith.
2 What say you for the State?
3 MS. PATTERSON: Please excuse Ms. Smith.
4 THE CLERK: Return to your seat, please, ma'am.
5 98, Yvonne Graham.
6 What say you for the State?
7 MS. PATTERSON: Please present Ms. Graham.
8 THE CLERK: What say you for the defense?
9 MR. WILLIAMS: Please swear the juror.
10 THE CLERK: Have a seat in the jury box, ma'am.
11 128, Dennis Hutton.
12 What say you for the State?
13 MS. PATTERSON: Please present Mr. Hutton.
14 THE CLERK: What say you for the defense?
15 MR. WILLIAMS: Please swear the juror.
16 THE CLERK: Have a seat in the jury box, sir.
17 233, Robin Scaffie.
18 What say you for the State?
19 MS. PATTERSON: Beg the court's indulgence.
20 (Off the record)
21 (Back on the record)
22 MS. PATTERSON: Please excuse the juror.
23 THE CLERK: Return to your seat, please, ma'am.
24 Number 158, Scott Lorick.
25 What say you for the State?

1 MS. PATTERSON: Please excuse Mr. Lorick.
2 THE CLERK: Return to your seat, please, sir.
3 72, Vicki Devoe.
4 What say you for the State?
5 MS. PATTERSON: Please present Ms. Devoe.
6 THE CLERK: What say you for the defense?
7 MR. WILLIAMS: Please swear the juror.
8 THE CLERK: Have a seat in the jury box, ma'am.
9 Number 2, Rita Adams.
10 What say you for the State?
11 MS. PATTERSON: Please present Ms. Adams.
12 THE CLERK: What say you for the defense?
13 MR. WILLIAMS: Please swear the juror.
14 THE CLERK: Have a seat in the jury box, ma'am.
15 132, Barbara Jagla.
16 What say you for the State?
17 MS. PATTERSON: Please present Mr. Jagla.
18 THE CLERK: What say you for the defense?
19 MR. WILLIAMS: Please excuse the juror from the
20 trial in this case.
21 THE CLERK: Return to your seat, please, ma'am.
22 122, Danny Hoover.
23 What say you for the State?
24 MS. PATTERSON: Please present Mr. Hoover.
25 THE CLERK: What do you say for the defense?

1 MR. WILLIAMS: Please swear the juror.

2 THE CLERK: Have a seat in the jury box, sir.

3 38, Michael Carson.

4 What say you for the State?

5 MS. PATTERSON: Please present Mr. Carson.

6 THE CLERK: What say you for the defense?

7 MR. WILLIAMS: Please excuse the juror from the
8 trial in this case.

9 THE CLERK: Return to your seat, please, sir.

10 Number 232, Manuel Santiago.

11 What say you for the State?

12 MS. PATTERSON: Please present Mr. Santiago.

13 THE CLERK: What say you for the defense?

14 MR. WILLIAMS: Please swear the juror.

15 THE CLERK: Have a seat in the jury box, sir.

16 That's the twelve, Your Honor.

17 THE COURT: Thank you.

18 Are there any matters of law pertaining to the
19 selection of the jury that need to be decided before the
20 jury is sworn, from the State of South Carolina?

21 MS. PATTERSON: Yes, sir, Your Honor.

22 May me and Mr. Williams approach?

23 THE COURT: Counsel approach.

24 (Whereupon, the lawyers approached the bench for
25 an off-the-record discussion)

1 THE COURT: That was 72.

2 MS. PATTERSON: Yes, sir, Your Honor.

3 THE COURT: All right. Other than the matter
4 which I'm going to put on the record in just a moment that
5 we just discussed at the bench, are there any other matters
6 of law pertaining to the selection of the jury that need to
7 be decided before the jury is sworn, from the State of South
8 Carolina?

9 MS. PATTERSON: Nothing from the State.

10 THE COURT: From the defendant?

11 MR. WILLIAMS: None by the defendant, Your Honor.

12 THE COURT: Ladies and gentlemen of the jury, I'm
13 going to ask you if you would go to your jury room. Please
14 don't discuss -- I see I have got some experienced jurors
15 with me. I see that smile on your face. I'm going to ask
16 you not to discuss the case. You hadn't heard any evidence
17 in this case, all right, and I'm not going -- and I don't
18 want you to elect a foreperson yet. I'm going to call you
19 back in just a moment. I have to take up a quick matter of
20 law, so please, if you would, while you are in the jury room
21 don't discuss the case, and I will be right back with you in
22 just a moment. You may retire to your jury room at this
23 time.

24 (The following takes place outside the presence of
25 the jury panel)

1 THE COURT: All right. Let the record reflect
2 that counsel did in this case exactly what I encourage
3 lawyers to do, and that was that counsel approached the
4 bench to advise the court that her child had been at
5 Children's World Day Care in Irmo, South Carolina. And when
6 the jury was being seated, she recognized that a person on
7 the jury also --

8 Did they work there or had a child there?

9 MS. PATTERSON: They worked there. She no longer
10 works there, to my knowledge.

11 THE COURT: That there is a member of the jury
12 that works at that daycare.

13 We have agreed that since I was not able to ask
14 questions of that juror, that I would call the juror out and
15 ask whether or not that relationship in any way would affect
16 the juror's ability to be fair and impartial to both the
17 State of South Carolina and the defendant.

18 Does that accurately reflect the conference that
19 took place at the bench, insofar as the State is concerned?

20 MS. PATTERSON: Yes, sir.

21 THE COURT: Insofar as the defendant is concerned?

22 MR. WILLIAMS: It does, Your Honor.

23 THE COURT: All right. If you would, please,
24 would you go to the jury room and ask juror number 72, Ms.
25 Vicki Devoe, to come and have a seat back, just herself, in

1 the jury box, please.

2 Thank you for calling that to the court's
3 attention, counsel.

4 MS. PATTERSON: You are welcome, sir.

5 (Whereupon, juror number 72 was brought into the
6 courtroom)

7 THE COURT: Ms. Devoe, thank you.

8 I asked you to -- be seated. Make yourself
9 comfortable. You don't need to stand up.

10 I asked you to come out because I neglected to ask
11 a question of you that I should have asked --

12 JUROR NUMBER 72: Uh-huh.

13 THE COURT: -- but I wasn't aware of it.

14 I understand, now that you have been seated on the
15 jury, Ms. Devoe, that you had previously worked at
16 Children's World Day Care in Irmo, is that correct?

17 JUROR NUMBER 72: Yes, sir.

18 THE COURT: All right. I understand that one of
19 my lawyers in this case, in fact, Ms. Patterson, had a child
20 that went to that daycare.

21 JUROR NUMBER 72: Yes, sir.

22 THE COURT: And, therefore, she saw you on some
23 occasions. I understand you don't work there now, is that
24 right?

25 JUROR NUMBER 72: No, sir.

1 THE COURT: But she had a child that attended
2 that. And she did exactly what she's supposed to do.

3 JUROR NUMBER 72: Uh-huh.

4 THE COURT: The moment you got seated, she came
5 forward and told me that.

6 The fact that you worked there and knew her from
7 your working there, would that in any way affect your
8 ability to give the State of South Carolina or the defendant
9 in this case a fair and an impartial trial?

10 JUROR NUMBER 72: No, sir.

11 THE COURT: Thank you, ma'am. You may return to
12 the jury room.

13 (Whereupon, Juror Number 72 returned to the jury
14 room)

15 THE COURT: Any exceptions or additions to the
16 court's comments from the State of South Carolina to the
17 juror?

18 MS. PATTERSON: Nothing from the State, Your
19 Honor.

20 THE COURT: From the defendant?

21 MR. WILLIAMS: None from the defendant, Your
22 Honor.

23 THE COURT: I believe the juror is qualified to
24 serve.

25 Is there any reason, Hope, that I need to keep

1 these folks that are waiting here, or can we give them some
2 good news?

3 THE CLERK: The check is in the mail.

4 THE COURT: The check is in the mail, ladies and
5 gentlemen. I know that y'all have heard that before.

6 Now, on behalf of Lexington County and this court
7 I want to thank you for your service, ladies and gentlemen.
8 This concludes your service -- I told you I was going to get
9 you home early this week. Y'all thought I was telling you
10 that and y'all thought I was going to keep you here longer.
11 I told you this would be a good week.

12 I always do this before I excuse a jury, and I
13 want you to take me up on this offer. Now that your service
14 is complete, if we did anything -- I'm always looking for a
15 way to improve the way we do business. So if you had a
16 problem, if you had something that you didn't understand, if
17 you want to ask me any question which I couldn't answer when
18 you were a potential juror, now is the time. I'm fair game
19 now. I'll answer any question or I'll try to address any
20 problem to try to improve the way we do business. I have
21 got thick skin, ladies and gentlemen. I can promise you I
22 can take it. So if anybody has got a problem or a
23 suggestion, let me hear from you, or a question.

24 (No response)

25 THE COURT: Did we treat you okay?

1 JURY VENIRE PANEL: Yes, sir.

2 THE COURT: Did everybody have an idea of what was
3 going on? I realize some of you hadn't had a chance to sit
4 on a jury. Did everybody have an idea of what was going on?

5 JURY PANEL: Yes, sir.

6 THE COURT: I can't tell you how important it is
7 when your time comes to serve on a jury. I always -- I told
8 you this yesterday. I will tell you this again. Think
9 about it like this. If one of you had a case pending in
10 this court, civil or criminal, wouldn't you want someone
11 like yourself to have given up their time in order to serve
12 on the jury?

13 So when your time comes, I know it's never
14 convenient, I know it's never the right time, I know you
15 don't like leaving your families and your jobs, I know we
16 don't pay you enough money, I know sometimes we make you
17 wait, but we appreciate very much your service, because
18 without you, ladies and gentlemen, without the jury, justice
19 cannot be accomplished in a courtroom and I thank you for
20 that service.

21 Now, ladies and gentlemen, for those of you who
22 need a work excuse --

23 Did you cover that with them, Hope?

24 THE CLERK: Yes, sir, they can go downstairs.

25 THE COURT: You can go downstairs to where, which

1 office?

2 THE CLERK: To the first floor to the records room
3 and just ask for the lady that left, Carol.

4 THE COURT: All right. Everybody understand if
5 you need a work excuse, where to go? The first floor,
6 records room.

7 Your check for your jury service is in the mail.

8 On behalf of Lexington County and this court I
9 thank you for your service. You are now excused for the
10 balance of the week. Have a nice week.

11 Everyone else remain seated while the jury is
12 leaving.

13 (Whereupon, the jury venire panel was discharged
14 and left the courtroom)

15 THE COURT: Bring me the jury.

16 (The following takes place in the presence of the
17 jury panel)

18 THE COURT: All right, ladies and gentlemen, we
19 are going to get started in just a few moments, and I want
20 you to do a little work before we get started. I want you
21 to go to your jury room and I want you to select a
22 foreperson of the jury.

23 Now, for those of you who haven't been with me
24 this week, let me go over the duties of a foreperson.

25 Any of the twelve of you are eligible to be

1 foreperson.

2 The foreperson presides in the jury room, just
3 like the chairperson of a committee presides at a committee
4 meeting. It's the foreperson's job to see that each and
5 every member of my jury has a full and a fair opportunity to
6 voice their opinions in the jury room, once deliberations
7 begin. So the foreperson presides in the jury room, makes
8 sure that everyone has a chance to speak.

9 The foreperson also has a job of writing the
10 jury's verdict.

11 Now, I'm going to prepare a verdict form. One of
12 the things that my law clerk, Camden Hodge, will be doing
13 with me. We hadn't heard any evidence in this case, just as
14 you haven't. And as this case unfolds, we will be working
15 on a charge on the law and we will be working on a verdict
16 form.

17 The foreperson will sign the verdict form and the
18 foreperson will also sign on the indictments, which you will
19 not have in your jury room, but whatever you write on the
20 verdict form, my law clerk will ask the foreperson to sign
21 the exact same words on the indictments. So the foreperson
22 writes the verdict for the jury.

23 The foreperson also is the spokesperson out here
24 in the courtroom, should that need arise during the trial of
25 the case for the jury.

1 So the foreperson presides in the jury room. The
2 foreperson signs the verdict for the entire jury, because
3 your verdict must be unanimous, and the foreperson also is
4 the jury's spokesperson out here in the courtroom.

5 Any of the twelve of you are eligible to be
6 foreperson.

7 I want you to retire to your jury room. I'm going
8 to give everybody a quick break and let you take a break
9 before we start. Select a foreperson. They are going to
10 give you a pad and pencil. Write the name on a piece of
11 paper. Knock on your jury room door. My bailiffs will
12 bring me the piece of paper. That let's me know each of
13 have you had a chance to take a break, use the restroom, you
14 are ready to go, and you have selected a foreperson, and we
15 will then commence the trial of the case.

16 Now, when you are in that jury room, ladies and
17 gentlemen, as I have already instructed you, you have not
18 heard any evidence, so please do not discuss this case. You
19 must decide this case solely upon evidence introduced in
20 this courtroom when both sides are present with the right of
21 cross-examination. So talk about anything. You can talk
22 about Hurricane Isaac. You can talk about anything else,
23 but just don't talk about this case.

24 Thank you very much. You may retire to your jury
25 room. Please select a foreperson.

1 (The following takes place outside the presence of
2 a jury panel)

3 THE COURT: All right, counsel, I know everybody
4 needs a break, because we have been going now since two
5 o'clock and it's about 3:15. We are going to take about ten
6 minutes, so you can stretch your legs, use the restroom
7 before we start.

8 I want to see my lawyers for one second at the
9 bench.

10 (Whereupon, the lawyers approached the bench for
11 an off-the-record discussion)

12 (Whereupon, proceedings were recessed)

13 (Whereupon, proceedings were reconvened)

14 THE COURT: Is the State ready to proceed?

15 MS. PATTESON: The State is ready, Your Honor.

16 THE COURT: Defendant ready to proceed?

17 MR. WILLIAMS: The defendant is ready, Your Honor.

18 THE COURT: Bring us the jury, please.

19 (The following takes place in the presence of the
20 jury panel)

21 THE COURT: Congratulations on your election.
22 This makes two for two, does it not?

23 JURY FOREPERSON: Yes, two for two.

24 THE COURT: My law clerk has left your note on the
25 desk, but he's gone to get it and we will make it a court's

1 exhibit as soon as he does.

2 Madam Clerk, would you please swear the jury?

3 THE CLERK: Yes, sir, Your Honor.

4 Please stand and raise your right hand.

5 You shall well and truly try and a true
6 deliverance make between the State and the defendant at the
7 Bar whom you shall have in charge and render a true verdict
8 according to the laws and evidence, so help you God.

9 Please respond by I do or I affirm.

10 JURY PANEL: (Collectively said I do.)

11 THE CLERK: Be seated, please.

12 THE COURT: All right, counsel, the jury wrote me
13 a note and they chose Mr. Hoover to be the foreperson.

14 Any objection from the State to making it a
15 Court's Exhibit?

16 MS. PATTERSON: None from the State, Your Honor.

17 THE COURT: From the defendant?

18 MR. WILLIAMS: None from the defendant, Your
19 Honor.

20 THE COURT: Mike, I'll hand it to you, Court's
21 Exhibit No. 2, without objection.

22 All right, ladies and gentlemen, first of all I
23 have got some jurors that were with me before and I have
24 some that are new to the jury. Let me go over a couple of
25 housekeeping matters for you.

1 First of all, while you are selected to serve on a
2 jury, and actually until your service is concluded, and I
3 will tell you this will conclude your service when we finish
4 this case, but I'm going to ask that you not discuss the
5 case with others, including your other jurors, until I
6 authorize you to do it. That will be after the conclusion
7 of the case and my charge to you on the law at the
8 conclusion of the case.

9 Now, I'm going to ask you not to read or listen to
10 any news reports about the case. I'm going to ask you not
11 to use a computer, or a cellular phone, or any other
12 electronic device with communication capability while you
13 are in attendance at trial or during deliberation. I would
14 ask that you not use any such device to try to get
15 information about a party, or about a witness, or about an
16 attorney, or a court officer, or obtain any news account of
17 the case. Even if you, as a juror, might think that
18 information to be helpful in deciding the case, it is
19 improper for you to do it. Both sides to this case have an
20 absolute right to know exactly what information you are
21 deciding the case on. So any type of juror research with a
22 computer or a cellular phone is improper and I ask you not
23 to do it.

24 I ask you not to watch television about this case,
25 or read the newspaper, or listen to a radio account.

1 I ask you, in fact, not to communicate with anyone
2 about the case on your cell phone, or through e-mail, or
3 Blackberry, or I-phone, or text messaging, or on Twitter,
4 through any blog, or on any website, through any Internet
5 chat room, or by way of any other social networking website,
6 which includes Facebook, My Space, Linked in, You Tube. All
7 of that is considered improper. You must decide this case
8 based on evidence presented during the trial of this case
9 when both sides are present in this courtroom with the right
10 of cross-examination.

11 Now, before we begin this trial I want to tell you
12 that this trial, as I suggested to you yesterday during
13 qualifications, probably is going to be different from what
14 many of you might expect.

15 As I told you yesterday, many people really don't
16 have the chance to attend an actual court session, as each
17 of you are doing right now. And most people think from
18 reading a book, or watching television, or going to a movie
19 that an actual trial, which you are about to watch, an
20 actual trial is like a television program, like CSI or Cold
21 Case, that trials are always full of high drama, that trials
22 are always full of action, entertainment, riveting
23 entertaining circumstances. While all of those things may
24 be true at times, an actual trial is not for entertainment.

25 An actual trial is a fundamental part of our

1 democracy. It is a search for the truth in an effort to
2 make sure that justice is done between the parties before
3 the court. And as I told you, searching for the truth and
4 trying to make sure that justice is done is often slow, it
5 is often deliberate, it is often repetitive. It is the
6 exact opposite of what you may have seen on television, or
7 in a movie, or read in a book.

8 This courtroom, ladies and gentlemen, is a place
9 of honor. It is dedicated to the protection and the
10 preservation of citizens rights through what many people
11 have called the greatest justice system in the entire world.

12 The attorneys appearing before you are advocates
13 for the parties that they represent, but first, and
14 foremost, the attorneys are sworn as officers of this court.
15 They are sworn to uphold the integrity. The attorneys are
16 sworn to uphold the fairness of our judicial system, and you
17 should expect the attorneys to be professional. You should
18 expect the attorneys to be competent. You should expect the
19 attorneys to be ethical in the representation of their
20 client's interests.

21 Now, I'll remind each of you that each of you have
22 now taken an oath from my deputy clerk and in that oath you
23 said that you would try this case and that you would reach a
24 fair and a just verdict in this case.

25 So each of you on the jury, just like the

1 attorneys and I, who took an oath as a judge, you were also
2 as a juror expected to be professional. You are expected to
3 be reasonable, and you are expected to be ethical, just like
4 the attorneys involved in the trial of the case.

5 I want to thank each and every one of you for
6 accepting this very important responsibility of jury
7 service. And before we even begin the trial I want to thank
8 you for your contribution today to our justice system.
9 Without you, ladies and gentlemen of the jury, justice
10 cannot be accomplished in the courtroom, and I thank you for
11 that service and we appreciate your service.

12 Now, ladies and gentlemen, and Mr. Foreman, the
13 case that we are about to try is the case of State of South
14 Carolina versus Glenn Vanover. You have met him prior to
15 the start of the case, and I told you he was charged in each
16 of these indictments with the offense of criminal sexual
17 conduct with a minor under eleven, first degree.

18 Now, the defendant is charged by these
19 indictments, and it's filed with this court, and he's
20 charged with the crime -- in this case each indictment
21 alleges the same crime. The elements as I told you of that
22 crime I will explain to you in my charge to you on the law
23 at the conclusion of the case.

24 You should understand for right now that each of
25 these indictments that I hold in my hand are simply the

1 charges by which the case is brought into this court and it
2 is not in any sense evidence of any of the allegations
3 contained in the indictment.

4 Now, the defendant has pled not guilty to these
5 indictments. The State of South Carolina, therefore, has
6 the burden of proving each of the essential elements of the
7 indictment beyond a reasonable doubt. And it will be your
8 duty, ladies and gentlemen, as jurors to decide whether or
9 not the State has met that burden.

10 It is your solemn responsibility to determine the
11 guilt or the innocence of the defendant, and your verdict as
12 a jury must be based solely on the evidence as it is
13 presented to you in this trial and on the law as I instruct
14 it to you to be during the trial and at the close of the
15 trial in my charge to you on the law.

16 Now, in just a minute, ladies and gentlemen, the
17 assistant solicitor will make what is called an opening
18 statement in which she will explain to you the issues in
19 this case, or at least what she contends to be the issues in
20 this case.

21 And following that opening statement the attorney
22 for the defendant will also make an opening statement.

23 Now, I wish to tell you, ladies and gentlemen --

24 If they wish to do so.

25 I wish to tell you right now the attorneys have

1 worked hard to prepare the case for their respective
2 clients, the defendant and the State of South Carolina, but
3 what the attorneys tell you in their opening statement, what
4 the attorneys suggests to you by questions they ask a
5 witness, what the attorneys argue to you in their closing
6 argument at the conclusion of the case is not evidence in
7 the case. The attorneys are advocates for the parties they
8 represent, and when they make an opening statement to you at
9 the beginning of the case, it is only their contention as to
10 what the issues are in the case as advocates for their
11 respective clients. What the attorneys tell you, and I want
12 you to listen to them carefully, but what they tell you is
13 not evidence.

14 The evidence in this case, and you will notice
15 it's located on the side of the courtroom in closest
16 proximity to you, the evidence will be presented to you by
17 testimony from the witnesses who will swear under oath or
18 affirm and take this witness stand; or by some exhibit which
19 may be introduced into evidence, and that would be something
20 like a photograph, or a model. And as to any such exhibit
21 you will hear me say that it is in evidence, when you hear
22 that, because they know they can't show you any exhibit
23 until they have given me the opportunity as the presiding
24 judge to rule on the admissibility as a matter of law on the
25 exhibit.

1 Evidence may also even take the form of what we
2 call a stipulation, an agreement that a fact is true between
3 the parties, so it isn't necessary to be proved.

4 So evidence is sworn testimony from the witness
5 stand, an exhibit that may be introduced into evidence, or
6 possibly a stipulation.

7 You, as jurors, in the consideration of this
8 evidence, you should remember always throughout the trial
9 that under the Constitution of the State of South Carolina,
10 you, and you twelve jurors alone, are the sole judges of the
11 facts in this case, based on evidence introduced during the
12 trial of the case.

13 And the same law that makes you the sole and
14 exclusive judges of the facts of the case makes me the sole
15 and exclusive judge of the law in the case.

16 I cannot invade your province and tell you what
17 the facts are or suggests to you what the facts are, and you
18 should not invade my province and differ with me about what
19 the law is.

20 Everything that I say to you right now and
21 throughout this trial is being taken down by my court
22 reporter, Mike Watts, sitting right down here below me. And
23 if I make a mistake as to the law to the detriment of either
24 party, they can appeal the case to an appellate court. And
25 if the appellate court agrees I have made a mistake on the

1 law, they will reverse the case and send it back for a new
2 trial.

3 So don't any of you on the jury worry about
4 whether or not I have told you the law correctly. That is
5 somebody else's worry. Your job as a juror is to take the
6 law as I give it to you and apply it to the facts as you
7 find them to be, based on evidence introduced during the
8 trial of the case; and that means testimony from that
9 witness stand, any exhibit that may be introduced into
10 evidence, or any stipulation that may occur during the
11 trial. And after doing that, you will render your verdict,
12 a true and just verdict, under that solemn oath which each
13 of you just took from the deputy clerk here in Lexington
14 County.

15 Now, from time to time during the trial of this
16 case, and it's already happened several times, you may hear
17 one of the lawyers say something like "Your Honor, I believe
18 we have a question of law," or, "Your Honor, may we approach
19 the bench," or, "Your Honor, we have a matter of law we
20 would like to discuss with you." Or sometimes I myself
21 might find it necessary to ask the lawyers to either have
22 what we call a side-bar conference or to approach the bench.

23 Now, I might also even ask that you go to your
24 jury room, that you be excused from the courtroom while the
25 attorneys and I discuss a matter of law.

1 Now, a lot of times I have jurors that think we
2 are trying to hide something from them. That's not true.
3 You wonder why we are talking softly at the bench and you
4 think it's to keep something from you. The reason for this
5 is just what I have just told you. The reason for this is
6 that we are trying to talk softly and away from you, because
7 I'm the sole judge of the law and you are the sole judges of
8 the facts. I can't make any comment to you about the facts
9 in the case. And sometimes when I'm discussing a matter of
10 law with the attorneys, by necessity I have to make a
11 comment about the facts in order to rule on whether or not a
12 particular piece of law applies to this case. So the custom
13 in this state is to either excuse you from the courtroom
14 when such discussions take place, or try to -- I first try
15 to take it up out of your earshot so that you will not be
16 influenced as a juror by anything that I might say or do in
17 ruling on whether or not a particular piece of law applies
18 to this case.

19 Now, in that connection, let me tell each of you
20 again so you know throughout the trial that you, and you
21 alone, the people on this jury, the twelve of you, are the
22 judges of the facts in this matter, based on evidence
23 introduced during the trial of the case. And if you should
24 gather from anything that I might say or do during the
25 course of this trial that I have any opinion about the facts

1 in this case, please erase that from your mind, because, as
2 I have said, you, ladies and gentlemen of the jury, are the
3 sole and the only judges of the facts in this case.

4 Now, in determining what the true facts are, since
5 that's your job, you will during the trial of this case, of
6 necessity, have to pass upon the credibility, which simply
7 means the believability of the witnesses who are going to
8 take the witness stand.

9 It will be my responsibility to rule as the
10 presiding judge as a matter of law as to whether certain
11 testimony is admissible at all or not. But once I have
12 allowed the testimony to be admitted into evidence, whether
13 or not you as a jury believe the testimony is solely a
14 matter for you, the jury, to determine. You are the sole
15 judges of the facts.

16 You are also the sole judges of the credibility or
17 the believability of the witnesses who will take the witness
18 stand during the trial of this case.

19 And in passing upon the credibility or
20 believability of the witnesses, you have the right as a jury
21 to take into consideration the interest, if any, of any
22 witness. You have the right to take into consideration the
23 bias, if any, of any witness; the prejudice, if any, of any
24 witness; the opportunity for the witness to have observed
25 the matters and things about which he or she may testify.

1 You may even take into consideration in deciding
2 the credibility or believability of the witnesses what we
3 call in the law the demeanor of the witness, that is, the
4 appearance of the witness while the witness is on the
5 witness stand.

6 Anything that is in evidence, ladies and gentlemen
7 of the jury, you have the right to consider. Anything that
8 is in evidence that will aid you and assist you in
9 evaluating the evidence you have a right as a juror to
10 consider in this trial.

11 And that means, Mr. Foreman, and that means,
12 ladies and gentlemen of the jury, that it is your duty under
13 your sworn obligation that you just took from the clerk as
14 jurors to pay close attention to the witnesses, to listen to
15 the witnesses, to observe the witnesses. Don't let your
16 thoughts wander, but give strict attention to the testimony
17 in this case, so that at the conclusion of all the testimony
18 in this case, after the final arguments of the attorneys and
19 my charge to you on the law that applies to this case, you
20 will then, because you listened, because you observed, you
21 will have placed yourself in a position to determine as a
22 juror what the true facts are and to apply the law as I
23 charge it to you to be to the facts as you find them to be
24 based on evidence introduced during the trial of the case,
25 and thus be able at the conclusion of the case to render a

1 true and a just verdict in this case.

2 Now, you must not consider anything that you may
3 have read or heard about this case outside of this
4 courtroom, whether before or during this trial. And until I
5 submit this case to you, you must not discuss it with
6 anyone, not even your fellow jurors, or even a member of
7 your own family. It is very important that you only discuss
8 it when I ask you to with your fellow jurors in your jury
9 room.

10 It's important that you each of you throughout the
11 trial keep an open mind and not decide the case until the
12 entire matter has been submitted to you/under my
13 instructions at the conclusion of the case following my
14 charge to you on the law.

15 Now, why are we so insistent about that? Because
16 the very last thing that you hear might make a difference to
17 you as a juror. So I ask that you listen, listen carefully,
18 keep an open mind as a juror and not decide the case until
19 the entire matter has been submitted to you at the
20 conclusion of the case.

21 Now, it will be your added duty, Mr. Foreman, to
22 write the jury's verdict, but I'll give you a verdict form
23 and I'll talk to you about how to do that in my charge on
24 the law at the conclusion of the case.

25 Now, you see my young law clerk by me, because he

1 keeps me straight all the time. I can promise you he does a
2 great job. Camden is going to want to see you, because he's
3 going to want your signature on these indictments, whatever
4 you write on that verdict form. You see me handing them to
5 him, he knows it's now his job not to let you leave without
6 your signature.

7 It will be your duty also to preside in the jury
8 room, make sure that all my jurors get a chance to voice
9 their opinion, and, if necessary, be the jury spokesperson,
10 if that need arises during the trial.

11 Now, a couple housekeeping matters and we are
12 ready to get started. You know, I'm so -- I told y'all
13 this. I'm so used to projecting my voice and talking that
14 nobody has trouble. You ask Mike.

15 Mike, do you have any problem hearing me?

16 COURT REPORTER: Not a bit.

17 THE COURT: Not a bit, and neither do any of
18 y'all. I don't need this darn microphone. You see I turned
19 it away from me.

20 I got a lot of people that (Judge mumbling). A
21 lot of people that do like that. We are going to have some
22 people that get on the witness stand and even with a
23 microphone they have meek voices, they have timid voices,
24 and it's difficult. It's very important that you be able to
25 hear.

1 If any member of my jury cannot hear at any time,
2 raise your hand. I'll be watching all twelve of you. I
3 want my jurors to be able to hear at all times. I can
4 promise you Hope Frick knows how to make it so loud in here
5 that it will blow us all out of here.

6 Don't you, Hope?

7 THE CLERK: I'll try.

8 THE COURT: I want you to be able to hear.

9 Now, if an exhibit is introduced into evidence
10 during the trial of this case and you can't -- you won't be
11 seeing it until you have heard me say it's in evidence,
12 because I can assure you of that, and you can't see the
13 exhibit, raise your hand. I want you to be able to see and
14 to hear at all times throughout the trial of the case. So
15 you let me know.

16 Now, we do not allow jurors to ask questions in
17 the courtroom. If at any time, Mr. Foreman, a member of the
18 jury has a question, here is the procedure we have to
19 follow. If you are not already in your jury room, the
20 entire jury would retire to the jury room. You would write
21 the question as the foreman on a piece of paper. Give it to
22 the bailiff and he will bring it out to me. I then have to
23 rule as a matter of law whether or not the question can or
24 cannot be answered, just as I would any question asked by
25 either one of the attorneys during the trial of the case.

1 Obviously we do not allow any cell phones or
2 beepers.

3 And I know y'all are going to find this -- well,
4 my sons find it unbelievable, but I don't. I have never
5 turned my I-phone on ring since I bought it. Not one time.
6 I have no idea what it sounds like if it rings, because I
7 have kept it on vibrate the entire time. And I can tell you
8 I miss, according to my sons, eighty percent of my calls
9 because of that, but I don't keep it in the courtroom with
10 me. I have learned now.

11 I will tell you why. People ask me frequently
12 "why is it that you are so insistent about no beepers or
13 cellphones?" People think noise, and that is a factor, but
14 I will give you an example. We had a jury in a county far
15 from Lexington that went out to deliberate and they were
16 discussing a medical matter and one of the jurors said
17 "well, my brother is a doctor. I'll just call my brother on
18 his cell phone and ask him his opinion about that."
19 Obviously that's improper, ladies and gentlemen. You must
20 decide a case based on evidence introduced during the trial
21 of the case. So I ask that you do not use a cell phone or
22 beeper while you are on jury duty at any time.

23 Now, I have tried it both ways and I'm going to
24 ask you not to take written notes. You are going see me
25 with a pen in my hand, and I'm constantly writing up here,

1 so you are going to wonder why. I'll tell you why. I found
2 that if the juror takes written notes and makes a mistake in
3 the written notes, the notes can be harmful in your jury
4 room, rather than helpful in the jury room, once
5 deliberations begin. The time-tested system is for each of
6 you to listen, and listen carefully. So I ask that you do
7 not take written notes in this case.

8 Now, I do not intend that what I say to you right
9 now should be construed by you as a charge on the law. I
10 hadn't heard the evidence in this case. You hadn't either.
11 We both have hopefully open minds.

12 I will charge you the law that applies to this
13 case after we have heard all the evidence at the conclusion
14 of the case.

15 This has been merely an attempt on my part to
16 briefly explain to you some of the procedure that we follow
17 in the trial of the case so that you may have a better
18 understanding as to what may be happening from time to time.
19 We have rules for everything; Rules of Evidence.

20 We have rules for who goes first, the order that
21 you are going to hear the evidence, the order of argument.
22 We have rules for the order in which witnesses are
23 presented, and the attorneys understand that. Nevertheless,
24 when I make comments to a jury, as I have just did, in order
25 to preserve everyone's rights, I'll give the parties an

1 opportunity to accept or object to anything that I have said
2 to you, if they have any objection or exception.

3 Any exceptions or objections, from the State?

4 MS. PATTERSON: No, sir, Your Honor.

5 THE COURT: From the defendant?

6 MR. WILLIAMS: None by the defendant, Your Honor.

7 THE COURT: Thank you.

8 Ladies and gentlemen, we will now begin the trial
9 of the case.

10 Solicitor?

11 MS. PATTERSON: Thank you, Your Honor.

12 May it please the court?

13 THE COURT: Yes, ma'am.

14 MS. PATTERSON: I too would like to just take this
15 moment to thank you for your jury service. We couldn't do
16 this without you.

17 To most little girls their fathers are the apple
18 of their eye. He's their protector, their provider, their
19 first knight in shining armor, but to Taylor Elizabeth
20 Vanover, her father, the defendant, Glenn Vanover, was
21 anything but that. To that little girl he was the one that
22 would hurt her, destroy her, and take any sense of innocence
23 that she could possibly have, and that's why we are here
24 today.

25 He's been charged with two counts of criminal

1 sexual conduct with a minor, first degree.

2 And you are going to hear some disturbing details
3 about this, details no child should ever have to talk about,
4 especially when it comes to her father, who is supposed to
5 be her provider.

6 Now, Taylor, who now goes by Brooke Richburg, is a
7 little older, but she still thinks about this nightmare
8 every day, and she's going to tell you about it. She's
9 going to get on the witness stand and tell you about the
10 embarrassing horrible details that happened to her at the
11 hands of her daddy.

12 You are going to also hear from one of her
13 teachers, who she trusted enough, who she bonded enough
14 with, to disclose the details of this nightmare.

15 You are going to hear from officers and DSS
16 workers who got involved in the case.

17 Now, this won't be a long trial. You won't hear a
18 lot of testimony, but the testimony that you do hear I ask
19 that you pay attention to. It's important what you are
20 going to hear and who you are going to hear from.

21 And as the judge previously stated, just use your
22 common sense and pay attention, and I'm confident that at
23 the end of this trial you are going to find Glenn Vanover
24 guilty of criminal sexual conduct with a minor, first
25 degree, two counts. Thank you.

1 THE COURT: Mr. Williams?

2 MR. WILLIAMS: May it please the court.

3 Madam Solicitor.

4 Mr. Foreman, ladies and gentlemen of the jury, I
5 first would like for you to remember the judge's
6 instructions, and that is that you are fact finders.

7 Everything that the solicitor says, or anything
8 that I would say up here in opening, obviously is argument.
9 We have no evidence that we can tell you right now, because
10 we didn't see anything. We didn't hear anything, and we
11 know nothing about what occurred in these allegations.

12 I would ask that you guard yourself on being
13 influenced just by the type of case that you are handling.
14 You know, a lot of times when you have a case which is, I
15 don't know, offensive, high profile, if you will, maybe not
16 in this case, but at least offensive, that you have a
17 tendency to gravitate towards that and you tend to think
18 well, it must be true because there are allegations of that.
19 I would ask that you guard against that, because obviously
20 you have been conditioned by enough TV, by enough other
21 trials that are held in other locations to maybe condition
22 your mind and think, "well, maybe that has something to do
23 with what I'm here today for," but it doesn't.

24 You are here to decide a case involving Glenn
25 Vanover, a fellow Lexington County person. His family is

1 back there. He's accused of a crime. What you have heard,
2 what you have seen on newspapers, has got absolutely nothing
3 to do with your mindset in determining guilt or innocence in
4 this case.

5 Having said that, I would ask that you --

6 I'm going to tell you a little something about
7 what I think that's going to be alleged. And I use the word
8 alleged, because I think when this trial is over with, there
9 will be no evidence of guilt.

10 What you are going to hear is that -- well, it's
11 kind of painful to even talk about, but as fathers, as
12 mothers, we are charged with the responsibility of helping
13 our children grow up; taking care of them when they are
14 small, feeding them, and then I guess correcting them when
15 they are wrong.

16 We don't control what goes on in our house. The
17 only people who knows what goes on in our house are the
18 individuals there. That's why I made the comment that we
19 don't know what goes on, but the allegations are that
20 between the years -- you heard the indictment. Between the
21 years of 2004 and 2007 that this father had sex with his
22 daughter. Those are the allegations. Sometime during those
23 three years.

24 You would like to think that there was some
25 indication that these things happened during that time span,

1 and I'm going to suggest to you that you use your thinking
2 caps and you put in the back of your minds what things do
3 you think that might indicate that. Maybe school records
4 during this time span that something was going on, something
5 to indicate that there were problems of that nature.

6 Then you are probably are going to want to know
7 about when this was reported. And I anticipate that what
8 you will hear is that on her brother's sixteenth birthday
9 party she comes out and tells the family that she was
10 abused. Interesting time. For your edification that would
11 be May 23rd of 2008.

12 Then when her grandmother confronts her and her
13 mother confronts her about what is going on and whether or
14 not it happened, because they are concerned, they love their
15 daughter, she says "I lied."

16 And no one hears any more about this until
17 February of 2112, when she supposedly reports to someone at
18 the Batesburg-Leesville school that she was assaulted back
19 when she was -- you know, before she was ten. She's now
20 sixteen. I think she's going to be a senior next year.

21 That's the allegation. It's up to you to find the
22 evidence that proves that beyond a reasonable doubt. You
23 can't convict somebody just by saying bad things.

24 All I ask is that you do your job as jurors, and I
25 also thank you for being here, because obviously you are

1 going to have to think and you are going to have to weigh
2 evidence. Look for that evidence. Look for it. Ask about
3 it. I suggest that you won't find it. Thank you.

4 THE COURT: Counsel approach.

5 (Whereupon, the lawyers approached the bench for
6 an off-the-record discussion)

7 THE COURT: Call your first witness.

8 MS. PATTERSON: Thank you, Your Honor.

9 The State calls Mike Horne.

10 MICHAEL HORNE, having been first duly sworn,
11 testified as follows:

12 THE CLERK: Have a seat, please, sir.

13 Once you are seated, state your full name,
14 spelling your last on the record, please.

15 THE WITNESS: My name is Michael Horne, H-O-R-N-E.

16 DIRECT EXAMINATION BY MS. PATTERSON:

17 Q. Mr. Horne, where are you employed?

18 A. Lexington School District III, Batesburg-Leesville High
19 School.

20 Q. And in what capacity are you employed at
21 Batesburg-Leesville High School?

22 A. I am the criminal justice instructor there.

23 Q. And how long have you been a criminal justice
24 instructor at Batesburg-Leesville?

25 A. This is my starting my fifth year.

1 Q. And what was your previous employment?

2 A. I was employed with the South Carolina Highway Patrol
3 for twenty-six years.

4 Q. And did you retire from the highway patrol?

5 A. Yes, ma'am.

6 Q. And as a criminal justice teacher, what are some of the
7 areas that you cover with your students?

8 A. We cover history of law, how it came from England. We
9 cover firearms. We cover defensive tactics. We cover
10 driving. We do a mock court system where we try various
11 cases in court.

12 Q. And did you ever have a student named Taylor Vanover?

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

14 Q. And do you remember what year or what semester she was
15 a student of yours?

16 A. I think it was around first semester. This was last
17 year.

18 Q. That would be 2011?

19 A. Yes, ma'am.

20 Q. And was that something that you particularly stressed
21 to your student?

22 A. Yes, ma'am, I always tell my students that "if there is
23 anything that you feel like you need to come and talk to me
24 about, I want you to know it's open door. All you have to
25 do is let me know that you need to discuss something with

1 me. It does not leave me, unless it's detrimental to your
2 health or to your person."

3 Q. And did Taylor ever come to you with any problem?

4 A. Yes, ma'am, she did.

5 Q. And without -- about what time --

6 How long had she been in your class when she first
7 approached you?

8 A. Around two months. I noticed that she always lingered.
9 She was the last one to leave, and then she approached me
10 shortly after.

11 Q. And without saying what she told you, did she tell you
12 something was going on between her and her father?

13 A. Yes, ma'am. She started crying.

14 Q. And how did this conversation -- who began the
15 conversation?

16 A. She did.

17 Q. And while she was crying, did you try to do anything to
18 her?

19 A. Well, I tried to console her. I did ask her what was
20 going on and then she had made some statements to me.

21 Q. And based on the statements that she said to you, what
22 did you do?

23 A. I then went to my superior, and then I also went to
24 Officer Grooms.

25 Q. And who is Officer Grooms?

1 A. He is behind you to your right shoulder sitting at the
2 table. He is our school resource officer.

3 Q. And did you inform Officer Grooms what Taylor had told
4 you?

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

6 Q. And did you do anything else?

7 A. I contacted DSS.

8 Q. And did you speak to anybody in particular at DSS?

9 A. I can't really recall who the lady was, but I did speak
10 with a lady at DSS.

11 Q. And did Taylor continue to be your student that
12 semester?

13 A. No, she was taken out of the class.

14 Q. And did you ever hear from Taylor again?

15 A. No, ma'am, not for quite some time.

16 Q. So when did you hear from her again?

17 A. It was after she was in foster care. She had just
18 called and thanked me for helping her.

19 Q. And, Mr. Horne, did you have any further involvement in
20 this case?

21 A. No, ma'am.

22 MS. PATTERSON: Beg the court's indulgence,
23 please.

24 (Off the record)

25 (Back on the record)

1 BY MS. PATTERSON:

2 Q. Thank you, Mr. Horne.

3 Please answer any questions that Mr. Williams may have.

4 A. Thank you.

5 MR. WILLIAMS: May it please the court?

6 CROSS EXAMINATION BY MR. WILLIAMS:

7 Q. Mr. Horne, how long --

8 Did you say that you had been teaching at

9 Batesburg-Leesville for five years?

10 A. This is my fifth year.

11 Q. So you would have been teaching four years around

12 about --

13 A. Yes, sir.

14 Q. -- 2011?

15 A. Yes, sir.

16 Q. Did you take any type of teaching courses, or are you

17 essentially teaching criminal justice based on your prior

18 law enforcement?

19 A. No, sir, I had to go and do a PACE Program. I had to

20 take classes in order to get my teaching certificate.

21 Q. So you have a teaching certificate?

22 A. It should be issued, yes, sir.

23 Q. I'm sorry?

24 A. It should be issued.

25 Q. You don't have it yet?

1 A. I just finished the program last year.

2 Q. Okay. So you didn't have it at the time?

3 A. No, sir.

4 Q. And in Batesburg-Leesville was a guidance counselor who
5 worked at Batesburg-Leesville?

6 A. Yes, sir.

7 Q. And what was the guidance counselor's name?

8 A. Dr. Fellows.

9 Q. And normally if you had problems with students in
10 school, who would be in charge of taking care of those
11 problems, if they were, I don't know, not going to class on
12 time, problems at home? Would it be a guidance counselor
13 who would --

14 A. No, sir, that would be Coach Carey.

15 Q. Coach Carey took care of problems?

16 A. Right, he's the disciplinary officer.

17 Q. Do you have any knowledge of the education and the
18 grades that the child had up until the time in which you had
19 this occasion to meet with her?

20 A. No, sir.

21 Q. So you don't know if she was a straight A student or a
22 straight F student?

23 A. No, sir. I could only tell you what she did in my
24 class.

25 Q. And was your class a graded class?

1 A. Yes, sir, it is.

2 Q. And how was she doing in your class for the first two
3 months prior to this episode?

4 A. As far as I can remember, she was doing very well.

5 Q. Had you already issued any grades?

6 A. Our hands-on grade, which is our lab work, would
7 probably be handcuffing and so forth, yes.

8 If they participate, they get a hundred, if they
9 participate.

10 Q. So essentially if they do the tasks, then they are
11 going to get an A?

12 A. Well, if they do the tasks, it kind of helps them pull
13 up their academic grades.

14 Q. So your class in Batesburg-Leesville was kind of
15 like -- I guess when I was in college there were certain
16 classes you could take that that get your GP, grade point
17 ratio, up and that would be the same situation with y'all?

18 A. Yes, sir.

19 Q. And you obviously had never been to the home of this
20 young lady?

21 A. No, sir.

22 Q. Didn't know her mother and father?

23 A. No, sir.

24 Q. Didn't know anything about the child, other than what
25 she told you on that particular day?

1 A. That's all.

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

3 THE COURT: Redirect?

4 MS. PATTERSON: Nothing further from the State,
5 Your Honor, and the State would ask --

6 THE COURT: As to this witness, solicitor, may he
7 be excused?

8 MS. PATTERSON: Yes, sir, Your Honor. Thank you.

9 THE COURT: Any objection to this witness being
10 excused, from the defendant?

11 MR. WILLIAMS: None by the defendant, Your Honor.

12 THE COURT: Mr. Horne, you may step down from the
13 witness stand and you are excused from the trial of this
14 case.

15 THE WITNESS: Thank you, sir.

16 Call your next witness.

17 MS. PATTERSON: Thank you, Your Honor.

18 The State calls Deputy Jonathan Grooms.

19 DEPUTY JONATHAN GROOMS, having been first duly
20 sworn, testified as follows:

21 THE CLERK: Have a seat, please, sir.

22 Once you are seated, speak up loud and clear,
23 stating your full name, spelling your last for the record,
24 please.

25 THE WITNESS: Jonathan Grooms, G-R-O-O-M-S.

1 THE COURT: Your witness, counsel.

2 MS. PATTERSON: Thank you, Your Honor.

3 DIRECT EXAMINATION BY MS. PATTERSON:

4 Q. Deputy Grooms, where are you employed?

5 A. Lexington County Sheriff's Department.

6 Q. In what capacity?

7 A. I'm the school resource officer for Batesburg-Leesville
8 High School.

9 Q. And how long have you been a school resource officer?

10 A. This is starting my fifth year.

11 Q. And what are some of your duties as a school resource
12 officer?

13 A. I'm basically in charge for the entire security of the
14 high school, also the middle school. And my basic functions
15 are just to maintain security and make sure we are protected
16 from any outside forces.

17 Q. And do you have any further duties regarding students?

18 A. Legal. If they have any kind of legal problems that
19 they bring to my attention, I'm supposed to address those
20 issues.

21 Q. And do you remember receiving information about a
22 student named Taylor Vanover?

23 A. Yes.

24 Q. Do you remember what date this was, or approximately
25 what date this was?

1 A. I believe it was February 16th, 2011.

2 Q. And who did you receive this information from?

3 A. Mike Horne.

4 Q. And after you spoke to Mr. Horne, what did you do?

5 A. I found out where Taylor was in class at. I had her
6 brought up to my office so she could discuss to me what she
7 had discussed with Coach Horne.

8 Q. And before this date had you ever talked to Taylor
9 before?

10 A. Yes.

11 Q. And did she -- so she was familiar with you?

12 A. Yes.

13 Q. And when you spoke to her in your office, without
14 saying what she told you, what was her demeanor?

15 A. When I spoke to her about previous matters, I had no
16 problems.

17 On this particular day, when she came in she just kind
18 of had a blank look on her face and she really kind of
19 didn't want to talk to me, so I kind of had to pull the
20 information out from her.

21 Q. And were you able to convince her to tell you -- to
22 talk to you?

23 A. Yes.

24 Q. And based on what she told you --

25 Well, let me back up a second.

1 Now, did she -- without saying what she told you, did
2 she tell you something was going on between her and her
3 father?

4 A. Yes.

5 Q. Did she tell you when it happened?

6 A. Yes.

7 Q. When did she tell you this had occurred?

8 A. She told me this occurred from the ages --

9 MR. WILLIAMS: Objection, Your Honor.

10 THE COURT: Counsel approach.

11 (Whereupon, the lawyers approached the bench for
12 an off-the-record discussion)

13 THE COURT: The objection is overruled on the
14 basis that the question was about time.

15 You may proceed, solicitor.

16 MS. PATTERSON: Thank you, Your Honor.

17 BY MS. PATTERSON:

18 Q. And when did she tell you it happened?

19 A. She told me the incident happened between the ages of
20 eight and ten.

21 Q. And did she tell you where it happened?

22 A. At their residence.

23 Q. And when you got this information from Taylor, what did
24 you do next?

25 A. I gathered the information she gave me and filed a

1 police report.

2 Q. And was there ever any other followup information that
3 you conducted?

4 A. No, ma'am.

5 Q. And did you have any further involvement in this case?

6 A. I only spoke with investigator -- well, sergeant. He
7 was an investigator at that time, Longshore. We had a
8 couple of phone conversations, but nothing other than that.

9 Q. Okay.

10 MS. PATTERSON: Beg the court's indulgence, Your
11 Honor.

12 (Off the record)

13 (Back on the record)

14 BY MS PATTERSON:

15 Q. Thank you, Deputy Grooms.

16 Please answer any questions Mr. Williams may have.

17 MR. WILLIAMS: If it please the court.

18 CROSS EXAMINATION BY MR. WILLIAMS:

19 Q. Deputy Grooms, how old was this young lady when she had
20 this conversation with you?

21 A. At that time she was probably thirteen or fourteen.

22 Q. And this occurred last year?

23 A. 2011.

24 Q. Well, this is 2112, so last year would have been 2011?

25 A. Yes.

1 Q. So she was thirteen or fourteen when it happened, and
2 she had the conversation with you last year?

3 A. Yes.

4 Q. And do you know where she was going to school between
5 the ages of eight and ten?

6 A. No.

7 Q. How long had you known her?

8 A. A couple years.

9 Q. You made the comment that you had had occasion to meet
10 with her before?

11 A. Yes.

12 Q. Did those occasions involve allegations of her father?

13 A. Yes.

14 Q. Was any reports filed on those?

15 A. Yes.

16 Q. And when were those reports filed?

17 A. I talked to her actually the day before, when she
18 was -- February the 15th of 2011, and that report was filed.

19 Q. All right. I'm a little confused.

20 Did you talk to her after you had talked to Mr. Horne
21 over there?

22 A. No, I talked to her about a previous case the day
23 before.

24 Q. So you talked to her the day before. Then there was
25 some conversation with Horne and then you talked to her

1 again?

2 A. Yes, but they were two different cases.

3 Q. And had you talked to her before then?

4 A. Just in passing.

5 Q. And how long had you known her?

6 A. A couple years.

7 Q. And it's your testimony that the events which you are
8 talking about are allegations between the age of eight and
9 ten and she was thirteen or fourteen at the time when she
10 gave you those statements?

11 A. Yes.

12 Q. And are you as sure of that information as you are
13 about anything else you have testified to?

14 A. Yes.

15 Q. You don't happen to know anything about her education,
16 how she was doing in school, or anything, do you?

17 A. No, only at this.

18 Q. And you know about that?

19 A. Yes, that's part of my duties.

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

21 THE COURT: Redirect?

22 REDIRECT EXAMINATION BY MS. PATTERSON:

23 Q. Officer Grooms, did you ever have to discipline Taylor?

24 A. No.

25 Q. Do you know what grades Mr. Horne's class, what grades

1 he teach?

2 A. He teaches from 9th to 12th.

3 Q. So only children that's in the 9th through the 12th
4 grade can be in his class?

5 A. Correct.

6 Q. Thank you.

7 MS. PATTERSON: No further questions.

8 THE COURT: Recross limited to redirect.

9 RE CROSS EXAMINATION BY MR. WILLIAMS:

10 Q. Were you the only person that dealt with discipline at
11 Batesburg-Leesville High School?

12 A. No.

13 Q. Who else dealt with discipline?

14 A. Ross Carey did it as assistant principal, who was the
15 disciplinarian.

16 Q. So you are not the disciplinarian?

17 A. We worked together, but, no, I'm not the
18 disciplinarian.

19 Q. You're a police officer?

20 A. Yes.

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

22 THE COURT: As to this witness, solicitor, may he
23 be excused?

24 MS. PATTERSON: Yes, sir. Thank you, Your Honor.

25 THE COURT: Any objection?

1 MR. WILLIAMS: No objection, Your Honor.

2 THE COURT: Very well.

3 Mr. Grooms, you may step down and you are excused
4 from the trial of this case.

5 Counsel approach.

6 (Whereupon, the lawyers approached the bench for
7 an off-the-record discussion)

8 THE COURT: Mr. Foreman, ladies and gentlemen of
9 the jury, I'm going to stop at this point. I'm going to try
10 to get you home at a reasonable hour. I worked -- I didn't
11 keep my jury, so that the foreman understands that, but I
12 worked them last night until 7:30. I didn't get where I'm
13 staying until nine o'clock last night, so I made my myself a
14 promise I wasn't going to keep the court reporter and the
15 clerk of court or my jury. I sent the jury home. What,
16 y'all left about 4:45, something like that? So I'm going to
17 get each of you home in the timely fashion.

18 We are going to resume the trial of this case in
19 the morning at 9:30. I need you to report to your jury
20 room.

21 Now, you can talk to my bailiffs about how to get
22 into the courthouse to get to the jury room. Don't come out
23 in the courtroom.

24 Over the overnight recess I ask that you do not
25 discuss this case with anyone, not even a member of your own

1 family. Please don't read anything in the newspaper or
2 watch anything on television about the case.

3 You must decide this case solely upon evidence
4 introduced in this courtroom when both sides are present.

5 Now, I know people are curious. When you get
6 home, somebody in your family or a friend will say "well,
7 what's going on with jury duty? Are you on the jury?"

8 Just say "look, the judge asked me not to talk
9 about it."

10 If you run into -- every now and then I have run
11 into this, ladies and gentlemen. If a person persists in
12 wanting to talk to you, you get that person's name. You
13 give it to me. I'll handle that problem for you, ladies and
14 gentlemen. That person won't bother you any more. I can
15 assure you of that.

16 Now, I hope everybody has a pleasant evening.

17 I need you to be here a little prior to 9:30. I
18 don't know that I can start right at 9:30, because things
19 come up. And, as I told you, I have matters back at my
20 home. I'm chief administrative judge of five counties and
21 I'm trying to hold telephone hearings in Lexington, but we
22 are going to start as close to 9:30 as I can, because I want
23 to get you home in a timely fashion.

24 I thank you for your cooperation and your
25 patience. I will look forward to seeing each and every one

1 of you at 9:30 in the morning.

2 You may retire at this time. If you will go with
3 my bailiff, please.

4 (The following takes place outside the presence of
5 the jury panel)

6 THE COURT: All right, let the record reflect that
7 counsel in this case approached the bench and they had a
8 letter from David C. Crawford, Jr., who is the general
9 manager of A-Plus Bonding. The letter provides that they
10 are on the bond for the defendant on the charges in the
11 indictment, and that Mr. Williams requested on behalf of his
12 client. They have agreed to stay on the bond for the
13 duration of the trial.

14 They do understand, solicitor, that when the jury
15 goes for deliberation the defendant would then be in
16 custody.

17 And I understand that in light of that letter, it
18 is your request that the defendant remain on bond during the
19 trial, but you understand he will be in custody once the
20 jury begins deliberation.

21 Is that correct, Mr. Williams?

22 MR. WILLIAMS: That is correct, Your Honor.

23 THE COURT: Is that your understanding also,
24 solicitor?

25 MS. PATTERSON: Yes, sir, Your Honor.

1 THE COURT: Any objection to making what I have
2 marked as Court's Exhibit 1, which is the letter from the
3 A-Plus Bonding Company, a Court's Exhibit, from the State?

4 MS. PATTERSON: Nothing from the State.

5 THE COURT: From the defendant?

6 MR. WILLIAMS: Nothing, Your Honor.

7 THE COURT: I hand it to my court reporter as
8 Court's Exhibit No. 1, without objection.

9 (Letter from Bonding Company marked as Court's
10 Exhibit No. 1 for identification).

11 THE COURT: All right, counsel, I would like to
12 plan for tomorrow, and also for the people that are
13 attending the trial. I have a witness list that has ten
14 witnesses on it. We have taken two. I would like to plan
15 on at least completing the testimony, hopefully, tomorrow.
16 If we can possibly do more, we will see, but we would have
17 to -- I'm going to start at 9:30, and there is a chance
18 maybe that we can, but I certainly want to at least to do
19 that for planning purpose. If we have to go into Thursday,
20 I understand, but I want to try to at least complete as much
21 as possible.

22 Do you understand, solicitor?

23 MS. PATTERSON: Yes, sir.

24 THE COURT: Do you understand that as well, Mr.
25 Williams?

1 MR. WILLIAMS: I do, Your Honor.

2 THE COURT: Very well.

3 Anything on the record outside the presence of the
4 jury from the State before we adjourn for the evening?

5 MS. PATTERSON: No, sir.

6 THE COURT: From the defendant?

7 MR. WILLIAMS: Nothing from the defendant, Your
8 Honor.

9 THE COURT: Very well.

10 This court stands adjourned until 9:30 a.m.
11 tomorrow morning.

12 (Jury Note marked as Court's Exhibit No. 2 for
13 identification)

14 (WHEREUPON, proceedings were adjourned to August
15 29, 2012)

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2 STATE OF SOUTH CAROLINA)
3 COUNTY OF LEXINGTON) IN THE COURT OF GENERAL SESSIONS
4

5 THE STATE)
6 -vs-) TRANSCRIPT OF RECORD
7 GLENN EDWIN VANOVER,) 2011-GS-32-02356
8 DEFENDANT.) 2011-GS-32-02357
9) AUGUST 29, 2012
10) LEXINGTON, SOUTH CAROLINA
11

12 (VOLUME II)
13

14 B E F O R E:
15

16 THE HONORABLE PERRY BUCKNER, JUDGE. ; And a Jury.
17

18 A P P E A R A N C E S:
19

20 RHONDA W. PATTERSON, ASSISTANT SOLICITOR
21 ATTORNEY FOR THE STATE
22

23 THEO WILLIAMS, ESQUIRE
24 ATTORNEY FOR THE DEFENDANT
25

MICHAEL R. WATTS
CIRCUIT COURT REPORTER

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1 (PROCEEDINGS, AUGUST 29, 2012)

2 THE COURT: Counsel, I'm advised by the bailiffs
3 that I still have one juror that has not arrived yet, but I
4 want to put on the record a matter that occurred yesterday
5 at the bench and in my chambers that is not reflected on the
6 record.

7 Yesterday I had two requests to delay or affect
8 the timing of the trial.

9 The first came from defense counsel, who asked me
10 because of a child situation, in which his child had a
11 broken ankle, not start this trial until two o'clock,
12 because he needed to be home with the child because of a
13 care situation, which I agreed to do.

14 The second request came from the solicitor. The
15 solicitor had two children that she needed to pick up at
16 5:30 and she asked me to stop early enough so that she could
17 get to where she needed to pick the children up.

18 We started the trial at two o'clock. It took us
19 until 3:00 to 3:30 to pick a jury.

20 When we got ready to start with testimony,
21 obviously it was four o'clock before we called the first
22 witness.

23 I asked the lawyers to approach the bench. They
24 came up. I reminded the solicitor that she had asked me to
25 stop early in order to accommodate her picking up children.

1 She told me that her first witness was rather long, it was
2 going to be the victim. I told her if she called the
3 victim, that there was a great likelihood that we would have
4 to bifurcate or go over to the next day in the victim's
5 testimony, but I would leave that decision to her, because
6 she wanted to stop early. That was entirely up to her
7 whether she wanted to break up the victim's testimony. She
8 elected instead to call two other witnesses because of the
9 time situation.

10 During the testimony of one of those witnesses
11 counsel for the defendant made an objection, and the
12 objection was on the grounds of hearsay.

13 The case that I reminded the lawyers about when we
14 had the conference at the side bar yesterday concerning that
15 objection was the case of Jolly v. State, which is found at
16 443 S.E. 2d 566. It's a 1994 case, and there have been
17 several cases that reaffirmed Jolly after Jolly. I'm very
18 familiar with the Jolly case, because it came from my home
19 county, and it recognized three exceptions in Jolly to the
20 rule against hearsay that allows prior statements of a
21 witness to be admitted.

22 The first is in a criminal sexual conduct case.
23 When the victim testifies, evidence from other witnesses
24 that the victim complained of the sexual assault is
25 admissible in corroboration, but it is limited to the time

1 and the place of the assault and it has to exclude details
2 or particulars.

3 . . . Because the language of that case says "when the
4 victim testified," I felt it was necessary to put on the
5 record what occurred at the bench. The only reason the
6 victim hadn't testified in this case, and I anticipate will
7 be called later in the trial, was because of the situation
8 of the court trying to accommodate the schedule of the two
9 lawyers that are appearing before the court with care for
10 their respective children, and that's why the victim hadn't
11 been on the witness stand. Both defense counsel and the
12 solicitor knew that. And when the defense counsel made the
13 objection, I pointed out that it was as to time, which was
14 the question, which would have been an exception, if the law
15 is that the victim has to testify first. But because the
16 victim hadn't testified, I thought it was important to put
17 on the record what occurred.

18 Have I accurately stated what occurred, insofar as
19 the solicitor is concerned?

20 MS. PATTERSON: Yes, sir, Your Honor.

21 THE COURT: Insofar as defense counsel is
22 concerned?

23 MR. WILLIAMS: You did, Your Honor.

24 THE COURT: Very well.

25 And that is the only reason. I anticipate we will

1 be hearing from the victim, and I think actually I don't
2 think there is a mandatory requirement, but the language of
3 the Jolly case does say "when the victim testified." And
4 because of that I thought it was necessary to put it on the
5 record.

6 All right. I have also met with counsel in
7 chambers this morning. And the purpose of that was to
8 discuss with them the elements of the offense for which the
9 defendant was indicted.

10 At this point, and we hadn't heard any testimony,
11 counsel believes that if I charge all the elements of the
12 offense, that it would not be necessary to have the third
13 element of this offense expressed in the verdict form, and I
14 understand that. They believe that if I explain each
15 element as defined in the statute, that the verdict form
16 itself would not need to contain an explicit finding of the
17 elements.

18 Is that correct, from the solicitor?

19 MS. PATTERSON: Yes, sir, Your Honor.

20 THE COURT: Correct from defense counsel?

21 MR. WILLIAMS: It is, Your Honor.

22 THE COURT: Very well.

23 All right. I think that covers the matters that I
24 want to cover.

25 THE CLERK: She's here now.

1 THE COURT: I got her here now?

2 THE CLERK: Yes.

3 THE COURT: They are all here?

4 THE BAILIFF: Yes, Your Honor.

5 THE COURT: I understand now that my last -- my
6 twelfth juror has arrived.

7 Is the State ready to proceed?

8 MS. PATTERSON: The State is ready, Your Honor.

9 THE COURT: Is the defendant ready to proceed?

10 MR. WILLIAMS: The defendant is ready, Your Honor.

11 THE COURT: Very well.

12 Bring us a jury, please.

13 (The following takes place in the presence of the
14 jury panel)

15 THE COURT: Good morning, Mr. Foreman.

16 JURY FOREMAN: Good morning.

17 THE COURT: Good morning, ladies and gentlemen of
18 the jury.

19 JURY PANEL: (Collectively said good morning.)

20 THE COURT: I hope everyone had a pleasant
21 evening.

22 We are starting a little bit behind schedule this
23 morning because I understand I had a juror that was a little
24 bit behind at 9:30 getting here.

25 I ask, please, if you would, because I'm trying to

1 get you home in a timely fashion, try to be here on time. I
2 can assure you that I asked the attorneys and their
3 respective clients to be here. So please try -- I realize
4 things do happen. If you have to be late and some emergency
5 arises, then I would appreciate you calling the clerk's
6 office and notifying us, so we can start on time and I can
7 get you home on time.

8 Thank you for your cooperation.

9 Solicitor, you may call your next witness.

10 MS. PATTERSON: Thank you, Your Honor.

11 The State calls Brooke Richburg.

12 BROOKE RICHBURG, having been first duly sworn,
13 testified as follows:

14 THE CLERK: Have a seat, please, ma'am.

15 Once you are seated, you need to speak up loud and
16 clear, stating your full name and spelling your last on the
17 record, please.

18 THE COURT: Pull that microphone -- adjust that
19 seat and pull the microphone down so you don't have to lift
20 up. It's going to amplify your voice. I need you to use it
21 so everybody, particularly my last jurors down, and the
22 parties can hear you.

23 State your full name and spell your last name for
24 the court reporter.

25 THE WITNESS: All right. It's Brooke Elizabeth

1 Grace Richburg, R-I-C-H-B-U-R-G.

2 THE COURT: Can everyone hear down there?

3 JURY PANEL: (Collective said yes).

4 THE COURT: Your witness, counsel.

5 MS. PATTERSON: Thank you, Your Honor.

6 DIRECT EXAMINATION BY MS. PATTERSON:

7 Q. And Brooke, is that -- is Brooke your -- Brooke
8 Richburg, is that your biological name?

9 A. Yes, ma'am.

10 Q. Or the name that you were born?

11 A. No, ma'am.

12 Q. And what name were you born with?

13 A. Taylor Elizabeth Vanover.

14 Q. And why is your name now Brooke Richburg?

15 A. I was adopted.

16 Q. And where were you adopted?

17 A. In this courtroom.

18 Q. When?

19 A. When? April.

20 Q. April of what year?

21 A. 2012.

22 Q. And who adopted you?

23 A. My aunt.

24 Q. And what's your aunt's name?

25 A. Paula Richburg.

1 Q. And is she married?

2 A. Yes, ma'am.

3 Q. And what's her husband's name?

4 A. Kenneth Richburg.

5 Q. And did you know them prior to them adopting you?

6 A. I knew them, but I never really had that relationship
7 with them.

8 Q. Are they related to you?

9 A. Yes, ma'am.

10 Q. How are they related to you?

11 A. My biological mom's brother is my uncle Kenny.

12 Q. And what the are the names of your biological parents?

13 A. Melanie and Glenn Vanover.

14 Q. And do you have any siblings?

15 A. Yes, ma'am.

16 Q. And what are their names and ages?

17 A. I have three older brothers and I have one little
18 sister. I have -- no, I have four older brothers.

19 Q. And what are their names?

20 A. I got Brandon Vanover.

21 Q. And how old is Brandon?

22 A. He's twenty.

23 I got a little brother name Alexander Vanover.

24 Q. And how old is Alexander?

25 A. He's eight.

1 I have an older brother named -- no, I have two older
2 brothers Travis and Brent.

3 Q. And how old are Travis and Brent?

4 A. Twenty-two is Brent, and Travis is nineteen.

5 Q. You said you had a little sister?

6 A. Yes, ma'am.

7 Q. What's her name?

8 A. Keena.

9 Q. Teena?

10 A. Keena.

11 Q. Keena.

12 And how old is Keena?

13 A. She's ten.

14 Q. And of these siblings that you named, how many of them
15 are siblings that you had with Glenn and Melanie?

16 A. Two.

17 Q. And who are they?

18 A. Brandon and Alex.

19 Q. And how old are you now, Brooke?

20 A. I'm sixteen.

21 Q. And what grade are you in?

22 A. I'm in the 11th grade.

23 Q. And when is your birthday?

24 A. In October.

25 Q. When you began school, do you remember if you started

1 school late or not?

2 A. I did.

3 Q. So were you a little older than kids in your class?

4 A. Yes, ma'am.

5 Q. Now, when was the last time that you lived with Glenn
6 and Melanie?

7 A. February of last year, I think it is.

8 Q. And when you lived with them, could you kind of
9 describe your family relationship?

10 A. Me and my mom, we were pretty close, you know. She was
11 kind of like she wanted to be my best friend and my mom at
12 the same time.

13 My dad and me, we really didn't have that kind of
14 relationship. We didn't talk much, besides, you know, in
15 the house.

16 Me and my older brother, we kind of are totally
17 different people. He went down a different road than I did.

18 My little brother, I love him so much. He's my world.

19 Q. Now, Brooke, do you know why you are here today?

20 A. Yes, ma'am.

21 Q. And why are you here today?

22 A. Because my father sexually assaulted me when I was
23 younger.

24 Q. And do you see your father in the courtroom today?

25 A. Yes, ma'am.

1 Q. And where is he?

2 A. He's to my left.

3 Q. Describe what he has on?

4 A. He's wearing a gray tux.

5 MS. PATTERSON: Your Honor, please let the record
6 reflect that she's pointed out the defendant Glenn Vanover.

7 THE COURT: Proceed.

8 BY MS. PATTERSON:

9 Q. Now, Brooke, about how many times did your father
10 sexually assault you?

11 A. I can't -- I don't know exactly how many times, but it
12 happened for awhile. Probably like three times a month.

13 Q. Now, do you remember the first time that he did this to
14 you?

15 A. Yes, ma'am.

16 Q. Do you remember where you were living?

17 A. Yes, ma'am.

18 Q. Where were you living?

19 A. 1127 Sandpit Road.

20 Q. And what city is Sandpit Road?

21 A. I think it's a Leesville address, but I went to Gilbert
22 schools.

23 Q. And what grades did you go to the Gilbert school?

24 A. I would have to say probably 2nd to 4th, because when I
25 left there I was in Batesburg for 5th grade.

1 Q. And the first time that he assaulted you, do remember
2 what was -- do you remember who was home with you?

3 A. Yes, ma'am.

4 Q. And who was home?

5 A. My older brother, my dad, and me.

6 Q. And where was your mom?

7 A. She was working.

8 Q. And was Alex born yet?

9 A. No, ma'am.

10 Q. And can you tell us what led up to him doing this to
11 you?

12 A. Well, it was always like when we were younger --
13 nothing happened before, and it was always cool to go in
14 dad's room and watch TV with him. And me and Brandon were
15 always fighting over who wanted to go in there, and finally
16 he came out just this one time, it was like "well, Taylor is
17 going to come in here," and so I did. And --

18 Q. Were you excited that you got chosen to go in the room
19 with dad?

20 A. At first I was.

21 Q. And when you got in the room -- did you have another TV
22 in the house?

23 A. No, ma'am.

24 Q. And when you got in the room with daddy, what happened?

25 A. Well, we were laying down and the light was out and he

1 just started kind of feeling on me.

2 Q. And what was your immediate reaction?

3 A. I didn't know what to do. I -- I had never had that
4 done to me before, so I wasn't -- I didn't know what to do.

5 Q. Did he say anything to you?

6 A. He asked me if it felt good.

7 Q. And what was your response?

8 A. I didn't really say anything.

9 Q. Did you have any kind of reaction?

10 A. I just -- I was quiet. I didn't -- I have never had it
11 done to me before, so I didn't know.

12 Q. Now, did you have on clothes?

13 A. I did.

14 Q. Did he have on clothes?

15 A. He did.

16 Q. And where were you sitting?

17 A. I was on his bed.

18 Q. And where was he in relation to you?

19 A. He was beside me.

20 Q. And did he do anything else on this occasion?

21 A. Not on this occasion.

22 Q. Did he tell you not to tell anybody what happened?

23 A. Yes, ma'am.

24 Q. And did you tell anybody what happened after this?

25 A. No, ma'am.

1 Q. Now, did he do it again after that?

2 A. Yes, ma'am.

3 Q. And what was the circumstances surrounding that time?

4 A. This time he asked me to come in the room, and I did.

5 And he was just -- it was totally different. He -- he kept
6 asking me if it felt good, and I didn't know what to say.

7 And finally --

8 THE COURT: You need to speak up just a little bit
9 for me.

10 THE WITNESS: All right.

11 A. He just -- he kept asking me, you know, "does this feel
12 good?"

13 And when you are younger you ask questions, you know,
14 because you are curious. And I was like "well, what is this
15 called?" And he told me it was called sex.

16 BY MS. PATTERSON:

17 Q. And what was he doing to you to ask you if it felt
18 good?

19 A. He was -- he was kind of like cradled on top of me.

20 Q. And did you lay down on the bed? Were you on the bed?

21 A. Yes, ma'am.

22 Q. Did you lay down on the bed on your own?

23 A. Yes, ma'am.

24 Q. And did you have on clothes?

25 A. I had my pants pulled down.

1 Q. Who pulled your pants down?

2 A. He did.

3 Q. And was he clothed?

4 A. He had his pants pulled down.

5 Q. And how was he positioned on top of you?

6 A. He was kind of like cradled on top of me.

7 Q. And was -- did he touch you?

8 A. Yes, ma'am.

9 Q. Where did he touch you?

10 A. My private.

11 Q. And what do you mean by private?

12 A. My lower half.

13 Q. And what did he touch you with?

14 A. His private.

15 Q. Did he touch you inside or outside your private?

16 A. Both.

17 Q. Did he have anything on his private?

18 A. No, ma'am.

19 Q. And are you sure it went inside your private?

20 A. (Shaking head yes)

21 THE COURT: You have to say yes or no for me.

22 A. Yes, ma'am.

23 BY MS. PATTERSON:

24 Q. And how are you sure?

25 A. It hurt.

1 Q. And did he say anything while he was doing this to you?

2 A. No, ma'am.

3 Q. And who was home with you at this time?

4 A. Just Brandon and daddy.

5 Q. Did you try to call out for help?

6 A. No, ma'am.

7 Q. And why not?

8 A. I was afraid.

9 Q. And was he saying anything to you while he was doing
10 this?

11 A. He told me not to tell anyone. And if I did, I would
12 be in a lot of trouble.

13 Q. And did he let you up at some point?

14 A. Yes, ma'am.

15 Q. And did you do -- what did you do after he was done?

16 A. I walked out.

17 Q. And where did you go?

18 A. I went to my room.

19 Q. And what did you do?

20 A. I just sat there.

21 Q. And did you tell anybody after this time?

22 A. No, ma'am.

23 Q. Why not?

24 A. I was afraid.

25 Q. And did he do it again?

1 A. Yes, ma'am.

2 Q. Were you still living at the same house?

3 A. Yes, ma'am.

4 Q. And where did all of these assaults occur?

5 A. They were mostly at that house.

6 And then there was an incident when we left and --

7 Q. Now, getting back to that house, was it always in his
8 room?

9 A. Yes, ma'am.

10 Q. And where was your mom all these times?

11 A. She was working.

12 Q. Do you remember where she was working?

13 A. I think she was working at McDonald's in Batesburg.

14 Q. And do you remember what shift or what time that she
15 worked?

16 A. It was during the day.

17 Q. And when he assaulted you again, did it happen pretty
18 much the same way as you described today?

19 A. Yes, ma'am.

20 Q. Did he ever do anything different or have you do
21 anything different?

22 A. Yes, ma'am.

23 Q. And what would he -- what would he have you do?

24 A. He would get me to put my mouth on his private.

25 Q. And would he be saying anything while you were doing

1 this?

2 A. No, ma'am. He would -- he would mention someone's
3 name.

4 Q. And about how many times did he have you do this?

5 A. It was just about -- after the third time, probably
6 just about every time after.

7 Q. Would he have you do anything else to him?

8 A. He would put my hand on his private and that was it.

9 Q. And when he would put your hand on his private, what
10 would he have you do?

11 A. Move my hand up and down.

12 Q. And would he do anything else to you besides put his
13 private inside your private?

14 A. No, ma'am.

15 Q. Now, you said at one point you moved out of the house
16 at Sandpit?

17 A. Yes, ma'am.

18 Q. And where did you move?

19 A. We moved to the lake house.

20 Q. And do you know the address of that lake house?

21 A. 1010 Wildwood Circle.

22 Q. And whose house was that?

23 A. It was his mom's.

24 Q. And what's her name?

25 A. Margaret Vanover.

1 Q. And when you moved to that house, did you go to a
2 different school?

3 A. Yes, ma'am.

4 Q. What school did you go to?

5 A. I went to Batesburg.

6 Q. Do you remember what grade that you were in?

7 A. I was in 5th grade.

8 Q. And did your father ever do anything to you at that
9 house?

10 A. There was one time.

11 Q. Do you remember about how old you were in the 5th
12 grade?

13 A. Probably about ten.

14 Q. But you are not sure?

15 A. I'm not sure.

16 Q. And at that house during that time when he touched you
17 what happened?

18 A. It was like the times before.

19 Q. And did you tell anybody about that time?

20 A. No, ma'am.

21 Q. Now, do you remember when you finally did tell
22 somebody?

23 A. Yes, ma'am.

24 Q. And who did you tell?

25 A. I told my mom.

1 Q. And what made you tell your mom this time?

2 A. They were arguing. They always argued, but she always
3 said she was going to leave him and --

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

5 THE COURT: Sustained.

6 BY MS. PATTERSON:

7 Q. Without saying what your mom told you, what made you
8 tell her this time?

9 A. She was just upset because they were arguing, and
10 she -- she came in the room and she sat down and I told her,
11 that I thought she should know that.

12 Q. And without saying what she said, what was her
13 reaction?

14 A. She cried.

15 Q. Did she do anything else?

16 A. No, ma'am.

17 Q. And what happened with you after you told your mom that
18 time?

19 A. I went to stay with my best friend McKayla.

20 Q. Do you remember how old you were when you told your mom
21 that time?

22 A. No, ma'am. I just know I was in the 7th grade.

23 Q. And when you told her, how much time had passed since
24 the last time he had touched you?

25 A. Probably -- probably about two years.

1 Q. So you held it in for two years before you finally told
2 your mom?

3 A. Yes, ma'am.

4 Q. And why did you hold it in so long?

5 A. I seen the way he treated my mom and how he hit her.

6 MR. WILLIAMS: Objection, Your Honor.

7 THE COURT: Grounds?

8 MR. WILLIAMS: It's prejudicial and it has nothing
9 to do with the charge.

10 THE COURT: I believe she can testify to what she
11 said, counsel.

12 MR. WILLIAMS: All right, sir.

13 THE COURT: Proceed.

14 BY MS. PATTERSON:

15 Q. And why did you --

16 THE COURT: Tell us just what you said and not
17 what someone else said. Do you understand?

18 THE WITNESS: Yes.

19 THE COURT: Very well.

20 Proceed.

21 BY MS. PATTERSON:

22 Q. And so you went to live with McKayla?

23 A. Yes, ma'am.

24 Q. And how long did you stay with McKayla?

25 A. About two months.

1 Q. And when you first went to stay with McKayla, did you
2 tell her what had happened at your house?

3 A. I did not.

4 Q. Did you tell her mom?

5 A. No, ma'am.

6 Q. And did you ultimately return to the Vanover house?

7 A. Yes, ma'am.

8 Q. And when did you go back and live with them?

9 A. They -- they picked me up from school.

10 Q. Who picked you up?

11 A. Melanie and Glenn.

12 COURT REPORTER: Can you pull that microphone a
13 little bit closer to you, please? Thank you.

14 BY MS. PATTERSON:

15 Q. And when they picked you up from school, where did you
16 go?

17 A. I went to my grandma's house.

18 Q. Which grandma?

19 A. Vanover.

20 Q. And where was she living?

21 A. In Columbia.

22 Q. And when you went to grandma Vanover's house, what
23 happened at her house that day?

24 A. We had a meeting.

25 Q. Who had a meeting?

1 A. Me, my grandma, my mom, and my dad.

2 Q. Was anybody else there?

3 A. My grand-dad was, but he was sick and he didn't
4 understand what was going on.

5 Q. And where did you have this meeting in the house?

6 A. In the dining room closest to the kitchen.

7 Q. And where was everybody sitting or positioned?

8 A. My dad was straight across from me, and my grandma was
9 to my right, and my mom was to my left.

10 Q. And were y'all at a table or --

11 A. We were at a table.

12 Q. Dad across, mom where?

13 A. She was to my left.

14 Q. And grandma where?

15 A. To my right.

16 Q. And at this meeting that the topic of what your dad had
17 did to you, did that come up?

18 A. Yes, ma'am.

19 Q. Who brought it up?

20 A. My grandma.

21 Q. And did you tell your grandma what he had did to you?

22 A. Yes, ma'am.

23 Q. Did you tell her to same thing you had told your mom?

24 A. Yes, ma'am.

25 Q. Without saying what she said, what was her reaction?

1 A. She was angry.

2 Q. Who was she angry at?

3 A. Me.

4 Q. And at this meeting did you ever take anything you said
5 back or recant it?

6 A. No, ma'am.

7 Q. And why didn't you?

8 A. Because I wasn't going to say I was lying about
9 something I wasn't.

10 Q. And so where did you go after you left grandma's that
11 day?

12 A. Went back to the lake house.

13 Q. And how was your life at the Vanovers after that?

14 A. We really didn't talk good like a family, like we used
15 to.

16 Q. Did you talk to anybody in the house?

17 A. I did.

18 Q. Who did you talk to?

19 A. We would just say, you know, just normal stuff a family
20 would.

21 Q. Did you ever go back to grandma Vanover's after that?

22 A. Yes, ma'am.

23 Q. And how was you treated when you went back over there?

24 A. It was different. We didn't speak much.

25 Q. Had you and your grandma been close before that?

1 A. Yes, ma'am.

2 Q. And how did you -- how did that make you feel when you
3 didn't get to talk to your grandma much?

4 A. Kind of like isolated.

5 Q. Did you talk to your mom much after that?

6 A. Uh-uh.

7 Q. And how did that make you feel?

8 A. Bad.

9 Q. Why did it make you feel bad?

10 A. Because I love my mom.

11 Q. And so, Brooke, after all of that was going on, what
12 made you finally talk to Mr. Horne?

13 A. Everything that was going on at that house.

14 And my little brother, he's ADHD, and they just found
15 out that he's autistic too, and --

16 MR. WILLIAMS: Your Honor, I have a matter of law
17 I would like to take up with the court.

18 THE COURT: Counsel approach.

19 (Whereupon, the lawyers approached the bench for
20 an off-the-record discussion)

21 THE COURT: Counsel, I understand you are
22 satisfied about the matter of law that you approached the
23 bench about, is that correct?

24 MR. WILLIAMS: I am, Your Honor.

25 THE COURT: Very well.

1 Solicitor, please proceed.

2 MS. PATTERSON: Thank you, Your Honor.

3 BY MS. PATTERSON:

4 Q. And, Brooke, speak up just a little louder for us,
5 okay?

6 Now, when you talked to Coach Horne about yourself,
7 what made you go to him and talk to him about what was going
8 on with you?

9 A. I had talked to him about something before that and he
10 showed me that I could trust him.

11 Q. And so did you approach him about what was going on
12 with you?

13 A. Yes, ma'am.

14 Q. And was this matter concerning your dad?

15 A. Yes, ma'am.

16 Q. And did you tell him all the details?

17 A. Not all the details.

18 Q. And what type of teacher was he to you?

19 A. Criminal justice.

20 Q. And how long had you been in his class?

21 A. About two months.

22 Q. And what grade were you in at that time?

23 A. I was a freshman.

24 Q. And what grade is that?

25 A. 9th grade.

1 Q. Do you remember how old you were?

2 A. I was fourteen, fifteen.

3 Q. And let's go back just for a minute, just to make sure
4 that we are clear on something.

5 When you were in the 5th grade, you said that's the
6 last time your dad assaulted you?

7 A. Uh-huh.

8 THE COURT: You have to say yes or no.

9 A. Yes, ma'am.

10 BY MS. PATTERSON:

11 Q. And keep your voice up just a little bit for me. Thank
12 you.

13 And how old were you?

14 A. I was ten.

15 Q. And what school were you going to?

16 A. Batesburg.

17 Q. And was anything else going on with you around that
18 time? You were in the 5th grade.

19 A. No, ma'am.

20 Q. Do you know what made your dad stop?

21 A. Yes, ma'am.

22 Q. What made him stop touching you?

23 A. I had started my period.

24 Q. And do you remember when you started your period?

25 A. I was in the 5th grade.

1 Q. And you were how old?

2 A. I was ten.

3 Q. Now, were you ten the whole 5th grade year?

4 A. No, ma'am.

5 Q. And how old were you the entire 5th grade year?

6 A. I think I was eleven.

7 Q. Now, let's go back to your meeting with Coach Horne.

8 So you told him what was going on with you and your
9 dad?

10 A. Yes, ma'am.

11 Q. And what did he do once you told him everything?

12 Whatever you told him, what did he do?

13 A. He called DSS.

14 Q. And did you meet with someone from DSS?

15 A. Yes, ma'am.

16 Q. And who was that?

17 A. Constance.

18 Q. And where did you meet with Ms. Constance?

19 A. At school.

20 Q. And where did you meet with her within the school?

21 A. We were in the front office, in like a meeting room.

22 Q. And who was present at that meeting?

23 A. Just me and her.

24 Q. And at that meeting did you tell her what you had told
25 Mr. Horne?

1 A. Yes, ma'am.

2 Q. Did you tell her anything else different?

3 A. No, ma'am.

4 Q. Did you give her any more details?

5 A. Yes, ma'am.

6 Q. And did you talk to anybody else?

7 A. No, ma'am.

8 Q. Do you remember talking to Officer Grooms?

9 A. Yes, ma'am.

10 Q. And did you talk to him before or after you talked to
11 Mr. Constance?

12 A. It was before.

13 Q. And did you tell him what you had told Mr. Horne?

14 A. The first time he called me in there I talked to him
15 and I really didn't talk about that, because I didn't feel
16 comfortable, but Coach Horne came back up there with me and
17 helped me talk to him.

18 Q. And did you tell him at that point what you had told
19 everybody else?

20 A. Yes, ma'am.

21 Q. And after you talked to Ms. Constance, did you go home
22 that day?

23 A. Yes, ma'am.

24 Q. And what happened when you got home? Who was there?

25 A. Constance pulled in.

1 Q. And who was at your house with you?

2 A. Glenn, Melanie, Brandon, and Alex.

3 Q. And what were you doing when Constance arrived?

4 A. I was in the bathroom with my little brother giving him
5 a bath.

6 Q. And when Constance came to the house, was she alone?

7 A. No, ma'am.

8 Q. Who was with her?

9 A. She brought an officer.

10 Q. And did you talk to Constance and that officer about
11 what was going on?

12 A. Yes, ma'am.

13 Q. And after you talked to them, what happened to you?

14 A. We were removed.

15 Q. And where did you go, once you were removed?

16 A. In emergency foster home.

17 Q. And how long did you stay in that emergency foster
18 home?

19 A. A night.

20 Q. And -- excuse me, I'm sorry.

21 And after you left that emergency foster home, where
22 did you go?

23 A. Ms. Fredericks house.

24 Q. Ms. Who?

25 A. Ms. Fredericks.

1 Q. And who is Ms. Fredericks?

2 A. She was my first foster home.

3 Q. Keep your voice up for me a little bit.

4 COURT REPORTER: You can pull that microphone a
5 little closer.

6 BY MS. PATTERSON:

7 Q. How long did you stay with Ms. Fredericks?

8 A. Ma'am?

9 Q. How long did you stay with Ms. Fredericks?

10 A. For two months.

11 Q. And where did you go after that?

12 A. I went to Ms. Karen's house.

13 Q. And who was Ms. Karen?

14 A. She was a foster mom.

15 Q. And how long did you stay with Ms. Karen?

16 A. Probably three months, until school got out.

17 Q. And then once school was out, where did you go?

18 A. I went to a group home in Aiken.

19 Q. And how was it living in that group home?

20 A. It was terrible.

21 Q. And how long did you stay in that group home?

22 A. I was there for almost a year.

23 Q. And what happened to you after that?

24 A. I got adopted.

25 Q. So you held this terrible secret in for years?

1 A. Yes, ma'am.

2 Q. But then when you finally told people, you had to
3 retell this story about how many times now?

4 A. A lot.

5 Q. And how has it been for you retelling this story?

6 A. It makes me feel better that I got it out, but it's
7 embarrassing.

8 Q. And how do you feel today about getting it out?

9 A. I feel a lot better, because I know that -- they know
10 that -- I know that he knows that I have got it out and
11 that's all that matters to me.

12 Q. And what you have said on that jury stand and told us,
13 has it been the absolute truth?

14 A. Yes, ma'am.

15 MS. PATTERSON: Beg the court's indulgence, Your
16 Honor.

17 (Off the record)

18 (Back on the record)

19 BY MS. PATTERSON:

20 Q. Now, you said that you went to several schools?

21 A. Yes, ma'am.

22 Q. And at first you went to the Gilbert schools?

23 A. Yes, ma'am.

24 Q. Through the 4th grade?

25 A. Uh-huh.

1 Q. And how were your grades during that time?

2 THE COURT: Just a minute.

3 You have to say yes or no. He can't take down an
4 uh-huh, so yes or no.

5 A. Yes, ma'am.

6 BY MS. PATTERSON:

7 Q. And how were your grades during that time?

8 A. They were good.

9 Q. And then you went to the Batesburg schools?

10 A. Yes, ma'am.

11 Q. Through the 5th grade? Starting at the 5th grade?

12 A. Yes, ma'am.

13 Q. And how were your grades during that time?

14 A. 6th grade they were really good.

15 7th grade they got off.

16 And in 8th grade they got better.

17 Q. And why did they get off in the 7th grade?

18 A. That's when I told my mom.

19 Q. And when you were in the group home in Aiken, how were
20 your grades?

21 A. I had A's and B's.

22 Q. And now are you on track in school?

23 A. Yes, ma'am.

24 Q. You are expected to graduate next year?

25 A. Yes, ma'am.

1 Q. Thank you, Brooke.

2 Please answer any questions the defense may have.

3 MR. WILLIAMS: May it please the court?

4 CROSS EXAMINATION BY MR. WILLIAMS:

5 Q. Ms. Richburg, you indicated that you told your story a
6 lot --

7 A. Yes, sir.

8 Q. -- recently.

9 How many times do you think that you have told your
10 story?

11 A. Numerous.

12 Q. Twenty-five times?

13 A. Probably not that much.

14 Q. Has it always been consistent?

15 A. Yes, sir.

16 Q. So it's never varied in any way whatsoever?

17 A. No, sir.

18 Q. Let me just take you back to your original testimony
19 about when this occurred.

20 As I understand, it occurred when you were how old?

21 A. Eight.

22 Q. And you were in what grade?

23 A. I can't remember exactly what grade I was in. I just
24 know that I lived back behind my grandma's house in Gilbert.

25 Q. Well, since you have told your story so many times,

1 let's think about, all right?

2 You were sixteen now, right? Right?

3 A. Yes, sir.

4 Q. And you are in the 9th grade -- no, you are in the 11th
5 grade, aren't you?

6 A. Yes, sir.

7 Q. So if you were eight at the time, that would be eight
8 grades back, wouldn't it?

9 A. Yes, sir.

10 Q. So if you subtract eight from eleven, then what do you
11 get?

12 A. Three.

13 Q. All right. So you would have been in the 3rd grade
14 when this first happened?

15 A. (Shaking head yes).

16 Q. Is that right?

17 A. Yes, sir.

18 Q. All right. So you were in the 3rd grade when it
19 started.

20 And I believe you said that this happened three times a
21 month?

22 A. Yes, sir, about.

23 Q. Well --

24 A. I'm not exactly sure. I didn't keep count.

25 Q. All right. It happened three times a month. So -- and

1 that continued up until you moved to your new house or the
2 new house at the lake, right?

3 A. Yes, sir.

4 Q. So if you take it three times a month, that's --

5 When did you move to the new house at the lake?

6 A. 5th grade.

7 Q. All right. So you figure twenty-four months and it
8 happened three times a month, what? Seventy-two times?

9 A. It was a lot.

10 Q. Seventy-two times?

11 A. It wasn't that much.

12 Q. And every time that it happened, it always happened
13 when your brother and your father would be at the house and
14 it would be just the two of them, and your mother would
15 never be present, is that right?

16 A. She walked in on it one time.

17 Q. She walked in on it?

18 What happened when she waked in on it, when your mother
19 walked in on it and saw it?

20 A. The light was out and she just turned around and walked
21 right back out.

22 Q. So you are saying that your mother actually saw this
23 happen and didn't do anything about it?

24 A. Yes, sir. I'm not sure that she knew exactly what was
25 going on, but she walked in.

1 Q. And when did this happen that she walked in and saw
2 this happen?

3 A. When we lived back behind my grandma.

4 Q. Well, what grade were you in when this happened?

5 A. It was the 3rd, 4th.

6 Q. Did it happen the last time that you left before you
7 went to the lake?

8 A. I can't remember exactly what time.

9 Q. And when your mother walked in and saw this happening,
10 what did you tell her about it?

11 A. I didn't say anything. I was afraid.

12 Q. What did she say about it when she was watching you
13 have this act?

14 A. She didn't say anything. She wasn't in there that
15 long.

16 Q. Well, how long was she in there?

17 A. She just walked in and walked right back out.

18 Q. But clearly you remember her coming in when this was
19 going on?

20 A. Yes, sir.

21 Q. And she didn't say a thing about it?

22 A. No, sir.

23 Q. And then the first time that you had the occasion to
24 talk to anybody about this was when you were living at the
25 lake and you talked to your mother in your bedroom, is that

1 right?

2 A. Yes, sir.

3 Q. And there was nothing going on special that day?

4 A. No, sir.

5 Q. Are you sure that this didn't happen on your older
6 brother's sixteenth birthday?

7 A. I'm positive.

8 Q. And you didn't have -- you weren't concerned about the
9 fact that your older brother had gotten a car that day for
10 his birthday, were you?

11 A. No.

12 Q. And you weren't concerned that you weren't able to
13 drive or anything like that?

14 A. No, sir.

15 Q. And you weren't ever jealous of your brother about how
16 he was treated differently than you were?

17 A. No, sir.

18 Q. You never had any problems with that?

19 A. No, sir.

20 Q. And then -- I think you have already -- you have
21 already talked about the fact that your grades were always
22 good?

23 A. For the most part.

24 Q. A's and B's.

25 So these terrible things that were happening to you at

1 the house did not influence your schoolwork?

2 A. I was always quiet in school and I didn't really talk
3 to anyone.

4 Q. But they certainly didn't influence your schoolwork and
5 cause you any problems whatsoever?

6 A. No, sir.

7 Q. The only problem you ever had is when you told your
8 mother, is that right?

9 A. Yes, sir, in my 9th grade.

10 Q. In your 9th grade year.

11 Well, let's go to the schools that you were in. What
12 grades were you in which schools?

13 A. I can't remember. I just know I went to Batesburg in
14 the 5th grade.

15 Q. Batesburg Elementary?

16 A. Yes, sir.

17 Q. And then is there a Batesburg-Leesville middle school?

18 A. Yes, sir.

19 Q. And what grades would those be?

20 A. It's 6th -- it's 6th grade through 8th.

21 Q. All right. And then there is a Batesburg-Leesville
22 High School, which is at a different location, isn't there?

23 A. Yes, sir.

24 Q. And is it your testimony that everything was fine up
25 until you got to the 9th grade in high school?

1 A. My 7th grade year was not that good. My 9th grade year
2 wasn't that good.

3 Q. So you had two years that weren't that good?

4 A. Yes, sir.

5 Q. All right. And when did you tell your mother?

6 A. 7th grade.

7 Q. All right. And so that wasn't good that year.

8 And then your reason why your grades weren't good in
9 the 9th grade was because, what?

10 A. I had a lot going on. I got in trouble one time in
11 high school.

12 Q. Well, let's talk about that trouble that you got in.

13 A. Well, it was my brother's older friends, their
14 girlfriends. They convinced me to skip school with them and
15 I told them I would -- like yeah, I will go, because my
16 older brother had skipped school plenty of times and he
17 never got punished for it. So I was like well, I guess I
18 can do it too. And when I did, I heard their names get
19 called on announcements the next morning to go to
20 discipline, and then they didn't call my name and I was
21 wondering why, and I never got in trouble before in high
22 school. So I went up to Coach Carey and I told him what I
23 did and I told him I felt bad for it, and he let me off and
24 only gave me two days ISS, I think it was.

25 Q. And that's the only trouble that you got into with your

1 parents?

2 A. They didn't discipline me for it.

3 Q. They didn't?

4 A. No.

5 Q. And --

6 A. I don't think they really cared.

7 Q. You didn't sneak off to the doctor's office and get
8 doctor's excuses to turn them into the school so that you
9 wouldn't have to show up at school?

10 A. No, sir.

11 Q. And how were your grades in the 9th grade?

12 A. They -- my first semester wasn't good at all.

13 Q. Well, let's talk about how bad it was.

14 A. My math grade was really low. It was mostly because
15 my -- I was up all night taking care of my little brother
16 because he was put on sleeping pills during the day so they
17 wouldn't have to put up with him, so I was up all night. I
18 was tired during school. I didn't feel like I could do it
19 and my grades were terrible --

20 Q. So --

21 A. So the second semester came around. I passed the one
22 class first semester and that was the ROTC.

23 Q. So out of all the classes you took in the 9th grade,
24 the only class that you passed was ROTC?

25 A. No, sir, my second semester I recovered all my classes

1 when I left.

2 Q. The first semester you didn't pass any of your
3 classes --

4 A. I passed one.

5 Q. -- except ROTC?

6 A. Yes, sir.

7 Q. All right. And that didn't have --

8 How many days did you miss from school that first
9 semester?

10 A. I don't know. My mom would get me out of school to
11 take care of my little brother.

12 Q. So it's your mom's fault that you weren't in school?

13 A. No, sir. She would get me out. If I needed to go --
14 if I needed to watch my little brother, if he missed the
15 bus, that's what she would do.

16 Q. How many days that you simply not go to school and your
17 mother and father didn't know where you were?

18 A. None.

19 Q. None?

20 Did you ever sneak out of the house?

21 A. No, sir.

22 Q. Did you ever go to locations and your mom and dad not
23 know where you were?

24 A. No, sir.

25 Q. Did he ever go to the beach with friends and they

1 didn't know you were at the beach?

2 A. No, sir.

3 Q. Is it your testimony that you were not on probation
4 with your parents in 2011, when this story came out; that
5 your father had taken away your cell phone?

6 A. I don't understand your question.

7 Q. Didn't your father take away --

8 THE COURT: Hold on, counsel.

9 One question at a time and let the witness
10 respond. Don't ask multiple questions so the witness can
11 respond.

12 MR. WILLIAMS: Yes, sir.

13 THE COURT: Proceed.

14 BY MR. WILLIAMS:

15 Q. Didn't your father take away your privileges because
16 you were not behaving right at home?

17 A. No, sir.

18 Q. He didn't take away your cell phone privileges?

19 A. They didn't -- sometimes they wouldn't pay my payments
20 on my minutes because they didn't have the money. They used
21 it for other reasons.

22 Q. They didn't take away your cell phone?

23 A. No.

24 Q. They didn't require you to go back to your room and not
25 go out?

1 A. No, sir.

2 Q. So when you got all these F's, your parents didn't
3 respond in any particular way? They didn't get --

4 A. I came -- I came home with my report card and I was in
5 tears, because I had seen myself going down a road that I
6 seen my older brother go down and he dropped out and I
7 didn't want to do that. I knew I had to do something with
8 my life, and I was crying. And I showed my parents and my
9 dad looked at me and he said "it's all right. Everyone
10 makes an F sometimes. I made F's in school," but to me
11 that's not what I wanted to hear.

12 Q. So your parents didn't have any trouble with the F's
13 that you got?

14 A. They really didn't care. He told me that everyone
15 makes an F.

16 Q. After you made your report to the -- what --

17 Let me ask you this. Let me go --

18 It's your testimony that when your mother took you for
19 a meeting with your grandmother --

20 A. My mom and my dad took me.

21 Q. So your dad was in the car with you at the time?

22 A. Yes, sir.

23 Q. And when you went to see your grandmother and your
24 grandmother confronted you about these allegations, wanting
25 to know if they were true or not, is that right?

1 A. Yes, sir.

2 Q. Is it your testimony that you did not say "no, they are
3 not true. I lied."

4 A. I never said that.

5 Q. Now, you have lots of friends that you could confide --
6 you said you couldn't confide because you were scared and
7 you couldn't confide with your mother, is that right?

8 A. Yes, sir.

9 Q. But she was close to you? She was like a girlfriend?

10 A. Sometimes she was, sometimes she wasn't.

11 Q. And you never felt comfortable confiding with your
12 mother up until what year?

13 A. Up until the 7th grade.

14 Q. 7th grade?

15 A. (Shaking head yes).

16 Q. And this --

17 THE COURT: Just a moment.

18 You have to say yes or no, not nod that head.

19 THE WITNESS: Sorry.

20 BY MR. WILLIAMS:

21 Q. 7th grade?

22 A. Yes, sir.

23 Q. And when you told her, she was all upset, wasn't she?

24 A. Yes, sir.

25 Q. And you went to stay with a friend of yours for how

1 many days?

2 A. About two months.

3 Q. Two months?

4 Now, she just picked you up one day after two months
5 and took you to your grandmother's house?

6 A. Her and Glenn did.

7 Q. Just took you there, and then you had this conversation
8 with grandma?

9 A. Yes, sir.

10 Q. And you told your grandmother that it happened?

11 A. Yes, sir.

12 Q. And you never said that you lied?

13 A. No, sir.

14 Q. And after that your grandmother treated you
15 differently, is that right?

16 A. Yes, sir.

17 Q. Well, now, you had the opportunity to tell your friends
18 that this was going on, didn't you?

19 A. At some point I did.

20 Q. But you never told anybody, did you?

21 A. I told McKayla.

22 Q. Well, you had friends that you came home and were
23 saying that they were being abused by their parents, didn't
24 you?

25 A. Some of my friends were.

1 Q. Some of your friends were being abused by their
2 parents?

3 A. That's what they said.

4 Q. And you brought those friends to your mother and
5 father's house?

6 A. Yes, sir.

7 Q. Now, why would you take children that you thought were
8 being abused in any way to your parents house, because you
9 obviously were being abused, right?

10 A. They wouldn't -- they wouldn't do anything around them.
11 They were totally different people behind closed doors.

12 Q. Well, did you tell those friends that were being abused
13 that they needed to go to law enforcement?

14 A. Yes, sir.

15 Q. How many friends did you have that were being abused by
16 their parents?

17 A. I had one and her name was Anna.

18 Q. So she was being sexually abused also?

19 A. Not sexually.

20 Q. How was she being abused?

21 A. She told me that her father had thrown hot coffee on
22 her in the morning. She was -- she -- right now she's on
23 the down road. I don't talk to her any more.

24 Q. How many parents -- I mean how many friends of your
25 have been sexually abused, that you are aware of?

1 A. None.

2 Q. Well, after you had this meeting, you say everything
3 got a little strange with your grandmother?

4 A. Yes, sir.

5 Q. Well, didn't you go stay with your uncle up in Virginia
6 that summer?

7 A. I think so.

8 Q. Do you know who I'm talking about?

9 A. Yes, sir.

10 Q. What's your uncle's name?

11 A. Uncle Mike.

12 Q. Is he in the courtroom now?

13 A. Yes, sir.

14 Q. How long did you stay with your uncle up in Virginia?

15 A. Gosh, two weeks, maybe.

16 Q. Did you have a good time?

17 A. Yes, sir.

18 Q. Did you tell your uncle what had happened?

19 A. No, sir.

20 Q. Well, you obviously would have been -- you were in a
21 safe environment, weren't you?

22 A. I had told him one time before something that was going
23 on at the house where my father was going down the road and
24 he was drunk and he was high and he was driving and he kind
25 of like phased out and was swerving off the road and I

1 screamed, because I was scared, and he just like reached up
2 and popped me in the face. And I told my uncle and he told
3 my grandmother --

4 Q. You felt comfortable talking to your uncle?

5 A. Uh-uh.

6 Q. So that's why you didn't talk to --

7 THE COURT: Just a moment.

8 You got to say yes or no, ma'am.

9 BY MR. WILLIAMS:

10 Q. Is that right?

11 THE COURT: Repeat your question, counsel, and
12 give her an opportunity to respond orally so she doesn't
13 shake her head.

14 BY MR. WILLIAMS:

15 Q. You felt comfortable talking to your uncle?

16 A. Not really, not after that.

17 Q. Because you didn't feel that your uncle believed
18 everything that you said, did you?

19 A. He went and told my grandma, like everyone else did.

20 Q. So it's a conspiracy between all of your relatives
21 against you?

22 A. They are all -- I feel like -- personally I feel like
23 grandma has got control over all of them.

24 Q. How old is your grandmother?

25 A. How old is she?

- 1 Q. Yeah, how old is she?
- 2 A. I don't know, like seventy-seven.
- 3 Q. How about your grand-daddy?
- 4 A. I don't know. He passed away.
- 5 Q. When did he pass away?
- 6 A. 2000 -- oh, god, a couple years ago.
- 7 Q. Did you ever express to these individuals out here that
- 8 you wish you could stay in a better place that had -- where
- 9 people had more money and cars and things like that?
- 10 A. No.
- 11 Q. You were never concerned about those types of things?
- 12 A. No, sir.
- 13 Q. Now, do you remember talking to the police officer and
- 14 giving him a written statement about what occurred?
- 15 A. Yes, sir.
- 16 Q. That would be -- that would be Officer Longshore, right
- 17 here?
- 18 A. Yes, sir.
- 19 Q. Detective Longshore.
- 20 Do you remember telling him how many times this thing
- 21 happened?
- 22 A. Yes, sir.
- 23 Q. How many times did you tell him it happened?
- 24 A. I can't remember exactly.
- 25 Q. You didn't tell him three times a month for two years?

1 A. It was probably around that. Maybe it didn't happen
2 every month, but --

3 THE COURT: Counsel --

4 A. It was very --

5 THE COURT: -- if you want to approach the
6 witness --

7 MR. WILLIAMS: I'm sorry, Your Honor.

8 THE COURT: -- ask permission of the court.

9 MR. WILLIAMS: May I approach, Your Honor?

10 THE COURT: You may.

11 BY MR. WILLIAMS:

12 Q. Ma'am, let me ask you to look from the second page.

13 Do you remember giving a written statement?

14 A. Yes, sir.

15 Q. Would looking at that written statement refresh your
16 memory in reference to what you told Detective Longshore?

17 A. Yes, sir.

18 Q. All right. Well, how many times did you tell Detective
19 Longshore that you had sex?

20 A. It was about six or seven times.

21 Q. So which is correct now? Is it six or seven times, or
22 is it three times a month for two years?

23 A. It didn't happen every single month. It was very
24 occasionally.

25 Q. So when I was discussing with you and doing the math

1 and got to seventy-two, why didn't you correct me and say
2 oh, no, no, no, no, no, it's six or seven times?

3 A. Well --

4 MR. WILLIAMS: May I approach, Your Honor?

5 THE COURT: You may.

6 BY MR. WILLIAMS:

7 Q. Now, you said the first time that it happened -- or
8 every time it happened your brother was always there?

9 A. For the most time he was.

10 Q. Your brother didn't come in? You didn't tell your
11 brother?

12 A. No, sir.

13 Q. He couldn't see what was going on?

14 A. No, sir, the door was closed.

15 Q. Were you close with your brother?

16 A. Not really.

17 Q. And because you weren't close with your brother, that's
18 why you didn't tell your brother?

19 A. That, and I was scared.

20 Q. Scared of your father?

21 A. I was told not to tell anyone and I didn't. I knew
22 what he was capable of.

23 Q. Before -- is it your testimony that you were not --
24 that you didn't love your daddy after this happened?

25 A. Sir?

1 Q. Is it your testimony that you didn't love your daddy
2 after this happened?

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

4 Q. Well, that's not hard.

5 A. Are you --

6 Q. After this happened did you love your daddy?

7 A. I mean, yeah, he's my father.

8 Q. And you were afraid of him?

9 A. Yes, sir.

10 Q. So you wouldn't have written poems about him in school
11 and talked about how a great dad he was?

12 A. I can't remember.

13 Q. Are you saying you did, or didn't do it? You just
14 can't remember?

15 A. I mean, I probably did.

16 Q. Probably did.

17 A. I wanted everyone at school to think that I had a good
18 life. I didn't want anyone to know.

19 Q. But you had this secret life where you were being
20 abused?

21 A. Yes, sir.

22 Q. Do you remember when you gave your written statement to
23 Detective Longshore?

24 A. Yes, sir.

25 MR. WILLIAMS: May I approach, Your Honor?

1 THE COURT: You may.

2 Step back so the jury can see the witness, and
3 proceed.

4 BY MR. WILLIAMS:

5 Q. Would you read that first page and tell me how many
6 times you told Detective Longshore that this occurred that
7 year when your mother was at work?

8 A. Three times.

9 Q. Thank you.

10 MR. WILLIAMS: May I approach?

11 THE COURT: You may.

12 A. Approximately.

13 BY MR. WILLIAMS:

14 Q. So it's no longer three times a month? It's three
15 times in a year, approximately, is that right?

16 A. Yes, sir.

17 Q. Now, on those three times was it done the same way?

18 A. For the most part.

19 Q. Now, how old were you when this happened the first
20 time?

21 A. Eight years old.

22 Q. When did it happen when you were eight?

23 A. When?

24 Q. Uh-huh.

25 A. I can't remember exactly.

1 Q. How is it that you remember that you were eight?

2 A. Because I lived back behind my grandma.

3 Q. Well, you -- did you live behind your grandmother when
4 you were seven?

5 A. I can't remember exactly. We moved a lot before.

6 Q. So could you have been seven when it happened?

7 A. Sir?

8 Q. Could you have been seven when it happened?

9 A. It's approximately. I'm not sure exactly.

10 Q. Could you have been six?

11 A. No, sir.

12 Q. Why is it that you don't remember -- you don't remember
13 any month that it happened?

14 A. All these years all I have done is trying to forget it.

15 Q. So if your father was trying to figure out where he was
16 on that particular day, he would have three years to look
17 at, wouldn't he? He wouldn't know when it happened?

18 You don't know a month. Was it summertime?

19 A. Probably. I'm not sure exactly.

20 Q. Now, you said that -- it's your testimony that you
21 didn't tell your -- that it's untrue that you didn't leave
22 the house and go to the beach and your parents not know
23 where you were?

24 A. Yes, sir.

25 Q. Why did you get moved around from the foster homes?

1 A. There was different problems.

2 Q. What kind of problems?

3 A. Which foster home?

4 Q. Your first foster home.

5 A. The first foster home I wanted to be with family, so
6 they sent me to a family.

7 Q. And what happened then? Why did you not fit in?

8 A. I was their first foster child. And when I was there,
9 my mom -- I had got a phone -- or a text that my biological
10 mom had committed suicide.

11 She seen that I was upset about it and she told me that
12 she didn't take too well to drama, and so I went upstairs
13 and I called my aunt Paula and asked her to call the
14 hospital to see if she was there, and she was there, and she
15 had overdosed.

16 After that we just -- she got mad at me because I
17 believed and I actually went and called my aunt and told her
18 to call and see if she was there and it turned out she was
19 there and we just didn't really click.

20 Q. Didn't really click?

21 A. No.

22 Q. She thought you were over-dramatic?

23 A. I was upset about it.

24 Q. What about the second foster home?

25 A. That was -- that was my third.

1 Q. That was your third?

2 A. Mrs. Katherine was my second, and then I went to my
3 third, which was Ms. Karen.

4 Q. Which one were you describing?

5 A. My second.

6 Q. What happened at your first foster home?

7 A. I wanted to be with a family, so they put me in there.
8 My first foster home was an emergency shelter.

9 Q. All right. And then you had the family and that didn't
10 work.

11 Then you went to another foster home. What happened in
12 that one?

13 A. She had a doublewide and she had about nine kids. She
14 had two one year olds and it was just too much.

15 Q. Too much?

16 A. So when summer came they move me to Aiken.

17 Q. It wasn't your decision?

18 A. No, sir.

19 Q. You didn't -- you didn't not like it because it wasn't
20 a big enough house for you, or anything like that?

21 A. I mean, it was just all these little kids all around
22 all the time and they were just -- I got yelled at because
23 my room was dirty, but a big TV was in my room. All the
24 game systems were in my room. The kids were in my room all
25 the time because they wanted to be in there to play the

1 games.

2 Q. Is that the last foster home?

3 A. No, sir.

4 Q. Then you had the other one that --

5 A. Fredericks home.

6 Q. And then you got to live with your aunt?

7 A. Yes, sir.

8 MR. WILLIAMS: That's all questions that I have,

9 Your Honor.

10 THE COURT: Redirect.

11 REDIRECT EXAMINATION BY MS. PATTERSON:

12 Q. Now, Brooke, when your daddy was sexually assaulting
13 you, was your mom always at work?

14 A. Most of the time, yes, ma'am, or she was gone.

15 Q. She was gone out of the house?

16 A. Yes, ma'am.

17 Q. And each time that he would do this, did you -- would
18 you keep count?

19 A. No, sir -- I mean no, ma'am.

20 Q. Was it something that you went and wrote in your diary?

21 A. No, ma'am.

22 Q. Was it something that you went and wrote on a calendar?

23 A. No, ma'am.

24 Q. And you remember when you were in the 5th grade you
25 went to Gilbert Elementary?

1 A. Yes. Well, I moved to Batesburg that year for 5th
2 grade.

3 Q. I apologize.

4 You were -- when you were in the 3rd grade, you went to
5 Gilbert?

6 A. Yes, ma'am.

7 Q. Fourth grade you went to Gilbert?

8 A. Yes, ma'am.

9 Q. You were living at Sandpit?

10 A. Yes, ma'am.

11 Q. And 3rd grade you were eight or nine years old?

12 A. Yes, ma'am.

13 Q. And why is it -- or do you know why in your statement
14 with Detective Longshore you may not have been certain about
15 how many times?

16 A. I didn't keep count.

17 Q. Thank you.

18 THE COURT: Is that everything, counsel?

19 MS. PATTERSON: Your Honor, I would ask that this
20 witness be subject to reply.

21 THE COURT: Well, just a moment, counsel. We
22 hadn't finished.

23 Recross limited to redirect?

24 MR. WILLIAMS: No questions on recross, Your
25 Honor.

1 THE COURT: You want her to remain with us, is
2 that correct?

3 MS. PATTERSON: Yes, sir, Your Honor.

4 THE COURT: Very well.

5 Ma'am, you may step down from the witness stand
6 and I'll ask you to remain with us in the trial of the case.

7 Mr. Foreman and ladies and gentlemen of the jury,
8 I'm going to take my mid-morning break at this point and
9 give you a chance to stretch your legs and to use the
10 restroom.

11 Please do not discuss the case. You have not
12 heard all the evidence in the case. It would be improper to
13 discuss it.

14 I'll be right back with you in just a few moments.

15 You may retire to your jury room.

16 (The following takes place outside the presence of
17 the jury panel)

18 THE COURT: All right. I want to give the parties
19 an opportunity to take a break.

20 Counsel, please approach the bench.

21 We will take about ten minutes.

22 (Whereupon, the lawyers approached the bench for
23 an off-the-record discussion)

24 (Whereupon, proceedings were recessed)

25 (Whereupon, proceedings were reconvened)

1 THE COURT: Is the State ready to proceed?

2 MS. PATTERSON: Yes, sir, Your Honor.

3 THE COURT: Defendant ready to proceed?

4 MR. WILLIAMS: The defendant is ready, Your Honor.

5 THE COURT: Very well.

6 Bring us a jury, please, sir.

7 (The following takes place in the presence of the
8 jury panel)

9 THE COURT: Mr. Foreman, I see that you have
10 gathered your flock.

11 JURY FOREMAN: We have been gathered.

12 THE COURT: Thank you.

13 Ladies and gentlemen of the jury, we will now
14 continue with the testimony and the trial of this case.

15 Solicitor, you may call your next witness.

16 MS. PATTERSON: Thank you, Your Honor.

17 The State calls Marty Longshore.

18 THE COURT: If you would come around and be sworn,
19 please, by my clerk.

20 PATROL SERGEANT MARTY LONGSHORE, having been first
21 duly sworn, testified as follows:

22 THE CLERK: Have a seat please, sir.

23 Once you are seated, speak up loud and clear,
24 stating your full name, spelling your last on the record,
25 please.

1 THE COURT: Make sure you can get all that
2 equipment in that chair. That's hard.

3 Pull it up, adjust the microphone.

4 THE WITNESS: It's Marty Longshore,
5 L-O-N-G-S-H-O-R-E.

6 THE COURT: Your witness, counsel.

7 MS. PATTERSON: Thank you, Your Honor.

8 DIRECT EXAMINATION BY MS. PATTERSON:

9 Q. Is it Investigator Longshore?

10 A. It used to be investigator, yes, ma'am.

11 Q. And what is it now, sir?

12 A. It's patrol sergeant, but you can call me Marty.

13 Q. And Patrol Sergeant Longshore, where are you employed?

14 A. Lexington County Sheriff's Department.

15 Q. And how long have you been at Lexington County
16 Sheriff's Department?

17 A. Since 2001, about eleven years.

18 Q. And prior to becoming a patrol sergeant, were you an
19 investigator?

20 A. No, ma'am, I spent some time at Saluda County Sheriff's
21 Department and a stint with the highway patrol.

22 Q. And what divisions have you worked at at the sheriff's
23 department?

24 A. Patrol Division, Community Services Bureau
25 Investigations, and currently back on patrol as a

1 supervisor.

2 Q. And in the early part of 2011, which division did you
3 work?

4 A. I was in investigations.

5 Q. And how did you come to be involved in the Glenn
6 Vanover case?

7 A. I was assigned the Vanover case by my superior Oscar
8 McIntosh.

9 Q. And do you remember what date the case was assigned to
10 you?

11 A. I believe the early part of February, maybe the 17th.
12 I'm not for certain. I don't have it in front of me.

13 Q. And once the case is assigned to you, what's one of the
14 first things that happens?

15 A. I start making phone calls to the officer, if possible,
16 to all parties involved; start running rap sheets and driver
17 history; and making phone calls to all of the parties
18 involved.

19 Q. And when you got this case, what was one of the -- what
20 was the first thing that you did?

21 A. I called Jonathan Grooms, S.R. Grooms, at the high
22 school and we spoke briefly about his report and about what
23 was alleged at the time that she spoke with him.

24 Q. And without saying what anybody told you, did you talk
25 to anybody else?

1. A. I did speak with Constance Watkins from DSS, yes,
2 ma'am.

3 Q. And after you talked to Ms. Watkins, did you talk to
4 anybody else?

5 A. I ultimately talked with Brooke.

6 Q. And at the time what was Brooke's name?

7 A. Taylor Vanover.

8 Q. And when did you meet with Brooke?

9 A. Just a couple days after I received the report. I
10 don't recall exactly which date, but it was a day or two
11 after I received the report.

12 Q. And where did you -- where were you when you met with
13 her?

14 A. I met with her and Ms. Lambert -- excuse me, Ms.
15 Watkins from DSS at the sheriff's department in an interview
16 room.

17 Q. And without saying what she told you, did she tell you
18 what happened between she and her father?

19 A. Yes, ma'am, she did.

20 Q. And did she have any problems speaking with you about
21 that?

22 A. She was, of course, reserved, shy, but ultimately came
23 out and we spoke about what happened.

24 Q. Without saying again what she told you, did she tell
25 you when it occurred?

1 A. She told me it occurred over a period of time. It was
2 a span over a couple of years, around the ages eight to
3 eleven.

4 Q. And when you got that time span, did you do anything
5 with it, based on her date of birth?

6 A. I tried to figure out dates, times, ages, where she
7 lived approximately around that time.

8 Q. And were you able to figure out about how old -- well,
9 how old she was when she made -- when she said that these
10 things occurred to her?

11 A. Well, I know that she was either age eleven and below.
12 From speaking with her in our interview, it was roughly
13 seven, eight, nine, ten years old.

14 It's kind of hard sometimes I found it for victims to
15 like remember exact dates and times and years.

16 Q. And were you able to come up with some years?

17 A. Yes, ma'am.

18 Q. And what years did you figure out?

19 A. Between 2004, and, I believe, 2007.

20 Q. And without saying what she specifically told you
21 happened, did she tell you where she was living?

22 A. Yes, ma'am.

23 Q. And where was she living?

24 A. Two locations came up.

25 One location was the residence on Wildwood Circle and

1 the other location was Sandpit Road, both of which are in
2 Lexington County, South Carolina.

3 Q. And you were able to confirm jurisdiction?

4 A. Yes, ma'am.

5 Q. And did the Lexington County Sheriff's Department have
6 jurisdiction over this matter?

7 A. Yes, ma'am.

8 Q. And did Brooke provide you with a written statement?

9 A. Yes, she did.

10 Q. Did she write it herself?

11 A. She wrote it herself, yes, ma'am.

12 Q. Do you remember her demeanor as she was writing it?

13 A. Cried, upset, reserved. I remember her shaking.

14 Kind of reluctant at first, like I said, to provide the
15 statement, but that's understandable.

16 Q. And after you spoke with all these people and gathered
17 this information, what did you do?

18 A. Obtained an arrest warrant for Mr. Vanover.

19 Q. Did you serve it on him?

20 A. I did not personally serve it on him, no, ma'am.

21 Q. Did you ever speak to him about the allegations?

22 A. I did visit him and asked if he wanted to speak to me
23 and he did not want to speak to me and I left the detention
24 center.

25 Q. And that was why he was in custody?

1 A. Yes, ma'am.

2 Q. Investigator Longshore -- excuse me, Patrol Sergeant
3 Longshore, thank you.

4 Please answer any questions the defense may have.

5 MR. WILLIAMS: No questions, Your Honor.

6 THE COURT: As to this witness, solicitor?

7 MS. PATTERSON: Your Honor, he's my primary
8 investigator, so I would just ask him to remain.

9 THE COURT: You are going to ask to remain?

10 MS. PATTERSON: Yes, sir.

11 THE COURT: If you would step down and remain with
12 us, please, sir.

13 THE WITNESS: Yes, sir.

14 THE COURT: Call your next witness, please.

15 MS. PATTERSON: Thank you.

16 The State's calls Constance Lambert Watkins.

17 THE COURT: Ms. Watkins, if you would come around,
18 please, and be sworn by the clerk.

19 CONSTANCE LAMBERT WATKINS, having been first duly
20 sworn, testified as follows:

21 THE CLERK: Have a seat, please, ma'am.

22 Once you are seated, ma'am, speak up loud and
23 clear, stating your full name, spelling your last on the
24 record.

25 THE WITNESS: My name is Constance Lambert

1 Watkins, W-A-T-K-I-N-S.

2 THE COURT: Your witness.

3 DIRECT EXAMINATION BY MS. PATTERSON:

4 Q. Ms. Watkins, have you recently changed your name?

5 A. I have.

6 Q. And what was your name prior to being Constance
7 Watkins?

8 A. It was Constance Lambert until March of 2012.

9 Q. And Ms. Watkins, where were you employed in February of
10 2011?

11 A. Lexington County Department of Social Services.

12 Q. And what was your position at the Department of Social
13 Services?

14 A. I was an assessment worker in the child and adult
15 protective services unit.

16 Q. And what are some of your duties as an assessment
17 worker?

18 A. An assessment worker is the first responder when a
19 report of -- well, when an allegation of child abuse or
20 neglect has been accepted for investigation by the agency.

21 The assessment worker makes first contact with any
22 children and other family members and the other individuals,
23 as necessary, to attempt to determine -- gather evidence,
24 determine the validity of the allegation, or lack thereof.

25 Q. And were you assigned a case involving Glenn Vanover?

1 A. Yes.

2 Q. And do you remember the date you was initially assigned
3 to this case?

4 A. It was February 17th, 2012 -- 2011.

5 Q. And when you get your assignment, how do you go about
6 getting your assignment?

7 A. Reports come in through a division called intake. They
8 can come in via phone, fax, letter, any number of sources.
9 But once the intake department has determined that the case
10 meets the criteria for investigation, it is assigned
11 typically just on a rotation system to the next assessment
12 worker. I happened to be the assessment worker on deck when
13 this report was accepted.

14 Q. Okay. And when the report came in, did it come in --
15 do you have specific levels of report?

16 A. Yes. At that period of time reports were classified
17 with one of three response times.

18 Zero to two hours, which were considered high risk
19 reports.

20 Two to twelve, which were less high risk, but the child
21 was deeded to be -- believed to be seen that day.

22 Or twelve to twenty-four hours.

23 This case was a zero to two response time.

24 Q. And what are the requirements for a call to be a zero
25 to two call, a high risk call?

1 A. There can be -- a variety of factors can cause a case
2 to be high risk, but one of the factors, and the factor that
3 I believe was the primary one in this case, is that it was
4 an allegation of sexual abuse, where the alleged victim and
5 perpetrator were still in the same home.

6 Q. So once you received the assignment, what did you do?

7 A. My first step was to make contact with Brooke, then her.
8 name was Taylor Vanover, at Batesburg-Leesville High School
9 to interview her and take a statement from her regarding the
10 allegations.

11 Q. Do you remember approximately what time you got the
12 call?

13 A. I believe the case was assigned to me around noon, and
14 I made contact with her in about -- probably it was about an
15 hour to an hour and a half later. I was -- I had to travel
16 from the office, which is not far from here, all the way out
17 to Batesburg-Leesville High School.

18 Q. So when you got to the high school, what was the first
19 thing that you did?

20 A. I identified myself, checked in at the office and
21 requested to meet with Brooke Richburg.

22 Q. And were you granted that request?

23 A. I was.

24 Q. And where did you meet with her?

25 A. In a conference room off the main office area of the

1 school.

2 I also spoke briefly with Deputy Grooms as well. I
3 believe at some point -- I can't recall if that was
4 immediately before or after interviewing Brooke.

5 Q. And who was in the room with you and Brooke when you
6 talked?

7 A. No one.

8 Q. And when she first came into the room, did you identify
9 yourself to her?

10 A. I did. I introduced myself by name. I explained to
11 her that I was an employee of the Department of Social
12 Service and that we had received some information that I
13 needed to talk with her about.

14 Q. And what was her demeanor after you introduced
15 yourself?

16 A. She was a little nervous. She appeared -- the more she
17 talked to me, the more relaxed she became.

18 Q. And did she tell you --

19 Without saying what she said, did she tell you what had
20 happened to her by her father?

21 A. Yes, she did.

22 Q. And did she describe it in great detail to you?

23 A. She did describe it in considerable detail. Initially
24 just basics, but as she became more comfortable, more detail
25 emerged.

1 Q. And after you spoke with her at the school, what did
2 you do?

3 A. I contacted -- I became aware -- had been made aware
4 that then Detective Marty Longshore had been assigned the
5 criminal investigation of the case. I made contact with him
6 by telephone to let him know the status of what I had
7 learned so far, and he -- due to a conflict with his
8 schedule, he worked to arrange for another law enforcement
9 officer to accompany me out to the family home. That was
10 going to take some time, so I then proceeded to
11 Batesburg-Leesville primary school, where Alexander Vanover
12 was a student.

13 I was not aware at the time that Alexander had some
14 possible special needs. I was hoping he might be able to
15 give me some more information, but we pretty much just
16 played.

17 Q. And once that meeting was done, did you meet with
18 another law enforcement officer?

19 A. I did. I made arrangements to meet at a location, a
20 gas station, with Detective Shawn Grant, who was going to
21 accompany me to the Vanover household.

22 Q. And why was that necessary for you to have law
23 enforcement with you?

24 A. When there are allegations that of certain natures and
25 there may be concerns that there could be a threat to the

1 safety of either the DSS worker or the children in the home,
2 it's customary to have law enforcement escort the worker to
3 the premises.

4 Q. And so do you remember where the home was located?

5 A. It was on Wildwood Circle. I don't recall the exact
6 address. It's on the lake on the -- in Lexington County,
7 but on the Saluda side of the lake, down sort of a
8 meandering road.

9 Q. And when you got to the home, who answered the door?

10 A. I believe Melanie Vanover came to the door.

11 Q. And did you explain to her the purpose of your visit?

12 A. I did. I read to her the allegations from the intake
13 report.

14 Q. And please don't say anything she said, but what was
15 her reaction?

16 A. She appeared anxious, agreed to allow us to enter the
17 home and speak to other family members.

18 Q. And what -- who all was in the house at this time?

19 A. I don't recall if Brandon, the older son, was in the
20 home. He was on the property and he pretty quickly got in
21 his car and left the premises shortly after Detective Grant
22 and I had arrived.

23 Alexander and Brooke were there as well, as well as
24 Glenn Vanover.

25 Q. Do you recall what Brooke was doing at the time you got

1 there?

2 A. I know Alex was coming out of a bath and I believe she
3 had been assisting him in some regard.

4 Q. And did you talk to the defendant Glenn Vanover?

5 A. Yes.

6 Q. Where was he when you got in the house?

7 A. He was seated on I guess sort of a hearth. There was
8 some sort of -- I'm not sure if it was a fireplace, but
9 there was a raised area in one corner of the living room and
10 he was seated there.

11 Q. Do you remember how he was dressed?

12 A. He did not have a shirt on. He had on some sort of
13 pants, shorts. I don't recall.

14 Q. And did you introduce yourself to him?

15 A. I did.

16 Q. Did you tell him the purpose of your visit?

17 A. I did.

18 Q. And did he say anything about the allegations that you
19 told him about?

20 A. Yes, he did.

21 Q. And what did he say?

22 A. He said that he was unaware of -- that no one had ever
23 accused him of sexually abusing his daughter prior to our
24 arrival.

25 Q. Did he have any other comment?

1 A. He stated that he and his wife had a wonderful sex
2 life, so why would he need to go elsewhere.

3 Q. And after you spoke to Glenn Vanover, what did you do?

4 A. Detective Grant and I spoke with Taylor outside of the
5 home. I explained to her that Detective Grant needed to
6 hear from -- hear the truth of what had happened directly
7 from her, not from me, and she provided him with much of the
8 same information she had shared with me at -- when I met
9 with her at the high school.

10 Q. And after you and Detective Grant spoke with Taylor,
11 what did you do next?

12 A. It was -- I expressed my concerns for the children's
13 safety in the home.

14 Detective Grant ultimately --

15 DSS officials on their own do not have the authority to
16 remove children. That must occur either by a court order
17 from a judge, or law enforcement makes the determination
18 that the child needs to be taken into emergency protective
19 custody.

20 It was very late in the day by this point. There was
21 no possibility of seeking an ex parte from a judge, and
22 Detective Grant determined the appropriate course of action
23 was to bring Alex and Taylor into emergency protective
24 custody at that time.

25 Q. And did they leave with you?

1 A. They did.

2 Q. Okay. Where did Taylor go or Brooke go?

3 A. Brooke and Alex were taken to the children's emergency
4 shelter, which is typically --

5 When children come unexpectedly into foster care, there
6 are emergency children shelters that exists to provide,
7 hopefully, temporary placement for them until an actual
8 foster family or home can be found.

9 Q. Okay. And how long did Brooke stay in this emergency
10 shelter?

11 A. I believe she was there one, at most two nights. I
12 transported her on a Friday afternoon. The Friday of the
13 week she came into custody, I transported her to an actual
14 foster home.

15 Q. And do you know which foster home that was?

16 A. I believe the foster mother's name was Ms. Fredericks.

17 Q. And do you know how long Brooke stayed with Ms.
18 Fredericks?

19 A. I do not. When a child comes into foster care, they --
20 in addition to having the assessment worker initially
21 assigned to the case, they are assigned a foster care worker
22 and that worker is responsible for evaluating and
23 maintaining foster care placements for the children,
24 securing any medical care, enrolling them in school, so I --
25 I couldn't say for certain how long she was at that

1 placement.

2 Q. And did you have knowledge that she had been
3 transported to a group home in Aiken?

4 A. I did.

5 Q. And do you know the name of that group home?

6 A. Helping Hands.

7 Q. And are you familiar with that group home?

8 A. I am.

9 Q. Can you tell us about that group home?

10 A. They take placement of children of all ages.

11 They provide emergency shelter services as well, but it
12 is often the case that teenagers who it appears are not
13 going to go home, that they are not going to find a
14 permanent placement before the age of eighteen, they are
15 often sent to Helping Hands, or a facility like it, because
16 they learn independent living skills that can hopefully aid
17 in the young person's success, once they are no longer in
18 the foster care system, if they are not likely to return
19 home.

20 Q. And do you know who Brooke is living with now?

21 A. Yes.

22 Q. Who is she living with?

23 A. She is living with Paula and Kenny Richburg, who are
24 now her adoptive mother and father.

25 Q. And do you know when that adoption was final?

1 A. Sometime in the spring, I believe. The spring of this
2 year, 2012.

3 Q. And did you have anything to do with initiating that
4 adoption?

5 A. I did not. I had taken a position with a different
6 agency in May of 2000 -- no, June of 2011, so I was no
7 longer with DSS.

8 Even if I had been, the foster care worker in
9 conjunction with the adoptions division handle either
10 looking for permanent placement for foster children, or, if
11 someone, a family member or someone else with knowledge of
12 the situation steps forward and asks to be considered for
13 placement.

14 MS. PATTERSON: Beg the court's indulgence, Your
15 Honor.

16 (Off the record)

17 (Back on the record)

18 BY MS. PATTERSON:

19 Q. Thank you, Ms. Watkins.

20 Please answer any questions that the defense may have.

21 THE COURT: Cross-examination?

22 MR. WILLIAMS: No questions, Your Honor.

23 THE COURT: Very well.

24 You may step down.

25 THE WITNESS: Thank you.

1 THE COURT: As to this witness, solicitor?

2 MS. PATTERSON: We are asking that she be excused.

3 THE COURT: Any objection, counsel?

4 MR. WILLIAMS: No objection, Your Honor.

5 THE COURT: You are excused from the trial of this
6 case, Ms. Watkins. Thank you very much.

7 Call your next witness, solicitor.

8 MS. PATTERSON: Your Honor, the State rests.

9 THE COURT: Very well.

10 Are there matters of law that I need to take up at
11 this time?

12 MR. WILLIAMS: There are, Your Honor.

13 THE COURT: Mr. Foreman and ladies and gentlemen
14 of the jury, I'm going to ask you if you would step to your
15 jury room. I need to take up a matter of law. I shouldn't
16 be long. I'll be back with you as quickly as I can. Please
17 do not discuss the case.

18 Please retire to the jury room.

19 (The following takes place outside the presence of
20 the jury panel)

21 THE COURT: Yes, sir.

22 MR. WILLIAMS: Your Honor, in that this is the
23 close of the State's case, I would ask the court to consider
24 that the evidence in the light most favorable to the State
25 is insufficient as a matter of law for my client to be

1 convicted of either of the two indictments that he has been
2 charged with; that is, criminal sex conduct with a minor.

3 THE COURT: Solicitor?

4 MS. PATTERSON: Your Honor, it's the State's
5 position that we have put forth enough evidence for the jury
6 to find the defendant guilty of criminal sexual conduct with
7 a minor in the first degree.

8 Testimony was given by the victim, Your Honor,
9 that these assaults occurred while she was under the age of
10 eleven years old.

11 They occurred in Lexington County at two different
12 residences; Sandpit Road, Wildwood Circle. Both were
13 confirmed to be in Lexington County jurisdictions by
14 Investigator Longshore.

15 The offenses occurred between the ages of -- the
16 victim stated she was about eight years old, which would
17 have been in 2003, 2004. They occurred up until the age of
18 eleven, which would have been in the years 2006, 2007.

19 It is the State's position in the light most
20 favorable to the State that we have met the burden, that
21 enough evidence has been presented that this should be
22 submitted to the jury.

23 THE COURT: Very well, solicitor.

24 I agree.

25 Counsel, I understand your motion, Mr. Williams,

1 but I believe that the standard I'm required to utilize at
2 directed verdict stage, your motion for directed verdict is
3 respectfully denied.

4 I would ask you and your client to come around and
5 have your client sworn by the clerk, please.

6 GLENN EDWIN VANOVER, having been first duly sworn,
7 testified as follows:

8 THE COURT: If you will step back to the podium so
9 you can use that microphone right back there. Just step
10 around the podium there and step up to that microphone.

11 Adjust it for him.

12 State your full name for the record, please, sir.

13 THE DEFENDANT: Glenn Edwin Vanover.

14 THE COURT: Mr. Vanover, at this time I'm going to
15 explain to you certain of your rights. If you do not
16 understand anything that I say, please let me know.

17 If you want me to explain anything in further
18 detail, please let me know. Do you understand?

19 THE DEFENDANT: Yes, Your Honor.

20 THE COURT: We have now reached the stage of the
21 trial where you may present your defense.

22 You have the right to testify in your own behalf.
23 However, no one can make you testify.

24 In the event --

25 I understand, solicitor, from defense attorney

1 that he has no record, is that correct?

2 MS. PATTERSON: That's correct, Your Honor.

3 THE COURT: All right. In the event you did have
4 a record, but I'm told by both the attorneys that you do
5 not, for any conviction involving dishonesty, or false
6 statement, or for any crime punishable by imprisonment of
7 more than one year and this court determines that the
8 probative value of admitting that evidence outweighs its
9 prejudicial effect to you, the solicitor would be able to
10 introduce this record for impeachment purposes, if one
11 existed, to attack your credibility or your believability.

12 If you elect not to take the witness stand, most
13 importantly I want you to also understand that I will charge
14 the jury that you are not -- that they are not to give the
15 fact that you did not testify any consideration whatsoever,
16 and there is to be absolutely no prejudice to you because
17 you did not testimony. You have the Constitutional Right to
18 remain silent.

19 The decision as to whether or not you testify in
20 this case will be left entirely up to you. You may talk, of
21 course, with your attorney, but the ultimate decision as to
22 whether or not you testify in this case is not your
23 attorney's decision. It is solely your decision.

24 Have you understood what I have just told you?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Very well.

2 Do you need a moment with your client?

3 MR. WILLIAMS: No, Your Honor.

4 THE COURT: All right. Are you ready to tell me
5 about your decision as to whether you wish to testify in the
6 trial of this case?

7 THE DEFENDANT: Yes, Your Honor, I will testify.

8 THE COURT: Very well.

9 And that is your decision and no one else's?

10 THE DEFENDANT: That's correct, Your Honor.

11 THE COURT: Thank you, sir. You may return to
12 your seat.

13 Is the defendant ready to start their case?

14 MR. WILLIAMS: The defendant is ready, Your Honor.

15 THE COURT: All right. Anything further outside
16 the presence of the jury from the State before I bring the
17 jury back?

18 MS. PATTERSON: Nothing from the State.

19 THE COURT: Anything further from the defendant
20 before I bring the jury back?

21 MR. WILLIAMS: Nothing from the defendant, Your
22 Honor.

23 THE COURT: Very well.

24 Bring us the jury, please.

25 (The following takes place in the presence of the

1 jury panel)

2 THE COURT: All right, Mr. Foreman, ladies and
3 gentlemen of the jury, you have heard the evidence from the
4 State of South Carolina. We will now hear from the
5 defendant.

6 Counsel, you may call your first witness.

7 MR. WILLIAMS: May it please the court, we call
8 Melanie Vanover.

9 THE COURT: Ms. Vanover, please come forward and
10 be sworn by the clerk.

11 MELANIE VANOVER, having been first duly sworn,
12 testified as follows:

13 THE CLERK: Have a seat, please, ma'am.

14 Once you are seated, please speak up loud and
15 clear, stating your full name on the record, spelling your
16 last.

17 THE WITNESS: My name is Melanie Vanover.

18 THE COURT: Spell you last name for us.

19 THE WITNESS: V-A-N-O-V-E-R.

20 THE COURT: Very well.

21 Your witness, counsel.

22 DIRECT EXAMINATION BY MR. WILLIAMS:

23 Q. All right. Ms. Vanover, with whom are you married?

24 A. Glenn Vanover.

25 Q. How long have you been married to Glenn Vanover?

- 1 A. Twenty-one years.
- 2 Q. How many children do you have?
- 3 A. Three.
- 4 Q. What are their names and ages?
- 5 A. Brandon Glenn Vanover, Taylor Elizabeth Vanover, and
- 6 Alexander Charles Vanover.
- 7 Q. And their ages?
- 8 A. Brandon is twenty, Taylor is sixteen, and Alex is
- 9 eight.
- 10 Q. Now, are you employed?
- 11 A. Yes, I am.
- 12 Q. And where are you employed at?
- 13 A. Agape Senior Care.
- 14 Q. And what do you do with Agape Senior Care?
- 15 A. I'm a caregiver.
- 16 Q. Now, where have you --
- 17 When did you marry Glenn?
- 18 A. When did I marry him?
- 19 Q. Yeah, what year.
- 20 A. Wow, that's been so long.
- 21 1991.
- 22 Q. All right. And were you living in Lexington County
- 23 when you gave birth to Taylor?
- 24 A. Yes.
- 25 Q. All right. And she now goes by a different name,

1 doesn't she?

2 A. Yes, she does.

3 Q. Now, where were you living in Lexington County, I
4 guess, when you gave birth to her?

5 A. When I --

6 Q. What address?

7 A. When I gave birth to Taylor, we were living at 129
8 Phillip Drive, West Columbia.

9 Q. All right. You have heard the two locations from your
10 daughter today?

11 A. Yes.

12 Q. When did you move to the locations that we have heard
13 about today?

14 A. When we moved behind my mother, we decided to move out
15 there so I could help her, because she wasn't doing well
16 mentally and -- we moved out there, I believe -- let's see,
17 I believe Taylor was seven.

18 Q. All right. What address is that?

19 A. That's 1129 Sandpit Road.

20 Q. That's the first address that we heard about?

21 A. Yes.

22 Q. And that location is behind your mother's house, is
23 that correct?

24 A. Yes.

25 Q. Now, during this time span up until the time, where was

1 the next place that you moved to? Was that the lake, is
2 that right?

3 A. 1010 Wildwood Circle.

4 Q. When did you move there?

5 A. I think we stayed behind mom's about two years.

6 Q. Then you moved to the lake?

7 A. Uh-huh, yeah.

8 Q. Now, during that time span did you have any problems at
9 all in regards to Taylor in school? Did she do well in
10 school?

11 A. Taylor has always done well in school until she hit
12 high school, and then it was just really downhill. She got
13 in with the wrong crowd. And, you know, we tried to give
14 her structure, put her in ROTC. And then --

15 I guess the way it works when you are in school and you
16 get injured and you are in ROTC, that you have to take your
17 child to the doctor. And that was like -- I bet we had like
18 seven incident reports. It was always something.

19 Q. So up until the time that your child was in high
20 school, for academic proudness or ability was good? She did
21 well?

22 A. Excellent. Good Citizen Award. Excellent. She was a
23 very happy child, outgoing.

24 Q. Did you ever have the occasion when she came to you and
25 said that something was going on or that she was being

1 assaulted --

2 A. Yes.

3 Q. -- or that something was wrong?

4 A. Yes.

5 Q. What is the first date that this occurred, that this
6 date that you were informed of this occurred?

7 A. It was my son's sixteenth birthday.

8 Q. Now, was there any time before your son's sixteenth
9 birthday when you walked into a bedroom and found your
10 husband engaged with a sexual act with your daughter?

11 A. Absolutely not.

12 Q. Now, are you sure that this occasion that your daughter
13 told you these things was on your son's sixteenth birthday?

14 A. Yeah, I was --

15 Glenn had made hamburgers and hot dogs for his friends
16 and he had got a car for his birthday. Taylor wanted to
17 ride off with him and the boys and Glenn wouldn't let her,
18 because he said that she is in a different age group, which
19 I agreed with that.

20 And I was putting things up in the kitchen and Taylor
21 ran in the house and she said "mom, I need to talk to you."

22 And I said "okay, give me a minute. Let me finish here
23 and I'll be in there in a minute."

24 She -- I went in her bedroom. I said "what's going
25 on?"

1 And she said "dad is sexually abusing me."

2 Q. What did you say?

3 A. It hit me like a ton of bricks. I mean, I started
4 crying. She showed no emotion whatsoever.

5 I asked her, you know, "what is he doing? What's going
6 on," and she said he's just -- "he's touching me and saying
7 bad things to me and he's molesting me."

8 And -- and I was just really, really upset.

9 And I got in a big argument with my husband and he was
10 like, "you know, are you really going to believe something
11 like that? You know me."

12 And I do know him and I don't believe for a second that
13 he would do those things, but this is my daughter, you know,
14 and so I took precaution.

15 And Taylor said that she could go to McKayla's house,
16 and so I didn't argue, and that was -- you know, I just went
17 ahead. I took her to McKayla's house.

18 Q. Now, who is McKayla?

19 A. A friend of Taylor's.

20 Q. And how long did she stay at McKayla's house?

21 A. Three days.

22 Q. All right. And during that three day time span did you
23 further talk with your daughter about the allegations of
24 sexual abuse?

25 A. Over the phone.

1 Q. And did you get differing tales?

2 A. Yes, I did.

3 Q. What do you mean?

4 A. I said, "Taylor, how old were you when this first
5 started happening?"

6 And she said, "I was two to six."

7 And I was like "two?", you know, because that just blew
8 my mind. You know, two years old?

9 And she is like, "well, no, mom, it was eight to ten."

10 You know, just different times she would give me.

11 Q. So what did you decide to do?

12 A. My husband was very upset.

13 He had called his mom and he asked me if I would agree
14 to meet over at her house and try to work this out, and so I
15 said that yeah, I would do that.

16 Q. So what did you do?

17 A. I picked her up from school and I didn't tell her where
18 we were going, but the closest we got to her grandmother's
19 she realized where we were going.

20 And when we pulled up in the driveway she didn't want
21 to get out of the car. And I said "Taylor, you know, this
22 has to be taken care of. If your dad needs to go to jail,
23 he needs to go to jail. Then we are going to have to move
24 in with my mom."

25 And, you know, she was like "I'm not doing that. I'm

1 not moving in with grandma."

2 And I said, "well, we will have to for a little while."

3 And so we went inside, sat around the table, and
4 Margaret, my mother-in-law, she said, "you know, Taylor,
5 what's really going on here?"

6 And Taylor said that her dad was sexually abusing her
7 and molesting her.

8 And Margaret said, "okay, look, if he is doing that,
9 then he is going to jail. He is going to jail right now."

10 And she said -- she didn't really say anything when she
11 said that.

12 And then Margaret said, "well, what we will do is I'll
13 just -- I will have a lie detector test done. We will get
14 this taken care of right now."

15 And she did not want to do that. She did not want to
16 live with my mom. She did not want to do -- let -- make him
17 take a lie detector test.

18 Q. Well, now, what was the -- what was the upkeep with --
19 how did y'all leave it? What happened?

20 A. Taylor finally admitted that she was lying.

21 Q. Now, you are sure about that?

22 A. Absolutely positive.

23 Q. So then what happened?

24 A. Glenn was very upset. He left the table.

25 Me and Margaret stayed and we talked to her and we were

1 talking to her about how important it is not to accuse
2 people of these things, because they are very serious
3 allegations, and then we left the house and it was kind of
4 back to normal.

5 Q. All right. Now, that was how many years before the
6 allegations resurfaced?

7 A. I guess about three.

8 Q. Well, did they resurface before February of 2011, or is
9 that the next time that they resurfaced?

10 A. That was the next time.

11 Q. All right. She was in what the school now? She's
12 at --

13 A. Batesburg High School.

14 Q. What grade?

15 A. 9th.

16 Q. How were her grades then?

17 A. Taylor was failing everything.

18 Q. And did you and your husband have the occasion to go to
19 Batesburg-Leesville High School about it?

20 A. All the time. All the time. It was an incident after
21 another incident. You know, just --

22 I mean, I got in trouble at work because of it, you
23 know, taking so much time off.

24 Q. Well, now, did you ever find out whether or not she had
25 been attending school or not?

1 A. We found out that -- there's a doctor's office in
2 Batesburg-Leesville. What Taylor was doing is she was
3 getting on the bus and she would go to the high school and
4 she would get with Courtney Hall and they would go to Dr.
5 Count's office and they would get doctor's excuses. And
6 then they go straight back to the school and give it to the
7 school, so say we wouldn't be calling. At least that's the
8 excuse the school gave me is why they didn't call us, they
9 had an excuse.

10 Q. How did your husband react to that type of -- to what
11 was happening with your daughter? What did he do?

12 A. We called it lockdown.

13 Q. What does lockdown mean?

14 A. No phone. No TV. Just your bed and books. You come
15 in from school, you go to your room. You come out to eat,
16 you go to your room.

17 Q. And how long did this lockdown go underway before this
18 February of 2011 accusation arose?

19 A. About two weeks, I guess.

20 Q. And so she was still on lockdown when this came out?

21 A. Yes.

22 Q. Did she ask you to be off lockdown?

23 A. Oh, yeah. She had teachers calling, you know, Glenn
24 saying "you know, I made a hundred today. You know, can I
25 get off restriction now?"

1 And, you know, my husband was like, "no, not until your
2 next report card."

3 Q. Now, are you still living with your husband?

4 A. Yes, I am.

5 Q. Do you have any intention on leaving your husband?

6 A. No, I do not.

7 Q. Your daughter is adopted now, right?

8 A. Yes.

9 Q. Do you still care about her?

10 A. (Shaking head yes).

11 THE COURT: You have to say yes or no, ma'am.

12 A. Yes.

13 BY MR. WILLIAMS:

14 Q. Answer any questions that the solicitor may have for
15 you.

16 A. The last thing that she told me was she would make me a
17 patient. That's the last words she ever said to me.

18 CROSS EXAMINATION BY MS. PATTERSON:

19 Q. Ms. Vanover, you are not close to your side of the
20 family, are you?

21 A. No.

22 Q. You never even took your children around that side of
23 the family much, did you?

24 A. Just Christmas. A hay ride for Halloween, different
25 things like that.

1 Q. And you had to go to Batesburg-Leesville High School
2 often, but that was for Brandon, not Taylor, right?

3 A. It was for Taylor too.

4 Q. And at one point you lived with your mother, Ms.
5 Richburg, didn't you?

6 A. Yes.

7 Q. And how long did you live with her?

8 A. I don't really know. About three months.

9 Q. And do you remember what year that was?

10 A. I don't recall at this time.

11 Q. Was it after you have lived --

12 A. Behind her.

13 Q. -- behind her?

14 A. Yes, ma'am.

15 Q. And before you moved to the lake?

16 A. Yes.

17 Q. And the house at the lake, that belongs to Glenn's
18 mother, right?

19 A. Yes, it does.

20 Q. So she owns the house that you and your family were
21 living in?

22 A. Yes.

23 Q. And when Taylor initially told you what happened, you
24 believed her, didn't you?

25 A. I did.

1 Q. And you let her go live with McKayla and her family,
2 didn't you?

3 A. She stayed there for three days, yes.

4 Q. And then this family meeting that you had, Glenn was
5 present, Taylor was present, correct?

6 A. Yes.

7 Q. And Glenn's mother, Ms. Vanover, was present?

8 A. Yes.

9 Q. And where were you all sitting?

10 A. Excuse me?

11 Q. And it was you three adults and Taylor?

12 A. Yes.

13 Q. And y'all were gathered around the dining room table,
14 right?

15 A. Yes.

16 Q. And Glenn was sitting directly in front of her, right?

17 A. I'm -- I'm not really sure, but we were all sitting at
18 the table.

19 Q. And you and your mother-in-law questioned her about
20 what she told you, right?

21 A. Yes.

22 Q. And you tried to get her to change her story, didn't
23 you?

24 A. No.

25 Q. You threatened that you would have to live back with

1 your mother? You told her that, didn't you?

2 A. It wasn't a threat. That was the truth.

3 Q. You told her if her daddy goes to jail, she would have
4 to live with her grandmother?

5 A. Yes.

6 Q. And why did you tell her that?

7 A. Because that's what would have to happen.

8 Q. Were you working then?

9 A. Yes.

10 Q. So you were outside of the house a lot?

11 A. Yes.

12 Q. You worked the day shift, right?

13 A. Uh-huh.

14 THE COURT: You have to say yes or no.

15 THE WITNESS: I'm sorry.

16 A. Yes.

17 I worked night shift at Blimpie's at that time.

18 BY MS. PATTERSON:

19 Q. And you say Taylor's grades fell off because she fell
20 in with the wrong crowd, right?

21 A. Yes.

22 Q. And was part of that wrong crowd her family?

23 A. Yes.

24 Q. And Taylor was very close to her little brother Alex,
25 wasn't she?

1 A. No.

2 Q. She never helped you take care of Alex?

3 A. She wanted as little to do with Alex as possible.

4 Q. She never showed any concern for Alex?

5 A. I think that was partly my fault, because when I was
6 working for Generations of Minetta I did pay her \$40.00 a
7 week to watch Alex, and maybe I shouldn't have put that on
8 her. It was just until he went to bed at night. And I
9 think, you know, part of that is my fault.

10 Q. And Brandon's wonderful sixteenth birthday, did y'all
11 have like a big event or something going on?

12 A. Brandon had some friends over and -- he had got a car,
13 a 240-Z, and we just hooked up poles so the kids could go
14 fishing or swimming.

15 Q. And all of this made Taylor jealous?

16 A. She was very jealous of Brandon.

17 Q. So jealous that she would make this up about her own
18 daddy?

19 A. I honestly don't know why she did it.

20 I mean, you would have to ask yourself why did she say
21 that DSS had to put Alex in the hospital because we
22 overdosed him. I mean, that wasn't true, and she put that
23 on the Internet, you know. I don't know why.

24 Q. And you did attempt suicide, didn't you?

25 A. Yes, I did.

1 Q. And when was that?

2 A. When?

3 Q. Yes.

4 A. After we got back from the trial with DSS.

5 Q. And when Ms. Lambert -- or Ms. Watkins came to your
6 house, you knew exactly what she was talking about, didn't
7 you?

8 A. Yes.

9 Q. And as a matter of fact, sometimes you would even throw
10 it up in your husband's face that he should go molest his
11 daughter, wouldn't you?

12 A. No.

13 Q. Did y'all argue a lot?

14 A. We argued, but not a lot.

15 Q. And you are afraid he was going to leave you if you --
16 if he thought that you believed Taylor, didn't you?

17 A. No.

18 Q. And with regard to Taylor's grades, did you try to get
19 her some help?

20 A. Yeah, we did.

21 Q. What kind of help did you try to get Taylor?

22 A. Just went to the school and talked with her teacher.
23 Taylor wasn't interested in school at all.

24 Q. But she didn't have to repeat a grade, did she?

25 A. I -- I don't know after she left the house. She was

1 failing everything. That's all I know.

2 Q. But before that did she ever have to repeat a grade?

3 A. No, uh-uh.

4 Q. Did she ever get --

5 Did you ever have to go in for any teacher conferences
6 or talk to the school resource officer about her conduct?

7 A. Yes, there was some issues with her on the bus, and
8 there was also some issues with her at school.

9 When we put her in ROTC, she didn't take well to
10 direction, and so she would say, you know, she fell and hurt
11 her leg, and so I would have to take off work and go and
12 take her to the doctor numerous, numerous times.

13 Q. And you said when she first told you about what Glenn
14 was doing to her, you just immediately let her go to
15 McKayla's house, right?

16 A. Excuse me?

17 Q. You just let her go to McKayla's house, right?

18 A. We talked. A lot was said and done, but, yes, she --

19 It's almost like she had that planned and she had
20 talked to McKayla and McKayla was waiting outside for her.
21 And Taylor didn't show any emotion.

22 And as far as being an abused child, I know what that
23 feels like. I know what that feels like, and Taylor did not
24 have the actions of an abused child. If your father is
25 abusing you, you don't go to him and say "daddy, rub my

1 feet, rush my tummy, rub my head." You know, you just don't
2 do that. You want to get the hell away from there. I'm
3 sorry.

4 Q. And that's what she did by going to McKayla's house,
5 didn't she?

6 A. She left and went to McKayla's house.

7 Q. You went back and got her, didn't you?

8 A. Three days later, yes.

9 Q. And you took -- and you took her to a meeting in front
10 of three people, three adults in her family, correct?

11 A. Uh-huh.

12 Q. And y'all questioned that --

13 A. Yes.

14 Q. And y'all questioned that child about what she had
15 confided in you about?

16 A. Yes.

17 Q. And you took her back to live with him?

18 A. Yes, I did. She said that she was lying, that it
19 wasn't true, and nothing was ever brought up again until in
20 February.

21 Q. And you stated that you still care for her?

22 A. Yes, I do.

23 Q. Did you ever try to get her back?

24 A. No.

25 Q. Why not?

1 A. Taylor had made a lot of allegations against me too.

2 Q. So you just left your child in foster care?

3 A. I knew that she would be okay with Kenny and Paula.

4 Q. I'm sorry, I didn't hear you.

5 A. I knew that she would be okay with Kenny and Paula.

6 Q. Your family?

7 A. Uh-huh.

8 Q. So you never really --

9 THE COURT: Excuse me, yes or no.

10 A. Yes.

11 BY MS. PATTERSON:

12 Q. So you never really took her around them?

13 A. Christmas, hay rides, stuff like that.

14 Q. But your family stepped in and took your daughter?

15 A. Yes.

16 MS. PATTERSON: Beg the court's indulgence.

17 A. I had to.

18 I did it because of Alex. I couldn't get him back.

19 That's what they told me, that I needed to give Taylor up to
20 get Alex back. It was a choice that I had to make.

21 Alex didn't ask for any of this. He's the one that
22 suffered the most.

23 MS. PATTERSON: Your Honor, no further questions.

24 THE COURT: Redirect?

25 MR. WILLIAMS: No questions, Your Honor, on

1 redirect.

2 THE COURT: As to this witness, counsel?

3 MR. WILLIAMS: We would ask that she be excused,
4 Your Honor.

5 THE COURT: Any objection, solicitor?

6 MS. PATTERSON: None from the State.

7 THE COURT: You may step down. You are excused
8 from the trial of this case.

9 Call your next witness.

10 MR. WILLIAMS: Your Honor, I would call Margaret
11 Vanover.

12 MARGARET VANOVER, having been first duly sworn,
13 testified as follows:

14 THE CLERK: Have a seat up there, please, ma'am.

15 Once you are seated, ma'am, I'm going to need you
16 to speak up loud and clear, stating your full name, spelling
17 your last, please.

18 THE COURT: Have a seat and be comfortable.

19 State your full name and spell your last name.

20 THE WITNESS: My name is Margaret Vanover,
21 V-A-N-O-V-E-R.

22 THE COURT: Very good.

23 Your witness, counsel.

24 DIRECT EXAMINATION BY MR. WILLIAMS:

25 Q. Ms. Vanover, how old are you?

1 A. Eighty years old.

2 Q. And you have an accent. Where are you from?

3 A. England.

4 Q. All right.. And how long have you lived in the United
5 States?

6 A. I come to the United States in '55, and my husband was
7 military, so we went back overseas. I come back here in
8 '65.

9 Q. All right. Now, do you recall a day when your
10 granddaughter, your son --

11 Glenn is your son, is he not?

12 A. Yes.

13 Q. Your son and your daughter-in-law came to your house in
14 reference to these allegations?

15 A. Yes, I do.

16 Q. Who was present that day at your house?

17 A. I was there, Glenn, Melanie, and Taylor. And Alex was
18 probably there, but he was in the swimming pool.

19 Q. What about your husband? Would he have been there?

20 A. No, my husband passed away two years ago today. Today
21 he passed away. Two years ago he was not there.

22 Q. Now, on that particular occasion were you aware of the
23 allegations involving Taylor and your son Glenn? Had
24 someone told you about that?

25 A. They come and told me earlier in the morning and I

1 asked them to come over to see if we couldn't talk to
2 Taylor.

3 I have always been very, very close with Taylor and I
4 just wanted to talk to her to see if we could not get
5 straightened out.

6 Q. All right. And when you talked to Taylor, how did that
7 conversation go? What was the give and take on that
8 conversation?

9 A. She was a little bit upset when I started talking to
10 her and she sat there and cried. And we started talking to
11 her and I said "you know, this is very, very serious, what
12 you have done." And she just kept crying.

13 And I said "well, the best thing to do, we will have a
14 lie detector test." That's what I thought, but she did not
15 want to do that. She said no, she didn't want to do that.

16 So after that then we all sat around and talked and she
17 said it was not true what she had told me.

18 Q. Did she give you any reason why she lied or why she
19 said one thing and then said it wasn't true?

20 A. No. I believe -- it was Brandon's birthday. It was
21 his sixteenth birthday, and she has always been very
22 possessive of Brandon. It was always her way or not
23 Brandon's, and I think she was very upset.

24 I don't know what went on and I do believe that's what
25 it was. She just wanted to make trouble for Brandon. That

1 was my feelings.

2 Q. Did you indicate -- what would you have done if she had
3 insisted that Glenn Vanover had assaulted your grandchild?
4 What would you have done?

5 A. I would have took care of it. I mean, I would call the
6 rest of the family in. We would have had a discussion about
7 it. We would -- we would have done something about it, but
8 I did not believe that. That is not my son. That is not
9 Glenn.

10 Q. All right.

11 A. Glenn has always been a good father and very good to
12 Taylor also.

13 Q. Would you have taken him to the jail to be arrested?

14 A. Yeah, I probably would have done that. I mean, that --
15 I mean, that -- that is my granddaughter -- was my
16 granddaughter. Not now.

17 MR. WILLIAMS: That's all the questions I have,
18 Your Honor.

19 THE COURT: Cross examination?

20 CROSS EXAMINATION BY MS. PATTERSON:

21 Q. Ms. Vanover, you owned the house that Glenn and his
22 family lived at at Wildwood Circle, is that right?

23 A. Yes, I did.

24 Q. And how many grandchildren do you have?

25 A. Eight.

1 Q. And you said you were close to Taylor?

2 A. Yes.

3 Q. And you no longer consider her your granddaughter?

4 A. Yes, I do, but she is living with the Richburg family
5 now, so I think I -- you know, she is still my
6 granddaughter. I still love her, but that's the way it is
7 right now.

8 Q. You just testified she was your granddaughter but not
9 now, right?

10 A. Well, she's -- she has a different name now. She's a
11 Richburg. She's not a Vanover.

12 Q. That's pretty harsh from a grandmother, isn't it?

13 A. Do you think so? Well, just look what she's done.

14 Q. And after this meeting you started treating --

15 Well, first of all, you tried to get Taylor to change
16 her story, didn't you?

17 A. No, I did not. I asked her. I did not try to make
18 her -- she had plenty of room to talk. She cried and we
19 talked. I did not make her say one way or the other.

20 Q. And she -- she didn't -- she never changed her story,
21 did she?

22 A. I beg your pardon?

23 Q. She never said that what she told you did not happen,
24 did she?

25 A. No, she said it wasn't true.

1 Q. And if she was so jealous of Brandon, do you think she
2 would have made up something about Brandon?

3 A. She could have done, she had done before many times.
4 They would come and spend the weekends, just about every
5 weekend. They would come and spend the weekend with me.
6 And if something went wrong, sure enough it would be Taylor
7 telling some story on Brandon.

8 Q. After Taylor refused to say that it did not happen,
9 because it did, did you become angry with her?

10 A. No, I did not. She still come back to my house after
11 that. I took her out shopping. We went out many a times.
12 Took her to Carowinds. It was no difference between me and
13 Taylor after that happened.

14 Q. You never stopped talking to her?

15 A. No. No, ma'am. That is not true. She's not telling
16 the truth if that's what she said. She come to my house
17 every weekend, just about every weekend.

18 Q. And you never treated her any different?

19 A. No. No. Why would I?

20 Q. Now, whenever something goes on in the Vanover house,
21 it seems like everybody calls you, right?

22 A. Not really. Not really, but that's what a mother is
23 for, right?

24 Q. When they call you, you set up these family meetings,
25 right?

1 A. No. No. No. No. It's just this was very, very
2 serious and I think it was good that we kind of wanted to
3 sit down and talk about it.

4 Q. Thank you, Ms. Vanover.

5 MS. PATTERSON: No further questions.

6 A. Thank you.

7 THE COURT: Redirect?

8 MR. WILLIAMS: No questions on redirect, Your
9 Honor.

10 THE COURT: As to the witness?

11 MR. WILLIAMS: I would ask that she be excused,
12 Your Honor.

13 THE COURT: Any objection, solicitor?

14 MS. PATTERSON: No objections, Your Honor.

15 THE COURT: You may step down. You are excused
16 from the trial of the case.

17 Call your next witness.

18 MR. WILLIAMS: Your Honor, I would call the
19 defendant Glenn Vanover.

20 GLENN EDWIN VANOVER, having been first duly sworn,
21 testified as follows:

22 THE CLERK: Have a seat, please, sir.

23 Once you are seated, speak up loud and clear,
24 stating your full name, spelling your last, please.

25 THE COURT: Make yourself comfortable. Pull that

1 chair up.

2 State your full name and spell your last name.

3 THE WITNESS: Glenn Edwin Vanover, V-A-N-O-V-E-R.

4 THE COURT: Your witness.

5 DIRECT EXAMINATION BY MR. WILLIAMS:

6 Q. Glenn, who are you married to?

7 A. Melanie Vanover.

8 Q. All right. And you had three children, is that
9 correct?

10 A. That's correct.

11 Q. And their names?

12 A. Brandon Glenn Vanover, Taylor Elizabeth Vanover, and
13 Alexander Charles Vanover.

14 Q. Now, are you employed?

15 A. Yes, sir.

16 Q. What do you do for a living?

17 A. I have a co-ownership business with my brother.

18 Q. And what do y'all do?

19 A. We do HVAC refrigeration and restaurant repair.

20 Q. And how long have you done air conditioning and
21 refrigeration repair?

22 A. Oh, god, a long time.

23 Q. How old are you?

24 A. I'm forty-nine.

25 Q. And how much education do you have?

1 A. I graduated high school; went to Midlands Tech for a
2 year; joined the Air Force; and had a lot of training in
3 there in electronic warfare. I came back, got out.

4 I never went back to school, but I did take a lot of
5 tests to get my certifications.

6 Q. All right. And those are the certifications that you
7 use every day in your air conditioning and your
8 refrigeration?

9 A. Yes, sir.

10 Q. Now, do you remember -- or -- what --

11 Let me ask you this. What was your relationship with
12 your daughter up until this first time supposedly she told
13 your wife, or she did tell your wife, that there was some
14 sexual assault that occurred? What was your relationship
15 with Taylor before that?

16 A. It was good.

17 Q. How were her grades?

18 A. I thought they were real good. They were normally A's.
19 Anywhere from A's to B's and C's.

20 Q. Were you working back then?

21 A. What time frame?

22 Q. During the time when -- I guess between the time she
23 was six to ten.

24 A. Oh, yeah.

25 Q. What were you doing back then?

1 A. HVAC.

2 Q. All right. Now, do you recall the occasion when she
3 accused you of committing sexual assault?

4 A. The first --

5 Q. Do you remember the date, the first date?

6 A. It was on my son's sixteenth birthday.

7 Q. Are you sure it was your son's sixteenth birthday?

8 A. Yes, sir.

9 Q. All right. And what is your recollection of the events
10 of that day?

11 A. I was outside, and -- Brandon had his friends over.
12 And I remember walking back in the house.

13 Melanie was in the bedroom with my daughter and she
14 just had this really strange look on her face and she said
15 "Glenn, we need to talk."

16 And then she told me what Taylor had said and it was
17 like a brick wall that hit me and I got pretty upset.

18 Q. What happened after you got upset?

19 A. My wife and I argued some and we decided that it would
20 be better that if Taylor had left the house at that time.

21 Q. All right. And where did she go?

22 A. To a friend of her's house.

23 Q. All right. And would that be the young lady that your
24 wife talked about? What's her name, Mia, or something like
25 at that?

1 A. I'm not familiar with her name, but -- yeah, whoever
2 they were speaking about earlier.

3 Q. All right. And when was the next time that you had a
4 conversation involving your daughter like I guess -- was
5 it --

6 How long was it before you actually went to your
7 mother's house and had that meeting that we have heard
8 about?

9 A. I believe it was about three days.

10 Q. All right. What happened when y'all went to that
11 meeting? Who was there?

12 A. Myself, my mother, my wife, and Taylor, and Alex.

13 Q. All right. What is your recollection of how that
14 meeting went on and what was said?

15 A. Basically I wasn't really sure how to handle the
16 situation at the time and I thought my mother, who has
17 raised four boys and a girl and had dealt with probably
18 every issue there is, and I thought that it would be best if
19 we went there to discuss and, you know, see where we go with
20 this.

21 And I can remember my mother saying "well, Glenn, if
22 you have done something like this, you know you are going to
23 jail."

24 And I said, "yeah, I understand that, but I haven't
25 done. I never molested or sexually abused my daughter,

1 ever."

2 And then Taylor admitted to lying about it and it
3 just -- it was -- it was terminal for me. It was -- and it
4 still is to this day.

5 Q. Well, did you treat Taylor any differently once this
6 had come out?

7 A. Yes, I did.

8 Q. Did you notice if your mother treated her any
9 differently or not?

10 A. No, she didn't.

11 Q. What happened around February of 2011? What was going
12 on in Taylor's life during this time span?

13 A. Oh, a lot. It was -- it was chaos. There was a lot of
14 mischief going on, a lot of sneaking out of the house. She
15 would take off for weekends with her friends and not -- and
16 we wouldn't know where she was at. She would take the truck
17 and -- just all kind of stuff, A to Z. I mean, it just
18 covered the books.

19 Q. What about school?

20 A. Oh, the first quarter she had done all right, but her
21 grades were lower than normal.

22 In the second quarter her report card didn't come in
23 and I was asking her where her report card was at and she
24 said well, she had left it at school.

25 And they had called from the high school and called me

1 and said that I needed to come down there to get her report
2 card. And when I went down there, she was in the room with
3 the vice principal Carey, her ROTC coach, and somebody --
4 another man. And that's when I had found out she had had
5 all F's in all her courses and had missed approximately
6 almost thirty days by the second quarter.

7 Q. Now, you said all F's. Do you mean even in ROTC?

8 A. As far as I can remember, yes, sir. I didn't have my
9 glasses on at the time, but it looked like all F's. As far
10 as I could tell, it was all F's.

11 Q. What did you do in response to finding this out?

12 Well, let me ask you this. Did you find out whether
13 she had been even going to school or not?

14 A. She had not been going to school.

15 Now, how the exact dates fell within that quarter I
16 don't know, but I know it was approximately twenty-five to
17 thirty days she had missed.

18 And the reason she wasn't expelled or -- we wasn't
19 notified by the school or the doctor's office, and that's
20 when we found out -- that's when I actually found out was
21 when I went to the school. And I --

22 Q. Did they have doctor's certificates there?

23 A. No, they didn't show me any.

24 Q. Do you know if they had them or not?

25 A. No, sir, I don't.

1 Q. But did you subsequently learn what your daughter had
2 been doing?

3 A. Yes.

4 Q. And what had she been doing?

5 A. Cutting school.

6 I really can't think right at this second. It's just a
7 lot.

8 Q. What did you -- what was your reaction to how you were
9 going to handle this situation?

10 A. Oh, god. Well, I come from a military background. My
11 father was in the Army, so I more or less kind of implement
12 what -- like my wife called it, lockdown. I call it boot
13 camp. And so I told her that we would take all her -- like
14 her cell phone, TV, I-pods. Just -- she couldn't use the
15 computer any more. There was a lot of issues with that
16 also.

17 We took everything from her. She had to get on the
18 bus, go to school, come home, do her -- go to her room, do
19 her homework. She was allowed to come out, go to eat, bath,
20 shower, whatever. And something had to be done drastic to
21 change the behavior, and that's how I felt, and that's what
22 I did.

23 Q. And how did that work for you?

24 A. Obviously not very well.

25 Q. How long after this was implemented was it that all

1 this accusations came out about sexual assault?

2 A. Week or two weeks.

3 Q. Had you heard anything about this between the time
4 period that you had the meeting with your mother and then
5 this other deal where she was in lockdown? Did you have
6 any --

7 A. No, sir.

8 Q. Any --

9 You had no idea that she was going to raise that again,
10 did you?

11 A. No, sir.

12 Q. Well, this is your time. Tell the jury whether or not
13 you assaulted your daughter or not.

14 A. No, I have never in my life assaulted my daughter,
15 sexually assaulted her, molested her, or anyone else on this
16 earth. That's not in me.

17 I have always viewed myself as a very good person, that
18 I can assure you that she's lying and it's not true.

19 Q. All right, sir. Thank you.

20 Answer any questions that the solicitor may have for
21 you.

22 THE COURT: Cross-examination.

23 CROSS EXAMINATION BY MS. PATTERSON:

24 Q. Mr. Vanover, when Taylor would leave the house, did you
25 ever call the police?

1 A. No, I don't believe I have.

2 Q. And if you were so concerned about her leaving the
3 house without permission, why didn't you call the police?

4 A. Well, there was me and my wife and we were always in
5 and out. So, I mean, we were juggling two work schedules
6 and three kids. So, I mean, we tried to keep a good
7 schedule going, but we wasn't perfect with it.

8 And if Taylor wasn't there, normally she would spend
9 time with one of her friends on weekends and we would always
10 end up finding out stuff later down the line.

11 Q. So Taylor had a lot of freedom, didn't she?

12 A. Pretty much.

13 Q. And she could come and go as she pleased pretty much
14 with you and your wife, couldn't she?

15 A. Yes, she could.

16 Q. And she helped out with Alex a lot, didn't she?

17 A. That's a touchy subject for me.

18 Yes, she did, but I really wasn't on board with that
19 all the way, because of some of the treatment I had seen.

20 Q. And this boot camp lockdown method of punishment, did
21 Brandon ever have to be on lockdown?

22 A. Oh, yeah.

23 Q. But you still saw fit to buy him this car for his
24 sixteenth birthday?

25 A. Yes, ma'am.

1 Q. And you are saying that Taylor missed thirty days of
2 school and the school did not notify you?

3 A. That's correct. It was somewhere between twenty-five
4 and thirty days within one quarter.

5 Q. And they let it go on that long --

6 A. Yes.

7 Q. -- and did not notify you?

8 A. Exactly. She was getting doctor's excuses.

9 I don't know how they worked it, but I didn't know that
10 you could do that and get away with it.

11 Q. Did you think that you should call a family meeting
12 when Taylor was getting out of control, as you say?

13 A. As far as which part?

14 Q. She's -- Taylor is missing up to thirty days in school,
15 correct?

16 A. Right.

17 Q. She's sneaking out of the house, correct?

18 A. Right.

19 Q. She's making up lies, correct?

20 A. Correct.

21 Q. Did you call a family meeting with your mom and that
22 other side of the family to discuss some help for her?

23 A. At that time, no.

24 Q. And you want this jury to believe that Taylor is just
25 making all of this up because she's jealous of Brandon

1 and/or because you put her on lockdown?

2 A. I believe there is many reasons, other than just those.
3 Now, what they all are, I don't know, but I know this. It's
4 not true. None of it. I would never abuse my daughter, and
5 I never have, and I have never abused anybody else.

6 MS. PATTERSON: Beg the court's indulgence, Your
7 Honor.

8 (Off the record)

9 (Back on the record)

10 BY MS. PATTERSON:

11 Q. And did you ever complain to the school board about the
12 school not contacting you when your daughter missed all
13 these days?

14 A. To the vice principal Carey, yes.

15 Q. Did you ever complain to the doctor's offices about
16 them giving your child all of these excuses?

17 A. I thought what we needed to do was get our program on
18 track and get her back in school and doing what she needed
19 to do. And, as far as I know, she never went back to see
20 that doctor.

21 Q. Did you have an answering machine at your house?

22 A. I have a cell phone.

23 Q. Did the school ever leave you any messages about
24 Taylor?

25 A. Other -- during the thirty day thing that quarter, not

1 that I remember.

2 It's possible that they had called me on the phone to
3 come pick her up once or twice from the ROTC thing, because
4 that was something she really wanted to get out of.

5 Q. And you said when your wife confronted you about it, it
6 hit you like a brick wall?

7 A. Oh, yeah.

8 Q. And you said y'all argued?

9 A. Yes.

10 Q. Then y'all decided to send Taylor away to her friend's
11 house?

12 A. We thought that was the best course of action at that
13 time.

14 Q. And then you called your momma, correct?

15 A. After a few days Taylor was gone, and my wife and I had
16 had very long discussions, and, yes, that's when I called my
17 mother and sought her advice.

18 Q. And you thought your momma could help you resolve the
19 matter, right?

20 A. That's when I sought her advice.

21 Q. And you were living at your momma's house at this time,
22 right?

23 A. Yes, she owned the house that we were in.

24 Q. Your mom has a lot of control over the Vanover family,
25 right?

1 A. What's your definition of control?

2 Q. Well, she owns the house that you live in, right?

3 A. Yes.

4 Q. Everybody calls her when something goes on, right?

5 A. No.

6 Q. But y'all had this family meeting at her house, right?

7 A. Yes.

8 Q. And you say that you were close to Taylor at one point?

9 A. She's my daughter. She always will be. I can't -- I
10 can't change that.

11 Q. And you said her grades were good most of the time?

12 A. Her grades were always good until she hit high school.
13 So was her attendance.

14 Q. And other than this boot camp regimen, lockdown regimen
15 that you used as punishment, did you try to see if anything
16 else was going on with her?

17 A. Yeah, I asked what was going on. You know, I mean,
18 sure, we had many conversations.

19 Q. Did you try to get her some help?

20 A. I thought we were doing the best thing by what we
21 thought was right.

22 Q. But you still let her come and go as she pleased?

23 A. No, not -- not at that time, no. Not during the boot
24 camp thing, no, you don't go as you come and you please.

25 Q. But you testified she had a lot of freedom otherwise,

1 right?

2 A. Before that, yes.

3 Q. But you never called the police?

4 A. No.

5 Q. You never was notified by the school?

6 A. No.

7 MS. PATTERSON: Beg the court's indulgence, Your
8 Honor.

9 (Off the record)

10 (Back on the record)

11 BY MS. PATTERSON:

12 Q. And one last question, Mr. Vanover.

13 At this family meeting, a lot of talk was -- there was
14 a lot of talk about you having to go to jail, right?

15 A. I wouldn't say a lot, but, yes, it was part of that
16 conversation.

17 Q. And threats and different conclusions was made in front
18 of Taylor, right, about what would happen, right?

19 A. As -- what do you mean threats?

20 Q. If --

21 A. What type of threats?

22 Q. Did your wife tell her if you went to jail, y'all would
23 have to move in with her mom?

24 A. If she did tell her that, I wasn't aware of it at the
25 time.

1 Q. Did y'all tell her you were going to get in a lot of
2 trouble?

3 A. Oh, yeah, I -- I didn't say that. I mean, that was
4 something that was -- that my mother had told her that she
5 would take me to jail.

6 Q. And what were you saying?

7 A. What was who saying?

8 Q. At this meeting what were you saying?

9 A. I was mostly listening at the meeting.

10 Q. And so you didn't have anything to say? Even though
11 your daughter was making these serious allegations, you just
12 sat there and listened?

13 A. Well, like I said, we were at my mother's house, and,
14 you know, I kind of was seeing, you know, what would come
15 about, because I knew these allegations wasn't true.

16 Q. And when Ms. Lambert came to your house and told you
17 the purpose of her visit, you acted like you have never
18 heard about Taylor making these allegations before, didn't
19 you?

20 A. I don't remember it being that way.

21 Q. Do you remember telling her about you and your wife's
22 sex life?

23 A. I probably did.

24 MS. PATTERSON: Thank you, Your Honor.

25 I have no further questions.

1 THE COURT: Redirect?

2 MR. WILLIAMS: No questions on redirect, and I
3 have one short witness after this, Your Honor.

4 THE COURT: Very well.

5 You may step down.

6 Call your next witness.

7 MR. WILLIAMS: Your Honor, I would Mike Horne to
8 the stand.

9 THE COURT: Mr. Horne, I will remind you you
10 previously have been sworn in the trial of this case.

11 THE WITNESS: Yes, Your Honor.

12 THE COURT: If you will come forward and have a
13 seat on the witness stand. You are still under oath.

14 THE WITNESS: Yes, sir.

15 THE COURT: Pull that chair up and pull that
16 microphone to you and state your full name and spell your
17 last name for the record.

18 THE WITNESS: Mike Horne, H-O-R-N-E.

19 THE COURT: Your witness, counsel, direct
20 examination.

21 DIRECT EXAMINATION BY MR. WILLIAMS:

22 Q. Mr. Horne, are you Coach Horne? Are you also known as
23 Coach Horne?

24 A. Yes, sir.

25 Q. All right. And you testified yesterday, as you will

1 recall, about the allegations of how this thing began.

2 A. Yes, sir.

3 Q. Now, you referenced certain people who were in charge
4 of disciplinary at the school, and who was in charge of
5 disciplinary at the school?

6 A. Ross Carey. He was the football coach. I called him
7 Coach Carey sometimes.

8 Q. All right. And was there a vice principal who was
9 there also?

10 A. That's Coach Carey.

11 Q. All right, sir.

12 And in terms of records that are kept, does
13 Batesburg-Leesville High School maintain all of the
14 attendance records and school records for children who
15 attend Batesburg-Leesville High School?

16 A. As far as I know, yes, sir.

17 Q. And are they available upon subpoena?

18 A. Yes, sir.

19 Q. Is your memory so good that you remember whether or not
20 there was a substantial period of time whether or not Taylor
21 showed up to school or didn't show up to school?

22 A. No, sir, a lot of times I can't remember even what I
23 did last week.

24 Q. Okay. And the best evidence of that would be the
25 school records?

1 A. That's correct.

2 Q. Okay.

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

4 THE COURT: Cross-examination?

5 MS. PATTERSON: No, sir, Your Honor.

6 THE COURT: You may step down.

7 THE WITNESS: Thank you, sir.

8 THE COURT: Call your next witness.

9 MR. WILLIAMS: That would be the defendant's case,
10 Your Honor.

11 THE COURT: Very well.

12 Counsel approach.

13 (Whereupon, the lawyers approached the bench for
14 an off-the-record discussion)

15 THE COURT: Just one moment, ladies and gentlemen.
16 We are just doing a little planning, trying to schedule.

17 (Off the record)

18 (Back on the record)

19 THE COURT: Is there any reply testimony from the
20 State?

21 MS. PATTERSON: No, sir, Your Honor.

22 THE COURT: Very well.

23 Mr. Foreman, ladies and gentlemen of the jury, I'm
24 going to stop at this point so you can have your lunch.

25 When I know you have had your lunch and I know

1 that I have given the parties an opportunity to eat lunch,
2 we will resume the trial of this case.

3 Now, no smoking is permitted in the Lexington
4 courthouse. If I have -- do I have any smokers on the jury?
5 All right. I got a couple. The bailiffs will have to take
6 you outside during the lunch break in order to smoke.

7 Please do not discuss this case amongst yourselves
8 or with anybody else. You have not heard the final
9 arguments of the attorneys. You have not heard my charge on
10 the law, so it would be improper for you to discuss it with
11 anyone or amongst yourselves.

12 I will be back with you as soon as I can. I
13 promise you I will be working and I'll be aware of when you
14 have had your lunch and had time to take a break and we will
15 start back just as soon as I can get everybody back
16 together.

17 Thank you. You may retire to your jury room at
18 this time.

19 (The following takes place outside the presence of
20 the jury panel)

21 THE COURT: Are there any matters of law that the
22 court needs to take up at this time, from the State?

23 MS. PATTERSON: Nothing from the State.

24 THE COURT: From the defendant?

25 MR. WILLIAMS: Yes, Your Honor, in that the

1 testimony is complete, we would renew those motions made at
2 the end of the State's case and use the other standard, and
3 that is that since all of the evidence is in, that the
4 evidence is insufficient as a matter of law for the
5 defendant to be convicted of either one of the two
6 indictments of criminal sexual conduct with a minor.

7 THE COURT: Solicitor?

8 MS. PATTERSON: Your Honor, the same argument as
9 before. We think we have presented sufficient evidence.

10 THE COURT: I believe that there is sufficient
11 evidence to submit the case to the jury.

12 While there may be issues of fact, as you well
13 know, Mr. Williams, those are issues for the jury. And
14 regardless of the standard that I use, your motion for
15 directed verdict at the close of all the evidence is
16 respectfully denied.

17 Now, counsel, I want you to get a break for lunch.
18 It's now about twelve minutes to one, and here is what I
19 would propose. You take time and have lunch. Try to be in
20 my chambers about 1:35. At that point I will go over the
21 verdict form with you and the entire charge, so you will be
22 aware of what I'm going to charge prior to your arguments to
23 the jury.

24 Obviously since we only have a situation where the
25 defendant has testified, the State will have closing

1 argument in the case. I don't believe there is any dispute.

2 How long do you think that you need for arguments,
3 solicitor?

4 MS. PATTERSON: About thirty minutes.

5 THE COURT: Can you do it in thirty?

6 MR. WILLIAMS: Yes, sir.

7 THE COURT: You know, I have a -- I tell this
8 story to my law clerk and I'll tell it to both of my
9 lawyers.

10 I teach a Sunday school class and they are very
11 good about reading their lesson, much better than I am, the
12 members of my class, but I have always felt, and I teach
13 lawyers this, that after twenty minutes my Sunday school
14 class doesn't listen to a thing I say.

15 So I remind you to try to wrap up. Here is what
16 I'll do. I'll give you the thirty minutes. I understand
17 it's a serious case. When you have reached twenty-five
18 minutes, you will hear the familiar tap of the pen. That's
19 to let you know if you are caught up in your argument, that
20 you have five more minutes, according to the time that you
21 requested, to try to complete it.

22 I don't sit lawyers down or anything like that, or
23 put a big hook out and pull them down, but I have had some
24 lawyers that went on to the point that I had jurors that
25 nodded off. So I'll remind you to try to keep your

1 arguments concise and to the point.

2 All right, I'll look forward to seeing you in
3 chambers at 1:35.

4 We are in recess for lunch until we have completed
5 a charge conference and the jury has gotten their lunch and
6 you have had a chance to get yours. Thank you very much.

7 (Whereupon, proceedings were recessed)

8 (Whereupon, proceedings were reconvened)

9 THE COURT: Thank you. Good afternoon. Please be
10 seated.

11 THE COURT: Are you ready, Mike?

12 COURT REPORTER: Yes, sir.

13 THE COURT: Is the State ready to proceed?

14 MS. PATTERSON: Yes, sir, Your Honor.

15 THE COURT: Have I given you enough time now, Mr.
16 Williams?

17 MR. WILLIAMS: Defense is ready, Your Honor.

18 THE COURT: Very well.

19 All right. I met with counsel in chambers.

20 Several matters have occurred in chambers that I would like
21 to put on the record.

22 First of all, I reminded counsel of the language
23 in Section 16-3-655. That section deals with criminal
24 sexual conduct with a minor.

25 Subsection (C) (1) says a person convicted of this

1 section, etcetera, etcetera, and it says "in the case of a
2 person convicted at trial for a violation of Subsection
3 (A) (1), the judge or jury, whichever is applicable, must
4 designate as part of the verdict whether the conduct that
5 constituted the sexual battery involved sexual or anal
6 intercourse by a person, or intrusion by an object."

7 It is my understanding that rather than have the
8 jury, since we are in a trial, include that on the verdict
9 form, both sides are willing to stipulate as a fact if the
10 jury, in fact, convicts the defendant, that the sexual
11 intercourse was conducted by a person rather than intrusion
12 by an object.

13 Is that correct, solicitor?

14 MS. PATTERSON: That's correct, Your Honor.

15 THE COURT: Is that correct, Mr. Williams?

16 MR. WILLIAMS: That's correct, Your Honor.

17 THE COURT: And, therefore, you both agreed that
18 the verdict form would only be guilty or not guilty as to
19 each indictment of the offense of criminal sexual conduct
20 with a minor in the first degree without having the jury
21 make an additional finding as provided in (c) (1) of that
22 section.

23 Is that correct, solicitor?

24 MS. PATTERSON: That's correct, Your Honor.

25 THE COURT: Is that correct, Mr. Williams?

1 MR. WILLIAMS: That's correct, Your Honor.

2 THE COURT: All right. It is stipulated then as a
3 fact and agreed to between counsel.

4 All right. I also showed the verdict form to
5 counsel in chambers. They both agreed and been over the
6 verdict form and they are both in agreement as to the
7 verdict form.

8 I have also gone over my entire charge with
9 counsel in chambers. I have read them the portions of the
10 charge that they asked me to read to them in order that they
11 could tailor their closing remarks to the charge.

12 They both have advised me they are satisfied with
13 the verdict form and they are satisfied that they know
14 exactly what I intend to charge.

15 Is that correct from the solicitor?

16 MS. PATTERSON: That's correct, Your Honor.

17 THE COURT: Is that correct from counsel for the
18 defendant?

19 MR. WILLIAMS: That's correct, Your Honor.

20 THE COURT: Finally, we went over the order of
21 argument. Mr. Williams will argue first. He's asked for
22 thirty minutes, max. I will remind him with a tap after
23 twenty-five.

24 And then the solicitor will have closing argument.
25 She also will have thirty minutes. I'll remind her with a

1 tap after twenty-five.

2 Have I covered everything now that we discussed in
3 chambers, solicitor?

4 MS. PATTERSON: Yes, sir, Your Honor.

5 THE COURT: Mr. Williams, have I covered
6 everything?

7 MR. WILLIAMS: Yes, Your Honor.

8 THE COURT: Very well.

9 Bring us the jury.

10 THE BAILIFF: Yes, Your Honor.

11 (The following takes place in the presence of the
12 jury panel)

13 THE COURT: All right, Mr. Foreman, ladies and
14 gentlemen of the jury, you have heard the evidence in this
15 case. You will now hear the closing arguments of the
16 attorneys, followed by my charge to you on the law.

17 I ask that you give the attorneys your careful
18 consideration.

19 Mr. Williams.

20 MR. WILLIAMS: May it please the court?

21 THE COURT: Yes, sir.

22 MR. WILLIAMS: Mr. Foreman, ladies and gentlemen
23 of the jury, a short trial, but an important trial.

24 I thank you for all your careful attention. And
25 even though it's short and we didn't have many witnesses

1 that we talked about, it's still hard, because inevitably
2 when you have a jury, they are faced with the ultimate
3 question; who do you believe, what do you believe.

4 But our law, as we have it, is somewhat more
5 sterile than that, meaning we have standards that we have to
6 use. So whatever you believe, you have to take that belief
7 and you apply that belief in regards to the charges that the
8 person has, meaning do the facts substantially comply with
9 what the violation is, what the law is.

10 And there is something known as beyond a
11 reasonable doubt, which the judge will instruct you about,
12 and that is whether or not the State has proven my client's
13 guilt beyond a reasonable doubt.

14 So it gets more complicated, and the judge is
15 going to tell you what beyond a reasonable doubt means. It
16 means that you are firmly convinced of my client's guilt
17 before you can find him guilty. And if you are not firmly
18 convinced, you cannot find my client guilty.

19 Now, where does this -- where does all this come
20 from? Why is that your job? You twelve jurors, that's what
21 you are. You are fact finders and you have to apply the law
22 that His Honor will give you.

23 The lawyers up here, we represent our clients.
24 The judge is the judge of the law. He tells you what the
25 law is. You have to accept the law.

1 So it is complicated, but it all comes down to one
2 thing. I mean, it really does; what do you believe the
3 truth to be.

4 Now, you don't make that decision based on
5 emotion, because when you start talking about cases like
6 this, like this, criminal sexual conduct with a minor, I
7 mean, it just raises flags all over the place.

8 I don't know if you remember what I said in
9 opening. I said to void your mind about what you have seen
10 on TV in regards to any other case. It's got nothing to do
11 with why you are here today.

12 You are here to try a case, or decide a case, if
13 you will, involving my client, Glenn Vanover. You have seen
14 him. You have met him, a fellow citizen of Lexington
15 County. You met, his wife, his mother, brothers. These are
16 people.

17 So you have to decide what is the truth based on
18 what? Well, it's what you live with every day. It's when
19 you go out and buy a car and you decide, well, you know, I
20 think I believe what that salesperson is telling me, or I
21 don't believe him; or you make decisions about anything in
22 life. You just -- you determine what the truth is in
23 everything that you do.

24 So when you do that, I would suggest to you that
25 some of the things that you can look at, some of the things

1 that you can look at, are whether or not the testimony is
2 consistent or inconsistent.

3 I believe that there will be an instruction today
4 about inconsistent statements, because I believe there have
5 been inconsistent statements made. And I believe that the
6 instruction will tell you that you can accept those
7 inconsistent statements, or you may determine which
8 statements that you believe to be true.

9 You can't believe both sides of what went on
10 today. There may be times when you can believe what both
11 sides are putting up, but it's an impossibility that you can
12 believe what both sides have said today.

13 So you do have the benefit of having to have the
14 State prove its case beyond a reasonable doubt, if you -- if
15 you need that. It's part of the law.

16 The witnesses who have testified. I'm sure that
17 you remember Michael Horne, and he was the gentleman with
18 the purple shirt on who worked as the coach. He was the
19 first reporter, if you will; the former highway patrolman.
20 I think he's got some law enforcement background, but he was
21 there and he had a class with Taylor. And she supposedly
22 came to him and said she was having problems with something
23 that happened in her family. And he takes --

24 You see, most of your witnesses are just people
25 kind of in a chain, if you will. These are not people who

1 actually have the ultimate knowledge about what happened.

2 He worked at Batesburg-Leesville school. He knows
3 her. He took her statement and then he talked to the
4 officer here, Grooms, Officer Grooms, about what happened,
5 or alleged to have happened. Officer Grooms doesn't know
6 what happened.

7 None of those witnesses know what happened. There
8 is only two people that we know of that knows what happened,
9 or didn't happen.

10 So he takes the statement and he presents it
11 further down the line.

12 You get DSS involved. I don't know if you noticed
13 this, but there was very little to ask DSS, because the DSS
14 people don't know what happened. All they know is that when
15 there is an allegation of abuse, they take the child and
16 they take the child and put it another home.

17 So who else testified? Well, you had the officer
18 who did the investigative work testify, but he doesn't know
19 what happened. He can only tell you what was told to him.

20 So examine the story, if you will, from the
21 alleged victim. What she says is that she began to be
22 assaulted by her father and she was under the age of eleven,
23 between the ages of eight to eleven, three times a month.
24 And you know -- remember, we did the math. I said "well,
25 could it be seventy-two times?"

1 And then I pointed out in her written statement
2 that she said that it only happened six or seven times.

3 And then I pointed out in her written statement
4 that it happened three times a month, or three times a year.

5 Now, you may have thought that I was just being
6 harsh, but it's those things, if people remember what they
7 are saying, that they can tend to recall.

8 She also said that her mother walked in one time
9 when it happened. I guess you got to decide whether or not
10 Ms. Vanover walked in when this was going over, she saw it,
11 turned around and walked out. That's what she would have
12 you believe.

13 And she said that her recitation of the facts, or
14 these allegations, did not occur at her brother's sixteenth
15 birthday. Well, I mean how -- how do you come up with, at
16 least some reference by everybody else who remembers it as
17 being the sixteenth birthday because of the car and the
18 brother and he's getting the car and she doesn't get one,
19 but she doesn't agree with that. It was just some isolated
20 event.

21 And as a result she's taken to one of her friend's
22 house for, did she say two months?

23 I would suggest to you --

24 You know who doesn't have the burden of proof
25 here? Me. I don't have to do anything. I can sit right

1 there in my chair and do absolutely nothing. When the judge
2 calls on me, do I have anything to do? "I have no
3 witnesses. I have nothing to say." I can do that. You
4 know why I can do that? Because I don't have the burden of
5 proof.

6 If that were true that this child went to some
7 other child's house for two months, why not bring this other
8 child up here to testify to that, that it was two months and
9 not three days?

10 Don't you think she would have told the child why
11 she was there, if that happened? You got some stranger
12 showing up at your house, don't you think the momma or the
13 daddy would know "why is she here? Why is she staying with
14 me? What do you mean sexually assaulted?" Somebody in that
15 household is going to know about it.

16 Who has got the burden of proof? I don't.

17 Well, she's taken to grand momma's house. Grand
18 momma is eighty years old. She probably doesn't put up with
19 much. I know -- I heard what the solicitor was kind of
20 indicating that that grand momma runs everything, but, you
21 know, do you think for a minute that grand momma doesn't
22 love a grandchild and a son?

23 And she asked her, she wants to know -- she wants
24 to know if her son did this. She's got other sons. She
25 wanted to know. And she starts talking about how she can

1 prove what the truth is or not the truth. And then Taylor
2 said "oh, no, no, it didn't happen that way."

3 Now, I guess you got to decide what made Taylor
4 say that it didn't happen. Was it that she was being
5 threatened with the grandmother on the other side's house;
6 or that she was being threatened with being required to do
7 some other testing or something?

8 Or you could believe Taylor's version in which she
9 never said that she was lying. If that's true, let's assume
10 that's true, then why did Taylor simply come back to live
11 with her mom and her father? Why was there no other mention
12 about this? Why did everything go on just as smoothly as it
13 had before if she hadn't said that she lied?

14 Two years later it comes up again.

15 Now, mind you, Brooke/Taylor does not talk to her
16 friends and tell any of her friends that this is going on.
17 She picks the coach. That's not to say he's not a nice guy
18 and fatherly looking, but she picks him, who happens to be
19 in law enforcement. And, see, that's always intrigued me.
20 Why she -- I mean, he's a nice guy and all that. Why would
21 you pick the one guy who is teaching law enforcement to tell
22 this story to? Boy, it kind of fits, doesn't it?

23 But he does what he is supposed to. He does what
24 my client should have done. My client's mother -- I mean
25 his wife should have done; reported it, but she didn't

1 believe it, really. If she had believed it, she wouldn't
2 have just let it go. There was something gnawing at her.
3 What was gnawing at her was every time that she talked to
4 her, it was when she was two, when she was six, when she was
5 eight, when she was ten. It was inconsistent.

6 Well, she goes to the coach there and the coach
7 takes it on down the line and the next thing we know DSS is
8 involved. All these other things are involved.

9 And then I started asking her questions. I said
10 what makes it happen now? Why does it happen now? Do
11 things just occur out of -- normally -- there is normally --

12 I guess you got to make the call in your life
13 whether or not you think there is a cause and effect. I'm
14 old fashioned. I think normally there is a cause and
15 effect.

16 It's happening now because she's in trouble.
17 Whenever she's in trouble she's got to come up with a
18 reason.

19 Now, many of you, I'm sure, listening to my client
20 thought twenty-five days missing school? I don't pretend to
21 know the exact number of times that she missed school, but
22 there was a reason why the coach was called as a last
23 witness to me, that works at Batesburg-Leesville. He knows
24 where all the records are. Even if it wasn't twenty-five
25 days, say it was fifteen, say it was thirteen, maybe some of

1 them had doctor's excuses. I mean, let's focus on what the
2 important part is here. Why wouldn't those records be
3 brought to you to show that my client is an idiot, he
4 doesn't know what he says? None of that happened, because
5 they had the records. If that were necessary, they could
6 have produced the records. Would that have simplified your
7 life? Well, that's why he was called to testify.

8 I would suggest to you that the truth is that she
9 was missing some school. She admitted she was missing some
10 school. She admitted that she was having problems in
11 school. She admitted that she had a bunch of F's on her
12 report card. She admitted -- the only thing she didn't
13 admit was the fact that she had gotten an F in ROTC. She
14 said "no, I was doing okay on that."

15 So if you look at those things, and I'm trying to
16 be common sensical, you know, I'm trying to use that common
17 sense, things were not going well in Taylor's life, or
18 Brooke's life, or whichever name we want to use. It was not
19 going well for her. She was not doing well in school. This
20 was not immediately after she allegedly was assaulted. This
21 is not immediately after supposedly she told her mother that
22 she had been assaulted. This was -- why? Because what she
23 says "well, it's not my fault, because my mother was making
24 me stay up at night to take care of my brother and I wasn't
25 sleeping."

1 And, "no, I never got in trouble for leaving and
2 my parents not knowing where I was. I never got in trouble
3 for going to the beach and not being around when they knew
4 where I was. It's just a coincidence that my grades all of
5 the sudden got real bad."

6 The point of this is -- the point is not whether
7 or not her grades got bad or not. The point of this is that
8 according to momma, according to daddy, he puts a lockdown
9 on her; meaning no computer, no cell phone, go to school,
10 come home from school, do your work. This went for about
11 ten days and then this report comes out.

12 Do you think they are making it up? Isn't there
13 an element of truth in the fact that her grades were bad and
14 she was fed up with where she was at? Well, that's
15 essentially what the case is, isn't it?

16 But then you are told about all the terrible
17 things that have happened to her. She's had to go to a
18 foster home. And nobody wants this for any child.

19 Do you think this makes any of these people happy
20 over here? Do you think they really don't still love their
21 child? I mean, if you have got a child, if you have got a
22 daughter or you got a son, it doesn't matter how bad they
23 are, you can get mad with them, you can punish them, but do
24 you ever stop loving them? Do you ever quit caring about
25 them?

1 You know, it doesn't matter if they are girls or
2 boils. I got two girls and a boy. It doesn't matter. And
3 girls can be just as bad as boys, but that's the deal.

4 They may be bad parents. You know, maybe there
5 ought to be -- my mother used to say that there ought to be
6 a course that's taught in high school. We teach them -- we
7 teach them in high school about, I don't know, law
8 enforcement, and about being good citizens, and about ROTC.
9 We teach about home ec. We ought to teach them about being
10 good parents, because if we don't pick it up from our
11 parents, then we don't pick it up. So maybe they are not
12 good parents, because if you believe Brooke, "they just let
13 me wander. They just let me do all kind of things."

14 You know, times change. When I was coming along,
15 I guess I'm sixty-one, your parents, they spanked you. They
16 told you when you were wrong. You didn't talk back more
17 than once.

18 Nowadays if you do anything to a child, you are
19 reported to DSS. If a teacher does anything to a child,
20 then the parents down there are telling the teacher that
21 they are wrong. That's what we have in society. It's not
22 about -- that's not the issue, though.

23 Do you believe that he had sex with his daughter;
24 or, do you think she ran her mouth because she was upset
25 about what the situation was?

1 Are you convinced beyond a reasonable doubt that
2 my client did anything? And, you know, I keep saying that,
3 not because, not because there is any evidence that you need
4 to attach to. That's not the reason. I keep thinking how
5 do you prove you are innocent? I mean, that's the one thing
6 that just keeps eating me up. How can I prove my client is
7 innocent? He's told me he's innocent. What magic evidence
8 do I have that I could produce to show that he's innocent of
9 those charges? Y'all be lawyers. What do you think he
10 could have produced? He can't produce anything. That's why
11 we have this standard of beyond a reasonable doubt put on
12 the State. But he told you, and I guess you will have to
13 look at him and see whether or not you think that's what you
14 believe or not. He said he didn't do it.

15 Look at the inconsistencies in the testimony.
16 That's all. What makes sense to you? I mean, you may not
17 think that she was out twenty-five days. Big deal. But
18 what about the important stuff, and who could prove whether
19 or not that child was having issues? Batesburg-Leesville.

20 You know, when I sit down -- I don't have much
21 more to say, obviously, because I won't get to say anything,
22 because the prosecutor gets to say it and then the judge
23 will talk. I don't believe in regurgitating each and every
24 little thing, because you have heard what was said. And the
25 more I think about it, it's either/or. It's either/or. You

1 got to see it.

2 What I want you to do is I want you to go home
3 tonight and give your child a big hug and just hope that
4 your child grows up the right way and you have done a good
5 job, because I'll assure you we all have failed somewhere,
6 but we are certainly not guilty of committing criminal
7 sexual conduct.

8 THE COURT: Solicitor.

9 MS. PATTERSON: Thank you, Your Honor.

10 May it please the court?

11 THE COURT: Yes, ma'am.

12 MS. PATTERSON: Mr. Williams.

13 Ladies and gentlemen of the jury, as I told you in
14 my opening, Brooke Richburg had the unfortunate luck of not
15 having the type of relationship that most daughters have
16 with their father. No admiration, no protection, no shield
17 of innocence. Instead to her her father did the most
18 egregious thing a man could do to his daughter, and that's
19 why he's been charged with criminal sexual conduct with a
20 minor, first degree.

21 Now, the judge is going to instruct you later. So
22 if I say anything different from what he says later, please
23 follow his instructions, but for right now I just want you
24 to remember criminal sexual conduct is defined as it's
25 unlawful to commit a sexual battery with a minor.

1 And a sexual battery is defined as any intrusion,
2 however slight.

3 And the judge will also instruct you later that
4 these types of cases don't need to be corroborated. And you
5 know why? Because these are crimes of secrecy, just like
6 Brooke testified about. It was shameful, it was hurtful, it
7 was done in secret.

8 Now, some things just don't dignify a response,
9 and that's my position on most of what the defense witnesses
10 said, but just briefly let's just mention who testified.

11 The defendant. And you surely didn't think that
12 he was going to get up here and just admit to what he did,
13 but you saw his demeanor. You saw how he just sat up there.
14 I mean, he really had no reaction. And you know why?
15 Because you also heard from his wife and his mom and you can
16 pretty much guess who run that Vanover clan. After all,
17 they live in grandmother's husband. They take everything to
18 grandma. They hold these very important meetings at
19 grandma's house.

20 Three adults that child had to face by herself
21 and tell this crime of secrecy, sitting directly across from
22 that man, her daddy, somebody who should have been her
23 protector, but instead hurt her. Damaged her.

24 And they want to talk about all this stuff with
25 grades and skipping school and hanging out with friends.

1 She's damaged. What kind of behavior do you expect from
2 her?

3 They also want you to think that she was somehow
4 just so jealous of Brandon that she would lie about her
5 daddy. Why not lie about Brandon then? It just don't make
6 sense.

7 He's created all these diversions to you and I
8 just ask you to disregard them and focus on the witnesses
9 the State put up.

10 As I told you, you wouldn't hear very much
11 testimony, but it was important who you heard from and what
12 they said.

13 Coach Horne. A law enforcement officer, criminal
14 justice instructor who encouraged his students to come to
15 him with anything, and that's just what Brooke did. She
16 went to him and she disclosed what was going on in her
17 house, because she felt like, hey, maybe now somebody will
18 believe me. Somebody has come in my life. I have tried my
19 mom and what did she do? She sent me to McKayla's, but she
20 came and got me and had this confrontation with me with
21 these other adults.

22 Sure can't tell grandma Vanover. You saw her
23 attitude and she's disregarded Brooke. She said she don't
24 have a granddaughter any more.

25 So finally somebody has come into her life who she

1 can confide in who would help her out, and she did just
2 that. And he testified about her lingering around.
3 Something she just kind of blurted out. You know, it took a
4 little while for her to get it out, and she did. She cried,
5 held her head down and she did. And he did the right thing.
6 As a mandated reporter, he went to the powers that be and
7 they told him what he had to do and he reported to the
8 school resource officer.

9 And he said something very interesting. He said
10 he never heard from her again. She was removed from the
11 school, as you heard, but she did call him to thank him
12 while she was in foster care. Gratitude from such a
13 materialistic, ungrateful, unruly child. Huh.

14 Then you heard from Officer Grooms. He got the
15 report and he did what he was supposed to do. He talked
16 with Taylor. He had talked to her before. She had no
17 problems talking about personal things then, but this took a
18 little more -- this took a little more time for her to come
19 out and tell him about this. But he took the report,
20 contacted DSS, contacted Investigator Longshore and they got
21 the ball rolling.

22 These are people she could trust, people in the
23 school.

24 And speaking of people in the school, people who
25 have known she missed thirty days. You have kids in school.

1 There is no way you are going to miss -- they are going to
2 miss thirty days and you not know it. I don't care if they
3 did have a doctor's excuse. The teachers -- somebody is
4 going to call. Somebody is going to be serious. That's
5 just crazy.

6 Then Investigator Longshore got the case, talked
7 to the people who reported it to him, talked to Taylor and
8 she gave him a report.

9 And the defense wants to say that her
10 inconsistencies -- because she had inconsistencies, you
11 shouldn't believe her. I don't know why he would expect
12 that she would have kept some kind of diary or calendar and
13 notated each time that her daddy did these things to her.
14 Why would she know for certain?

15 What she does know is that it happened. It
16 happened a lot, and it happened while she lived at Sandpit
17 Road and Wildwood Circle. Adults don't even know what they
18 do from day to day. Why expect a child to do it, under
19 certain -- under these circumstances? Why would she keep up
20 with that? Why would she want to remember? She said she's
21 trying to forget it, but yet she's had to tell it time and
22 time again. She feels the sense of relief, but she's also
23 hurting, and you saw that from her testimony on that stand.

24 Then you heard from Constance Lambert Watkins.
25 She's gotten married. She got this call as an emergency

1 call. It was zero to two. That means she needed to get out
2 there and see what was going on, and that's what she did.
3 She got out there. She talked to the people at the school.
4 She brought Taylor into her room and then Taylor told her
5 more. Probably because it was a woman. She gave her a lot
6 of detail.

7 So Ms. Watkins felt the need to get law
8 enforcement, go out there to the home, which she did. She
9 got there and Melanie was there, Glenn was there, Brandon
10 was there, Alex was there, and what was going on? Melanie
11 answered the door. She told her what had happened. She
12 didn't seem surprised, because she had heard this before,
13 just like Taylor talked about. She confided in her mom
14 years earlier.

15 Glenn, on the other hand, he's somehow forgot, but
16 "oh, yeah, yeah, I remember."

17 "What? Me and my wife got a great sex life. Why
18 would I go anywhere else?" That was his response. Does
19 that seem like a normal response? I submit to you it does
20 not.

21 Brooke was removed from the home; went to
22 emergency foster care; went to another foster care; was
23 removed for that because that foster mom thought she created
24 drama, just because she was concerned about her momma. She
25 testified her and her momma was close. She loved her mom.

1 She was concerned when she got the call about the suicide.
2 So then she had to pack up and go to another foster home, a
3 foster home with nine children in a doublewide. That didn't
4 work out, so then she went to this group home.

5 And Ms. Watkins described this group home. It's a
6 group home with girls of all ages that probably had no real
7 luck in being returned home or being adopted. And I asked
8 Brooke, I said, "how was it living in that group home?" She
9 said it was awful and she started to cry. You saw that.

10 And they want you to believe that she did all of
11 this because Brandon got a car? She did all of this because
12 her grades slipped? No child would go through all of this,
13 unless it happened. It happened to her.

14 Luckily the Richburgs, who Melanie admitted she's
15 not close to, she don't bring her children around that much,
16 but luckily they had heart. They stepped in and they
17 adopted Brooke. She took on their name. So now she has
18 some hope, some hope of not being in that wrong crowd, like
19 Melanie admitted her own family is.

20 And let's talk about Brooke's testimony. You saw
21 her emotion. You heard her as she described it. She felt
22 privileged that her daddy would let her go in the room to
23 watch TV. What kid doesn't like TV? I have kids too and if
24 they didn't have a TV, oh my god. So she went in the room
25 just to watch TV. In comes here daddy and he starts feeling

1 all over her. She was confused. She didn't know what to
2 do. She was a child. What's going on? And he told her not
3 to tell, and she didn't. She was scared of him. But she
4 testified she knew what he was capable of because she seen
5 what he did to momma.

6 And you heard about his lockdown approach. I
7 imagine he is kind of tough and stern. And she knew this,
8 so she didn't tell anybody just yet. So she was confused.
9 He did it over and over again and it got more aggressive.
10 He would pull her pants down, insert his private part inside
11 of her's, and she know it went inside because it hurt. It
12 hurt that little child. He would ask her did it feel good;
13 compare her to other people. How cruel. How egregious.
14 And this happened time and time again.

15 And she talked about her mom walking in once, and
16 the defense wants you to believe that momma actually saw
17 something, but she didn't know what momma saw. She said the
18 lights were always out and she really didn't know if momma
19 saw it or not, but she didn't tell, because this is a crime
20 of secrecy.

21 No corroboration needed.

22 Then it got worse. He would put his private part
23 in her mouth.

24 And then all of the sudden it stopped when she
25 began to get her period. Huh. Because he would be found

1 out, then maybe there would be corroboration, but he
2 stopped, luckily.

3 But she continued to carry this secret for a year,
4 and that's not uncommon.

5 Momma knows that. Momma even testified she had
6 been sexually assaulted when she was little, so she knows,
7 and she believed that child at first. She let her go live
8 with McKayla. The defendant didn't even know her name, but
9 he agreed she went to live with a friend, because momma
10 believed it, and they had to sort it out. They had to
11 decide what was going to do, so they pulled in grandma and
12 all that. When they started arguing and things just rolled
13 from that.

14 Ladies and gentlemen, this is -- this is a very
15 serious crime. This is a very serious case, and I submit to
16 you that we have proven beyond a reasonable doubt that he
17 committed these offenses.

18 And the judge will instruct you what the
19 definition of reasonable doubt is. It's not beyond all
20 doubt, because there are few things that we know for
21 certain, for absolute certainty. But we do know that
22 sometimes the way people act demonstrates what they went
23 through.

24 Taylor has endured so much, or Brooke has endured
25 so much. Nobody would go through all of that just because

1 somebody got a car or because they skipped school. She
2 testified they didn't even really care what she did, and so
3 did the defendant. He admitted, you know, she kind of
4 went -- came and went as she pleased, because they had to
5 balance their work schedules. Nobody would do that because
6 of grades, because the brother got a car. I mean, it just
7 don't make sense. Those are diversions and I ask you not to
8 pay attention to them.

9 Just think about that child on that witness stand,
10 the way she testified, what she described, and use your
11 common sense. She's had to tell this story over and over
12 and over. And a lot of times things will become
13 inconsistent, because she's trying to forget it, but the
14 details have remained the same; the ages, where she lived,
15 where she was in school. All of that has remained the same.
16 They bounced around. Family divided. Vanovers here,
17 Richburgs here. How awful.

18 You heard her talk about her little brother Alex.
19 She talked about how she loved him. She missed him. She
20 got emotional about him. Would she risk tearing her
21 biological family apart for that if it wasn't true? She did
22 take care of Alex. She loved Alex. That's a fact. She was
23 helping out with Alex when DSS and the officer arrived,
24 because that was her little brother.

25 I submit to you, ladies and gentlemen of the jury,

1 that we have proved beyond a reasonable doubt that the
2 defendant committed criminal sexual conduct with a minor, on
3 his daughter.

4 If you need to listen to any testimony, you can do
5 that, but just remember how that child got up there and
6 bravely told you what she had endured, and I just ask that
7 you come back with a verdict of guilty on both counts.
8 Thank you.

9 (Whereupon, at 2:55 p.m., the Court charged the
10 jury panel)

11 THE COURT: No one in or out during the charge,
12 please.

13 Mr. Foreman, ladies and gentlemen of the jury, it
14 is now my duty to charge you on the law of this case.

15 The State of South Carolina has charged the
16 defendant, Glenn Edwin Vanover, two indictments with the
17 same offense; two counts of first degree criminal sexual
18 conduct with a minor. There are two indictments for one
19 offense, the same offense.

20 I'll remind you that the fact that the defendant
21 was arrested, the fact that the defendant was charged, the
22 fact that the defendant was indicted in this case is not
23 evidence in this case, nor does it create any presumption or
24 inference of guilt.

25 These documents which I hold in my hand are simply

1 the formal written instruments which contain the charges
2 made against the defendant. They are the formal documents
3 by which the case is brought into this court.

4 Now, to the indictments the defendant has pled not
5 guilty. And that plea by the defendant of not guilty puts
6 the burden on the State of South Carolina to show and to
7 prove the defendant guilty beyond a reasonable doubt.

8 A person charged with committing a criminal
9 offense in South Carolina is never required to prove himself
10 innocent.

11 I charge you, ladies and gentlemen of the jury,
12 that it is an important rule of the law that the defendant
13 in a criminal trial, no matter what the seriousness of the
14 charge may be, will always be presumed to be innocent of the
15 crime for which the indictment or indictments were issued,
16 unless guilt has been proven by evidence satisfying you of
17 that guilt beyond a reasonable doubt.

18 This presumption of innocence does not end when
19 you begin your deliberations, but it accompanies the
20 defendant throughout the trial, until you as a jury reach a
21 verdict of guilt based on evidence satisfying you of that
22 guilt beyond a reasonable doubt.

23 The presumption of innocence is not a mere legal
24 theory. It is not just a legal phrase. It is a substantial
25 right to which every defendant is entitled, unless you, the

1 jury, are satisfied from the evidence of the defendant's
2 guilt beyond a reasonable doubt.

3 What is a reasonable doubt in the law?

4 A reasonable doubt is the kind of doubt that would
5 cause a reasonable person to hesitate to act.

6 The State has the burden of proving the defendant
7 guilty beyond a reasonable doubt.

8 Some of you may have served as jurors in a civil
9 case, and we are here in a criminal court now, but if you
10 have served as a juror on a civil case, where you were told
11 that it was only necessary to prove that a fact is more
12 likely true than not true. In civil court we call that by
13 the greater weight or the preponderance of the evidence.

14 In a criminal case, such as the case here, the
15 State's proof must be more than that. It must be beyond a
16 reasonable doubt.

17 Proof beyond a reasonable doubt, ladies and
18 gentlemen of the jury, is proof that leaves you firmly
19 convinced of the defendant's guilt.

20 Now, there are very few things in this world that
21 any of us know with absolute certainty, and in criminal
22 cases the law does not require proof that overcomes every
23 possible doubt.

24 If, based on your consideration of the evidence,
25 you are firmly convinced that the defendant is guilty of the

1 crime or crimes charged, you must find the defendant guilty.

2 On the other hand, if you think there is a real
3 possibility that the defendant is not guilty, you must give
4 the defendant the benefit of the doubt and find the
5 defendant not guilty.

6 I'll remind you that during this trial you and I
7 have had certain duties to perform.

8 As the trial judge it has been my duty and my
9 responsibility to preside over the trial of this case. And
10 I also have the duty to rule on the admissibility of
11 evidence offered during the trial. You are to consider only
12 the competent evidence during this trial.

13 If there was any testimony or evidence ordered
14 stricken from the record in this case, you must disregard
15 that testimony. You are to consider only the testimony from
16 this witness stand which has been presented to you during
17 the trial, any exhibits, if any, which were made a part of
18 the record, and if there were any stipulations or agreements
19 of counsel in considering the evidence.

20 I have the additional duty as the presiding judge
21 to charge you on the law that applies to this case. As the
22 presiding judge I'm the sole judge of the law of the case
23 and it is your duty, ladies and gentlemen, as jurors to
24 accept and to apply the law as I now state it to you.

25 If any of you already have any ideas as to what

1 the law is, or any opinions about what you think the law
2 ought to be, and it does not agree with what I now tell you
3 the law is, you must abandon any of your preconceived ideas
4 or opinions, because you were sworn to accept and to apply
5 the law exactly as I now state it to you.

6 In every case tried in this courtroom before a
7 jury, the jury becomes the sole and the exclusive judges of
8 the facts in a case.

9 A trial judge, such as myself, cannot intimate,
10 state, comment on, make any statement to a trial jury, such
11 as yourselves, about the facts in a case.

12 Since you, the jury, are the sole judges of the
13 facts in this case, you are not to infer from what I have
14 said during the progress of this trial in ruling upon the
15 admissibility of evidence, or otherwise, or anything that I
16 say now during the course of this instruction to you that I
17 have any opinion whatsoever about the facts in this case.
18 This is a matter, ladies and gentlemen of the jury, solely
19 for you, the jury, to determine.

20 As jurors it is your duty, it is your
21 responsibility as jurors to determine the effect, the value,
22 the weight, and ultimately the truth of the evidence that's
23 been presented during the trial of this case.

24 Now, there are two types of evidence that are
25 generally presented during a trial. And like many things in

1 the law, we have names for those general types of evidence.
2 We call it direct evidence and circumstantial evidence.

3 Direct evidence is the testimony of a person who
4 claims to have actual knowledge of a fact, such as an
5 eyewitness.

6 Direct evidence is evidence which immediately
7 establishes the main fact to be proved.

8 Circumstantial evidence, as contrasted with direct
9 evidence, is proof of a chain of facts and circumstances
10 indicating the existence of a fact.

11 Circumstantial evidence is evidence which
12 immediately establishes collateral facts from which the main
13 fact may or may not be inferred.

14 Circumstantial evidence is based on inference and
15 not on personal knowledge or personal observation.

16 The law makes absolutely no distinction between
17 the weight or the value to be given to either direct or
18 circumstantial evidence, nor is a greater degree of
19 certainty required of circumstantial evidence than of direct
20 evidence.

21 Ladies and gentlemen of the jury, you as the jury
22 should weigh and consider all the evidence in this case,
23 both direct and circumstantial.

24 After weighing and considering all the evidence in
25 this case, if you are not convinced of the guilt of the

1 defendant beyond a reasonable doubt, you must find the
2 defendant not guilty.

3 On the other hand, after weighing all the evidence
4 in this case, both direct and circumstantial, if you are
5 convinced of the guilt of the defendant beyond a reasonable
6 doubt, you must find the defendant guilty.

7 Necessarily, you as the jury will have to
8 determine the credibility or believability of the witnesses
9 who have testified during the trial of this case. It will
10 become your duty as part of your deliberations in your jury
11 room to analyze and to evaluate the evidence and determine
12 which evidence in this case convinces you of its truth.

13 In determining the believability of the witnesses
14 who have testified in this case, you may believe one witness
15 over several witnesses, or several witnesses over one
16 witness.

17 You may believe a part of the testimony of a
18 witness and reject the remaining part of the testimony of
19 that same witness.

20 You may believe the testimony of a witness in its
21 entirety, or you may reject the testimony of a witness in
22 its entirety.

23 You may consider whether any witness has exhibited
24 to you any interest, any bias, any prejudice, or other
25 motive in this case.

1 You may also, if you so desire, consider the
2 appearance and manner of the witness while the witness is on
3 the witness stand.

4 Anything that is in evidence you, as a jury, have
5 the right to consider in passing upon the credibility or the
6 believability of the witnesses who have testified during the
7 trial of this case.

8 I charge you, ladies and gentlemen, there has been
9 evidence presented that witnesses have made prior statements
10 which are not consistent with the witness' present
11 testimony. You may use this evidence to decide whether to
12 believe that witness.

13 You may also use evidence of the earlier
14 contradictory statements to determine the truth of those
15 earlier statements.

16 It is entirely up to you, ladies and gentlemen of
17 the jury, to decide whether to believe the earlier statement
18 or testimony given at trial.

19 If a witness is shown to have knowingly testified
20 untruthfully concerning any material matter, you may
21 consider this in determining whether to trust the witness'
22 testimony as to other matters.

23 You may reject all testimony of that witness, or
24 you may give all or part of the testimony of that witness
25 the weight you, as a jury, think it deserves.

1 Now, ladies and gentlemen, in order to establish
2 criminal liability, criminal intent is required.

3 For example -- and I'm not talking now about this
4 case, but just generally. The mental state required to be
5 proven by the State for any type of particular crime. It
6 might be -- these are examples of criminal intent; purpose,
7 intent, knowledge, recklessness. Some cases what we
8 criminal negligence. Those are examples of criminal intent.

9 Criminal intent must be proven by the State beyond
10 a reasonable doubt.

11 Criminal intent is always a matter that must be
12 determined by the jury from the circumstances surrounding
13 the situation, based on evidence introduced during the trial
14 of a case.

15 Now, ladies and gentlemen, there is no way to
16 prove intent to a mathematical certainty. There is no way
17 that medical science can dissect a person's brain and
18 determine what that person had in mind. So the law says,
19 ladies and gentlemen, that criminal intent may be inferred
20 from the circumstances shown to have existed, based on
21 evidence introduced during the trial of the case. This,
22 ladies and gentlemen, is how you, as a jury, make a
23 determination of whether or not any element requiring intent
24 was present.

25 It is not necessary to establish criminal intent

1 by direct and positive evidence, but intent may be
2 established by inference, in the same way as any other fact,
3 by taking into consideration the acts of the parties and all
4 the facts and circumstances of the case, based on evidence
5 introduced during the trial of the case.

6 Criminal intent is a mental state, a conscious
7 wrongdoing.

8 It is up to you from the evidence, ladies and
9 gentlemen of the jury, to determine what the defendant
10 intended to do, based on the circumstances shown to have
11 existed from evidence introduced during the trial of the
12 case.

13 I charge you, ladies and gentlemen, that in a
14 prosecution for criminal sexual conduct, the law in South
15 Carolina is that the testimony of the victim need not be
16 corroborated in order for you to find the defendant guilty.

17 I charge you, ladies and gentlemen, that the
18 defendant in this case is charged with the offense of first
19 degree criminal sexual conduct with a minor.

20 The defendant, Glenn Edwin Vanover, has been
21 charged in two indictments with criminal sexual conduct with
22 a minor in the first degree.

23 These indictments allege that these events in the
24 indictments constituting this offense allegedly occurred in
25 Lexington County on or between January 1st, 2004, and

1 December 31st, 2007.

2 For the offense of first degree criminal sexual
3 conduct with a minor, the first element which the State must
4 prove beyond a reasonable doubt is that the defendant
5 engaged in a sexual battery with the victim.

6 Sexual battery is defined as sexual intercourse,
7 cunnilingus, fellatio, anal intercourse, or any intrusion,
8 however slight, of any part of a person's body, or of any
9 object into the genital or anal openings of another person's
10 body, except when the intrusion is accomplished for
11 medically recognized treatment or diagnostic purposes.

12 If you find that the State has not shown beyond a
13 reasonable doubt that a sexual battery occurred, you would
14 stop deliberating and your verdict would have to be not
15 guilty.

16 On the other hand, if you find that a sexual
17 battery has occurred, the second element which the State
18 must prove for purposes of this offense beyond a reasonable
19 doubt is that the victim was less than eleven years of age
20 at the time of the alleged incident or incidents.

21 If you find that the State has not shown beyond a
22 reasonable doubt that the victim was less than eleven years
23 of age at the time of the sexual battery, then you would
24 stop deliberating and your verdict as to criminal sexual
25 conduct, first degree, would be not guilty.

1 Now, Mr. Foreman, I have told you that I would
2 prepare a verdict form for you. Pay absolutely no attention
3 whatsoever to the order in which I wrote the forms of
4 verdict. Obviously I had to write one before the other and
5 the order has no significance whatsoever.

6 On your verdict form I have captioned the case for
7 you. I have put the State of South Carolina, County of
8 Lexington. I have put the indictment numbers, and I have
9 put the State of South Carolina versus Glenn Edwin Vanover,
10 defendant, and I wrote the words verdict.

11 There are two questions on your verdict form, one
12 and two, because there are two indictments.

13 Question one, we, the jury, by unanimous consent
14 find the defendant, Glenn Edwin Vanover, in Indictment
15 Number 2011-GS-32-2356; the first form of verdict under
16 question one is guilty of criminal sexual conduct with a
17 minor in the first degree.

18 If that be your form of verdict, Mr. Foreman and
19 ladies and gentlemen of the jury, Mr. Foreman, you would
20 check, place a checkmark on the line beside that form of
21 verdict.

22 The second form of verdict under question one, we,
23 the jury, by unanimous consent find the defendant, Glenn
24 Edwin Vanover, in Indictment Number 2011-GS-32-2356, would
25 be not guilty of criminal sexual conduct with a minor in the

1 first degree.

2 If that be your form of verdict, Mr. Foreman, you
3 would place a checkmark by that form of verdict.

4 You must find one form of verdict or the other.
5 You cannot find both.

6 The second question on your verdict form involves
7 the second indictment.

8 The question is we, the jury, by unanimous consent
9 find the defendant, Glenn Edwin Vanover, in Indictment
10 Number 2011-GS-32-2357; and the first form of verdict under
11 question two is guilty of criminal sexual conduct with a
12 minor in the first degree.

13 If that be your form of verdict, Mr. Foreman, you
14 would check on the line beside that form of verdict.

15 The second form of verdict under question two, we,
16 the jury, by unanimous consent find the defendant, Glenn
17 Edwin Vanover, in Indictment Number 2011-GS-32-2357 not
18 guilty of criminal sexual conduct with a minor in the first
19 degree.

20 If that be your form of verdict, Mr. Foreman, you
21 would check for the entire jury on the line beside that form
22 of verdict.

23 As with question one, you cannot find both forms
24 of verdict under question two. You must find one form of
25 verdict or the other, either guilty or not guilty.

1 Once you have checked the appropriate lines, Mr.
2 Foreman, for the entire jury, you would then sign your name
3 on the line where it says foreperson and fill in today's
4 date.

5 When you have completely filled out the verdict
6 form, you would knock on the jury room door, inform the
7 bailiff that you have as a jury reached a verdict and we
8 would bring you back into the courtroom to publish your
9 verdict.

10 I would then ask you, Mr. Foreman, not to leave
11 the courtroom until my law clerk has you sign your name on
12 the indictments which would be consistent with whatever you
13 write on the verdict form which I have prepared for you and
14 the entire jury.

15 Now, Mr. Foreman and ladies and gentlemen of the
16 jury, your verdict must be unanimous; that is, it must be
17 the verdict of each and every one of you. All twelve of you
18 must agree on a verdict.

19 Mr. Foreman, ladies and gentlemen, I have now
20 charge charged you on the law in order to help guide you to
21 a fair and a just result in this case.

22 As I have told you throughout this trial, you are
23 the judges of the facts in this case, based on the evidence
24 introduced during the trial of the case. And so based on
25 your determination of the facts in this case, including the

1 believability of the witnesses and the law as I have now
2 explained it to you, you are soon going to be going to your
3 jury room and begin your deliberations.

4 Each of you have been selected as fair and
5 impartial jurors. You took an oath and you swore to fairly
6 and to impartially try and to determine the facts of this
7 case. And when you comply with your oath to do so, no one
8 can criticize your verdict.

9 You are to decide this case, ladies and gentlemen,
10 based solely on the evidence that has been presented during
11 the trial of this case. You must decide the issues in this
12 proceeding without any bias, without any prejudice toward
13 either party to this case. You cannot allow yourself in the
14 jury room to be governed by prejudice for or against any
15 person. You cannot allow yourself to be governed by public
16 opinion or by any other arbitrary factor, such as emotion.
17 You must decide this case solely upon evidence introduced
18 during the trial of this case. Both the defendant and the
19 State of South Carolina have the absolute right to expect
20 that each of you on this jury will carefully and that each
21 of you will impartially consider all of the evidence that's
22 been presented in this case and that you will now follow the
23 law as I have instructed it to you to be in reaching your
24 verdict in this case.

25 Now, Mr. Foreman and ladies and gentlemen of the

1 jury, I'm going to ask you at this time to retire to your
2 jury room. Do not begin your deliberations. When it is
3 time for you to begin your deliberations, I will have the
4 bailiff bring in the verdict form.

5 Mike, do we have any exhibits?

6 COURT REPORTER: No, sir.

7 THE COURT: I'll have the bailiff bring in the
8 verdict form and have the bailiff instruct you that you may
9 then commence your deliberations. The reason for that is it
10 may be necessary for me to bring you back into the courtroom
11 for some brief additional instructions before you commence
12 your deliberations. So please do not start your
13 deliberations until I instruct you to do so.

14 You may retire to your jury room at this time.

15 (Whereupon, at 3:20 p.m., the jury went to the
16 jury room, awaiting instructions to begin deliberations)

17 THE COURT: Any exceptions or additions to the
18 charge, from the State of South Carolina?

19 MS. PATTERSON: No, sir, Your Honor.

20 THE COURT: Any exceptions or additions to the
21 charge, from the defendant?

22 MR. WILLIAMS: No, Your Honor.

23 THE COURT: Counsel, my understanding from the
24 court reporter, and I would just like for you to signify on
25 the record, that there are no exhibits that were introduced

1 during the trial of this case. You are satisfied that,
2 other than the verdict form, which you have no objections,
3 that my bailiff may take the verdict form in to the jury and
4 tell the jury that they may now commence their
5 deliberations.

6 Is that correct from the State?

7 MS. PATTERSON: Yes, sir, Your Honor.

8 THE COURT: Is that correct from the defendant?

9 MR. WILLIAMS: Yes, Your Honor.

10 THE COURT: Very well.

11 Now, Mr. Williams, I'm giving the verdict form,
12 which you and the solicitor have approved, to the bailiff,
13 telling the bailiff to go to the jury room.

14 Give the verdict form to the jury and tell the
15 jury they may now commence their deliberations.

16 Mr. Williams, in accordance with Court's Exhibit
17 No. 1, your client is now in the custody of the State of
18 South Carolina.

19 We will await the jury's verdict.

20 We will be at ease while we await the jury's
21 verdict.

22 The defendant is now in custody.

23 (Whereupon, at 3:22 p.m. the jury panel was
24 instructed to begin deliberations)

25 (Whereupon, at 3:23 p.m., proceedings were

1 recessed, pending the verdict of the jury panel)

2 (Whereupon, at 5:57 p.m., proceedings were
3 reconvened)

4 THE COURT: All right. Three matters have arisen
5 that I have discussed with the attorneys in chambers, the
6 first of which are I have two jurors that need to make phone
7 calls to their family concerning problems with family
8 members.

9 Counsel have agreed that they can be taken out of
10 the jury room in the presence of the bailiff, make the
11 calls, and obviously instructed they can't discuss the case,
12 and that the other jurors in the jury room cannot deliberate
13 while they are out of the room making the phone call.

14 I also have two smokers on the jury that want to
15 go outside and smoke.

16 Counsel has agreed they can do that, even though
17 they are required to be together during deliberations, so
18 long as they are told they are allowed to smoke one
19 cigarette outside, and the remaining jurors are told they
20 cannot deliberate while anyone is out of the room to make a
21 phone call or smoking. And counsel tells me they have no
22 objection to that, as long as the bailiff takes them to
23 smoke and the bailiff is present to listen to the substance
24 of the telephone call.

25 Finally, I have inquired of counsel, because I

1 have to address the issue of feeding the jury their supper.
2 After the calls are made and after the smoking occurs and
3 the jury, the twelve of them are brought back together in
4 the jury room -- and I caution people.

5 I assume that when the bailiffs take them out, I'm
6 not going to expose them, because it's difficult for members
7 of the public when they are confronted with a juror, y'all
8 you can take them where they won't be confronted to smoke.
9 All right. I don't want anyone inadvertently -- and I have
10 had this problem. You know, some lawyers are uncomfortable
11 because a juror is liable to speak to them and they don't
12 know whether they can say hello, and they feel like the
13 juror is mad at them if they don't speak, and I don't want
14 you to be placed in that confrontation. Obviously you can't
15 discuss it with them.

16 The next problem with supper. Once we get the
17 smokers done and the phone calls done, it's going to take
18 about an hour for us to get supper here. Counsel have
19 agreed to send the deputy clerk of court into the jury room.
20 She's going to tell them that it will take about an hour,
21 and that's the quickest supper we can provide. Basically
22 that's pizza. And to get it ordered and to get it back here
23 and to get drinks for them and everything, she says she
24 believes an hour. We will ask them, with counsels consent,
25 if they would like for us to order supper. That would tell

1 us whether we will get a verdict within the next hour or
2 whether or not they want to order supper. So that would be
3 the next question. I'll report that to you. And counsel
4 have agreed to allow the clerk to do that.

5 Have I accurately stated what occurred in
6 chambers, insofar as the solicitor is concerned?

7 MS. PATTERSON: Yes, sir, Your Honor.

8 THE COURT: Insofar as defense counsel is
9 concerned?

10 MR. WILLIAMS: Yes, Your Honor.

11 THE COURT: Very well.

12 In that case I thank you for your cooperation and
13 assistance and consent.

14 All right. Hope, are you ready?

15 THE CLERK: Yes, sir.

16 THE COURT: All right. Let's begin with the
17 bailiffs handling the phone calls and the smokers.

18 Once he's finished with that -- and that's done in
19 y'all's presence. Once he's finished with that and brought
20 all twelve back in, then I want you to go in, by consent of
21 counsel, in the jury room to inquire about supper.

22 THE CLERK: Yes, sir.

23 THE COURT: Thank you very much.

24 We will remain at ease while we await the jury's
25 verdict.

1 (Whereupon, at 6:01 p.m., proceedings were
2 recessed, pending the verdict of the jury panel)

3 (Whereupon, at 8:04 p.m., proceedings were
4 reconvened)

5 THE COURT: Let the record reflect that I have
6 been advised by the bailiff that the jury has reached a
7 verdict in this case.

8 Now, ladies and gentlemen, I want everyone to
9 understand that I do not tolerate any type of outburst when
10 a verdict is published in the courtroom. These jurors are
11 entitled to the respect for their service, regardless of
12 what the verdict is. If you cannot control your emotions, I
13 ask that you stand up and step out of the courtroom, because
14 if there is any emotional outburst, I will deal with that
15 with the contempt powers of this court. So if you feel you
16 you can't control your emotions, one way or the other,
17 regardless of what the verdict is, I ask you to please leave
18 the courtroom at this time.

19 (No response)

20 THE COURT: All right. I will expect everyone in
21 here, regardless of the verdict, to remain silent when the
22 verdict is published out of respect for the jury.

23 Is the State ready to proceed?

24 MS. PATTERSON: Yes, sir, Your Honor.

25 THE COURT: Is the defendant ready to proceed?

1 MR. WILLIAMS: The defendant is ready to proceed,
2 Your Honor.

3 THE COURT: Hope, do you want to publish it, or do
4 you want me to?

5 THE CLERK: I'll publish it for you, judge.

6 THE COURT: Bring us the jury.

7 THE CLERK: I will pass it up to you from the
8 bailiff.

9 THE COURT: I understand.

10 (Whereupon, at 8:07 p.m., the jury panel returned
11 to open court to publish its verdict)

12 THE CLERK: Mr. Foreman, have you reached your
13 verdicts?

14 JURY FOREMAN: Yes, we have.

15 THE CLERK: Please pass them up by the bailiff.

16 THE COURT: You may publish the verdict.

17 THE CLERK: Indictment 2011-GS-32-2356, the State
18 versus Glenn Edwin Vanover, we, the jury, by unanimous
19 consent find the defendant, Glenn Edwin Vanover, in the
20 indictment number guilty of criminal sex conduct with a
21 minor in the first degree.

22 On Indictment 2011-GS-32-2357, State versus Glenn
23 Edwin Vanover, we, the jury, by unanimous consent find the
24 defendant, Glenn Edwin Vanover, in the indictment number
25 2011-GS-32-2357 guilty of criminal sexual conduct with a

1 minor in the first degree.

2 So signed Danny Hoover, foreperson, August 29th,
3 2012.

4 Mr. Foreman, ladies and gentlemen of the jury, if
5 this is your verdicts, please indicate each of you by
6 raising your right hand.

7 All hands were raised, Your Honor.

8 THE COURT: Let the record reflect twelve hands
9 were raised in response to the deputy clerk's question.

10 Anything further from the defendant before I
11 excuse the jury?

12 MR. WILLIAMS: Yeah, individual polling, Your
13 Honor.

14 THE COURT: Madam Clerk, would you please poll the
15 jury? And would you tell the jury what you are going to ask
16 them? I require that you ask each juror to stand and as you
17 call their name and ask them was that their verdict and get
18 a response with the court reporter, and then ask is that
19 still your verdict.

20 Are you satisfied, counsel, with that polling
21 procedure?

22 MR. WILLIAMS: Yes, Your Honor.

23 THE COURT: Very well.

24 Madam Clerk, poll the jury.

25 THE CLERK: Your Honor, with it be being two

1 counts, do I do them individually, or verdicts?

2 THE COURT: Counsel, since there are two counts,
3 can she ask two questions per juror as to each count?

4 MR. WILLIAMS: Yes.

5 THE COURT: Just refer to both indictment numbers,
6 since it's the same offense?

7 MR. WILLIAMS: Yes, Your Honor.

8 THE COURT: Very well.

9 You understand, Hope? Just say as to Indictment
10 2011-2356 and Indictment 2011-2357.

11 THE CLERK: Yes, sir. Okay.

12 As I call your name, please stand.

13 As the judge instructed, I will ask you as to the
14 count. I'll read the indictment number and then the second
15 indictment number, and then I will ask you as to these
16 verdicts, were they your verdicts and are they still your
17 verdicts. Then respond, please.

18 Scott Davis -- wait a minute. Wrong jury pool. I
19 apologize.

20 Troy Coker.

21 As to Indictment 2011-GS-32-2356 and to Indictment
22 2011-GS-32-2357, as to the verdicts, were these your
23 verdicts and are they still your verdicts?

24 JUROR NUMBER 50: Yes, ma'am.

25 THE CLERK: Thank you, sir.

1 Tiffany Caughman.

2 As to Indictment 2011-GS-32-2356 and Indictment
3 2011-GS-32-2357, were these your verdicts and are they still
4 your verdicts?

5 JUROR NUMBER 41: Yes, ma'am.

6 THE CLERK: Thank you, ma'am.

7 Christopher Sharpe.

8 As to Indictment 2011-GS-32-2356 and Indictment
9 2011-GS-32-2357, were these your verdicts and are they still
10 your verdicts?

11 JUROR NUMBER 240: Yes.

12 THE CLERK: Summer Solum.

13 As to Indictment 2011-GS-32-2356 and Indictment
14 2011-GS-32-2357, were these your verdicts and are they still
15 your verdicts?

16 JUROR NUMBER 254: Yes, ma'am.

17 THE CLERK: Thank you, ma'am.

18 Jason Wilber.

19 As to Indictment 2011-GS-32-2356 and Indictment
20 2011-GS-32-2357, were these your verdicts and are they still
21 your verdicts?

22 JUROR NUMBER 285: Yes, ma'am.

23 THE CLERK: Thomas Scott, Jr..

24 As to Indictment 2011-GS-32-2356 and Indictment
25 2011-GS-32-2357, were these your verdicts, are they still

1 your verdicts?

2 JUROR NUMBER 235: Yes.

3 THE CLERK: Yvonne Graham.

4 As to Indictment 2011-GS-32-2356 and Indictment
5 2011-GS-32-2357, were these your verdicts and are they still
6 your verdicts?

7 JUROR NUMBER 98: Yes, ma'am.

8 THE CLERK: Dennis Hutton.

9 As to Indictment 2011-GS-32-2356 and Indictment
10 2011-GS-32-2357, as to the verdicts, were they your verdicts
11 and are they still your verdicts?

12 JUROR NUMBER 128: Yes, ma'am.

13 THE CLERK: Thank you.

14 Vicki Devoe.

15 As to Indictment 2011-GS-32-2356 and Indictment
16 2011-GS-32-2357, were these your verdicts, are they still
17 your verdicts?

18 JUROR NUMBER 72: Yes, ma'am.

19 THE CLERK: Rita Adams.

20 As to Indictment 2011-GS-32-2356 and Indictment
21 2011-GS-32-2357, were these your verdicts, are they still
22 your verdicts?

23 JUROR NUMBER 2: Yes, ma'am.

24 THE CLERK: Danny Hoover.

25 As to Indictment 2011-GS-32-2356 and Indictment

1 2011-GS-32-2357, were these your verdicts, are they will
2 still your verdicts?

3 JUROR NUMBER 122: Yes.

4 THE CLERK: Thank you.

5 Manuel Santiago.

6 As to Indictment 2011-GS-32-2356 and Indictment
7 2011-GS-32-2357, were these your verdicts, are they still
8 your verdicts?

9 JUROR NUMBER 232: Yes, ma'am.

10 THE CLERK: All jurors polled, Your Honor.

11 THE COURT: Counsel, the jury has been polled.
12 The verdict stands.

13 Anything further from defense counsel pertaining
14 to the jury before I excuse the jury?

15 MR. WILLIAMS: Nothing for the jury, Your Honor.

16 THE COURT: Anything further from the State?

17 MS. PATTERSON: Nothing from the State.

18 THE COURT: Mr. Foreman and ladies and gentlemen
19 of the jury, this concludes your jury service for the week
20 in Lexington County. On behalf of Lexington County and this
21 court I want to thank you for your service.

22 Now, sentencing in this case is going to occur in
23 just a couple of moments. If you would like to stay for
24 sentencing, I invite you to stay right in the jury box, and
25 we will escort you, my bailiffs, following sentencing, out.

1 You don't have to stay, but if you would like to stay for
2 sentencing. That's the court's province, but sentencing is
3 going to take place in just a moment, as soon as the
4 paperwork is prepared.

5 If you need a work excuse, Hope?

6 THE CLERK: I have already given them to the
7 bailiff, Your Honor.

8 THE CLERK: The bailiff?

9 THE COURT: If anybody needs a work excuse from
10 serving on the jury this week, we will be happy to provide
11 that to you.

12 I realize, ladies and gentlemen, and I told you
13 this call upon your time doesn't frequently come to you and
14 I want to thank you for your service. All a judge can ask
15 of a jury is that you listen, and listen carefully. I
16 watched all twelve of you throughout this trial and each of
17 you did that. On behalf of this court and Lexington County
18 I would like to thank you for your service.

19 Now, for those of you that would like to remain,
20 I'm going to deal with the sentencing now, which is not your
21 province, but I will be happy -- meaning you don't have to
22 decide the sentence. That's the court's decision. However,
23 I would be happy for you to remain in your jury box, or if
24 you would like, you can leave, whichever one you prefer to
25 do.

1 I will tell you that your checks for jury service
2 will be mailed to you at the address you provided the Clerk
3 of Court. So your checks are in the mail, ladies and
4 gentlemen.

5 Thank you for your service.

6 For those of you that would like to leave, you may
7 have leave the courtroom at this time. For those of you
8 that would like to stay for sentencing, I invite you to stay
9 with me.

10 (Whereupon, at 8:15 p.m., the jury panel was
11 discharged)

12 THE COURT: All right, counsel, you and the
13 defendant and the solicitor come around.

14 MR. WILLIAMS: Your Honor, I would ask the record
15 to note that I have made a motion for an arrest of judgment.

16 THE COURT: On what grounds?

17 MR. WILLIAMS: On the prior motions that were
18 made.

19 THE COURT: Are you talking about on the grounds
20 that you made for directed verdict at the close of the
21 State's case?

22 MR. WILLIAMS: Yes, sir.

23 THE COURT: And at the close of all of the
24 evidence?

25 MR. WILLIAMS: Yes, sir.

1 THE COURT: And for the reasons I stated on the
2 record at the close of the State's case and the reasons I
3 stated on the record at the close of all of the evidence,
4 Mr. Williams, your motion for arrest of judgment, which I'm
5 not sure -- there is -- well, your motion is respectfully
6 denied.

7 MR. WILLIAMS: And to grant the defendant a new
8 trial on those bases.

9 THE COURT: And your motion for a new trial on the
10 basis that you raised at the close of the State's case and
11 at the close of all of the evidence is respectfully denied.

12 All right, solicitor, do we have a sentencing
13 sheet?

14 MS. PATTERSON: Yes, sir, Your Honor.

15 May I approach?

16 THE COURT: You may.

17 All right, solicitor. Of course, I heard the
18 evidence in this case and I realize I have a number of
19 members of families that are here. I'll be happy to hear
20 anything from anyone, including you, solicitor, and then
21 I'll hear from you, Mr. Williams, in mitigation.

22 MS. PATTERSON: Your Honor, it doesn't look like
23 the victim -- no one in the -- the victim or no one else in
24 her family would like to speak, but on behalf of the State I
25 know it's a mandatory minimum.

1 THE COURT: A mandatory minimum sentence, which
2 Mr. Williams, knows of 25 years.

3 MS. PATTERSON: Yes, sir.

4 THE COURT: And it is violent.

5 MS. PATTERSON: Yes, sir, Your Honor.

6 We just leave -- of course, I have worked with
7 this family. I have come to know Brooke. From the first
8 day I met her, I just believed what she had to say. She
9 was -- she's just a sweet child and we just ask Your Honor
10 that the sentence reflect the horrific ordeal that her
11 biological father put her through.

12 THE COURT: Does the defendant have any prior
13 record, solicitor?

14 MS. PATTERSON: No, sir, Your Honor, no prior
15 convictions.

16 THE COURT: Very well.

17 Anything further from the State?

18 MS. PATTERSON: No, sir, Your Honor.

19 THE COURT: I'll be happy to hear from you, Mr.
20 Williams.

21 MR. WILLIAMS: Your Honor, he's forty-nine years
22 of age. He has an extended family. He has a wife, who was
23 here.

24 THE BAILIFF: She's in the lobby.

25 MR. WILLIAMS: And he's got a sister, brother,

1 sister-in-law, brother, brother. His mother is outside.

2 Obviously we can't argue about what the jury's
3 verdict is. We can only tell you that there is absolutely
4 no prior record.

5 The jury has spoken.

6 THE COURT: Once the jury speaks, the defendant
7 has been convicted, Mr. Williams, and there was clearly
8 sufficient evidence from which the jury could reach their
9 conclusion, but I'm happy to hear anything that you want to
10 tell me in mitigation for purposes of sentencing.

11 MR. WILLIAMS: Your Honor, there is really nothing
12 I can say, other than the fact he has no prior criminal
13 record of any kind whatsoever.

14 THE COURT: I understand that.

15 MR. WILLIAMS: Has led an exemplary life for
16 forty-nine years.

17 THE COURT: Was your client incarcerated on this
18 charge?

19 MR. WILLIAMS: He was.

20 For how many days?

21 THE DEFENDANT: For about three weeks.

22 MR. WILLIAMS: Three weeks.

23 THE COURT: Anything else, Mr. Williams?

24 MR. WILLIAMS: No, sir.

25 THE COURT: Mr. Vanover, is there anything that

1 you would like to tell the court prior to sentencing?

2 THE DEFENDANT: I don't have any words, Your
3 Honor. I'm sorry.

4 THE COURT: So that the people in the courtroom
5 understand, I take into consideration for this offense, I
6 realize -- I have listened carefully to the evidence. I
7 realize the defendant has no prior record.

8 I also realize that the jury clearly had
9 sufficient evidence from which they could reach the verdict
10 that they did.

11 The statute that we are dealing with, criminal
12 sexual conduct, first degree, if convicted, a person is
13 guilty of a felony, and upon conviction must be imprisoned
14 for a mandatory minimum of twenty-five years, no part of
15 which may be suspended or probation granted.

16 And the actual maximum sentence, as Mr. Williams
17 and the solicitor knows, goes up to life in prison.

18 I take into consideration what I heard throughout
19 the trial as evidence in this case.

20 I understand, solicitor, what you have told me to
21 take into consideration what occurred to the victim.

22 I also take into consideration, Mr. Williams, that
23 your client has no prior criminal record.

24 On Indictment 2011-GS-32-02356, also Indictment
25 2011-GS-32-02357, the sentence on each of them, the

1 defendant is committed to the State Department of
2 Corrections for a term of twenty-six years.

3 Those sentences are to run concurrent to each
4 other.

5 The defendant is to be given credit for time
6 served, pursuant to South Carolina Code Section 24-13-40.
7 That is to be calculated and applied by the State Department
8 of Corrections.

9 All right, counsel and defendant, the defendant is
10 now in custody.

11 Ladies and gentlemen of the jury, if you will just
12 stay right there for one second. I'm going to -- my bailiff
13 is going to escort each of you out. I thank you very much
14 for your service in this case.

15 You may leave the courtroom at this time.

16 Hold on. My law clerk is coming to you, Mr.
17 Foreman. He's not going to let you leave without your
18 signature.

19 (Whereupon, at 8:23 p.m., proceedings were
20 concluded)

21 (END OF REQUESTED TRANSCRIPT OF RECORD)
22
23
24
25

CERTIFICATE

I, the undersigned, Michael R. Watts, Official Court Reporter for the Sixteenth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and the evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for LEXINGTON County, South Carolina, on the 28TH AND 29TH DAYS day of AUGUST, 2012.

I do further certify that I am neither of kin, counsel nor interest to any party hereto.

JANUARY 19, 2013

Michael R. Watts

Michael R. Watts
Circuit Court Reporter

STATE OF SOUTH CAROLINA

COUNTY OF LEXINGTON

GLENN E. VANOVER

Plaintiff(s)

vs.

STATE OF SOUTH CAROLINA

Defendant(s)

Submitted By: JONATHAN M. MILLING
 Address: 1614 Taylor Street, Suite C
 Columbia, SC 29201

SC Bar #: 15628
 Telephone #: (803) 451-7700
 Fax #: (803) 451-7701
 Other:
 E-mail: jmm@millinglaw.net

-CP-

NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint.

DOCKETING INFORMATION (Check all that apply)

*If Action is Judgment/Settlement do not complete

- ☐ JURY TRIAL demanded in complaint. ☒ NON-JURY TRIAL demanded in complaint.
☐ This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☒ This case is exempt from ADR. (Proof of ADR/Exemption Attached)

NATURE OF ACTION (Check One Box Below)

Contracts ☐ Constructions (100) ☐ Debt Collection (110) ☐ Employment (120) ☐ General (130) ☐ Breach of Contract (140) ☐ Other (199)	Torts - Professional Malpractice ☐ Dental Malpractice (200) ☐ Legal Malpractice (210) ☐ Medical Malpractice (220) Previous Notice of Intent Case # 20____-CP-_____ ☐ Notice/ File Med Mal (230) ☐ Other (299)	Torts - Personal Injury ☐ Assault/Slander/Libel (300) ☐ Conversion (310) ☐ Motor Vehicle Accident (320) ☐ Premises Liability (330) ☐ Products Liability (340) ☐ Personal Injury (350) ☐ Wrongful Death (360) ☐ Other (399)	Real Property ☐ Claim & Delivery (400) ☐ Condemnation (410) ☐ Foreclosure (420) ☐ Mechanic's Lien (430) ☐ Partition (440) ☐ Possession (450) ☐ Building Code Violation (460) ☐ Other (499)
Inmate Petitions ☒ PCR (500) ☐ Mandamus (520) ☐ Habeas Corpus (530) ☐ Other (599)	Administrative Law/Relief ☐ Reinstate Drv. License (800) ☐ Judicial Review (810) ☐ Relief (820) ☐ Permanent Injunction (830) ☐ Forfeiture-Petition (840) ☐ Forfeiture-Consent Order (850) ☐ Other (899)	Judgments/Settlements ☐ Death Settlement (700) ☐ Foreign Judgment (710) ☐ Magistrate's Judgment (720) ☐ Minor Settlement (730) ☐ Transcript Judgment (740) ☐ Lis Pendens (750) ☐ Transfer of Structured Settlement Payment Rights Application (760) ☐ Confession of Judgment (770) ☐ Petition for Workers Compensation Settlement Approval (780) ☐ Other (799)	Appeals ☐ Arbitration (900) ☐ Magistrate-Civil (910) ☐ Magistrate-Criminal (920) ☐ Municipal (930) ☐ Probate Court (940) ☐ SC DOT (950) ☐ Worker's Comp (960) ☐ Zoning Board (970) ☐ Public Service Comm. (990) ☐ Employment Security Comm (991) ☐ Other (999)
Special/Complex /Other ☐ Environmental (600) ☐ Automobile Arb. (610) ☐ Medical (620) ☐ Other (699)	☐ Pharmaceuticals (630) ☐ Unfair Trade Practices (640) ☐ Out-of-State Depositions (650) ☐ Motion to Quash Subpoena in an Out-of-County Action (660) ☐ Sexual Predator (610)		

Submitting Party Signature:

Date: Dec-10, 2014

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRCP, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

FOR MANDATED ADR COUNTIES ONLY

Aiken, Allendale, Anderson, Bamberg, Barnwell, Beaufort, Berkeley, Calhoun, Charleston, Cherokee, Clarendon, Colleton, Darlington, Dorchester, Florence, Georgetown, Greenville, Hampton, Horry, Jasper, Kershaw, Lee, Lexington, Marion, Oconee, Orangeburg, Pickens, Richland, Spartanburg, Sumter, Union, Williamsburg, and York

SUPREME COURT RULES REQUIRE THE SUBMISSION OF ALL CIVIL CASES TO AN ALTERNATIVE DISPUTE RESOLUTION PROCESS, UNLESS OTHERWISE EXEMPT.

You are required to take the following action(s):

1. The parties shall select a neutral and file a "Proof of ADR" form on or by the 210th day of the filing of this action. If the parties have not selected a neutral within 210 days, the Clerk of Court shall then appoint a primary and secondary mediator from the current roster on a rotating basis from among those mediators agreeing to accept cases in the county in which the action has been filed.
2. The initial ADR conference must be held within 300 days after the filing of the action.
3. Pre-suit medical malpractice mediations required by S.C. Code §15-79-125 shall be held not later than 120 days after all defendants are served with the "Notice of Intent to File Suit" or as the court directs. (Medical malpractice mediation is mandatory statewide.)
4. Cases are exempt from ADR only upon the following grounds:
 - a. Special proceeding, or actions seeking extraordinary relief such as mandamus, habeas corpus, or prohibition;
 - b. Requests for temporary relief;
 - c. Appeals
 - d. Post Conviction relief matters;
 - e. Contempt of Court proceedings;
 - f. Forfeiture proceedings brought by governmental entities;
 - g. Mortgage foreclosures; and
 - h. Cases that have been previously subjected to an ADR conference, unless otherwise required by Rule 3 or by statute.
5. In cases not subject to ADR, the Chief Judge for Administrative Purposes, upon the motion of the court or of any party, may order a case to mediation.
6. Motion of a party to be exempt from payment of neutral fees due to indigency should be filed with the Court within ten (10) days after the ADR conference has been concluded.

Please Note: You must comply with the Supreme Court Rules regarding ADR. Failure to do so may affect your case or may result in sanctions.

FILED
2011 DEC 10 P 2:09
BETH A. CARRICE
CLERK OF COURT
LEXINGTON

FORM 5

STATE OF SOUTH CAROLINA

COUNTY OF LEXINGTON

GLENN E. VANOVER

Full name and prison number (if any) of Applicant.

v.

State of South Carolina

IN THE COURT OF COMMON PLEAS

APPLICATION FOR

POST-CONVICTION RELIEF

INSTRUCTIONS - READ CAREFULLY

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make clear to which question any such continued answer refers.

Since every application must be sworn under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

If the application is taken in forma pauperis, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay the fees and costs of the proceedings. When the application is completed, the original shall be mailed to the Clerk of Court for the County in which the applicant was convicted.

1. Place of detention Perry Correctional
2. Name and location of Court which imposed sentence Lexington County General Sessions
3. Name(s) of co-defendant(s) (if any) None
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) 2011-GS-32-2356
 - (b) 2011-GS-32-2357
 - (c) _____
5. The date upon which sentence was imposed and the terms of the sentence:
 - (a) August 29, 2012
 - (b) August 29, 2012

- (c) _____
6. Check whether a finding of guilty was made:
- (a) after a plea of guilty _____
- (b) after a plea of not guilty and a jury trial
- (c) after a plea of nolo contendere _____
7. Did you appeal from the judgment of conviction or the imposition of sentence?
yes
8. If you answered "yes" to (7), list:
- (a) the name of each Court to which you appealed:
- i. South Carolina Court of Appeals
- ii. _____
- iii. _____
- (b) the result in each such Court to which you appealed:
- i. affirmed
- ii. _____
- iii. _____
- (c) the date of each such result:
- i. December 23, 2013
- ii. _____
- iii. _____
- (d) if known, citations of any written opinion or orders entered pursuant to such results:
- i. 2013-UP-481
- ii. _____
- iii. _____
9. If you answered "no" to (7), state your reasons for not so appealing:
- (a) N/A
- (b) _____
- (c) _____
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:
- (a) Ineffective Assistance of Counsel (IAC), multiple grounds

- (b) please see the attached Supplement
- (c) _____
11. State concisely and in the same order the facts which support each of the grounds set out in (10):
- (a) see attached
- (b) see attached
- (c) see attached
12. Prior to this application have you filed with respect to this conviction:
- (a) any petition in a State Court under South Carolina Law? No
- (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? No
- (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? No
- (d) any other petitions, motions or applications in this or any other Court? No
13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:
- (a) the specific nature thereof:
- i. N/A
- ii. _____
- iii. _____
- iv. _____
- (b) the name and location of the Court in which each was filed:
- i. N/A
- ii. _____
- iii. _____
- iv. _____
- (c) the disposition thereof:
- i. N/A
- ii. _____
- iii. _____
- iv. _____
- (d) the date of each such disposition:

i. N/A

ii. _____

iii. _____

iv. _____

(e) if known, citations of any written opinions or orders entered pursuant to each such disposition:

i. N/A

ii. _____

iii. _____

iv. _____

14. Has any ground set forth in (10) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?

No

15. If you answered "yes" to (14) identify:

(a) which grounds have been presented:

i. N/A

ii. _____

iii. _____

(b) the proceedings in which each ground was raised:

i. N/A

ii. _____

iii. _____

16. If any ground set forth in (10) has not previously been presented to any Court, State or Federal, set forth the ground and state concisely the reasons why such ground has not previously been presented:

(a) The allegations are the ineffective assistance of counsel which were not properly included in the direct appeal.

(b) _____

(c) _____

17. Were you represented by an attorney at any time during the course of:

(a) your arraignment and plea? No

(b) your trial, if any? Yes

- (c) your sentencing? Yes
- (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? Yes
- (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? _____

18. If you answered "yes" to one or more parts of (17), list:

- (a) the name and address of each attorney who represented you:
 - i. Robert T. Williams, Sr., PO Box 849, Lexington, SC 29071
 - ii. Katherine Carruth Goode, 229 S. Congress St., Winnsboro, SC 29180
 - iii. _____
- (b) the proceedings at which each such attorney represented you:
 - i. Trial
 - ii. Appeal
 - iii. _____

19. State clearly the relief you seek in filing this application:

Convictions vacated and a new trial granted

20. Are you now under sentence from any other court that you have not challenged?

No

STATE OF SOUTH CAROLINA

County of Greenville

VERIFICATION

I, Glenn E. Vanover, being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and that the matters and allegations therein set forth are true.

Glenn E. Vanover

SWORN to and subscribed before me this 20th
day of November, 2014.

Nancy C. Merchant (L.S.)
Notary Public

My Commission Expires: 1-23-2021

FILED
2014 DEC 10 P 2:09
BETH A. CAMPBELL
CLERK OF COURT
LEWIS & CLARK COUNTY

STATE OF SOUTH CAROLINA)

COUNTY OF LEXINGTON)

GLENN E. VANOVER)

v.)

The State of South Carolina,)

Defendant)

IN THE COURT OF COMMON PLEAS

2024 DEC 10 P 2:39

SETH A. CAREY

SUPPLEMENT TO APPLICATION FOR
POST CONVICTION RELIEF

QUESTION 10: Grounds for relief.

(a) Ineffective Assistance of Counsel (IAC), multiple grounds.

QUESTION 11: Facts supporting relief.

(a) (1) IAC: Failure to Object/Preserve Issue

During the victim's testimony at trial, counsel failed to properly object to the introduction of inadmissible prior bad act testimony, and failed to preserve the issue for appeal. Specifically, the victim alleged that the reason she did not report the alleged conduct which gives rise to the instant charges is that she observed how "he treated my mom and how he hit her." TR., p. 118. While an objection was noted, apparently as to the prejudicial impact of the testimony and the relevance, the Court merely noted that "I believe she can testify to what she said, counsel." The Court went on to note "Tell you just what you said and not what someone else said. Do you understand?" See *id.* The South Carolina Attorney General's Office has already outlined their position that the issue was not preserved for appellate review, thereby acknowledging a deficiency in counsel's performance. See Initial Brief of Respondent, pages 6-7. The South Carolina Court of appeals agreed, and so noted in

the unpublished opinion. *See* 2013-UP-481.

Credibility in the instant trial was key. The victim significantly delayed reporting of the incidents. There was no physical evidence corroborating the events, and the victim provided testimony regarding the extent of the alleged assaults. Evidence was also presented that the victim was doing poorly in school, and was being disciplined at home. Thus, the credibility of the witnesses was key. The unsubstantiated statement gave the victim a reason to have delayed reporting the events, cast the defendant in an even more negative light, and gave provided a reason for the victim's mother to side with the defendant. Evidence of prior bad acts is clearly inadmissible to prove his character in order to show acts in conformity therewith. Despite this, such is precisely what occurred, to the defendant's detriment. Such conduct by counsel, and the failure to properly challenge the admission of evidence, was ineffective and deficient, and the defendant was prejudiced thereby.

(a) (2) IAC: Failure to Investigate – School Records and Medical Records

Counsel failed to request, receive, or review school and medical records of the victim. Much of the presentation of the defense at trial centered around the victim's fabrication of the allegations to avoid discipline for misbehaving at school. As previously noted herein, no physical evidence existed to substantiate the victim's allegations. Thus, any corroboration of the defendant's statement that the charges were manufactured so as to avoid discipline would have established the defendant's credibility, and innocence. Upon information and belief, the victim's school records would have established an excessive number of absences, an unacceptable grade point average, and justified discipline by her parents. Counsel is also informed and

believes that medical records would have revealed Doctor's excuses for those absences from school. The victim adamantly denied the charge that she was absent from school, or failing. Counsel was ineffective in failing to secure these records in advance of trial, and in using the records to corroborate the defendant's version of events. Alternatively, if the school and medical records failed to demonstrate the absences and low grade point average, counsel was deficient in basing the defense on these uncorroborated arguments. Counsel was deficient in failing to secure the records in advance of trial so as to ascertain how best to utilize the same at trial. Mr. Vanover was clearly prejudiced by this failure of counsel.

(a) (3) IAC: Failure to Investigate – Brandon Vanover

The defendant's son, Brandon, lived with the defendant, his mother, the victim, and his younger brother during the time the alleged assaults took place. In fact, the victim described more than one assault by the defendant at a time when Brandon was present within the home. Upon information and belief, prior counsel never interviewed Brandon, and did not call Brandon as a witness during the trial. Brandon clearly would have been in a position to describe his observations regarding the events of that occasion, as well as the interactions between his father and sister. Furthermore, the defendant and Brandon's mother describe the victim's jealousy of Brandon, and noted during trial that on Brandon's 16th birthday, he was given a car, was about to drive off with his friends, and when the victim was advised she could not go, she retaliated and first made a claim of abuse. Brandon, thus could have been a key witness for the defense in refuting the allegations of the victim.

Beyond the foregoing, as siblings, Brandon would have been in a unique

position to be able to describe the victim's relationship with their father. If the two appeared to be distant and detached, as you would expect in the case of abuse, a sibling would have made the observation. Conversely, if a father and daughter shared a close relationship, such a relationship likely would not have been forged in response to abuse. Furthermore, as close in age as Brandon and the victim are, Brandon would have been able to observe the victim's reputation within the community, and would be aware of any reputation for dishonesty the victim might have had that could have been explored by the defense. Finally, upon information and belief, Brandon would have been able to refute the victim's allegations surrounding the location of televisions within the home, which according to the victim, led to the initial assault. Counsel was deficient in failing to interview Brandon, and as appropriate, call Brandon as a witness for the defense. The defendant was prejudiced by this deficiency.

(a)(4) IAC: Failure to Investigate/Cross Examine/Impeach

As previously noted, the credibility of the witnesses was key to the instant proceeding. Upon information and belief, counsel had within his possession documentation written by the victim during middle school referring to the defendant as her "hero," her "role model," and her "best friend." The victim goes on to report "you will never ever let me down." Such is hardly the writing of an abused child describing her attacker. Counsel was deficient in failing to question the victim about this.

Upon information and belief, prior to making the allegations about the defendant, the victim advised friends that she was pregnant. This information was

false, and consistent with the victim's history of fabricating information in an attempt to garner attention. Such also reveals a pattern of dishonesty and deception that counsel should have explored on cross examination. Counsel was deficient in failing to examine the victim on these, and other areas ripe for impeachment.

(a)(5) IAC: Permitting Client to Appear and Testify while under the influence of prescription narcotics.

During trial, the defendant was under the influence of morphine and Xanax. Prior counsel was aware of this. Notable side effects of morphine include dizziness, drowsiness, excessive sweating, feeling faint, feeling nauseous, nervousness, and confusion. Notable side effects of xanax also include dizziness, drowsiness, confusion, restlessness, nausea and vomiting, nervousness. Obviously, many of these side effects would be noticeable to a jury, and would reflect poorly upon one's ability to testify in their own defense. Some confusion is apparent when reviewing the defendant's testimony. As has been noted herein, credibility of the defendant was key to the defense, and if the defendant during testimony (or while at counsel table during trial for that matter), appeared confused, restless, or nervous, a juror could evaluate credibility based upon this.

(a)(6) IAC: Soliciting/Failure to object to testimony regarding suicide attempt

During prior counsel's cross examination of the victim, counsel began to question the victim regarding her departure from a foster home. The victim responded that she received information that her biological mother had committed suicide. A proper investigation into the circumstances surrounding her departure would have revealed the reasoning and led counsel to avoid this line of questioning.

If counsel sought to illicit information regarding the victim's dramatic nature, a motion in limine would have been appropriate considering the information regarding her mother's suicide attempt was not relevant to the instant proceeding, and cast the family in a negative light. Furthermore, the jury upon hearing this comment could have been under the mistaken belief that the suicide attempt had something to do with the allegations which were the subject of the instant proceeding.

After opening the door with this questioning, the prosecution was able to cross examine Melanie Vanover about her suicide attempt. No objection was made by prior counsel to this questioning.

(a)(7) IAC: Failure to Investigate prior unfounded allegations by the victim

Upon information and belief, the victim alleged that a former teacher at Batesburg-Leesville Middle School inappropriately touched the victim, and made comments of a sexual nature to/about the victim. Prior counsel was aware of this, but did nothing to substantiate the victim's earlier, unfounded allegations, or present evidence through cross examination or otherwise of the victim having previously, falsely accused another person of inappropriate sexual contact. Failing to investigate a lead such as this is ineffective, and clearly prejudicial considering how a jury would have viewed such information.

(a)(8) IAC: Calling Mike Horne as a Witness in the Defendant's case

The final witness prior counsel called for the defense was Mike Horne. Mr. Horne had previously testified for the prosecution as to how the instant allegations arose; he was the school official to whom the allegations were reported by the victim. As an initial matter, by calling Mr. Horne as a witness for the defense,

counsel lent credibility to Mr. Horne as a witness, and to the victim's trust of Mr. Horne. If the defense trusted Mr. Horne enough to call him as a witness, this could be seen as justification by the jury for the victim reporting the event to Mr. Horne.

The thrust of the questioning of Mr. Horne centered upon the availability of school records to demonstrate the victim's grades and attendance. Questioning pointed to the availability of these records through subpoena. This was the defense – the victim's problems at school led to her restrictions at home, which led to her false allegations of sexual assault. The prosecution had no need for the records in advance of trial as they did not prove the prosecution's case. Instead, as previously outlined, the school records were a key component of the case for the defense. Had prior counsel secured these records in advance of trial, they could have been utilized through Mr. Horne, and been the last piece of evidence the jury heard. Instead, they heard Mr. Horne testify that the records were available, and they would have corroborated the case for the defense. The jury was left with unanswered questions – Why didn't the defense present the school records? If they showed what counsel suggested, why didn't we get to see them? If they weren't presented, they must not have shown what the defense said?

The defense does not bear the burden of proof, but clearly when you are presenting a defense such as the one in this case, you must actually present the defense. Corroboration is key, especially when the defense's own witness outlines the availability of such corroboration. Counsel was deficient in calling Mr. Horne as a witness without the school records.

SWORN to before me this 3rd
day of December, 2014

Tamara Conwell

Notary Public for South Carolina

My Commission Expires: **My Commission Expires**
September 25, 2023

Glenn E. Vanover
Glenn E. Vanover, Petitioner

FILED

2014 DEC 10 P 2:09

BETH A. CARRIS
CLERK OF COURT
LEXINGTON, SC

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF LEXINGTON	)	ELEVENTH JUDICIAL CIRCUIT
	)	
Glenn E. Vanover,	)	C.A. No. 2014-CP-32-4479
S.C.D.C. No. 352164,	)	
	)	
Applicant,	)	
	)	
v.	)	RETURN
	)	(counsel has been appointed pursuant
State of South Carolina,	)	to Rule 71.1(d), SCRCP) ¹
	)	
Respondent.	)	
	)	

Respondent, making its Return to the Application for Post-Conviction Relief (PCR) filed December 10, 2014, would respectfully show this Court:

I.

Applicant is presently confined in the Department of Corrections pursuant to orders from the Lexington County Clerk of Court. Applicant was indicted for two counts of criminal sexual conduct with a minor under the age of eleven (CSC), first-degree (2011-GS-32-2356; -2357) at the August 2011 term of the Lexington County Grand Jury. He was represented by Theo Williams, Esq., Esq. On August 28, 2012, the State called its case to trial before the Honorable Perry Buckner. The jury found Applicant guilty as indicted on both offenses. Applicant was sentenced to two terms of twenty-six (26) years imprisonment. The sentences were to be served concurrently.

A notice of appeal was filed on Applicant's behalf and perfected by Katherine C. Goode, Esq. The Court of Appeals affirmed Applicant's sentences in convictions in an unpublished opinion. State v. Glenn Edwin Vanover, (2013-UP-481, filed December 23, 2013). The Remittitur was issued on January 8, 2014.

¹ By Order of appointment, Aimme Zmroczek, Esq., was appointed to Applicant's case on January 21, 2015.

Attached herewith and incorporated herein are the records of the Lexington County Clerk of Court regarding the subject conviction, the Applicant's records from the South Carolina Department of Corrections, and Applicant's appellate records, and Applicant's trial transcript. The Respondent reserves the right to amend this Return upon receipt of any relevant materials.

II.

In his Application, the Applicant alleges that he is being held in custody unlawfully for the following reasons:

1. Ineffective Assistance of Counsel:
 - a. failure to object/preserve objection for appeal: victim's testimony that she did not report Applicant's abuse because she witnessed Applicant abuse the mother
 - b. failure to investigate: the victim's school and medical records, that would have shown "charges were manufactured so as to avoid discipline;"
 - c. failure to interview/call a witness: Brandon Hanover, "victim described more than one assault at a time Brandon was present within the home;"
 - d. failure to cross-examine: victim, "counsel had within his possession documentation written by the victim during middle school referring to the defendant as her hero;"
 - e. failure to call Applicant to testify: "defendant was under the influence of morphine and Xanax;"
 - f. failure to investigate: "victim alleged that a former teacher at Batesburg-Leesville Middle School inappropriately touched the victim;"
 - g. failure to not recall State's witness Horne: to elicit further testimony on school records

Applicant must specify any claims he intends to raise at the PCR trial. Any claims not specifically pled in this PCR application or in timely amendments will be opposed by the State at an evidentiary hearing. S.C. Code '17-27-10 et seq; SCRCP 71.1. All claims should be made well in advance of the PCR hearing. If Applicant has an attorney appointed, the attorney, and not the inmate, is the only one authorized to file amendments. SCRCP Rule 11. Filings by

inmates will not be considered at the PCR hearing. Respondent intends to move to dismiss Applicant's action absent timely and sufficient amended pleadings.

III.

The Respondent asserts that the Applicant's allegation of ineffective assistance of trial counsel is without merit. The Respondent also asserts that the Applicant's attorney rendered effective assistance well within the standard of reasonableness within professional norms for a criminal defense attorney.

A two-pronged test is used in evaluating allegations of ineffective assistance of counsel. First, the applicant must prove that counsel's performance was deficient. Under this prong, attorney performance is measured by its reasonableness under professional norms. Cherry v. State, 300 S.C. at 117, 386 S.E.2d at 625, (citing Strickland v. Washington). The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. The courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Strickland v. Washington. The Applicant must overcome this presumption in order to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

Second, counsel's deficient performance must have prejudiced the Applicant such that there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different. Id. A reasonable probability is a probability sufficient to undermine confidence in the outcome of the trial. Johnson v. State, 325 S.C. 182, 480 S.E.2d 733 (1997). In other words, where ineffective assistance of counsel is alleged as a ground for relief, the Petitioner must prove that counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result.

Strickland v. Washington, 466 U.S. 668, 104 S. Ct. 2052, 2064 (1984); Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985).

The Respondent submits that the Applicant cannot satisfy either requirement of the Strickland v. Washington test. However, the allegation of ineffective assistance of counsel probably raises questions of fact that cannot be conclusively refuted by the record. The Respondent requests an evidentiary hearing to fully resolve this issue. Sharper v. State, 279 S.C. 264, 305 S.E.2d 247 (1983).

IV.

The State therefore requests that this Court convene an evidentiary hearing solely on the issue of ineffective assistance of counsel. As to all other allegations, the Respondent moves for summary dismissal pursuant to S.C. Code Ann. § 17-27-70 on the basis that there is no genuine issue of material fact which would necessitate an evidentiary hearing and that those allegations should be dismissed as a matter of law.

V.

Each and every allegation contained within the application not hereinbefore either expressly admitted, qualified or explained is hereby denied.

VI.

WHEREFORE, having made its Return, the Respondent requests that a hearing be held.

ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

KAREN C. RATIGAN
Senior Assistant Deputy Attorney General

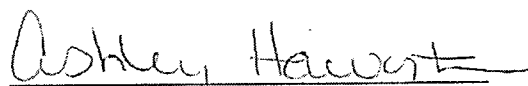
WALT WHITMIRE

STATE OF SOUTH CAROLINA	)	
	)	IN THE COURT OF COMMON PLEAS
COUNTY OF LEXINGTON	)	
	)	
	)	2014-CP-32-4479
GLENN E. VANOVER, #352164	)	
	)	
Applicant,	)	
	)	
vs	)	AFFIDAVIT OF SERVICE BY MAIL
	)	
STATE OF SOUTH CAROLINA,	)	
	)	
Respondent.	)	
_____	)	

1. I am an employee of the Respondent in the above-captioned action.
2. Regular communication by mail exists throughout the State of South Carolina and that this is a proper circumstance of service by mail.
3. I have this day served a copy of the **Return** on the above-captioned matter on the following person by depositing same in the United States mail, postage prepaid:

Ms. Aimee Zmroczek, Esquire
A.J.Z. Law Firm, LLC.
PO Box 11961
Columbia, SC 29211

DATED this 19th day of March, 2015.


Ashley Haworth, Legal Assistant
For Respondent