

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Pickens County
Roger L. Couch, Circuit Court Judge

ORIGINAL

THE STATE,

RESPONDENT,

V.

AARON BENJAMIN BEACH,

RECEIVED

APPELLANT

NOV 01 2019

SC Court of Appeals

APPELLATE CASE NO. 2019-000493

RECORD ON APPEAL

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STATE OF SOUTH CAROLINA	)	COURT OF GENERAL SESSIONS
	)	
COUNTY OF PICKENS	)	THIRTEENTH JUDICIAL CIRCUIT
	)	
State of South Carolina,	)	Case No(s) : 2017GS3900001,
	)	2017GS3900002
Plaintiff,	)	
	)	
-VS-	)	TRANSCRIPT OF RECORD
	)	
Aaron Benjamin Beach,	)	(Volume 1 of 2)
	)	
Defendant.	)	
	)	

March 18-19, 2019
Pickens, South Carolina

B E F O R E:

HONORABLE ROGER L. COUCH, Judge.

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P R O C E E D I N G S

(Proceedings begin on the 18th day of
March 2019, at 10:51 a.m.)

THE COURT: All right. Good morning, ladies
and gentlemen. Let me introduce myself. My name
is Roger Couch. I am a circuit court judge. I
reside in Spartanburg, South Carolina. It is my
pleasure to be assigned in serving in General
Sessions Court in Pickens County this week.
General Sessions Court is the division of the
Circuit Court in which cases are handled where
citizens have been charged with the commission
of a crime. So we'll be handling criminal
matters this week.

I have been presented with some indictments
in the first case. We are about to begin the
trial in the State of South Carolina against
Aaron Benjamin Beach. I'm going to go over some
information with you at this point in time that
may assist you later on in answering some
questions that I'm going to ask that pertain
specifically to this case. I know that you've
already been qualified by Judge Kinlaw as
jurors who are qualified to sit in cases this
week, but we're now going to be discussing

1 matters that are particular to this case.

2 First of all, I'm going to go over with you
3 the indictments that I have been handed in this
4 case. Let me explain to you that the
5 indictments are simply documents, informational
6 documents, that bring the case into this court.
7 They inform this Court of the charges that are
8 to be tried in this case. They inform the
9 defendant of the charges that have been lodged
10 against the defendant. However, indictments are
11 simply that.

12 They are informational documents. They are
13 not evidence and they cannot be used by a juror
14 -- or a jury, in any fashion whatsoever
15 concerning the factual questions that will be
16 presented to you. Again, I'm going to go over
17 these with you, simply to provide you with the
18 information concerning the charges that are
19 before the Court at this time.

20 The first indictment that I will discuss
21 with you is case number 2017GS390001. The
22 indictment is for the offense of the sexual
23 exploitation of a minor in the first degree.
24 The indictment states, in part, that Aaron
25 Benjamin Beach did in Pickens County, on or

1 about or between the dates of July 1, 2016 and
2 July 31, 2016, knowing the character or content
3 of the material used, employed, induced,
4 coerced, encouraged, or facilitated a minor to
5 engage in sexual activity or appear in a state
6 of sexually explicit nudity or live performance
7 or for the purpose of producing material
8 containing sexual stimulation. That was done in
9 violation of the code section that's alleged to
10 be Code Section 16-15-395 of the Code of Laws
11 of South Carolina 1976 as amended. That's
12 against the peace and dignity of the state and
13 contrary to statute in such case made and
14 provided.

15 Again, that's one of the allegations that's
16 been presented to this Court. It's not
17 evidence. It can't be used by the jury as
18 evidence in any fashion whatsoever.

19 The second indictment that has been
20 presented to me is in case
21 number 2017GS3900002. This indictment is for
22 the offense of criminal sexual conduct with a
23 minor in the first degree. The indictment, in
24 part, that Aaron Benjamin Beach did in Pickens
25 County, on or about or between the dates of

1 July 1, 2016 and July 31, 2016, commit a sexual
2 battery on a person identified in the
3 indictment as S.B., who was less than 11 years
4 of age. This is in violation of a code section
5 that's alleged, Section 16-3-655(a)(1) of the
6 South Carolina Code of Laws of South Carolina
7 1976 as amended, against the peace and dignity
8 of the state and contrary to the statute in
9 such case made and provided.

10 Again, those are the two indictments that
11 are before the Court. I give you that
12 information so that you could more fully answer
13 some questions that I'll ask of you shortly.

14 I want you to be aware of the individuals
15 who'll be involved in the trial of this case.
16 Again, I'm going to ask some questions about
17 them in just a few moments. So I'd ask that the
18 attorneys identify themselves or introduce
19 themselves to you that are involved in the
20 trial. In the case of the defense, I would ask
21 that the defendant be introduced to the jury,
22 as well.

23 So for the state, if you would, please
24 introduce yourselves to the jury.

25 **MS. HINTON:** Thank you, Your Honor.

1 Good morning. My name is Brandi Hinton. I'm
2 an assistant solicitor here in Pickens County.
3 Seated with me is Detective Brandon Liner of
4 the Easley Police Department.

5 **THE COURT:** Sir, if you would, stand and
6 face the jury so they can put a face with that
7 name. Thank you very much. I appreciate it.

8 And for the defense, if you'll introduce
9 yourselves.

10 **MR. DEJONG:** Thank you, Your Honor. May it
11 please the Court.

12 I am John DeJong. I practice law here in
13 Pickens County. Standing next to me is
14 Mr. Daniel King. He's sitting with me through
15 this trial. He may participate in the trial.
16 But nonetheless, he is seated as co-counsel
17 with me.

18 Now, stand up for me.

19 This gentleman who is standing in front of
20 you is Mr. Aaron Benjamin Beach, who I have the
21 pleasure of representing today.

22 **THE COURT:** Thank you very much.

23 Now as I indicated to you, I'm going to be
24 asking questions that pertain to this case and
25 the people that will be involved in this case.

1 It's important that the information that you
2 provide during this questioning is truthful,
3 honest, and complete information because it
4 will be used not only by this Court to
5 determine whether or not you should be seated
6 in this case, but it will also be used by the
7 attorneys in exercising the strikes that they
8 have by law that they are allowed in selecting
9 a jury in this trial.

10 So the information is very important to
11 this Court. And for that reason, I am, again,
12 going to place you under oath. I know you were
13 sworn for qualification, but I'm going to ask
14 that you be sworn concerning the answers you're
15 about to give in this case. So I'd ask the
16 clerk to please swear the jury panel for me at
17 this time.

18 (The jury panel is duly sworn.)

19 **THE CLERK:** Please have a seat.

20 **THE COURT:** Now, if there was any member of
21 this potential jury panel who either failed or
22 refused to take the oath just administered by
23 the clerk, I'd ask that that person please
24 stand at this time.

25 (No audible response.)

1 All right. The court record will reflect,
2 then, that all jurors have been placed under
3 oath concerning the questions that I'm about to
4 ask.

5 Now, we'll follow a procedure that was
6 probably used by Judge Kinlaw in qualifying you
7 earlier: I'll be asking questions. If you have
8 a response to the question, I'll be asking that
9 you stand. Before I discuss the response that
10 you might have, I'll ask for your name and
11 juror number. I do that so that we can clearly
12 identify on the record who I might be speaking
13 to at any given time concerning the questions
14 that I've asked.

15 If you have any questions about what I
16 asked, please raise your hand, stand. I'll be
17 glad to try to answer any questions you might
18 have about this. And I will tell you: If
19 there's any matter that you would rather
20 discuss with me in a more private setting once
21 I've completed my questioning, please remember
22 that matter; I will give you a chance to come
23 forward and meet with me by the court reporter
24 with the attorneys listening, to any matters
25 you would like to discuss with me in a more

1 private situation, if you feel that that's
2 necessary.

3 Now, I'm going to ask if the state would
4 please identify the individual named in the
5 indictment as a minor because I will be asking
6 you about that individual as well. Right now,
7 the identification is by initials.

8 **MS. HINTON:** Thank you, Your Honor. The
9 individual in the indictment is **Minor**
10 Beach, also known as **Minor**.

11 **THE COURT:** **Minor**?

12 **MS. HINTON:** Yes, Your Honor.

13 **THE COURT:** All right. Thank you very much.
14 Now, is there any member of this jury panel who
15 has ever been related by marriage or are you
16 related by blood to either the defendant, Aaron
17 Benjamin Beach, or the alleged victim, **Minor**
18 **?** If that is true, please stand.

19 (No audible response.)

20 Is there any member of this jury panel who
21 has ever had a close personal or social or
22 business relationship with either the alleged
23 defendant, Aaron Benjamin Beach, or the alleged
24 victim, **Minor**? If that's true, please
25 stand.

1 (No audible response.)

2 Now, as to the attorneys who are involved
3 in this case, has any member of this jury panel
4 ever been represented by any of the attorneys
5 involved in this case or have they ever
6 appeared on the other side of a legal matter
7 from you? If that is true, please stand.

8 (No audible response.)

9 Now, is there any member of this jury panel
10 who has ever been related by marriage or are
11 you related by blood or have you ever had a
12 close social, personal or business relationship
13 with any of the attorneys that are involved in
14 the trial of the case? If that is true, please
15 stand.

16 (No audible response.)

17 Now, I have been provided with a list of
18 names. These individuals have been identified
19 to me as possible witnesses in the case. Where
20 they have been identified by their employer, I
21 will include that information in my description
22 of these individuals. There are about 19 or 20
23 of these names. I'm going to go over them
24 slowly. Please listen to them. When I finish,
25 I'm going to ask you as to whether or not you

1 have any kinship by marriage or blood or if you
2 have any relationship by business or social
3 relationship with these individuals. So listen
4 carefully to see if you recognize any of these
5 people.

6 First of all, José Medina, M-e-d-i-n-a.
7 He's a person who was formerly with the Easley
8 Police Department. Brian Cowan who was also
9 formerly with the Easley Police Department.
10 Alex Greer, formerly with the Easley Police
11 Department. Yusef -- and that's spelled
12 Y-u-s-e-f -- Kelly. He is with the Easley
13 Police Department.

14 Jamie Newton, who's with the Easley Police
15 Department; Brandon Liner, who's with the
16 Easley Police Department; Jeff Dalton, with the
17 Easley Police Department; Chad Morris, who is
18 with the Virginia State Police; Rachel Francis;
19 Laura Francis; Jacqueline Dowell; Minor [REDACTED];
20 Brittany Simmons; Karen Simmons; Bradley
21 Simmons; Janet Brookshire, with the Department
22 of Social Services for South Carolina; Eric --
23 Erica, excuse me, Mackins, M-a-c-k-i-n-s, with
24 the Department of Social Services; Roxanne
25 Reilly; Christine Carlberg; and Aaron Beach.

1 Now, as to the individuals that I have now
2 identified as potential witnesses in this case,
3 is there any member of the jury panel who has
4 ever been related by marriage or are you
5 related by blood or have you ever had a close
6 social, personal or business relationship with
7 any of those individuals? If that's true,
8 please stand.

9 Sir, I'll need your name and number please.

10 **THE JUROR:** Dwayne Bennett, Number 9.

11 **THE COURT:** And your -- who do you have
12 some connection with?

13 **THE JUROR:** Detective Alex Greer of the
14 Easley City Police Department, before he
15 retired.

16 **THE COURT:** I see.

17 **THE JUROR:** I run a car lot in Easley.

18 **THE COURT:** I see.

19 **THE JUROR:** I sold him a dirt bike.

20 **THE COURT:** Now, if that individual did
21 appear as a witness in the case and you were
22 seated on the jury, would the fact that you've
23 had that prior connection, would that affect
24 your ability to be fair and impartial in the
25 trial of this case?

1 **THE JUROR:** Absolutely not, sir.

2 **THE COURT:** Okay. Thank you. You can be
3 seated. Thank you.

4 Ma'am, I'll need your name and number.

5 **THE JUROR:** Jennifer Stewart, Juror
6 Number 171.

7 **THE COURT:** And you have connection with
8 who?

9 **THE JUROR:** Brian Cowan.

10 **THE COURT:** I see.

11 **THE JUROR:** I used to went -- used to go
12 to church with him and grew up with him and his
13 family.

14 **THE COURT:** Okay. Assuming that that
15 individual, again, was a witness in the trial
16 and you were on the jury, would that prior
17 connection affect your ability to be fair and
18 impartial to both sides of the case?

19 **THE JUROR:** No, sir, Your Honor.

20 **THE COURT:** Okay. Thank you, ma'am. You can
21 be seated.

22 Name and number please, ma'am.

23 **THE JUROR:** Rose Black, Juror 11.

24 **THE COURT:** Yes, ma'am.

25 **THE JUROR:** I went to church with Brandon

1 Liner years ago, and I went to high school with
2 Jeff Dalton.

3 **THE COURT:** I see. Well, with that
4 connection, if you were on the jury, would that
5 affect your ability to be fair and impartial if
6 he appeared as a witness?

7 **THE JUROR:** No, sir.

8 **THE COURT:** Okay. Thank you, ma'am. You
9 can be seated. Anyone else have any connection
10 with any of those individuals?

11 (No audible response.)

12 Now, has any member of the jury panel or a
13 member of your immediate family ever been
14 accused, charged, or convicted of -- of any
15 crime against a child or a sex crime? If that's
16 true, please stand.

17 Name and number please, ma'am.

18 **THE JUROR:** 180.

19 **THE COURT:** Yes, ma'am.

20 **THE JUROR:** Son was accused for messing
21 with a child.

22 **THE COURT:** Okay. Now, ma'am, is that case
23 still ongoing?

24 **THE JUROR:** No. They -- he's out of jail
25 now.

1 **THE COURT:** . Okay. Now, ma'am, would the
2 fact that that had occurred in your family, if
3 you were seated in this case -- and this case
4 involves similar charges -- would that affect
5 your ability to be fair and impartial in the
6 trial of this case?

7 **THE JUROR:** Not at all, sir.

8 **THE COURT:** Thank you, ma'am. Be seated.
9 Sir, name and number.

10 **THE JUROR:** 164.

11 **THE COURT:** Your situation, sir?

12 **THE JUROR:** Stepfather was accused of
13 molesting my niece.

14 **THE COURT:** I see. Has that case been
15 ended now?

16 **THE JUROR:** It has been ended. He's been
17 on probation for 15 years.

18 **THE COURT:** I see. Now, would the fact
19 that occurred in your family, would that affect
20 your ability to be fair and impartial in this
21 trial?

22 **THE JUROR:** I don't believe so.

23 **THE COURT:** Well, I have to know for sure
24 if it would affect your impartiality. Could you
25 be impartial in this trial?

1 **THE JUROR:** Probably not.

2 **THE COURT:** Okay. Sir, I'm going to excuse
3 you, then, from the trial in this case. You can
4 be seated. Don't answer any more of my
5 questions.

6 Did you get his number?

7 **THE CLERK:** 164?

8 **THE COURT:** 164, sir?

9 **THE JUROR:** Yes.

10 **THE COURT:** Okay. Thank you.

11 Ma'am, I'll need your name and number.

12 **THE JUROR:** Rose Black. I have an uncle
13 who was accused of molesting.

14 **THE COURT:** Would that affect your
15 impartiality in this trial?

16 **THE JUROR:** No, sir.

17 **THE COURT:** Okay. Thank you, ma'am.

18 **MS. HINTON:** I'm sorry, Judge. I couldn't
19 hear her response.

20 **THE COURT:** Ma'am, would you repeat your
21 response please? The lady who was just
22 standing. She didn't hear what you said.

23 **THE JUROR:** Oh, I had an uncle that was
24 accused.

25 **MS. HINTON:** Thank you.

1 **THE COURT:** Okay. Thank you, ma'am.
2 Ma'am, I'll need your name and number.

3 **THE JUROR:** My name is Barbara Smith,
4 160 --

5 **THE COURT:** You do you know your number?

6 **THE JUROR:** 162.

7 **THE COURT:** Thank you, ma'am.

8 **THE JUROR:** Sir, I adopted a biracial
9 child ---

10 **THE COURT:** Uh-huh.

11 **THE JUROR:** --- that was a very young
12 child that had been abused as a young child. In
13 a way, that would make it very difficult
14 because I couldn't understand --

15 **THE COURT:** Well, I don't need to know the
16 facts particularly. I just need to know if that
17 experience would affect your impartiality if
18 you were sitting on this jury?

19 **THE JUROR:** Yes, sir.

20 **THE COURT:** Okay. Then I'm going to excuse
21 you from the trial of the case. Thank you very
22 much. You no longer have to answer my
23 questions, but we will be needing you maybe in
24 the next case. So if you'll be seated. Thank
25 you.

1 Name and number please, ma'am.

2 **THE JUROR:** 163.

3 **THE COURT:** Your situation, ma'am?

4 **THE JUROR:** Could we talk up there?

5 **THE COURT:** I'm sorry?

6 **THE CLERK:** She wants to talk in private.

7 **THE COURT:** Oh, you want to speak in
8 private. I understand. Yeah, I'll give you an
9 opportunity to do that shortly. Thank you.

10 Name and number?

11 **THE JUROR:** Juror 20.

12 **THE COURT:** Yes, ma'am.

13 **THE JUROR:** I was molested through when I
14 was seven, eight and nine. I don't think I
15 could be impartial to the case.

16 **THE COURT:** So do you think that would
17 affect your impartiality?

18 **THE JUROR:** Absolutely.

19 **THE COURT:** Okay. Then I'm going to excuse
20 you, ma'am. You can be seated. Again, remain
21 seated, but don't answer my questions any
22 further.

23 Anyone else?

24 (No audible response.)

25 Is there any member of the jury panel or a

1 member of your immediate family associated with
2 or related by blood or formally by marriage to
3 anyone who is currently employed by the Easley
4 Police Department? If that's true, please
5 stand.

6 (No audible response.)

7 Has any member of the jury panel or a
8 member of your immediate family ever been the
9 victim of any type of physical or sexual
10 assault? If that's true, please stand.

11 Name and number please, ma'am.

12 **THE JUROR:** Melissa Hall, Number 70.

13 **THE COURT:** Yes, ma'am.

14 **THE JUROR:** My stepsister's daughter just
15 came forward with the fact that someone in her
16 immediate family has been molesting her.
17 There's no case fully built yet.

18 **THE COURT:** I see. Would that fact affect
19 your impartiality in the trial of this matter?

20 **THE JUROR:** Yes, sir.

21 **THE COURT:** All right. Ma'am, I'm going to
22 excuse you from the trial of the case. You can
23 be seated. Again, don't answer my questions
24 further.

25 Ma'am, name and number.

1 **THE JUROR:** 180, Penny Walden.

2 **THE COURT:** I'm sorry?

3 **THE JUROR:** 180, Penny Walden.

4 **THE COURT:** Thank you, Ms. Walden. Your
5 situation.

6 **THE JUROR:** Mother son, who was the
7 youngest son, was molested by his uncle.

8 **THE COURT:** I see. Would that factor
9 affect your impartiality if you were seated in
10 the jury?

11 **THE JUROR:** No, sir.

12 **THE COURT:** Thank you, ma'am. You can be
13 seated.

14 Name and number please, ma'am.

15 **THE JUROR:** Jennifer Stewart, 171.

16 **THE COURT:** Yes, ma'am.

17 **THE JUROR:** May I speak with you privately
18 about it?

19 **THE COURT:** Yes, ma'am. That will be fine.
20 I'll give you an opportunity in a few minutes.

21 Name and number please, ma'am.

22 **THE JUROR:** Marianne Hoynes, and I'm juror
23 Number 88.

24 **THE COURT:** Your situation, ma'am.

25 **THE JUROR:** My mother was beaten to death

1 by my foster brother.

2 **THE COURT:** I see. Would that fact affect
3 your impartiality if you were seated on this
4 jury?

5 **THE JUROR:** Not at all, sir.

6 **THE COURT:** Thank you. You can be seated,
7 ma'am.

8 Name and number please, ma'am.

9 **THE JUROR:** 163.

10 **THE COURT:** All right. Is this the matter
11 you want to speak with me about later?

12 **THE JUROR:** Yes.

13 **THE COURT:** Okay. Thank you very much.
14 Anyone else?

15 (No audible response.)

16 Has any member of this jury panel read any
17 newspaper article or seen any stories or
18 magazine articles or television or radio news
19 broadcasts or seen anything on social media? In
20 other words, have you gathered any information
21 that might relate to this case such that it
22 would have caused you to either form or have an
23 opinion about the matters that might be
24 involved in this trial? So if you've gathered
25 any such information about this case that would

1 affect your impartiality, please stand.

2 (No audible response.)

3 Has any member of the jury panel or a
4 member of your immediate family ever been
5 employed or a member of a law enforcement
6 agency, and that would be state, federal, local
7 or even military, or ever worked for such a law
8 enforcement agency? So if you or a member of
9 your family has worked for a law enforcement
10 agency, please stand.

11 Give me your number, sir.

12 **THE JUROR:** Number 15. My brother is
13 actually a cop for the Easley Police
14 Department.

15 **THE COURT:** I see. Would that affect your
16 impartiality on the jury?

17 **THE JUROR:** No, sir.

18 **THE COURT:** Thank you.

19 Ma'am.

20 **THE JUROR:** My name is Alice Skaar. I'm
21 Juror 160.

22 **THE COURT:** Yes, ma'am.

23 **THE JUROR:** My brother is a retired Air
24 Force person, and I do also have a cousin who
25 is a state trooper up in Connecticut.

1 **THE COURT:** I see. Would either of those
2 factors affect your impartiality if you --
3 **THE JUROR:** Not at all. Not at all.
4 **THE COURT:** Thank you, ma'am. You can be
5 seated.
6 The lady in the back, yes, ma'am.
7 **THE JUROR:** Juror number 186, Brittany
8 Wyatt.
9 **THE COURT:** Yes, ma'am.
10 **THE JUROR:** My dad worked for the DEA in
11 the state of Virginia.
12 **THE COURT:** All right. Would that affect
13 your impartiality in this trial?
14 **THE JUROR:** No, sir.
15 **THE COURT:** Thank you.
16 Ma'am, name and number.
17 **THE JUROR:** Penny Walden, 180.
18 **THE COURT:** Yes, sir.
19 **THE JUROR:** I was a 911 dispatcher in
20 Pickens County.
21 **THE COURT:** I see. Would that affect your
22 impartiality in the trial?
23 **THE JUROR:** No, Your Honor.
24 **THE COURT:** Thank you, ma'am.
25 Sir, name and number.

1 **THE JUROR:** Number 10..

2 **THE COURT:** Yes, sir.

3 **THE JUROR:** I have a cousin who is a
4 probate officer in Anderson County.

5 **THE COURT:** I see. Would that affect your
6 impartiality in this case?

7 **THE JUROR:** It would not..

8 **THE COURT:** Okay. Thank you. Anyone else?
9 (No audible response.)

10 Has any member of the jury panel or a
11 member of your immediate family ever been the
12 complainant to a law enforcement agency in any
13 type of assault or sexual assault? If that's
14 true, please stand. (Pause.)

15 We've got somebody standing. I'm sorry.

16 Yes, ma'am. Name and number.

17 **THE JUROR:** 180, Penny Walden. When my
18 youngest son was molested, I was the one that
19 called the law.

20 **THE COURT:** I see. So you did file a
21 complaint at some point?

22 **THE JUROR:** I did. My son was 18 at the
23 time.

24 **THE COURT:** I see. Would that fact affect
25 your impartiality in this case?

1 **THE JUROR:** Nope.

2 **THE COURT:** Thank you, ma'am.

3 Is there any member of the jury panel who
4 is aware of any physical, mental or emotional
5 condition which would prevent that juror from
6 giving the parties, both the state and the
7 defense, a fair and impartial trial in this
8 matter? If you are aware of such a condition,
9 please stand.

10 (No audible response.)

11 Is there any member of the jury panel or a
12 member of your immediate family who now, or in
13 the past, has ever worked for an organization
14 agency or business which, as its -- part of its
15 business, investigated and/or counseled victims
16 of alleged criminal sexual conduct? So if you
17 have been associated or a member of your
18 immediate family has been associated with such
19 an organization, please stand.

20 (No audible response.)

21 Is there any member of the jury panel or a
22 member of your immediate family who is now or
23 ever has been employed by the South Carolina
24 Department of Social Services? If that's true,
25 please stand.

1 Ma'am, name and number.

2 **THE JUROR:** 180.

3 **THE COURT:** I should know it by now, but I
4 have to put it on the record. I'm sorry.

5 **THE JUROR:** Penny Walden. I was a child
6 support specialist in Greenville.

7 **THE COURT:** I see. Would that affect your
8 impartiality, ma'am?

9 **THE JUROR:** No, sir.

10 **THE COURT:** Thank you very much.

11 Sir, name and number.

12 **THE JUROR:** Alfred Wheeler, 182. My
13 daughter was a social worker.

14 **THE COURT:** I see. Would that affect your
15 impartiality in the trial?

16 **THE JUROR:** No, sir.

17 **THE COURT:** Sir, name and number?

18 **THE JUROR:** Number 9.

19 **THE COURT:** Okay.

20 **THE JUROR:** Through my divorce, I had DSS
21 come in. I got custody of my son.

22 **THE COURT:** So you had some dealings with
23 them, but you didn't work for them.

24 **THE JUROR:** No, I didn't work for them.

25 **THE COURT:** Okay. Well, was that -- would

1 that case affect your impartiality in this
2 trial?

3 **THE JUROR:** No, sir.

4 **THE COURT:** Okay. Thank you, sir.

5 Is there any member of the jury panel or a
6 member of your immediate family who has ever
7 been employed by or works with the solicitor's
8 office, that's the prosecutor's office, in this
9 circuit? Now, the 13th Circuit is made up of
10 Greenville and Pickens counties. So if you have
11 -- if you have or a member of your immediate
12 family worked for the prosecutor's office in
13 either of those counties, please stand.

14 Yes, ma'am, name and number.

15 **THE JUROR:** 180, Penny Walden.

16 **THE COURT:** Yes, ma'am.

17 **THE JUROR:** I worked for the Greenville
18 County Court and the solicitors and the judges
19 and the lawyers.

20 **THE COURT:** Sure. Would that affect your
21 impartiality if you were sitting on the jury?

22 **THE JUROR:** No, sir.

23 **THE COURT:** Thank you.

24 And ma'am, I need your name and number.

25 **THE JUROR:** Juror 124, Melissa Nicholson.

1 **THE COURT:** Yes, ma'am.

2 **THE JUROR:** My previous employer was
3 Behavioral Health Center. Across the street, at
4 that time, pretrial intervention was with the
5 Solicitor's department.

6 **THE COURT:** Okay. Would that affect your
7 impartiality, that prior work?

8 **THE JUROR:** No, sir.

9 **THE COURT:** Okay. Thank you. You can be
10 seated.

11 Is there any member of the jury panel who
12 is currently working, of course, or a member of
13 your immediate family who is currently working
14 for, volunteer, or have worked or volunteered
15 with the South Carolina Lay Guardian ad Litem
16 Program? That is a program where children are
17 represented in court. If you've been a part of
18 that program, please stand.

19 Name and number, ma'am.

20 **THE JUROR:** Not been a part of it, though
21 I did work with them.

22 **THE COURT:** I see. Would that affect your
23 impartiality in the case?

24 **THE JUROR:** No, sir.

25 **THE COURT:** Thank you.

1 Anyone else?

2 (No audible response.)

3 Now, is there any member of this jury panel
4 who is aware of any bias or a prejudice that you
5 might have that somehow will affect your ability
6 to be fair and impartial to both the state and
7 the defense in this case? So if you are aware of
8 such a bias or prejudice, please stand.

9 (No audible response.)

10 Is there any member of the jury panel who
11 may have been a member of the grand jury who
12 issued the indictments that I've been over with
13 you? And those indictments were issued in
14 January 2017. If you were a member of the grand
15 jury who may have issued the indictments in the
16 case, please stand.

17 (No audible response.)

18 Is there any member of this jury panel who
19 is either a member of or a contributor to any
20 group, which has as its primary concern, the
21 promotion of either law enforcement and/or
22 victims rights? The groups would include, but
23 not be limited to, such groups as: Mothers
24 Against Drunk Driving, Students against Drunk
25 Driving, Citizens Against Violent Crimes, the

1 various children advocacy groups around the
2 state, the South Carolina Sheriffs Association,
3 South Carolina Troopers Association. So groups
4 that support either law enforcement or victims
5 rights. If you are a member or a contributor to
6 such a group, please stand.

7 Name and number, sir.

8 **THE JUROR:** Alfred Wheeler, number 182.

9 **THE COURT:** Yes, sir.

10 **THE JUROR:** Yes, two or three of those.

11 **THE COURT:** You're either a member or
12 contributor to them?

13 **THE JUROR:** Yes.

14 **THE COURT:** Now, would that fact affect
15 your impartiality if you were seated on a jury?

16 **THE JUROR:** No, sir.

17 **THE COURT:** Thank you very much.

18 Anyone else?

19 (No audible response.)

20 Now, does any member of this jury panel at
21 this time know of any reason whatsoever why he
22 or she should not be seated as a juror in this
23 case, with particular emphasis being placed upon
24 your ability to be both fair and impartial to
25 both the state and the defense? If you are aware

1 of such a factor, please stand. Does the state
2 request any additional questioning of the jury?

3 **MS. HINTON:** No, Your Honor.

4 **THE COURT:** Defense request any additional
5 questioning?

6 **MR. DEJONG:** None on behalf of Mr. Beach,
7 Your Honor. Thank you.

8 **THE COURT:** Okay. Thank you. All right.
9 I'll declare the remaining members of this jury
10 panel then to be qualified to sit as jurors on
11 this case.

12 Have you got a list to pull?

13 **THE CLERK:** No. There's a couple that want
14 to speak with you.

15 **THE COURT:** That's right. So you don't
16 have a jury list?

17 **THE CLERK:** It will only take just a minute
18 once we --

19 **THE COURT:** Okay.

20 Now, at this time, I'm going to ask that
21 the ones that wanted to speak to me privately to
22 come forward and I'll make a determination as to
23 them. If you would, come forward right over here
24 beside the court reporter.

25 And if you'll come up individually.

1 If you'll send them up.

2 (The following bench conferences are held: Juror
3 Number 171, Jennifer Stewart, approaches the bench.)

4 **THE COURT:** And I'm going to get you to
5 repeat your name and number so that she can put
6 that on the record.

7 **THE JUROR:** Okay. Jennifer L. Stewart,
8 171.

9 **THE COURT:** All right. Yes, ma'am.

10 **THE JUROR:** When I was in college, I was
11 just briefly assaulted by a young man.

12 **THE COURT:** Uh-huh.

13 **THE JUROR:** It wasn't physical, really. It
14 was just, trying to push himself on me.

15 **THE COURT:** Uh-huh.

16 **THE JUROR:** And I stood up for myself and
17 walked away.

18 **THE COURT:** Okay.

19 **THE JUROR:** And I ended up getting out of
20 there. But no charges. Nothing --

21 **THE COURT:** Would that affect your
22 impartiality in this case?

23 **THE JUROR:** No, sir.

24 **THE COURT:** Okay. Well, I appreciate the
25 information. Thank you very much.

1 (Juror Number 171, Jennifer Stewart, exits the
2 bench.)

3 **THE COURT:** Can you -- I'd ask that you be
4 quiet. There's microphones around here. And if
5 you're talking, it comes through on the
6 machine. So if you'll please be quiet while
7 we're doing this. Thank you.

8 (Juror Number 133, Robin Patterson, approaches
9 the bench.)

10 **THE COURT:** Your name and number?

11 **THE JUROR:** Robin Patterson, 133.

12 **THE COURT:** Okay. Yes, ma'am.

13 **THE JUROR:** I didn't stand up, but my
14 son-in-law was convicted in Ohio.

15 **THE COURT:** Uh-huh.

16 **THE JUROR:** He is still a registered sex
17 offender in South Carolina.

18 **THE COURT:** I see. Okay. Would that fact
19 affect your ability to be fair and impartial if
20 you were seated on the jury?

21 **THE JUROR:** I think that it would.

22 **THE COURT:** Okay. All right. I'm going to
23 excuse you from the trial in this case.

24 **THE JUROR:** Thank you.

25 **THE COURT:** Thank you.

1 (Juror Number 133, Robin Patterson, exits the
2 bench.)

3 (Juror Number 163, Charlotte Smith, approaches
4 the bench.)

5 **THE COURT:** Your name and number again,
6 please.

7 **THE JUROR:** 163, Charlotte Smith.

8 **THE COURT:** All right. Yes, ma'am.

9 **THE JUROR:** My father just went to prison
10 in November ---

11 **THE COURT:** Uh-huh.

12 **THE JUROR:** --- for three counts of
13 incest.

14 **THE COURT:** I'm sorry?

15 **THE JUROR:** Three counts of incest ---

16 **THE COURT:** Okay. Uh-huh.

17 **THE JUROR:** --- on my sister.

18 **THE COURT:** Would that affect your
19 impartiality in this trial?

20 **THE JUROR:** No, sir.

21 **THE COURT:** You could sit and be
22 impartial?

23 **THE JUROR:** (Nods head.)

24 **THE COURT:** Okay. Thank you.

25 (Juror Number 163, Charlotte Smith, exits the

1 bench.)

2 (Juror Number 105, Rebecca Leroy, approaches the
3 bench.)

4 **THE COURT:** I need your name and jury
5 number.

6 **THE JUROR:** Rebecca Leroy, and it's 105.

7 **THE COURT:** Okay.

8 **THE JUROR:** My ex-brother-in-law that I
9 said was convicted of child molesting ---

10 **THE COURT:** Uh-huh.

11 **THE JUROR:** --- I think it's all said and
12 done. I think it was maybe 15 years ago.

13 **THE COURT:** Okay. Would that affect your
14 impartiality if you were seated on the jury?

15 **THE JUROR:** No.

16 **THE COURT:** Okay.

17 **THE JUROR:** And the question about DSS ---

18 **THE COURT:** Uh-huh.

19 **THE JUROR:** --- I think I have a niece by
20 marriage that works for Oconee County DSS.

21 **THE COURT:** Okay. Would that affect your
22 impartiality?

23 **THE JUROR:** No.

24 **THE COURT:** Okay. Thank you for the
25 answers.

1 (Juror Number 105, Rebecca Leroy, exits the
2 bench.)

3 (Juror Number 57, Lynn Fletcher, approaches the
4 bench.)

5 **THE COURT:** Come forward please, sir.
6 Hello. I need your name and number.

7 **THE JUROR:** Your Honor, I'm 57 ---

8 **THE COURT:** Uh-huh.

9 **THE JUROR:** --- Lynn Fletcher.

10 **THE COURT:** Yes, sir.

11 **THE JUROR:** I was just going to let you
12 know, I've got tinnitus. I cannot hear half of
13 what you're saying. I couldn't hear anything
14 this gentleman said.

15 **THE COURT:** Okay. So --

16 **THE JUROR:** My ears are ringing so bad and
17 my head is stopped up.

18 **THE COURT:** Well --

19 **THE JUROR:** I --

20 **THE COURT:** I'm going to excuse you from
21 the trial of this case.

22 **THE JUROR:** I'm just wanting to ---

23 **THE COURT:** It's important that you ---

24 **THE JUROR:** --- let you know.

25 **THE COURT:** --- know what's going on.

1 **THE JUROR:** Sir?

2 **THE JUROR:** I said I'm going to excuse you
3 from the trial of the case.

4 **THE JUROR:** Sir?

5 **THE COURT:** Thank you.

6 **THE JUROR:** I can't under -- sir?

7 **THE COURT:** I said I'm going to excuse you
8 from the trial of the case. You're excused.

9 **THE JUROR:** Okay.

10 **THE COURT:** Just have a seat.

11 **THE JUROR:** Thank you, sir.

12 **THE COURT:** Thank you.

13 (Juror Number 57, Lynn Fletcher, exits the
14 bench.)

15 **THE COURT:** Anyone else wish to speak with
16 me in a more private situation?

17 **THE CLERK:** I think he's leaving. Do you
18 want him to just leave?

19 **THE COURT:** No.

20 **THE CLERK:** They'll get him.

21 **MR. DEJONG:** I'm hard of hearing. I can
22 kind of relate to him.

23 **THE CLERK:** Okay. Give me just a minute.

24 **THE COURT:** Okay. All right. I released
25 two other jurors during the private

1 conversations, so the remainder of the jury
2 panel is qualified. At this point in time, I've
3 instructed the clerk to prepare what we call a
4 strike sheet, a list of names from your
5 numbers. It's prepared by a computer program
6 that's designed to randomly select your names
7 from a group and place them on a piece of
8 paper.

9 Once we have that list, I'll ask the Court
10 to begin to call the roll, the names in the
11 order that they appear on that strike sheet.
12 When your name is called, I'm going to ask that
13 you come forward -- if your name is called, to
14 come forward and come right down in front of
15 the bar, here in front of the clerk. Face the
16 back of the courtroom and, at that time, the
17 parties will be in a position to exercise the
18 strikes that are legally allowed to them by law
19 in selecting the jury.

20 In this case, the state will have five
21 strikes; the defense will have 10 strikes. The
22 -- we'll pick two alternates with the state
23 having one strike for each alternate and the
24 defense having two strikes for each alternate.
25 So there will be two people selected as

1 alternates in the case.

2 Now if you have any personal items, if you
3 bought a book, a purse, a walking stick,
4 whatever you have with you, if you have any
5 personal items, bring those with you when your
6 name is called down front. Because if you're
7 selected, you're going to have a seat
8 immediately over into the jury box. You'll not
9 be going back out to that seat, so bring
10 anything you brought with you up when your name
11 is called. (Pause.)

12 **THE CLERK:** Juror Number 124, Melissa
13 Nicholson.

14 What says the state?

15 **MS. HINTON:** Please present Ms. Nicholson.

16 **THE CLERK:** The defense?

17 **MR. DEJONG:** Please -- excuse me, please
18 swear the juror.

19 **THE CLERK:** Please have a seat in the jury
20 box.

21 **THE COURT:** Ma'am, if you'll please step
22 around right to the bailiff here.

23 **THE CLERK:** Juror Number 171, Jennifer
24 Stewart.

25 What says the state?

1 **MS. HINTON:** Please present Ms. Stewart.

2 **THE CLERK:** The defense?

3 **MR. DEJONG:** I'm sorry. The pollen is
4 getting to me. I don't have my inhalers. Please
5 excuse this juror from the trial in this case.

6 **THE CLERK:** Please have a seat.

7 Juror Number 96, Larry King.

8 What says the state?

9 **MS. HINTON:** Please present Mr. King.

10 **THE CLERK:** The defense?

11 **MR. DEJONG:** Please swear the juror.

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

14 Juror Number 61, Wanda Galloway.

15 What says the state?

16 **MS. HINTON:** Please present Ms. Galloway.

17 **THE CLERK:** The defense?

18 **MR. DEJONG:** Please swear the juror.

19 **THE CLERK:** Have a seat in the jury box.

20 **MR. DEJONG:** Madam Clerk, do any of y'all
21 have a mint?

22 **THE CLERK:** I don't think there's any up
23 here.

24 **MR. DEJONG:** I'm sorry. I apologize for
25 asking.

1 **THE JUROR:** Here's one.

2 **THE CLERK:** She has one.

3 **MR. DEJONG:** I've got one. Thank you.

4 **THE CLERK:** Juror Number 19, Douglas

5 Britt.

6 What says the state?

7 **MS. HINTON:** Please present Mr. Britt.

8 **THE CLERK:** The defense?

9 **MR. DEJONG:** Please excuse this juror from

10 the trial of this case.

11 **THE CLERK:** Please have a seat.

12 Juror Number 177, Alicia Trawick.

13 What says the state?

14 **MS. HINTON:** Please present Ms. Trawick.

15 **THE CLERK:** The defense?

16 **MR. DEJONG:** Please swear the juror.

17 **THE CLERK:** Please have a seat in the jury

18 box.

19 Juror Number 15, Ethan Bradford.

20 What says the state?

21 **MS. HINTON:** Please present Mr. Bradford.

22 **MR. DEJONG:** Please excuse this juror from

23 the trial of this case.

24 **THE CLERK:** Juror Number 149, Edward

25 Reynolds.

1 What says the state?

2 **MS. HINTON:** Please present Mr. Reynolds.

3 **THE CLERK:** The defense?

4 **MR. DEJONG:** Please excuse this juror from
5 the trial of this case.

6 **THE CLERK:** Juror Number 126, James
7 Norris.

8 **MR. KING:** What was that number, Madam
9 clerk?

10 **THE CLERK:** 126.

11 What says the state?

12 **MS. HINTON:** Please present Mr. Norris.

13 **THE CLERK:** The defense?

14 **MR. DEJONG:** Please swear the juror.

15 **THE CLERK:** Please have a seat in the jury
16 box.

17 Juror Number 35, Jacob Croley.

18 What says the state?

19 **MS. HINTON:** Please present Mr. Croley.

20 **MR. DEJONG:** Please swear the juror.

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

23 Juror Number 138, Barry Pierce.

24 What says the state?

25 **MS. HINTON:** Please present Mr. Pierce.

1 **THE CLERK:** The defense?
2 **MR. DEJONG:** Please swear the juror.
3 **THE CLERK:** Juror Number 105, Rebecca
4 Leroy.
5 What says the state?
6 **MS. HINTON:** Please present Ms. Leroy.
7 **THE CLERK:** The defense?
8 **MR. DEJONG:** Please swear the juror.
9 **THE CLERK:** Please have a seat in the jury
10 box.
11 Juror Number 88, Marianne Hoynes.
12 What says the state?
13 **MS. HINTON:** Please present Ms. Hoynes.
14 **MR. DEJONG:** Please excuse this juror from
15 the trial in this case.
16 **THE CLERK:** Please have a seat.
17 Juror Number 43, Sharon Dodd.
18 What says the state?
19 **MS. HINTON:** Please present Ms. Dodd.
20 **THE CLERK:** The defense?
21 **MR. DEJONG:** Please excuse the juror from
22 the trial of this case.
23 **THE CLERK:** Juror Number 71, Timothy Hall.
24 What says the state?
25 **MS. HINTON:** Please present Mr. Hall.

1 **THE CLERK:** The defense?

2 **MR. DEJONG:** Please swear the juror.

3 **THE CLERK:** Please have a seat in the jury

4 box.

5 Juror Number 26, Andrea Mirrer.

6 **MS. HINTON:** You said Mirrer?

7 **THE CLERK:** Yes.

8 **MS. HINTON:** Please present Ms. Mirrer.

9 **MR. KING:** I'm sorry. What number was it?

10 **THE CLERK:** It's 26. Her name changed. The

11 defense?

12 **MR. DEJONG:** Please swear the juror.

13 **THE CLERK:** Please have a seat in the jury

14 box.

15 Juror Number 147, Steven Ray.

16 What says the state?

17 **MS. HINTON:** Please present Mr. Ray.

18 **THE CLERK:** The defense?

19 **MR. DEJONG:** Please swear the juror.

20 **THE CLERK:** Please have a seat in the jury

21 box.

22 Juror Number 153, Randi Schneider.

23 What says the state?

24 **MS. HINTON:** Please present Ms. Schneider.

25 **THE CLERK:** The defense?

1 **MR. DEJONG:** Please excuse this juror from
2 the trial of this case.

3 **THE CLERK:** Please have a seat.
4 Juror Number 182, Alfred Wheeler.
5 What says the state?

6 **MS. HINTON:** Please present Mr. Wheeler.

7 **MR. DEJONG:** Please excuse the juror ---

8 **THE CLERK:** Please have a seat.

9 **MR. DEJONG:** --- from the trial in this
10 case.

11 **THE CLERK:** Juror 186, Brittany Wyatt.
12 What says the state?

13 **MS. HINTON:** Please present Ms. Wyatt.

14 **THE CLERK:** The defense?

15 **MR. DEJONG:** Please excuse this juror from
16 the trial in this case.

17 **THE CLERK:** The next juror does not have a
18 number. Sean Fry.

19 What says the state?

20 **MS. HINTON:** Please present Mr. Fry.

21 **MR. DEJONG:** Please swear the juror.

22 **THE CLERK:** Please have a seat in the jury
23 box.

24 **THE COURT:** All right. We're now selecting
25 the first alternate.

1 **THE CLERK:** Juror Number 81, Robbie Head.
2 What says the state?
3 **MS. HINTON:** Please present Mr. Head.
4 **THE CLERK:** The defense?
5 **MR. DEJONG:** Please excuse this juror from
6 the trial in this case.
7 **THE CLERK:** Please have a seat.
8 Juror 93, Mary Jones.
9 What says the state?
10 **MS. HINTON:** Please present Ms. Jones.
11 **THE CLERK:** The defense?
12 **MR. DEJONG:** Please swear the juror.
13 **THE CLERK:** Please have a seat in the jury
14 box.
15 Juror Number 165, Donna Granger.
16 **THE COURT:** This is for the second
17 alternate.
18 **THE CLERK:** What says the state?
19 **MS. HINTON:** Please present Ms. Granger.
20 **THE CLERK:** The defense?
21 **MR. DEJONG:** Please swear the juror.
22 **THE CLERK:** Please have a seat in the jury
23 box.
24 **THE COURT:** Thank you, Madam clerk.
25 Any objection to the jury process from the

1 state?

2 **MS. HINTON:** No, Your Honor.

3 **THE COURT:** Any from the defense?

4 **MR. DEJONG:** None on behalf of Mr. Beach,
5 Your Honor.

6 **THE COURT:** Thank you, sir.

7 All right. Ladies and gentlemen of the
8 jury, those of you who were not selected, I want
9 to thank you very much for your cooperation with
10 me this morning and your assistance in helping
11 us get this trial started. My understanding is
12 that your work's not done this morning, that
13 you're going to go up for jury selection in
14 another courtroom. But again, thank you for your
15 assistance here. I'll ask, as you exit the
16 courtroom, please do so quietly. Again, thank
17 you for your help.

18 **THE BAILIFF:** Are they going up to
19 Courtroom 4?

20 **THE COURT:** I don't know.

21 **THE CLERK:** Yeah.

22 **THE BAILIFF:** Courtroom 4.

23 (Jury exits at 11:47 a.m.)

24 **THE COURT:** Ladies and gentlemen, you have
25 been selected as jurors in this case. There are

1 some matters that I'm going to take up with the
2 attorneys. It shouldn't take very long, but it
3 does have to be done outside of your presence,
4 some pretrial matters that we're going to
5 discuss and things that really don't affect your
6 decision-making process, other than the
7 procedure we're going to follow in this case.
8 But at any rate, I'm going to take up these
9 things with the attorneys at this point in time.
10 So I'm going to allow you to step back to the
11 jury room. The bailiffs will make you
12 comfortable there.

13 But in doing that, let me caution you about
14 something. As you come and go from the courtroom
15 during this trial, you'll get tired of hearing
16 me tell you not to discuss anything about this
17 case until I advise you to begin your
18 deliberations at the close of the trial. You
19 know very little about this case at this point
20 in time. You know what the charges are about,
21 perhaps the people who are going to testify, and
22 the people that are involved in the trial, but
23 you know very little about it. But I hope you
24 realize that even the most innocent conversation
25 you might have, even among yourselves about the

1 issues or the people that are involved in this
2 case may, in some way, begin to color your
3 ultimate decision in the case and you haven't
4 heard the first word of testimony and seen the
5 first piece of evidence at this point in time.

6 And so what I will always do is: I will
7 instruct you not to discuss anything about this
8 case or the people involved in this case until I
9 began -- until I tell you to begin your
10 deliberations. And, of course, that's going to
11 be after you heard all the arguments from the
12 lawyers, you've seen and heard all the evidence
13 in the case, you've heard my instruction on the
14 law to be applied to the facts as you determine
15 the facts to be. Only then will you have all the
16 pieces in the puzzle to begin to put the puzzle
17 together to begin to make a decision. I say
18 "begin to make a decision."

19 So again, as you step out, don't discuss
20 anything about this case at any point in time
21 during the trial until such time as I tell you
22 to begin your deliberations. And I'll instruct
23 you clearly as to when that's going to be.
24 Please, if you have any difficulty with somebody
25 on the jury who doesn't follow my instructions,

1 let us know that, because I'll take the
2 appropriate action, should that happen.

3 But I'm instructing you now not to discuss
4 anything about this case until I ask you to
5 start deliberations. You can talk about the
6 weather. You can talk about sports. You probably
7 shouldn't talk about politics. We don't want
8 anybody fighting in the jury room. But what we
9 -- talk about anything you would like to talk
10 about, just don't talk about this case. Okay?

11 So I'm going to ask the bailiffs now to
12 take you back into the jury room. We'll call you
13 back when we're ready to get started. Thank you
14 very much for your cooperation.

15 (Jury exits at 11:51 a.m.)

16 **THE BAILIFF:** The door is closed.

17 **THE COURT:** Okay. All right. I had met
18 with the attorneys earlier in my chambers. At
19 that time, I was informed that perhaps there
20 were some pretrial matters that we needed to
21 discuss. So at this point in time, I'll be happy
22 to hear you concerning these matters.

23 **MR. DEJONG:** Thank you, Your Honor. May it
24 please the Court.

25 **THE COURT:** Yes, sir.

1 **MR. DEJONG:** One of the matters that we
2 spoke of when we were in chambers, that is,
3 Ms. Hinton and myself, was as to the exclusion
4 of certain evidence. Just briefly, Your Honor,
5 the allegations are -- you have the indictment
6 so ---

7 **THE COURT:** Yes, sir. I'm aware of the
8 indictments.

9 **MR. DEJONG:** --- no need to get into that.
10 There are other allegations in this case that
11 Mr. Beach sent -- sent additional videos,
12 Your Honor, to some person, I believe in
13 Virginia, of him masturbating on video. I have
14 talked with Ms. Hinton. I think we have reached
15 an agreement, Your Honor, but I would like to
16 put the agreement on the record.

17 **THE COURT:** Certainly.

18 **MR. DEJONG:** Can Your Honor hear me all
19 right?

20 **THE COURT:** I can hear you.

21 **MR. DEJONG:** My voice is doing funky
22 things. I think we have reached an agreement on
23 that matter. One of the videos, it appears, and
24 certainly the state certainly would argue, is
25 that my client masturbated and ejaculated on the

1 face of the alleged victim in this case. I
2 really don't have any way of getting around that
3 one, Your Honor. Having said that, however, and
4 I would not object to that, the prosecutor would
5 not attempt to bring in any of the videos or
6 discussion as to my client solely masturbating
7 himself, Your Honor.

8 Is that a correct statement of our
9 agreement, Ms. Hinton?

10 **MS. HINTON:** That's correct, Judge.

11 **THE COURT:** Okay. All right.

12 **MR. DEJONG:** So I don't need to argue that
13 point.

14 **THE COURT:** All right. Very good. I'm glad
15 you were able to reach an agreement on that
16 point. Any other matters that you want to take
17 up pretrial?

18 **MR. DEJONG:** I can't think of any,
19 Your Honor.

20 **THE COURT:** All right. Now, also in my
21 chambers, I was informed that there had been
22 some negotiations taking place between the
23 parties concerning a possible offer and a
24 possible plea. My understanding is the defense
25 -- the defendant has rejected the possible plea

1 arrangements. And I've indicated that perhaps
2 you might want to put that situation on the
3 record so that we're sure that everyone knows
4 where we stand.

5 **MR. DEJONG:** Thank you, Your Honor, I
6 appreciate that opportunity. The last and final
7 offer that Ms. Hinton made in this case was my
8 client would plea to sexual exploitation first,
9 she would reduce the criminal sexual conduct
10 first to a criminal sexual conduct second with a
11 minor, Your Honor, and she offered 15 years. I
12 took that to Mr. Beach by myself. I also took it
13 to Mr. Beach with Mr. King. So we discussed it
14 more than once, and he was not interested in
15 accepting the offer.

16 **THE COURT:** All right. Mr. Beach, is that
17 still the situation? As far as negotiations; is
18 that true?

19 **THE DEFENDANT:** Yes, sir.

20 **THE COURT:** Okay. Thank you, sir.

21 Anything that the state would like to put
22 on the record before we bring the jury back and
23 begin the trial of the case?

24 **MS. HINTON:** Your Honor, I did want to go
25 ahead and do the *Jackson v. Denno*. However, one

1 of my witnesses that I asked to be here is still
2 40 minutes away, so I'm not going to hold up the
3 Court. But probably after -- he would be my
4 third witness. So probably after the two from
5 Virginia, I would need to take a break and go
6 ahead and do a brief *Jackson v. Denno*.

7 **THE COURT:** Okay.

8 **MR. DEJONG:** And I have no objection to
9 that.

10 **THE COURT:** To that. Okay. Now, I do
11 understand that Judge Gravely's mother passed
12 away and there's a memorial service, I believe,
13 at one o'clock.

14 **THE CLERK:** Yes, Your Honor.

15 **THE COURT:** So what I intend to do is to
16 proceed with my opening comments to the jury,
17 perhaps your opening statements, but I'd like to
18 end at least by about 20 or 15 until 1:00. Take
19 our lunch break at that point in time. Would
20 that be -- would people be able to get to the
21 service if they needed to do that?

22 **THE CLERK:** Yes, sir. It's just a block
23 away.

24 **THE COURT:** I understand it's very close
25 to the courthouse. So that's my intention this

1 morning. And we will come back after that. My
2 understanding is the service will probably be
3 over in less than an hour. So we'll probably
4 come back after two o'clock.

5 **MR. DEJONG:** I'm certainly not arguing
6 with Your Honor.

7 **THE COURT:** Yeah.

8 **MR. DEJONG:** I mean no disrespect.

9 **THE COURT:** Uh-huh.

10 **MR. DEJONG:** By the time you get your
11 comments in, that's probably going to take 5 or
12 10 minutes.

13 **THE COURT:** Uh-huh.

14 **MR. DEJONG:** I never know how long I'm
15 going to argue. But quite candidly, I don't feel
16 like -- I don't like feel like -- I can't get it
17 out -- I do not like the feeling of being under
18 pressure.

19 **THE COURT:** Oh, I understand that.

20 But now how long do you think your two
21 witnesses that we're going to do today are going
22 to take?

23 **MS. HINTON:** I think the first one might
24 take a little bit of time.

25 **THE COURT:** When you say a little bit of

1 time, if I were to take a break and come back at
2 two o'clock, once I do my opening comments,
3 would you have time to get them in after
4 two o'clock ---

5 **MS. HINTON:** Oh, yes, sir.

6 **THE COURT:** --- before five o'clock, is my
7 question?

8 **MS. HINTON:** Yes, sir. I would be -- that
9 would be --

10 **THE COURT:** Even with you doing opening
11 statements?

12 **MS. HINTON:** Yeah. I mean, I would prefer
13 to go ahead and do openings, but if we need to
14 wait, I think --

15 **THE COURT:** He's saying he doesn't want a
16 time constraint.

17 **MS. HINTON:** Right.

18 **THE COURT:** I am going to put a time
19 constraint on you because we're going to get
20 those two witnesses in today.

21 **MR. DEJONG:** I'll do everything in my
22 power, Your Honor, to make sure those two
23 witnesses get in.

24 **THE COURT:** Don't go into the stall on me
25 because I'll call you on it. Okay.

1 **MS. HINTON:** I don't think I will.

2 **THE COURT:** All right. Thank you very
3 much. Let's bring the jury back in.
4 (Jury enters at 11:58 a.m.)

5 **THE COURT:** Thank you, sir.

6 All right. The record will reflect the jury
7 has returned to the courtroom.

8 At this point in time, ladies and
9 gentlemen, I know you've been placed under oath
10 a couple of times already today, and I'm going
11 to ask you to take another oath at this point in
12 time. This one is a little different from what
13 we've done in the past.

14 This oath has to do with your duties and
15 responsibilities as jurors in the trial of this
16 case. So I want you to listen carefully to this
17 oath. Of course, if you take the oath, I'll be
18 talking with you about that shortly. So at this
19 time, I'm going to ask that the clerk place the
20 jury under oath concerning their
21 responsibilities.

22 **THE CLERK:** If you would please stand.
23 Again, if you'll answer by saying "I will."
24 Raise your right hand. You shall well and truly
25 try the issue joined in this case of State

1 versus Aaron Benjamin Beach and a true verdict
2 render according to the law and the evidence so
3 help you God?

4 (Each juror responds.)

5 **THE CLERK:** If you agree with that, please
6 have a seat.

7 **THE COURT:** All right. If anyone failed or
8 refused to take that oath, now I would ask you
9 to stand.

10 (No audible response.)

11 All right. The record will reflect that all
12 jurors now have been sworn concerning your
13 responsibilities in this case. Now I'm going to
14 go over some matters with you at this point in
15 time concerning those responsibilities and the
16 responsibilities of others who are involved in
17 the trial of the case, so you would know a
18 little bit more about what you're doing and
19 what's expected of you. I'm doing that because
20 it's my belief that, for most of you, this will
21 be your first opportunity to serve on a jury in
22 the trial of a criminal case in a court of law.
23 And for those of you for whom this is that first
24 experience, I want to go over some fairly basic
25 things with you so that I'm sure we have an

1 understanding as to how we are going to proceed.

2 If you've never been in this position
3 before, I would suspect that most of what you
4 might know about what goes on in courtrooms, you
5 might have learned from television shows you've
6 watched or movies you've seen or books you've
7 read. Unfortunately, I don't think they teach
8 enough about civics in the schools these days,
9 so you don't get much lessons about jury service
10 and what juries do, from those sources. So I
11 would suspect those other things I mentioned
12 might be sources of information for you.

13 And I would point out to you, especially in
14 the case of television, you know they could have
15 an event occur and try the case and have it
16 ended with a verdict in the space of an hour and
17 still stop maybe four or five times to try to
18 sell you a car or something. So they stop for
19 those commercials.

20 You know, after you've been up here a
21 couple of days in this trial, you'll probably
22 realize that they take what is called "literary
23 license" with what goes on in courtrooms. In
24 other words, they make what goes on in the
25 courtroom fit the story they're trying to tell

1 you. So it's not exactly what goes on in the
2 courtroom. Because those sources of information
3 are intended to entertain you.

4 I'm going to tell you that what is going on
5 in this courtroom is intended for anything but
6 your entertainment. What you are involved in is
7 a fundamental part of our governmental
8 structure. You know, if you went around the
9 world today and looked at most of the
10 governments in the world today, you wouldn't see
11 very many governments that allow citizens to
12 directly participate in the decision-making
13 processes that go on in the courtrooms in those
14 other countries. We're in the minority in that
15 respect.

16 The right to a trial by jury is guaranteed
17 in our Constitution in this state and in the
18 United States. It goes back to a document that
19 was signed in England in the year 1215. That
20 document was known as the Magna Carta. And in
21 that document, the King of England, for the
22 first time, guaranteed citizens the right to be
23 tried by their fellow citizens, not by some
24 bureaucrat or some royal person who decided your
25 fate, but by your fellow citizens.

1 So the tradition of trial by jury is -- if
2 you might notice, in the year 2015, it's at its
3 800th anniversary. There aren't too many things
4 that man does that lasted for 800 years in this
5 world. So you can see that it's something that
6 we've used -- used for a very long time, which
7 some people believe it's the best way for these
8 types of matters to be decided, that is, by a
9 trial by jury.

10 I will assure you that this courtroom is a
11 place of honor. It's dedicated to the
12 preservation of citizens' rights through both
13 the Constitution of this state and of the United
14 States. And I want to personally thank you for
15 your service on the jury this week and in this
16 case. I appreciate the fact that citizens are
17 willing to come forward and serve on juries. If
18 you didn't do that, our system couldn't function
19 as it was designed to function by our
20 forefathers. So again, thank you for your
21 service. We appreciate you being here.

22 What I'm telling you now is not intended to
23 be a charge concerning the law in this case.
24 Once you've heard all the arguments, you've
25 heard all the evidence, at that time, I'm going

1 to -- the very last thing you do before you go
2 into the jury room and start your deliberations,
3 I'll charge you concerning the law that I'm
4 instructing you to apply to the case. So what
5 I'm telling you now is intended to be a
6 discussion concerning the way in which we'll try
7 the case, the procedure that we'll follow and
8 the roles that we all have.

9 Now, I've already told you when we did jury
10 selection that there are two indictments in the
11 case. I'm not going to go over those with you
12 again right now. I'll discuss them with you in
13 more detail when we do the instructions at the
14 end of the trial. But to those two indictments,
15 the defendant in this case has pled not guilty.

16 Under our system of justice, that plea
17 places the burden of proof in this trial solely
18 upon the state. It's the state's responsibility
19 now to prove the allegations that are contained
20 in the indictment. They are required by our
21 system of justice to prove those allegations to
22 you by proof beyond a reasonable doubt. I'll go
23 over those concepts with you in more detail when
24 I charge you on the law. But it will be your
25 responsibility, when I turn the case over to you

1 to begin your deliberations, to determine or
2 decide whether or not the state has met its
3 burden of proof, that is, proof beyond a
4 reasonable doubt, as to the allegations that are
5 before the Court to be tried in the indictment.
6 So that's your job. Your job is to make that
7 determination at the close of the trial. So your
8 purpose as jurors is to find and determine the
9 facts in this case.

10 You know many courts have talked about the
11 role of juries in a trial. Most of those courts
12 describe the jury as the sole judge of the
13 facts. Now, I'm the sole judge of the law. I'll
14 be the sole judge who will preside over this
15 case, but the law makes you the sole judge of
16 the facts in this case. You are to determine
17 those facts from the testimony that you hear and
18 from any other evidence that comes into the
19 record of this trial through the testimony of
20 witnesses who have been sworn to tell the truth
21 who will testify from this witness stand. That's
22 the only evidence in a trial.

23 The only evidence in a trial is the
24 testimony of sworn witnesses and whatever comes
25 into the record through that testimony, be it a

1 piece of evidence, such as a document, or an
2 item that was found at the scene, things like
3 that, that evidence has to come into the case
4 through the sworn testimony of those witnesses.
5 And that's the only evidence in the trial of
6 this case.

7 I'm going to tell you: It's very important
8 that you perform your duty of determining the
9 facts in this case diligently and
10 conscientiously. Because under our system of
11 justice, it is very difficult for an erroneous
12 determination of fact made by jury to ever be
13 reversed or overturned.

14 Now, the same law that makes you the sole
15 judges of the facts makes me the sole judge of
16 the law to be applied in this case. As I told
17 you at the close of the case, I will charge you
18 concerning the law that you are to apply to the
19 facts as you determine them.

20 Now, the law says I have no right to
21 disagree with you concerning how you determine
22 the facts in this case. And so I'm not allowed
23 to make any comment concerning the facts in the
24 case. But that same law says you are not allowed
25 to disagree with me concerning the law to be

1 applied in this case.

2 So if you came into this courtroom today
3 with a notion as to what the law is, you have a
4 idea as to what the law ought to be, I'll tell
5 you to leave those notions and ideas outside of
6 that jury room before you begin your
7 deliberations. Your job as jurors will be to
8 take the law exactly as I give it to you and
9 apply that law to the facts as you decide the
10 facts to be. That should put you in the position
11 to render a verdict at the close of the trial of
12 the case.

13 Now, again, I will remind you -- I talked
14 to you about this briefly. I'm going to caution
15 you not to discuss anything about this case
16 until you've heard all of that evidence that
17 I've described to you just a minute ago, you've
18 heard my charge on the law, and you've heard the
19 arguments by the lawyers in this case.

20 Now, in just a couple of minutes -- well,
21 probably -- we're getting up on lunch, so maybe
22 it will be after lunch -- but we'll let the
23 lawyers make an opening statement to you. At
24 that time, they're going to tell you what the
25 case is about, perhaps what they intend to prove

1 in a trial. And they're only allowed to talk to
2 you directly twice during the trial. Of course,
3 they can interview witnesses and ask questions
4 and talk to the judge. But in talking to you,
5 they're allowed to make that opening statement
6 at the close -- at the opening of the trial.

7 And then, at the close of the trial, they
8 are allowed to make what is called a summation
9 or a closing argument, where they will talk
10 directly to you. At that time, what they're
11 going to do is: They're going to go over the
12 evidence that you've heard in the trial; they're
13 going to ask you to draw certain inferences or
14 conclusions from that evidence; and they'll urge
15 you to make certain decisions in the case during
16 their closing arguments or summations. But
17 that's the two times the lawyers will be allowed
18 to talk directly to you as jurors.

19 Now, I'm going to tell you one other thing:
20 What lawyers say in the trial of a case is not
21 evidence. The only evidence in the case is the
22 testimony of witnesses who are sworn to tell the
23 truth and who will testify from the witness
24 stand. Lawyers do make arguments. They try to
25 tell you what to draw from that evidence, but

1 what they say itself is not evidence and can't
2 be used directly by you in reaching your verdict
3 in this case. So again, the only evidence in
4 trial will be the testimony you hear from the
5 witnesses and what comes into the record through
6 the testimony of the witnesses on the witness
7 stand.

8 For that reason, it's important that you
9 pay close attention to the testimony as it goes
10 on during the trial. Try not to let your
11 thoughts wander as we go through the case. Try
12 to pay attention to that testimony by the
13 witnesses. Because at the close of the trial, it
14 will be your solemn responsibility to determine
15 the guilt or the innocence of the defendant in
16 this case. You will have to determine the
17 credibility or the believability of the
18 testimony and evidence that you've looked at.

19 I'm going to ask you to do one other thing
20 concerning that wit -- that evidence, and that
21 is to use your own good common sense in
22 evaluating the evidence that you hear during the
23 case. That's the reason we pick juries from a
24 wide cross-section in the community. We want
25 people with varying experiences, varying ages,

1 lots of experiences brought into that jury room
2 to evaluate the testimony.

3 It will be your job at the close of the
4 trial to determine what evidence you believe and
5 what evidence you do not believe. And I'll tell
6 you: Using your good common sense, you do that
7 every day. You make decisions using your common
8 sense as to what you choose to believe and what
9 you choose not to believe every single day of
10 your life. Sometimes you do it without even
11 thinking about it. It's just something we do in
12 evaluating what you hear and what you see. I'm
13 going ask you to use that same good common sense
14 when you go over the testimony that you hear in
15 this trial. Try to make a commonsense decision
16 as to what evidence is credible and what
17 evidence is not worthy of a finding of
18 credibility in this case.

19 And again, I'm going to urge you to pay
20 close attention to what goes on during the
21 trial. You have the right to use anything that
22 goes into the record of this case in making a
23 decision in this case. So pay close attention to
24 what's being said and what's not -- what's being
25 presented.

1 Now, as a juror, you have a right to
2 believe all of what a witness tells you, part of
3 what a witness tells you, or none of what a
4 witness tells you. You have the right to
5 consider such factors as: whether a witness has
6 a stake in the outcome of the case; whether or
7 not the witness actually had the ability to know
8 the facts about which the witness testified; you
9 have a right to determine whether the witness
10 actually had the ability to observe what they
11 claimed to have observed; and you have the right
12 to observe the witnesses as they testify.

13 I've been coming to courtrooms since 1975,
14 as a lawyer and as a judge. I've been around a
15 long time. And I've never been in a courtroom
16 where the witness stand wasn't right in front of
17 the jury box. That's where we put it. We put it
18 there for a reason: So you can watch people as
19 they testify, the way they speak, so you can
20 observe their demeanor as they tell you the
21 story that they tell you from the witness stand.
22 So use all of those factors, again, using your
23 good common sense, and make a determination as
24 to the credibility and believability about what
25 you hear from the witness stand in this case.

1 Now, I told you a minute ago: I'm the
2 presiding officer in a trial. As such, it will
3 be my responsibility to rule on objections the
4 attorneys might have to any evidence that's
5 being presented. If it's my belief that my
6 discussions with the lawyers about the issues
7 they are about to reach might go into matters
8 that would not be admissible under the rules of
9 evidence that govern what comes into a trial, if
10 I think it might be not admissible evidence,
11 then I'm going to ask you, while I discuss that
12 evidence with the lawyers, to step outside the
13 courtroom. Because my job is to see to it, as
14 much as possible, that you decide the case only
15 upon properly admitted evidence under the rules
16 of evidence to govern the admission of that
17 information.

18 So if I'm discussing something that I think
19 might not be admissible, I have to ask you to
20 step aside while we do that. Don't think I'm
21 trying to influence your decision on the facts.
22 It's just me doing my job.

23 They call judges sometimes "the
24 gatekeepers." We decide what can open the gate
25 and come into the record; we decide sometimes to

1 close the gate because that evidence is not
2 worthy of being admitted into the trial under
3 the rules that govern. I'll ask you to come back
4 once I've made my ruling. I will announce
5 whatever ruling I made while you weren't present
6 and we will proceed with the trial, if I have to
7 ask you to step outside of the courtroom. But
8 don't be surprised when I do that. That's just,
9 again, me doing my job of trying to keep the
10 gate open when it should be opened and closed
11 when it should be closed, to the evidence that's
12 being presented.

13 Now, when I finish this opening -- these
14 opening comments to you, you may think, well, he
15 forgot something, so I'm going to address this
16 right now. I didn't forget it. I do not appoint
17 a foreperson of the jury until I charge you on
18 the law of the case. And I do that for a reason.
19 I've -- I've kind of had the feeling over the
20 years that if I appoint somebody as the
21 foreperson at the start the trial, some people
22 on the jury might say, "Well, the judge has
23 decided that's probably the smartest person on
24 the jury. I just won't pay attention, and I'll
25 go along with whatever that person says. I'm not

1 going to pay -- not pay close attention. The
2 foreperson probably is going to know what we
3 ought to do, so I'm just not going to listen
4 very well."

5 I don't appoint that foreperson because I
6 want each one of you to believe that you might
7 be the foreperson when the case comes to a
8 close. You may be the person that I appoint to
9 lead the discussions of the jury in the
10 deliberation of the case. So now if you have any
11 problems as a juror, something that needs to be
12 called to my attention, you just let the bailiff
13 know. You can talk directly to them and they'll
14 come tell me what the issue is and I'll deal
15 with it. You don't need a foreperson to do that
16 during the trial.

17 But at the close of the trial, when I
18 charge you on the law, at that time, I'll
19 appoint the person to be the foreperson and it
20 could be any one of you. Because, at the close
21 of the trial, I'll tell you, your decision must
22 be unanimous. Each of you have to agree upon the
23 decision before it becomes a verdict. So I want
24 all of you to pay attention, I want all of you
25 to participate in those discussions and I want

1 the verdict, when it's rendered, to be a
2 unanimous verdict by all of you participating in
3 that process. So I haven't forgotten about the
4 foreperson. I'll appoint that person at the
5 close of the trial when I charge you on the law.
6 I know, on TV, they do at the beginning of the
7 trial. I don't do everything like they do on
8 television, so that's the way we'll handle that.

9 Now, I want to be sure that I haven't
10 violated anyone's rights in my opening comments
11 to you. Does the state have any objection to my
12 opening comments from the jury?

13 **MS. HINTON:** No, Your Honor.

14 **THE COURT:** Any from the defense?

15 **MR. DEJONG:** None on behalf of Mr. Beach,
16 Your Honor.

17 **THE COURT:** Thank you. Now, I do know that
18 we're a little past 12:15. We're going to take a
19 little longer break today for lunch. Judge
20 Gravely, who is the resident judge here for
21 Pickens County, his mother passed away this
22 weekend. There's a memorial service at
23 one o'clock, and some of the people in the
24 courthouse would like to attend that memorial
25 service. I'm going to take some time and allow

1 them time to do that, if they wish to do it.

2 So we will start back at two o'clock. I'm
3 going to ask you to be back in the jury room at
4 that time. Now, again, as you leave the
5 courthouse, let me caution you: You should not
6 attempt to gather any information about this
7 case from any source outside of this courthouse.

8 You know, I didn't grow up with computers
9 but I've learned how to deal with them in my
10 later years. I know that with a few strokes of
11 your fingers on a Google search, you can get
12 information just about -- about anything. And I
13 told you, your oath is to decide the case based
14 upon the law and the evidence. The only place
15 you're going to get law and evidence concerning
16 this case is inside of this courtroom from that
17 witness stand and from this judge. So there is
18 no information that you should consider outside
19 of this courtroom.

20 So don't attempt to gather any information
21 on your own from any source outside of this
22 courtroom. Don't listen to, watch, or read any
23 media reports about this case. Don't allow
24 anyone to discuss the case with you. And should
25 anyone try to contact you about your service on

1 this jury, I will tell you now that someone
2 trying to tamper with a jury is committing a
3 crime in this state. If somebody is trying to
4 influence your decision in this case and you get
5 involved in it, then you are assisting them in
6 committing that crime. You don't want to go
7 there.

8 So if someone tries to contact you about
9 your service on this jury, report it to us as
10 quickly as you can. I assure you I take it
11 seriously, and I'll see that the appropriate
12 action is taken should someone attempt to do
13 something like that.

14 So again, my instructions in a nutshell,
15 and I'll tell you this every time you leave this
16 courthouse: Don't try to gather any information
17 on your own; don't discuss the case with anyone;
18 don't allow anyone to discuss it with you; do
19 not listen to, watch, or read any media reports
20 about this case. It's okay to tell family,
21 friends, whoever you want to tell, that you've
22 been selected in the trial of the case and
23 you're going to be sitting up there at the
24 Pickens courthouse, and that's where you change
25 subjects and go to something else. You don't

1 need to talk about this case until after the
2 case is over and the verdict has been rendered.
3 And I'll discuss how you handle that when we get
4 to that point in time.

5 So those are my instructions. When you come
6 back, under oath, I'm going to ask you if you
7 have been able to follow my instructions. I hope
8 everyone can tell me that you've been able to
9 follow my instructions.

10 So again, two o'clock. The bailiffs will
11 tell you where to report back to when you come
12 back to the courthouse. We'll start shortly
13 thereafter. Again, I want to thank you for your
14 service in this case. But at this time, you're
15 free to go.

16 (Jury exits at 12:20 p.m.)

17 **THE COURT:** I can't see the door.

18 **THE CLERK:** It's closed.

19 **THE COURT:** Is it closed?

20 **THE CLERK:** Yes, sir.

21 **THE COURT:** Okay. Any objection to my
22 final comments to the jury?

23 **MS. HINTON:** No, Your Honor.

24 **THE COURT:** Anything from the defendant?

25 **MR. DEJONG:** None on behalf of Mr. Beach,

1 Your Honor.

2 **THE COURT:** Now, I believe the defendant
3 has been in custody. Am I correct?

4 **MR. DEJONG:** He is in custody.

5 **THE COURT:** Okay. Then he'll remain in
6 custody during the trial of the case. All right.
7 We're resume at two o'clock. Court's in recess
8 at this time.

9 (The Court goes off the record at 12:21 p.m.)

10 (State's Exhibits 1 through 10 and 13 through 16
11 are marked for identification.)

12 (The Court goes on the record at 2:02 p.m.)

13 (State's Exhibit 12 is marked for
14 identification.)

15 **THE COURT:** We've got the jury?

16 **THE CLERK:** Yes, sir.

17 **THE COURT:** Good.

18 **THE CLERK:** They're all here.

19 **THE COURT:** Very good.

20 **THE CLERK:** They were actually all a little
21 early.

22 **THE COURT:** Well, good, then. (Pause.)
23 Is the state ready to proceed at this time?

24 **MS. HINTON:** Yes, Your Honor.

25 **THE COURT:** Defense ready?

1 **MR. DEJONG:** .. Ready for the defense.

2 **THE COURT:** .. All right. Let's bring the
3 jury in.

4 (Jury enters at 2:03 p.m.)

5 **THE CLERK:** .. Where's the alternates?

6 **THE COURT:** .. The two alternates need to sit
7 in the back two seats.

8 **THE BAILIFF:** .. Where's the other alternate?

9 **THE JUROR:** .. Am I an alternate?

10 **THE COURT:** .. Yes, ma'am.

11 **THE BAILIFF:** .. You're an alternate.

12 **THE COURT:** .. There we go. All right. The
13 jury's returned to the courtroom. I hope
14 everyone had a good lunch. Any of you had
15 difficulty in complying with my instructions
16 during your absence with the courthouse? Please
17 stand.

18 (No audible response.)

19 It appears that all jurors have been able
20 to comply with my instructions thus far.

21 I told you that upon your return, we would
22 proceed with the trial. The attorneys would be
23 making their opening statements to you at this
24 time. The state has the burden of proof, so the
25 state will be going first with the opening

1 statement followed by the defense. And then the
2 state will be presenting evidence after that,
3 again, followed by any evidence the defense
4 wishes to produce. After all evidence is in,
5 we'll allow them to do the closing arguments or
6 statements. After that, I'll charge you on the
7 law. So those are the steps we're going to go
8 through. Of course, the first being opening
9 statements, the state may proceed at this time.

10 **MS. HINTON:** Thank you, Your Honor. May it
11 please the Court?

12 **THE COURT:** Yes, ma'am.

13 **MS. HINTON:** Mr. DeJong.

14 Good afternoon, now. As I told you earlier,
15 my name is Brandy Hinton. Mr. DeJong told you
16 that he had the privilege of representing
17 Mr. Beach. And it's my privilege to stand in
18 front of you on behalf of Minor [REDACTED] today. Minor
19 [REDACTED] was four years old when his biological
20 father, Mr. Aaron Beach, sexually assaulted him.
21 He sexually assaulted him, he photographed it,
22 he videotaped it, and he sent it to a lady in
23 Virginia. That lady's name is Jacqueline Dowell,
24 and you will hear from her very shortly. After
25 he sent those images and those videos to

1 Ms. Dowell, they made their way down to the
2 Easley Police Department, which is the city in
3 which Mr. Beach resides.

4 I have the burden of proof in this case.
5 And that means that I have to present to you the
6 evidence that I have in this case. It's not to
7 inflame your passions, your prejudices; it is
8 because those are the facts in this case. You
9 will hear a lot about the burden of proof
10 throughout this trial, and it's beyond a
11 reasonable doubt. It's not unattainable. It is
12 the highest burden, but it is the burden that
13 every criminal court in this great country of
14 the United States has in every criminal trial. I
15 must leave you firmly convinced of Mr. Beach's
16 guilt.

17 Mr. Beach sits over there an innocent man.
18 It is often called a cloak that is from the top
19 of his head to the bottom of his feet. It is one
20 of the fundamental -- most important rights we
21 have as American citizens -- is that you do come
22 into court innocent until the state proves you
23 guilty. Mr. Beach walked through the same doors
24 that you walked through this morning an innocent
25 man, unless and until the 12 of you decide that

1 the state has met its burden. And then, he's no
2 longer entitled to hide behind that cloak.

3 So at the end of this case, I'm going to
4 get up back in front of you and I'm going to ask
5 that you not allow him to be entitled to that
6 right any longer, that you remove that cloak
7 from him, and that you find him guilty for what
8 he did to Minor [REDACTED]. Thank you.

9 **THE COURT:** The defense may proceed.

10 **MR. DEJONG:** Thank you, Your Honor. May it
11 please the Court?

12 **THE COURT:** Yes, sir.

13 **MR. DEJONG:** Ms. Hinton.

14 His Honor has read the indictments to you.
15 The allegations in those indictments are not
16 pretty; anything but. But as His Honor shared
17 with you and I share with you, the fact that
18 Mr. Beach was indicted by the Pickens County
19 Grand Jury is absolutely no evidence in this
20 case. And the fact that Mr. Beach was arrested
21 is not evidence in this case.

22 In the larger sense, ladies and gentlemen,
23 this trial has not even started. It doesn't
24 start until the state puts up their first
25 witness, the state puts up their last witness,

1 and then it is for you to decide whether or not
2 they have met that burden of proof -- I beg your
3 pardon -- which is beyond a reasonable doubt. We
4 can talk about that when the case is over -- not
5 when it's over, but when we get back together
6 and you have to listen to me again. Hopefully, I
7 can speak, at that point in time.

8 So I ask you, as I said -- when His Honor
9 reads the indictment, those were certainly not
10 pretty allegations. And it would be very simple,
11 ladies and gentlemen, almost human, when you
12 heard those allegations, if your mind would just
13 slam shut and you make a determination on those
14 allegations. Now right before we went to lunch,
15 ladies and gentlemen, you took an oath. And if
16 indeed you did that, that would be a violation
17 of your oath, because you took an oath to well
18 and truly try this case based on the testimony
19 and evidence. And you have not seen or heard any
20 of that at this point in time.

21 And this case isn't over once the first
22 state's witness takes the witness stand. It
23 isn't over when the last witness takes the
24 witness stand. It is not over even after the
25 judge gives you his instructions as he kind of

1 gave you a little roadmap of what's going on.
2 The case is not over until the 12 of you, 14 of
3 you now, decide, based on the testimony and
4 evidence, whether Mr. Beach is not guilty or
5 guilty.

6 Now, let me say this, ladies and gentlemen:
7 Mr. Beach has nothing to prove to you 12, 14
8 people at the moment. He does not have to prove
9 his innocence. He does not have to testify. He
10 does not have to call witnesses in his defense.
11 That is one of the great rights, if you will, in
12 the Constitution of the United States of
13 America, which is still a viable document.
14 Sometimes I think it is being eroded a little
15 bit, but it is still a viable document.

16 And in that vein, ladies and gentlemen,
17 His Honor has shared with you a little bit about
18 the right to a trial. Now, the right to a trial,
19 under the Fifth Amendment, I believe, of the
20 Constitution of the United States, gives an
21 individual an absolute, absolute -- one of the
22 few absolutes left in this world -- gives any
23 person charged with a crime the right to a jury
24 trial. No matter what the evidence may be
25 against him, no matter what evidence there may

1 not be, but he still, or she still, has an
2 absolute right to a jury trial and to have 12
3 people sit in the jury box and decide that case.

4 So Madam solicitor touched on it a little
5 bit, and that is the presumption of innocence.
6 Now, ladies and gentlemen, I share with you that
7 the right of the presumption of innocence is not
8 a legal theory. It is not a legal mumbo-jumbo
9 that crosses the lips of lawyers. It is a
10 substantial right that is afforded every citizen
11 of this country.

12 And as Madam solicitor said, sometimes it
13 is -- it's oftentimes likened to a cloak of
14 righteousness that is draped around the
15 defendant's shoulders. I like to use a little
16 different example, and that is, if you look at
17 counsel table where my counsel -- where my
18 client and co-counsel are seated, you probably
19 can't see it. Actually, I know you can't see it.
20 But if you could, and if it was cellophane,
21 cling wrap, whatever, my client is covered from
22 the very crown of his head to the very soles of
23 his feet with that cling wrap presumption of
24 innocence.

25 And that presumption of innocence, ladies

1 and gentlemen, does not leave after the first
2 witness testifies, after the second witness
3 testifies, how ever many witnesses testify.
4 Whether Mr. Beach testifies or not, he is still
5 covered by that wrap. And that wrap, ladies and
6 gentlemen, does not leave until or unless you,
7 the jury, decide that the state has met its
8 burden of proof. And of course, that will not
9 start until, again, this case is over, after
10 His Honor has charged you. I suspect that will
11 be the last thing that you hear is His Honor's
12 charge. But that's -- that's how important that
13 right is.

14 Now, I'm about ready to hush and sit down.
15 It's a beautiful day outside. There's no rain
16 coming down for a change. And in part, there
17 might be 1001 places the 14 of you would rather
18 be than sitting in this jury box. His Honor
19 shared with you the importance of jury service.
20 And he did much more eloquently than I could.

21 I attribute it to the late and great
22 Winston Churchill. There are people that take
23 issue with me on that, but I like attributing it
24 to him, so I'm going to attribute it to him. He
25 was attributed to having said one time that jury

1 service is the greatest service you can render
2 for your country in a time of peace. I'm not
3 sure we are at peace, so I'll rephrase it a
4 little bit. It is the most important service
5 that you can render to your community, to
6 Pickens County, to the state of South Carolina,
7 to the United States of America, the most
8 important service that you could give.

9 Without you, there certainly would be no
10 need for me. No offense to Madam solicitor, but
11 we wouldn't need her. And certainly no offense
12 to His Honor, but we wouldn't need him. That's
13 how absolutely important your service is in this
14 case.

15 I thank you for your attention. I would ask
16 you to remain equally attentive throughout this
17 trial. And when this case is over, if Mr. Beach
18 is still wrapped up in that cling wrap, if you
19 haven't taken it off, find him not guilty. Thank
20 you so much.

21 **THE COURT:** The state would call its first
22 witness.

23 **MS. HINTON:** Thank you, Your Honor. The
24 state calls Jacqueline Dowell.

25 **THE COURT:** Come forward and be sworn

1 please. (Pause.)

2 Come forward, ma'am.

3 **THE CLERK:** If you would please your left
4 hand on the Bible and raise your right.

5 **JACQUELINE DOWELL**

6 having first been sworn, testifies as follows:

7 **THE CLERK:** Thank you, ma'am. If you
8 would, have a seat and state your name for the
9 record.

10 **THE WITNESS:** My name is Jacqueline Louise
11 Dowell.

12 **THE COURT:** Counsel, it's your witness.

13 **MS. HINTON:** Thank you, Your Honor.

14 **DIRECT EXAMINATION**

15 **BY MS. HINTON:**

16 **Q** Ms. Dowell, where are you from?

17 **A** Front Royal, Virginia.

18 **Q** You still live there now?

19 **A** Yes.

20 **Q** Were you living there back in 2016?

21 **A** Yes.

22 **Q** Did you start communicating with Mr. Beach
23 in 2016?

24 **A** Yes.

25 **Q** Do you know around what time that was, what

1 date?

2 **A** Maybe June. I'm not sure of the date.

3 **Q** Okay. How did y'all communicate?

4 **A** Through a social media app called Kik.

5 **Q** Okay. Tell me what Kik is.

6 **A** It is just that, a social media app where
7 you can communicate via text, short videos on there,
8 and exchange photos.

9 **MR. DEJONG:** I apologize, Your Honor. Can
10 we get the witness a little closer to the
11 microphone?

12 **THE COURT:** Ma'am, if you would try moving
13 up. Just speak into the microphone. You don't
14 have to lean all the way over. Be sure to speak
15 up, ma'am, loud as you can.

16 **THE WITNESS:** Yes, sir.

17 **THE COURT:** Okay. Thank you.

18 **BY MS. HINTON:**

19 **Q** Ms. Dowell, when you were communicating
20 with Mr. Beach on Kik, did you use your real name?

21 **A** No, I did not.

22 **Q** Do you remember what you told him your name
23 was?

24 **A** Victoria Hamilton.

25 **Q** Okay. And how old did you tell him you

1 were?

2 **A** In my early 20s.

3 **Q** Okay. And where did you tell him you lived?

4 **A** Annapolis, Maryland.

5 **Q** Okay. Are any of those three things true?

6 **A** No.

7 **Q** Okay. Why did you tell him that?

8 **A** Because he was much younger than I was.

9 **Q** Did Mr. Beach tell you what his name was?

10 **A** He only told me his first name in the
11 beginning.

12 **Q** And what was that?

13 **A** Aaron.

14 **Q** Did he later tell you his last name?

15 **A** Yes.

16 **Q** And what was that?

17 **A** Beach.

18 **Q** Did he tell you where he lived?

19 **A** He told me he lived in Easley, South
20 Carolina.

21 **Q** Did he tell you where he worked?

22 **A** Not in the beginning, no.

23 **Q** Did he eventually tell you?

24 **A** Yes.

25 **Q** What did he tell you?

1 **A** He told me he worked -- he told me he was a
2 chef at a restaurant.

3 **Q** Did he tell you anything about anybody else
4 in his family?

5 **A** Not in the beginning, no.

6 **Q** Did he eventually tell you?

7 **A** Yes.

8 **Q** What did he tell you?

9 **A** He told me he was married, had a son, and
10 that he lived with his wife and mother-in-law.

11 **Q** Okay. Did he tell you his son's name?

12 **A** He did.

13 **Q** What was his son's name?

14 **A** **Minor**.

15 **Q** At some point, did Mr. Beach ask you a
16 question that led you to getting some images and
17 videos?

18 **A** Yes.

19 **Q** And what was the question that he asked
20 you?

21 **A** It was along the lines of, "Do you want to
22 see what I'm into?"

23 **Q** Okay. And what did you say?

24 **A** And I just said sure.

25 **Q** And to be fair, were you sending him nude

1 photos prior to this?

2 A I had -- yes.

3 Q When he asked you did you want to see what
4 he's into, did you have any idea, at that point, what
5 he was talking about?

6 A I had no idea.

7 Q After you say yes, does he send you some
8 images?

9 A Yes, he did.

10 Q Ms. Dowell, I'm going to show you what's
11 been marked as State's 1 through 5. Do you recognize
12 these images?

13 A (Reviewing.)

14 Yes.

15 Q And who sent you those images?

16 A Aaron Beach.

17 Q And who did he tell you these were images
18 of?

19 A His son, Minor.

20 Q What did he tell you he was doing to Minor
21 in those images?

22 A In two of them, he told me that he had
23 masturbated on his son's face.

24 Q Okay. Anything else?

25 A In one of the images, he told me he was

1 masturbating his son's penis. And in another image,
2 he told me that he was making his son perform oral
3 sex upon him.

4 Q Okay. I'm going to show you a flash drive
5 that is State's 11. And it has some initials on the
6 back. Do you remember watching that yesterday?

7 A Yes, I do.

8 Q Okay. The series of videos that are
9 contained on this flash drive, who sent you those
10 videos?

11 A Aaron Beach.

12 Q Okay. What did he tell you -- did he tell
13 you that those videos depicted the same thing you
14 described in the photographs?

15 A Yes.

16 Q Did he tell you that that was his son?

17 A Yes, he did.

18 Q What did you do when he sent you those
19 videos and those photos?

20 A I didn't immediately do anything. I mean,
21 I'm not quite sure what you're asking.

22 Q Did you keep them? Did you delete them?
23 What did you do?

24 A I kept them.

25 Q Okay. And did you ever call the police?

1 **A** Yes.

2 **Q** Who did you call?

3 **A** At first, I tried to anonymously report it
4 to the Easley Police Department.

5 **Q** Okay. After you tried to anonymously report
6 it, did they eventually figure out who you were?

7 **A** Yes, they did.

8 **Q** Okay. And did you end up meeting with
9 somebody in law enforcement?

10 **A** Yes. I met with a special agent. I'm not
11 sure of his exact title, but I met with State Trooper
12 Morris of the Virginia State Police.

13 **Q** Okay. And where did you meet with him?

14 **A** In his vehicle at my residence.

15 **Q** Okay. And at that time, when you met with
16 him, did you allow him to get on your phone and
17 obtain these images and videos?

18 **A** Yes, I did.

19 **Q** Did you make any threats to Mr. Beach that
20 if he didn't send you these photos and videos of your
21 son that you would call the police on him?

22 **A** No, I did not.

23 **Q** Have you ever threatened his family in any
24 way?

25 **A** No, I have not.

1 **Q** I'm going to show you what's been marked as
2 State's 16. Who sent you that photo?

3 **A** Aaron Beach.

4 **Q** Okay. And who did you -- who was it, your
5 understanding, was that person?

6 **A** That that was Aaron Beach.

7 **Q** Have y'all ever met in person?

8 **A** No.

9 **MS. HINTON:** Your Honor, at this time, the
10 state would move State's 16 into evidence.

11 **MR. DEJONG:** Without objection,
12 Your Honor.

13 **THE COURT:** Without objection, it will be
14 admitted as it's been marked.

15 **MS. HINTON:** Thank you, Your Honor.

16 **THE COURT:** You may proceed.

17 (State's Exhibit 16 is admitted into the
18 record.)

19 **MS. HINTON:** The state would move State's
20 1 through 5 and State's 11 into evidence.

21 **THE COURT:** Any objection?

22 **MR. DEJONG:** Without objection.

23 **THE COURT:** Without objections, they'll be
24 admitted as they've been marked.

25 **MS. HINTON:** Thank you, Your Honor.

1 **MS. HINTON:** Thank you, Your Honor.

2 (State's Exhibit 1 through 5 are admitted into
3 the record.)

4 (State's Exhibit 11 is marked and admitted into
5 the record.)

6 **BY MS. HINTON:**

7 **Q** Ms. Dowell, after he sent you these videos
8 and these images, did he ask you any follow-up
9 questions about those videos and images?

10 **A** He asked me what I thought.

11 **Q** Okay. What did you mean by that?

12 **A** That was just a question he asked.

13 **Q** Okay. And what was your response to that?

14 **A** I said, "Oh, those are so hot."

15 **Q** Okay. Was there any follow-up conversation,
16 other than that?

17 **A** Not really.

18 **Q** Okay. Ms. Dowell, that's all I have. Please
19 answer any questions Mr. DeJong may have for you.

20 **THE COURT:** Counsel, you may
21 cross-examine.

22 **MR. DEJONG:** May it please the Court,
23 Your Honor?

24 **THE COURT:** Yes, sir.

25 **MR. DEJONG:** Thank you. Thank you.

CROSS-EXAMINATION

1
2 **BY MR. DEJONG:**

3 **Q** So I wasn't quite clear, Ms. Dowell, when
4 you said that, for want of a better term, this
5 relationship started. When was it?

6 **A** Maybe in June. I'm not exactly sure when.

7 **Q** That would be June 2016 --

8 **A** Yes.

9 **Q** -- is that correct? All right. For whatever
10 reason, you certainly were not being candid as far as
11 Kik or Facebook or anything else went, were you?

12 **A** (No audible response.)

13 **Q** You didn't use your real name?

14 **A** No, I didn't use my real name.

15 **Q** You didn't use your real address?

16 **A** No, I didn't.

17 **Q** You didn't use your real age?

18 **A** No, I didn't.

19 **Q** So who were you trying to attract?

20 **A** I wasn't necessarily trying to attract
21 anyone.

22 **Q** Well, is that what you had -- what you had
23 on Facebook or Kik or any of the other social media?
24 Is that what you had on any or all of them?

25 **A** I'm not sure what you're asking.

1 **Q** You had a Facebook account; right?

2 **A** Correct.

3 **Q** And you had Tori Hamilton or Victoria
4 Hamilton on your Facebook?

5 **A** Correct.

6 **Q** And if you had your address on there, it
7 was certainly not the correct address?

8 **A** Right.

9 **Q** I believe you said you had on there:
10 Annapolis, Maryland?

11 **A** Correct.

12 **Q** Okay. And certainly not your right age --
13 correct age?

14 **A** That's true.

15 **Q** Okay. So this relationship started in
16 June 2016. When was the relationship over?

17 **A** I don't recall.

18 **Q** Well, did it ever end?

19 **A** Well, of course, it ended.

20 **Q** You say you got these pictures -- I think
21 Madam solicitor asked you, but let me ask you: You
22 never met Aaron Beach in person?

23 **A** No, I did not.

24 **Q** You had no idea what he would look like in
25 person; correct?

1 **A** I can only go by what was sent to me.

2 **Q** Yes, ma'am. And I understand that. Now, how
3 do you know it was Aaron Beach that sent that to you?

4 **A** He said he was Aaron Beach.

5 **Q** Well --

6 **A** He sent me a photo of himself and his wife.

7 **Q** Did -- did he send a photo? Aaron Beach,
8 did he send the photo?

9 **A** (No audible response.).

10 **Q** You don't know, do you?

11 **A** Well, I know -- I know that the photograph
12 that Ms. Hinton showed me and the photo that was also
13 sent to me of Aaron and his wife is the same person,
14 only younger. And I recognize his wife sitting in the
15 gallery.

16 **Q** Okay. Did you ever meet his wife?

17 **A** No, I've never met his wife.

18 **Q** Okay. Well, so when did you say you
19 received these videos, these pictures?

20 **A** It was on, I believe, July 4 into July 5.

21 **Q** When did you contact the Easley Police
22 Department?

23 **A** I do not recall the date.

24 **Q** Was it sometime after July 4 or July 5?

25 **A** Yes.

1 Q Was around July 16? Would that ring any
2 bells with you?

3 A That's possible.

4 Q But, at that point in time, you did not
5 identify yourself as Jacqueline Dowell or Tori --
6 Victoria?

7 A I didn't identify myself as anyone.

8 Q Right. That's what I'm saying.

9 A Right. Right.

10 Q So let's say you got those on the 4th or
11 the 5th. You left those images on your phone until
12 sometime in August; is that correct?

13 A Yes.

14 Q And that's when you met with the
15 investigator from Virginia; whatever, or SLED, or --
16 I'm not sure what Virginia calls their folk, but you
17 met with an agent sometime in August, early to mid-
18 August; correct?

19 A Correct.

20 Q All right. Now how many times did you call
21 the Easley Police Department?

22 A Maybe two or three.

23 Q And any time -- well, let me ask you this,
24 how many times did you call Easley Police Department
25 before you met with the agent from Virginia?

1 **A** Two or three?

2 **Q** Okay. All right. At any point in time,
3 Ms. Dowell, did you ask for immunity before you would
4 talk to them?

5 **A** I may have.

6 **Q** And that was because of, perhaps, some
7 other stuff that may have been on your phone?

8 **A** No, that was because on one of the phone
9 calls to the Easley police, I don't recall the guy's
10 name, but it -- I know his rank was a sergeant. He
11 told me -- I don't remember his exact words, but he
12 said, "If you don't give me your name and give me
13 your address, then we're just going to lock your ass
14 up, basically. And we're going to issue a warrant for
15 your arrest because you're in possession of child
16 pornography." And at that point, I said an
17 explicative, "I'll just delete the photos and you
18 won't have a damn case."

19 And then that's where the immunity came in
20 because I believe then that was when I made the third
21 call. Gave them my name, and it's like, you know,
22 "Why should I cooperate if you guys are not going to
23 offer me immunity? You've already threatened to
24 arrest me."

25 **Q** So it wasn't until the third call that you

1 actually identified yourself; right?

2 **A** Correct.

3 **Q** You recall about when you made that third
4 call?

5 **A** I do not. I'm not that great with the dates
6 on that.

7 **Q** When you met with the -- you recall that
8 agent from Virginia? Do you recall his name?

9 **A** Trooper Morris.

10 **Q** Morris. So when you met -- excuse me, when
11 you met with Trooper Morris, do you know how long it
12 was after you had made that third phone call?

13 **A** I do not.

14 **Q** All right. Now, so Trooper Morris came and
15 he -- from what I gather from what you said earlier
16 that he never went into your house; right?

17 **A** No, he did not.

18 **Q** So y'all just sat in his vehicle?

19 **A** Correct.

20 **Q** Is that when he did the phone extraction?

21 **A** Yes, onto his laptop.

22 **Q** Yes, ma'am. But you, more or less, wanted
23 to make sure that he limited that to Aaron Beach
24 stuff; right?

25 **A** (No audible response.)

1 **Q** You asked him not to look at everything on
2 your telephone?

3 **A** Yes, I did.

4 **Q** Okay. And did he, as far as you know,
5 comply with your wishes?

6 **A** I have no idea what he extracted.

7 **Q** All right.

8 **MR. DEJONG:** One moment please,
9 Your Honor.

10 **THE COURT:** Yes, sir. (Pause.)

11 **BY MR. DEJONG:**

12 **Q** Well, if this relationship started sometime
13 in June, we don't know when it ended, would I be
14 wrong in saying there was certainly some sexual
15 communication between you and Mr. Beach?

16 **A** Yes.

17 **Q** And you sent him nude pictures; right?

18 **A** I sent him stock nude pictures.

19 **Q** Okay. But you sent him nude pictures,
20 nonetheless; right?

21 **A** Correct.

22 **Q** And then, after you say Mr. Beach sent you
23 these particular images that Madam solicitor was
24 talking about, you said Mr. Beach called you;
25 correct?

1 **A** No, I did not say he called me.

2 **Q** Pardon me?

3 **A** I did not say he called me.

4 **Q** Oh, I stand corrected. After you say he
5 sent you the photos and/or the videos, he did not
6 call you?

7 **A** No. We were texting.

8 **Q** Well, in texting, did he ask you -- is that
9 when he asked you what you thought of it?

10 **A** Yes.

11 **Q** What was your response?

12 **A** I said, "Oh, those are hot."

13 **Q** "Oh, those are hot." All right. Thank you,
14 ma'am. Nothing further.

15 **THE COURT:** Redirect?

16 **MS. HINTON:** Thank you, Your Honor. Very
17 briefly.

18 **THE COURT:** Yes, ma'am.

19 (State's Exhibit 17 is marked for
20 identification.)

21 **REDIRECT EXAMINATION**

22 **BY MS. HINTON:**

23 **Q** Ms. Dowell, I'm going to show you State's
24 17. Do you recognize who the people in the photo are
25 supposed to be?

1 **A** Yes.

2 **Q** Who are they supposed to be?

3 **A** That is Aaron Beach's son **Minor** and his
4 wife. I believe her name may be Brittany. I'm not
5 sure.

6 **Q** Okay. And who sent that to you?

7 **A** Aaron Beach.

8 **MS. HINTON:** Your Honor, at this time, the
9 state would move State's 17 into evidence.

10 **MR. DEJONG:** Without objection,
11 Your Honor.

12 **THE COURT:** Without objection, it will be
13 admitted as it's been marked. You may proceed.
14 (State's Exhibit 17 is admitted into the
15 record.)

16 **MS. HINTON:** Thank you, Your Honor.

17 **BY MS. HINTON:**

18 **Q** All right. Just to clarify dates a little
19 bit: Did your relationship with Mr. Beach end before
20 you called the Easley Police Department?

21 **A** Yes.

22 **Q** And the photographs and the videos that he
23 sent you, did he send those to you before you called
24 the Easley Police Department?

25 **A** Yes.

1 **Q** That's all I have.

2 **MR. DEJONG:** Nothing on recross,
3 Your Honor.

4 **THE COURT:** Ma'am, you may step down.
5 Thank you very much.

6 **MS. HINTON:** Your Honor, may she be
7 released from her subpoena?

8 **MR. DEJONG:** No objection to her being
9 excused.

10 **THE COURT:** She's asking if you can be
11 released. Without objection, you're free to go,
12 ma'am. Thank you very much.

13 The state may call its next witness.

14 **MS. HINTON:** Thank you, Your Honor. The
15 state will call Agent Chad Morris.

16 **THE COURT:** Come forward, sir.

17 **CHAD MORRIS**

18 having first been sworn, testifies as follows:

19 **THE CLERK:** Thank you, sir. If you would,
20 have a seat and state your name for the record
21 please.

22 **THE WITNESS:** Special Agent Chad Michael
23 Morris with the Virginia State Police.

24 **THE COURT:** Thank you.

25 Counselor, it's your witness.

1 **MS. HINTON:** Thank you, Your Honor.

2 **DIRECT EXAMINATION**

3 **BY MS. HINTON:**

4 **Q** Agent Morris, how long have you been with
5 the Virginia State Police?

6 **A** Since 2002.

7 **Q** And what do you do with Virginia State
8 Police?

9 **A** So currently, the last several years I've
10 been a special agent. I got promoted into a special
11 unit, the Internet Crimes Against Children, which
12 focuses on investigating child exploitation online.

13 **Q** Okay. And is that program kind of a
14 national program where you guys work together on
15 cases?

16 **A** Exactly right. So the ICAC is a national
17 initiative, Internet Crimes Against Children. It's
18 managed and governed by the Office of Juvenile
19 Justice and Delinquency Prevention. So in theory,
20 there are over 50 ICAC's nationwide with officers
21 with similar training and background, so that we can
22 work cases, if they go into other states or other
23 jurisdictions, using the same premise and same
24 theories of investigation and reach a logical
25 outcome.

1 **Q** Okay. And were you contacted by Detective
2 Liner with Easley Police Department regarding an ICAC
3 case?

4 **A** Yes, ma'am.

5 **Q** Okay. When were you contacted by him?

6 **A** August 2016.

7 **Q** Okay. And was that contact related to a
8 potential ICAC case?

9 **A** It was. I don't remember the exact context
10 of the conversation based on recollection. His agency
11 was investigating a possible child exploitation event
12 in his jurisdiction and there was a potential witness
13 in Virginia that he wanted me to locate and interview
14 and obtain evidence so I can reasonably do so.

15 **Q** Okay. And did you locate and interview that
16 witness?

17 **A** So I did.

18 **Q** And who was that witness?

19 **A** That was Jacqueline Dowell.

20 **Q** And where did you meet with her?

21 **A** I met her at her residence, [REDACTED]
22 Street, and that's Front Royal, Virginia.

23 **Q** And what date was that?

24 **A** I met her on August 2, 2016, at 10:30 a.m.
25 or 10:30 hours.

1 **Q** Okay. And when you met with her, was she
2 cooperative?

3 **A** She was. She was a little reluctant, at
4 first. Understandably so. She was involved in, like,
5 some weird chatting and role-playing. Basically, she
6 relayed to me that she wanted to be a witness and do
7 the right thing, but she was worried about her own
8 involvement. She explained that she created some fake
9 account. I asked her if she'd used anybody's specific
10 identity. She had not, so there was no crime there.

11 She said that she had knowledge that there
12 was an individual in North Carolina -- or South
13 Carolina that had molested his son and that she had
14 some of that contraband on her phone. I explained to
15 her that me and the ICAC, in general, in the
16 Commonwealth of Virginia, if we have witnesses that
17 are reluctantly coming forward, we try to penalize
18 them. We'd rather rescue children. And we understand
19 that some of these witnesses come from deep, dark
20 places. And without that, there's a lot of kids that
21 we wouldn't be able to reach out and help.

22 So I told her -- I said, well, I'm going to
23 consent -- I got consent from her to examine the
24 phone. The phone was examined. She tried to, in part,
25 say, "Well, can you just focus on those images?" And

1 I did not. I searched the entire phone and all of the
2 contents so that I can have a better understanding of
3 what kind of person she was. In the event that I
4 found other contraband or other child pornography;
5 then she certainly would be -- would be elevated on
6 my radar for investigative purposes besides from just
7 being a one-time witness to receiving this reported
8 child exploitation material or child pornography.

9 Q Okay. And to be clear, did you find any
10 images other than the ones that she said was sent to
11 her by Mr. Beach?

12 A So there were other images. There were no
13 other contraband images. There were some adult nude
14 images. There were some images of adult men in
15 clothing. There were adult female nude images that
16 she told me she was using to send other folks. So she
17 was not sending any child pornography. She -- what
18 she told me was in line with the results of the phone
19 examination that she had communicated with an
20 individual. Those images and videos that I did
21 extract that were of interest to me, just looking at
22 them, based on training and experience -- I can get
23 into that if you would like -- it appeared to me that
24 it was child pornography.

25 Q Yeah. Let's do that. Before we go any

1 further, let's get into your training and experience.
2 Can you tell the jury what type of training and
3 experience you have specifically in this area and in
4 phone extractions?

5 **A** So it's quite a bit. And I can go through a
6 list if the court will entertain it. It would maybe
7 take a minute. But I do have training in mobile phone
8 extractions, computer exams. Again, I've been doing
9 this for eight years, and testifying as an expert
10 witness in some of the courts and venues in Virginia.
11 But I can get into the specific training, if you
12 would like.

13 **Q** Roughly, how many trainings have you
14 attended?

15 **A** Looking here, 10 to 15, conservatively.

16 **Q** Have you taught any trainings?

17 **A** I have. So I've instructed at times at
18 James Madison University as an adjunct professor,
19 teaching computer forensics to students there. It's
20 kind of off and on. I don't do every semester. But as
21 my schedule permits, I do instruct there.

22 **Q** And how many times have you been qualified
23 as an expert in phone extractions?

24 **A** In Virginia, at least two. Most of my cases
25 are in two different venues. I do a lot of proactive

1 work. Most of my work is centered in Harrisonburg,
2 which is Rockingham County. So I'm an expert in that
3 venue. But if I've gone to other venues, certainly.

4 Q Okay.

5 MS. HINTON: Your Honor, at this time, the
6 state would move Agent Morris as an expert in
7 phone extractions.

8 THE COURT: Any objections?

9 MR. DEJONG: No voir dire and no
10 objections, Your Honor.

11 THE COURT: Thank you.

12 MR. DEJONG: As long as we understand the
13 expertise is limited to that area..

14 MS. HINTON: Yes.

15 THE COURT: It's just phone extractions.

16 THE COURT: All right. Ladies and
17 gentlemen, let me explain to you what process
18 we're going through right now. Generally,
19 witnesses, when they testify, are not allowed to
20 state opinions. They're required to testify
21 concerning facts within their knowledge. They're
22 not allowed to draw conclusions or opinions from
23 that.

24 An exception to that general rule of
25 evidence is made for a witness who has been

1 qualified by the Court as an expert within some
2 profession or some field or calling, things of
3 that nature. For witnesses that the court
4 qualifies as an expert, they are allowed to
5 state their opinions within their areas of
6 expertise and also state the reasons why they
7 hold those opinions.

8 The state is offering this witness as an
9 expert in telephone extractions, extracting
10 information from a telephone. The state is --
11 the defense is not objecting to that limited
12 area of expertise being qualified. So therefore,
13 I would declare that he is an expert within that
14 field. That would allow him to state his
15 opinions within that field.

16 And I'll talk to you about how you can
17 treat expert testimony in more detail during my
18 charge. So we'll get back to that when I charge
19 on the law. But at this point in time, he has
20 been qualified.

21 And you may proceed in that fashion.

22 **MS. HINTON:** Thank you, Your Honor.

23 **BY MS. HINTON:**

24 **Q** Agent Morris, can you just tell the jury
25 kind of a brief overview of how phone extractions

1 work?

2 **A** Sure. So by and large part, it's an
3 automated process. So the tool in this case that I
4 used is a Cellebrite product, specifically, a UFED,
5 Universal Forensic Extraction Device. You can run it
6 on a Windows laptop machine, which is what I did in
7 this case and I do it in most other cases. So I can
8 respond to a scene, like I did here, leaving my
9 office in Harrisburg, driving an hour to Front Royal,
10 extracting the phone. There's a couple of things on
11 the phone.

12 In this case, it was an Android-based
13 phone. It was a Samsung device. You do a couple of
14 things to allow the phone to communicate with the
15 system.

16 Cellebrite, you want the background on
17 that? They were originally developed for, like,
18 Verizon, some of the companies, so when you had a new
19 phone and you wanted to remove your contacts and your
20 text messages and pictures, you could take all that
21 data from one phone and put it to your new phone.

22 Well, the application that law enforcement
23 uses is for evidence recovery. So we're interested in
24 the same variety of things, contacts, mobile data
25 images, videos. So with this phone, I would have gone

1 in, allowed USB debugging, which just allows the
2 phone to communicate with the device. When you buy
3 your phone from the manufacturer, that's not always
4 allowed because people may, to be candid, screw up
5 their phone if they go and do a lot of things.

6 So there's a process. You go and you allow
7 USB debugging, connect the phone physically to the
8 computer, and initiate that process. In this case, it
9 was a logical extraction. So in theory, you really
10 can't limit what you're searching for. So when, in
11 this case, the witness says, "Well, can you just
12 search for images and videos sent by Aaron Beach?"
13 No, I can't do that. That's just not really the
14 process. It's going to extract all the data and then
15 the data is privy and I can go through it and examine
16 what's there. That's a long answer for a short
17 question.

18 **Q** No. That was great. And is that what you
19 did in this --

20 **A** Yes, ma'am.

21 **Q** Okay. All right. I'm going to show you
22 State's 1 through 5, 16, and 17. Were these images
23 that were recovered from Ms. Dowell's phone during
24 that extraction?

25 **A** So these were, 1 through 5. And I also have

1 16 and 17. They were recovered, as well.

2 Q Okay. And you have viewed the five videos
3 on State's 11; correct?

4 A Yes, ma'am. I have.

5 Q Okay. Were those also extracted from
6 Ms. Dowell's phone?

7 A They were.

8 Q And were you able to tell who sent them to
9 her?

10 A So I cannot -- the application Kik had
11 already been deleted from her phone, so I was not
12 privy and could not see. At the time, Cellebrite did
13 not extract the communication from Kik itself. It had
14 been deleted anyway. It was apparent to me that those
15 images and videos, in large part, were saved on her
16 device July 3, 4, and 5. Third, being a selfie image
17 of the white male depicted as the defendant. And
18 then, on 7/4 and 7/5 of '16, the rest of the nude
19 images of the young boy with the adult male.

20 Q Okay. But to be clear, you were not -- you
21 cannot tell whether or not those images were sent
22 from Mr. Beach; correct?

23 A That's correct. I can see that they had a
24 parent folder of Kik, at some point. So they were
25 saved from Kik. So when she's telling me that she

1 received those images on Kik, that did jive with what
2 she was telling me. So I believed at the time, and
3 still do, that to be accurate. She received them
4 through Kik, saved them to her own device, deleted
5 the app.

6 Q Okay. And are you familiar with Kik at all?

7 A I am. I use it quite a bit.

8 Q Okay. Do you know whether or not -- well,
9 how do videos work on Kik? Is it something that you
10 have to record on Kik app? Or can you record it on
11 your camera and then send it to Kik?

12 A So you can do both. You do either/or. So
13 you can have a prerecorded video on your phone and
14 send that through Kik or you could do, like, live
15 cam, like, Skype, or some of the other features or
16 other apps sort of allow you to do. So the answer is
17 both.

18 Q Okay. And does Kik allow you to only send a
19 certain length of video?

20 A I'm not entirely sure. It may be limited in
21 size. Usually, just in my training and experience in
22 the cases I've investigated, I rarely see videos over
23 30 seconds, over a minute.

24 Q Okay. And the images and the videos that
25 you obtained, did you then send that information to

1 Detective Liner?

2 **A** Yes.

3 **Q** Okay. Did that end your involvement in this
4 case, other than being here today?

5 **A** Yes.

6 **Q** Agent Morris, that's all I have. Please
7 answer anything Mr. DeJong may have.

8 **THE COURT:** Mr. DeJong, you may
9 cross-examine the witness.

10 **MR. DEJONG:** Thank you. May it please the
11 Court.

12 **THE COURT:** Yes, sir.

13 **CROSS-EXAMINATION**

14 **BY MR. DEJONG:**

15 **Q** You said that -- do you recall when you
16 were contacted by Detective Liner with the Easley
17 Police Department?

18 **A** I don't recall the specific date. My notes
19 indicate around August 2. It would have been within a
20 day or two that I responded.

21 **Q** What date did you respond to see
22 Ms. Dowell?

23 **A** August 2, 2016.

24 **Q** All right. You said you met at her
25 residence. Did you ever go in the residence?

1 **A** I did not. No, sir.

2 **Q** All right. And I'm a little confused. Okay.
3 Kik had already been -- she had already erased the
4 Kik application; right?

5 **A** Yes.

6 **Q** Okay. Sorry.

7 **A** No. It's okay. Understood.

8 **Q** The court reporter has got to get your
9 answers down. And she had placed them in a file?

10 **A** So she had saved them to her phone. So it
11 would have been in her traditional phone gallery with
12 all the other images.

13 **Q** Yes, sir. Okay. So when you did do the
14 extraction, you say you found no contraband, right,
15 except for --

16 **A** Aside from what's involved in this
17 investigation. There's no additional evidence of her
18 seeking or sharing child pornography.

19 **Q** Yes, sir. There was certainly sexually
20 explicit material on the phone?

21 **A** Yes. There were other nude images of
22 adults.

23 **Q** And a quite a bit of it, actually. Wasn't
24 there?

25 **A** That's a matter of opinion. I don't recall

1 exactly. I sometimes see tens of thousands. In this
2 case, it wasn't anywhere near there. It was under
3 100.

4 Q All right, sir. Now if you had extracted
5 this from Kik, would it had given you more
6 information than you were able to get because it had
7 been saved?

8 A Not necessarily, no. If my recollection is
9 correct, at the time, I don't think Cellebrite
10 extracted Kik application data. A lot of that is
11 proprietary. So again, going back to the genesis of
12 Cellebrite, it was for bringing content and images
13 and SMS and MMS messages, not necessarily app data.
14 Well, now, some of those manufacturers, Cellebrite
15 being one of those, are sensitive to the fact that
16 law enforcement is a big customer. So they are
17 writing some of their code to allow us to extract
18 some of the more notorious application data.

19 Q Right.

20 A But in theory, if we were to get the Kik
21 application data at the time that we get the same
22 images and videos, we might also get some of the
23 context of what was said.

24 Q Well, I guess what I'm saying, how can you
25 verify what phone those images came from?

1 **A** Okay. So I cannot say what phone sent those
2 to her phone. I'm only going to testify here today
3 that those images and videos were on Ms. Dowell's
4 phone and that they were saved to the gallery and had
5 an origin of Kik. So it has, like, a parent folder
6 where it came from. So it shows me, looking at the
7 data that she saved -- the user of that phone saved
8 those images from Kik to the local device and then
9 deleted the app.

10 **Q** Okay. So in your phone extraction, you
11 can't say that these came from Mr. Beach's telephone,
12 can you?

13 **A** Correct. I cannot. No.

14 **Q** Okay. So when you were doing this, there
15 was some talk about once you were finished, you would
16 delete some application. Do you recall that?

17 **A** So she had already previously deleted Kik.
18 But when we were done that day with the consent
19 search, yeah, I made sure she did not leave with that
20 contraband. It kind of put me in a bad spot because
21 she is, technically, per Virginia code, in possession
22 of child pornography. However, we tend not to
23 penalize witnesses and victims for coming forward.
24 Again, without them doing that -- we just don't want
25 to penalize witnesses from helping us rescue kids,

1 understanding that they may have been put in a
2 compromising position themselves.

3 **Q** I'm not asking you what she said. But did
4 you -- did you have any discussions with Ms. Dowell
5 about immunity?

6 **A** I did not.

7 **Q** Okay.

8 **MR. DEJONG:** One moment, please,
9 Your Honor. (Pause.)

10 **BY MR. DEJONG:**

11 **Q** I realize that you are in Virginia, Agent
12 Morris. Okay. But to your knowledge, was Mr. Beach's
13 phone ever searched?

14 **A** (No audible response.)

15 **Q** If you know. If you don't --

16 **A** I don't know.

17 **Q** Okay. That's your answer. I will accept it.
18 Thank you, sir. No further questions.

19 **THE COURT:** Redirect?

20 **MS. HINTON:** No, Your Honor. May he be
21 excused?

22 **MR. DEJONG:** No objections.

23 **THE COURT:** Without objection, sir, you're
24 free to go at this time.

25 **THE WITNESS:** Thank you, sir.

1 **THE COURT:** Thank you very much for coming.

2 **THE WITNESS:** Okay.

3 **THE COURT:** The state may call its next
4 witness.

5 **MS. HINTON:** Your Honor, before this next
6 witness, I do have a brief motion for the court.

7 **THE COURT:** Oh, okay.

8 Ladies and gentlemen, there's a matter that
9 I do have to take up outside of your hearing. I
10 told you that would happen from time to time. So
11 I want to ask you to step back to the jury room.
12 As always, I'll instruct you as you leave, don't
13 discuss anything about this case until I ask you
14 to begin your deliberations. You may step back
15 to the jury room at this time..

16 (Jury exits at 3:00 p.m.)

17 **THE COURT:** Yes, ma'am.

18 **MS. HINTON:** Your Honor, before this next
19 witness, I need to do a brief *Jackson v. Denno*.
20 The defendant actually spoke to two separate
21 officers. I'm happy to save the jury some extra
22 time back there and just do this one real quick
23 and then we can handle the next one tomorrow
24 morning.

25 **THE COURT:** All right.

1 **MS. HINTON:** I think that will work out
2 schedule-wise, if that's okay with Your Honor
3 and Mr. DeJong.

4 **MR. DEJONG:** That's fine.

5 **THE COURT:** Okay. We can do it that way.

6 **MS. HINTON:** Thank you, Your Honor. The
7 state would call José Medina to the stand.

8 **THE COURT:** Come forward, sir. Be sworn.

9 **JOSE MEDINA**

10 having been sworn, testifies as follows:

11 **THE CLERK:** Thank you. If you would, have a
12 seat and state your name for the record please.

13 **THE WITNESS:** José Medina.

14 **DIRECT EXAMINATION**

15 **BY MS. HINTON:**

16 **Q** Deputy Medina, where are you currently
17 employed?

18 **A** Currently, I'm employed with the Greenville
19 County Sheriff's Office.

20 **Q** As of not too long ago, were you at the
21 Easley Police Department?

22 **A** Yes, ma'am. I was.

23 **Q** Were you also there in 2016?

24 **A** Yes, ma'am.

25 **Q** Okay. And did you -- were you informed of

1 an anonymous report that came to the Easley Police
2 Department in July 2016?

3 A Yes, ma'am.

4 Q Based on that anonymous report, what did
5 you do? Where did you go?

6 A I responded to [REDACTED], which is
7 within the city limits of Easley here in Pickens
8 county. I was brief. The call, basically, was an
9 anonymous call in reference to a possible sexual
10 assault that had occurred.

11 Q Okay. At the time when you responded to
12 that residence, had y'all received any photos or
13 images?

14 A No, ma'am.

15 Q Okay. Why were you going out there then?

16 A Just for those allegations.

17 Q Okay.

18 A And do a well-being check.

19 Q Okay. A well-being check on who?

20 A Minor [REDACTED].

21 Q All right. And at the time that you went
22 out there, did you see Minor?

23 A I did.

24 Q Okay. And did you see the defendant?

25 A I did.

- 1 **Q** Did you speak to the defendant?
- 2 **A** I did.
- 3 **Q** Did you mirandize him?
- 4 **A** No, ma'am.
- 5 **Q** And why not?
- 6 **A** At that time, I had no evidence to prove --
- 7 or connect him to any crime at all. Just doing the
- 8 well-being check.
- 9 **Q** Okay. Did you force him to speak to you in
- 10 any way?
- 11 **A** No, ma'am.
- 12 **Q** Did you threaten him at all?
- 13 **A** No, ma'am.
- 14 **Q** Did he appear to be under the influence of
- 15 drugs and alcohol?
- 16 **A** No, ma'am.
- 17 **Q** Did he appear to have coherent answers to
- 18 any questions you had?
- 19 **A** Yes, ma'am.
- 20 **Q** Okay. Did you handcuff him at all?
- 21 **A** Did you arrest him that day?
- 22 **A** No, ma'am.
- 23 **Q** In fact, did you arrest him at all?
- 24 **A** No, ma'am. I did not.
- 25 **Q** Did he voluntarily discuss any issues that

1 you had with him that day?

2 **A** Yes, ma'am.

3 **Q** That's all I have, Officer Medina. Please
4 answer anything Mr. DeJong may have.

5 **THE COURT:** You may cross-examine him.

6 **MR. DEJONG:** As -- excuse me. As to the
7 *Jackson v. Denno*, Your Honor, I have no
8 questions for this witness.

9 **THE COURT:** All right.

10 **MS. HINTON:** That's all I have.
11 Your Honor, at this time, I would ask that his
12 statement be admitted.

13 **THE COURT:** All right. Well, it's already
14 on the record. Do you wish to call any witnesses
15 concerning this issue?

16 **MR. DEJONG:** No, Your Honor.

17 **THE COURT:** All right. Do you wish to
18 challenge the voluntariness of whatever
19 statement he made?

20 **MR. DEJONG:** No, Your Honor.

21 **THE COURT:** Okay. So we go forward. I'll
22 ask you to step back down. You'll be called as a
23 regular witness in front of the jury.

24 **THE WITNESS:** Thank you, sir.

25 **MS. HINTON:** Thank you, Your Honor.

1 **THE COURT:** While we've got the jury out,
2 we'll take a short five-minute, 10-minute break.
3 The Court will be in recess. I'm going to stay
4 on the bench, but the court will be in recess
5 for about 5 or 10 minutes. Thank you.

6 **MS. HINTON:** Thank you, Your Honor.
7 (The Court goes off the record at 3:04 p.m.)
8 (The Court goes on the record at 3:14 p.m.)

9 **THE COURT:** Is the state ready to proceed
10 at this time?

11 **MS. HINTON:** Yes, Your Honor.

12 **THE COURT:** Is the defense ready?

13 **MR. DEJONG:** The defense is ready.

14 **THE COURT:** Let's bring the jury in.
15 (Jury enters at 3:15 p.m.)

16 **THE COURT:** All right. The record will
17 reflect the jury has returned in the courtroom.
18 The state is in the process of calling its
19 witnesses.

20 And you may call your next witness.

21 **MR. DEJONG:** Yes, sir. The state would
22 call Deputy José Medina.

23 **THE COURT:** Come forward and be sworn at
24 the witness stand, please.

25 **JOSE MEDINA**

1 having been sworn, testifies as follows:

2 **THE CLERK:** Thank you, sir. If you would,
3 have a seat and state your name for the record,
4 please.

5 **THE WITNESS:** José Medina.

6 **THE COURT:** Counselor, your witness.

7 **MS. HINTON:** Thank you, Your Honor.

8 **DIRECT EXAMINATION**

9 **BY MS. HINTON:**

10 **Q** Deputy Medina, where are you currently
11 employed?

12 **A** Currently, I'm employed with the Greenville
13 County Sheriff's Office.

14 **Q** And how long have you been there?

15 **A** About a month.

16 **Q** Prior to that, where were you employed?

17 **A** I was employed with the City of Easley as a
18 police officer.

19 **Q** And how long had you been at the Easley
20 Police Department?

21 **A** Roughly about five and half years.

22 **Q** Did you become involved in an anonymous
23 report made to the Easley Police Department regarding
24 Mr. Aaron Beach?

25 **A** I did.

1 Q Do you know when that report came?

2 A I believe it was July 2016.

3 Q Okay. In response to that anonymous report,
4 what did you go and do?

5 A I performed a well-being check on Minor

6 [REDACTED].

7 Q And just, in general, what is a well-being
8 check?

9 A Just to check their well-being and make
10 sure there's no type of neglect or abuse at the house
11 or anything that would put the child in danger.

12 Q And when you go for a well-being check, is
13 that kind of a voluntary process. Do you force your
14 way in? How does that work?

15 A It's just a voluntary process.

16 Q At the time that you went and did a
17 well-being check on Minor [REDACTED], had y'all received
18 any images or videos to the police department at that
19 time?

20 A No, ma'am.

21 Q When you got to the residence -- where is
22 the residence?

23 A [REDACTED] in Easley, which is here in
24 Pickens County.

25 Q Who did you meet with when you got there?

1 **A** I met with everybody who was there: Aaron,
2 **Minor**, his wife, his mother -- or her mother, and his
3 brother-in-law, I believe.

4 **Q** Okay. So **Minor** and Aaron, Aaron's wife -- is
5 that what you said?

6 **A** Yes, ma'am.

7 **Q** Okay. And then Aaron's mother-in-law and
8 brother-in-law; is that correct?

9 **A** Correct.

10 **Q** And did you attempt to speak to **Minor**
11 at all, at that point?

12 **A** I did.

13 **Q** You did or did not? I'm sorry.

14 **A** I did. I did. I'm sorry.

15 **Q** And were you able to do that?

16 **A** I was. But I believe he was four at that
17 time and I wasn't able to properly communicate with
18 him.

19 **Q** Okay. And what do you mean by that?

20 **A** I just -- just given his age level and
21 maybe his learning level at that time, simply, I
22 wasn't able to, you know, ask him or get the answers
23 I needed, you know, just properly get answers from
24 him.

25 **Q** Okay. But from a physical sense, did he

1 appear okay at that time?

2 **A** Yes, he did.

3 **Q** And did you speak to Mr. Beach?

4 **A** I did.

5 **Q** And did you mirandize him before you spoke
6 to him?

7 **A** I did not.

8 **Q** Why not?

9 **A** At that time, like I previously said, there
10 were no signs of any abuse. I had no evidence to go
11 on, as far as that. So everything was just voluntary,
12 trying to see if there was anything there.

13 **Q** And did you have Mr. Beach in handcuffs or
14 anything?

15 **A** No, ma'am.

16 **Q** Was he arrested that day?

17 **A** No, ma'am.

18 **Q** Did you threaten him at all?

19 **A** No, ma'am.

20 **Q** Did he appear under the influence of any
21 drugs or alcohol?

22 **A** No, ma'am.

23 **Q** Did he appear to have coherent answers to
24 your questions?

25 **A** Yes, ma'am.

1 **Q** What did Mr. Beach tell you regarding this
2 case?

3 **A** Essentially that, you know, he was talking
4 to a female that he thought was Victoria Hamilton. He
5 didn't know much about her. According to him, I
6 believe he stated that she supposedly made threats to
7 throw him in jail. But I didn't find any -- anything
8 to validate where those threats were coming from or
9 any evidence of those threats.

10 **Q** Okay. So he did not offer any proof of
11 threats?

12 **A** No, ma'am.

13 **Q** And did you throw out the name Victoria
14 Hamilton, or did he volunteer that name to you?

15 **A** He volunteered it to me.

16 **Q** Did he tell you how he communicated with
17 her?

18 **A** I believe it was through some type of app.
19 I also -- he did state the name of Tori Hamilton.
20 That was through Facebook.

21 **Q** Okay. All right. When you got to Kay
22 Street, did you go inside the residence?

23 **A** I did.

24 **Q** Did you view the rooms in the residence?

25 **A** Yes, ma'am.

1 Q Was that part of your well-being check?

2 A Yes, ma'am.

3 MR. DEJONG: Your Honor, I would object to
4 those coming in. I don't know what the
5 relevance is and what they're trying to -- I,
6 personally, don't see any relevance whatsoever
7 as to those pictures and as to the charges we
8 are trying --

9 THE COURT: I'm going to let her lay any
10 foundation she is trying to lay. We'll reserve
11 your objection until she lays the foundation.
12 She hasn't offered them yet. She showed them to
13 you.

14 MR. DEJONG: Thank you, Your Honor. I was
15 trying to lock the barn before the horses --

16 THE COURT: I understand. Let's let her
17 present them and offer them, and then we'll
18 talk about objections.

19 MR. DEJONG: Thank you, Your Honor.

20 MS. HINTON: Thank you, Your Honor.

21 THE COURT: All right. So you may lay your
22 foundation for the photographs.

23 MS. HINTON: Thank you, Your Honor.

24 THE COURT: Thank you.

25 BY MS. HINTON:

1 **Q** Officer Medina, if you will look at State's
2 6 through 10.

3 **A** (Reviewing.)

4 **Q** Do you recognize those photos?

5 **A** Yes, ma'am.

6 **Q** And what are those photos of?

7 **A** Those are of the residence at [REDACTED]
8 Street.

9 **Q** Okay. Is that how the residence looked when
10 you were there?

11 **A** Yes, ma'am. Briefly, yes, ma'am.

12 **Q** Okay.

13 **A** Essentially, yes.

14 **Q** Okay. Did you later view the images and
15 videos in this case?

16 **A** I did.

17 **Q** Did you view those at the Police
18 Department?

19 **A** I did.

20 **Q** How do those images and videos correlate to
21 State's 6 through 10?

22 **A** Uhm...

23 **Q** If you know.

24 **A** Yes, ma'am. Basically, the images that were
25 presented to me by Detective Liner, most of them

1 depict items that are found in this -- these
2 photographs. You know, the tile on the floor, the
3 blanket that we see on these pictures. That's how I
4 was able to identify where this took place.

5 Q Did you actually tell Detective Liner where
6 it had taken place?

7 A I did.

8 Q And was that based off of your well-being
9 check?

10 A Yes, ma'am.

11 MS. HINTON: Your Honor, at this time, the
12 state would move State's 6 through 10 into
13 evidence.

14 THE COURT: And you raise an objection?

15 MR. DEJONG: I did, Your Honor. Again, I
16 don't see a relevance. Perhaps the bathroom
17 where certain of these acts were alleged, I can
18 kind of understand that one. I think there was
19 some allegation to the living room. But
20 everything else just shows the condition of the
21 home, which I don't think we are trying bad
22 housekeeping here. It doesn't look like the
23 best housekeeper in the world, but I don't
24 think that it is relevant to what we're talking
25 about.

1 I will withdraw my objection only as to the
2 bathroom and if there's a picture of the living
3 room sofa. I think that's where one of them
4 occurred. I would withdraw my objection to
5 those. But as to the rest of them --

6 **THE COURT:** Let me just let him take a
7 look and see if we can reach the point to where
8 we've got an agreement as to what would be
9 identifying for the photos already in evidence.
10 (Mr. DeJong and Ms. Hinton confer.)

11 **BY MS. HINTON:**

12 Q Officer Medina --

13 **THE COURT:** I've got to make a ruling.

14 **MS. HINTON:** Okay. I'm sorry. Well, I was
15 going to try to clarify for Mr. DeJong's
16 purposes, but that's fine.

17 **THE COURT:** You want to lay additional
18 foundation?

19 **MS. HINTON:** Yes, Your Honor, if you don't
20 mind.

21 **THE COURT:** All right. We'll reserve the
22 ruling until she's completed that questioning.

23 **MR. DEJONG:** Thank you.

24 **BY MS. HINTON:**

25 Q Officer Medina, if you will look at

1 State's 4. Have you previously reviewed that photo?

2 A I have.

3 Q Okay. Does that relate in any way to any of
4 the photos in State's 6 through 10 that you are aware
5 of?

6 A Yes, ma'am.

7 Q Okay. And tell me what that is.

8 A The Spider-Man-styled blanket.

9 Q Which photos can you see those in, in the
10 state's exhibits?

11 A This one right here, I believe is 9. And
12 perhaps this one, if that is flipped over --

13 Q So State's 9?

14 A Yes.

15 Q Okay. And what do you recognize out of
16 State's 6 that you also saw in photos and the videos?

17 A The couch, the blanket right there.

18 Q The couch and the blanket?

19 A Yes, ma'am.

20 Q Okay. What about State's 7?

21 A The towel in the bathroom. The bathroom
22 itself. I mean, I was in there.

23 Q Okay. Is that bathroom depicted in the
24 photos and the videos?

25 A Yes. Yes.

1 **Q** Okay. And then State's 8? What correlates
2 to State's 8 in the photos and the videos?

3 **A** The bathtub.

4 **Q** Okay. State's 10, what correlates to the
5 photos and the videos in State's 10, if you know?

6 **A** This one. It will be hard for me to
7 remember, but I believe maybe the floor. I remember
8 seeing the floor, and maybe that right there.

9 **Q** What is that right there? They can't see
10 it.

11 **A** Oh, excuse me. It's kind of like a blanket
12 that's covering the curtain. Also the -- well, it is
13 a Spider-Man blanket.

14 **Q** So speak up for me. In State's 10, what
15 kind of blanket is that?

16 **A** It is a Spider-Man blanket.

17 **Q** Okay. And how does that correlate to the
18 images in the videos?

19 **A** It's in one of them -- or them.

20 **MS. HINTON:** Your Honor, at this time, the
21 state would move 6, 7, 8, 9, and 10 into
22 evidence.

23 **MR. DEJONG:** Over my objection.

24 **THE COURT:** Okay. Objection noted. I will
25 allow them in. They'll be admitted as marked.

1 You may proceed.

2 (State's Exhibit 6 through 10 are admitted into
3 the record.)

4 **BY MS. HINTON:**

5 **Q** Deputy Medina, when you viewed these images
6 and these videos with Detective Liner, were you able
7 to identify the child in those videos and images?

8 **A** Yes, ma'am.

9 **Q** And who were you able to identify that
10 child as?

11 **A** Minor.

12 **Q** And how were you able to do that?

13 **A** Just based on just going to the house, not
14 only for that well-being check but --

15 **Q** Okay. So you had --

16 **A** Prior knowledge of Minor, yes.

17 **Q** Did you relay to Detective Liner that you
18 were familiar with the home and the child in the
19 home?

20 **A** Yes, ma'am.

21 **Q** That's all I have. Please answer anything
22 Mr. DeJong may have.

23 **THE COURT:** You may cross-examine.

24 **MR. DEJONG:** Thank you, Your Honor. May it
25 please the Court.

1 **THE COURT:** Yes, sir.

2 **CROSS-EXAMINATION**

3 **BY MR. DEJONG:**

4 **Q** So what address did you go to?

5 **A** What address?

6 **Q** Yes.

7 **A** [REDACTED].

8 **Q** [REDACTED]?

9 **A** [REDACTED].

10 **Q** [REDACTED]. I'm sorry. That was my error, not
11 yours. I couldn't pick up the [REDACTED]. And that's in
12 Easley?

13 **A** Yes, sir.

14 **Q** What time did you go out there? Do you
15 recall?

16 **A** It was nighttime.

17 **Q** Nighttime. Do you recall how far it was
18 into the nighttime?

19 **A** That, I do not.

20 **Q** Okay. Now, when you got there -- we've been
21 going into a lot of detail, but what kind of house
22 was this? Was it a stick house? What I call a stick
23 house. Was it a mobile home?

24 **A** It was a brick house.

25 **Q** Brick house.

1 **A** Yes, sir.

2 **Q** How many rooms?

3 **A** How many rooms? I believe about three if
4 you don't include the living room.

5 **Q** How many bathrooms?

6 **A** That, I can't remember.

7 **Q** Well, when you got out there, you said
8 there were -- if I understood you correctly, that
9 there were several people in the house; is that
10 correct?

11 **A** Yes, sir.

12 **Q** And how many adults were there?

13 **A** How many adults?

14 **Q** Adults?

15 **A** Yes, sir. So we have Aaron, his wife,
16 brother-in-law, mother-in-law.

17 **Q** Okay. And then one child or more than one?

18 **A** Yes.

19 **Q** One child?

20 **A** Yes, sir.

21 **Q** When you are talking to Mr. Beach, where
22 were the rest of these people?

23 **A** Sir?

24 **Q** When you were -- I'm sorry. My voice.

25 **A** Yes, sir.

1 Q I apologize. When you were talking to
2 Mr. Beach, where were these other three people?

3 A With other officers.

4 Q Other officers?

5 A Yes, sir.

6 Q You went on a well check with more than one
7 officer?

8 A Yes, sir.

9 Q Well, you filed a report, obviously. Am I
10 right?

11 A I did.

12 Q What happened to those pictures you took on
13 the 16th?

14 A I didn't take any pictures..

15 Q I'm sorry.

16 A I did not take any pictures.

17 Q So you didn't take those pictures of the
18 house?

19 A No, sir.

20 Q Do you know who did, if anybody, in the
21 Police Department?

22 A Me, personally, who took them? No, sir. I
23 do not know.

24 Q I guess my question is: Those other three
25 people, wife, mother-in-law, brother-in-law?

1 **A** Yes, sir.

2 **Q** What? They were within hearing distance of
3 when you were talking to Mr. Beach? Do you know?

4 **A** As far as I know, no.

5 **Q** Pardon me?

6 **A** As far as I know, no.

7 **Q** Okay. Were they in the same place in the
8 house?

9 **A** What you mean by that, sir?

10 **Q** Living room, bedroom, kitchen?

11 **A** I believe everybody was in the living room.

12 **Q** How large was the living room?

13 **A** I guess a standard living room. I wouldn't
14 know what to tell you.

15 **Q** We'll take it as a standard living room..
16 Okay. Now when you are talking to Mr. Beach, he was,
17 at best, guessing -- when he talked about Victoria
18 Hamilton or Tori Hamilton, he was, at best, guessing
19 who he thought it might have been; correct?

20 **A** The subject that filed the complaint?

21 **Q** Pardon me?

22 **A** The subject that filed the complaint.

23 **Q** Yes, this anonymous complaint?

24 **A** Yes. I do not know her name or anything.

25 **Q** All right. So you didn't get any names at

1 that point in time?

2 **A** No, sir.

3 **Q** Okay. But he wasn't dead certain that's who
4 the person was when he was talking to you, was he?

5 **A** I'm not sure what his thought process
6 behind that was.

7 **Q** Well, I know you don't know his thought
8 process, but didn't he say it was probably this
9 person?

10 **A** That's a possibility, but I can't tell you
11 100 percent.

12 **Q** All right. And how many officers did go out
13 there?

14 **A** I believe one more, maybe.

15 **Q** Do you know which officer it was?

16 **A** Yes, sir.

17 **Q** Who was that?

18 **A** Sergeant Kelly.

19 **Q** Who?

20 **A** Sergeant Kelly.

21 **Q** So when you got to the house, you found no
22 indication of that; right?

23 **A** Not at that time, no.

24 **Q** You found no indication of assault?

25 **A** Not at that time.

1 **Q** Physical or sexual?

2 **A** No, sir.

3 **Q** Okay. So you did file a report; correct?

4 **A** Yes, sir. I did.

5 **Q** But I guess, for want of a better term, it
6 was a negative report; right? Negative, in that you
7 didn't find anything.

8 **A** It was just to document.

9 **Q** Right. To document your trip out there?

10 **A** Yes, sir.

11 **Q** That is what it was for.

12 **MR. DEJONG:** One moment please,
13 Your Honor. (Pause.)

14 Thank you, Officer Medina.

15 **THE COURT:** Redirect?

16 **MS. HINTON:** No, Your Honor. May he be
17 excused?

18 **THE COURT:** Any objections to this witness
19 being excused?

20 **MR. DEJONG:** None whatsoever.

21 **THE COURT:** All right. Sir, you may step
22 down. Thank you for coming here today.

23 **THE WITNESS:** Yes, sir.

24 **THE COURT:** The state may call its next
25 witness.

1 **MS. HINTON:** Thank you, Your Honor. The
2 state would call Brittany Simmons.

3 **THE COURT:** Come forward please, ma'am.

4 **BRITTANY SIMMONS**

5 having been duly sworn, testifies as follows:

6 **THE CLERK:** Have a seat and state your
7 name for the record, please.

8 **THE WITNESS:** My name is Brittany Simmons.

9 **THE COURT:** Madam solicitor, it's your
10 witness.

11 **MS. HINTON:** Thank you, Your Honor.

12 **THE COURT:** Yes, ma'am.

13 **DIRECT EXAMINATION**

14 **BY MS. HINTON:**

15 **Q** Ms. Simmons, how do you know **Minor** ?

16 **A** He's my son.

17 **Q** How do you know Aaron Beach?

18 **A** We had him together.

19 **Q** Who is him?

20 **A** **Minor** .

21 **Q** So Aaron is **Minor** 's father; is that correct?

22 **A** Yes, ma'am.

23 **Q** Were y'all ever married?

24 **A** No.

25 **Q** How long have you known Aaron?

1 **A** Since -- a long time, actually.

2 **Q** Give me an idea of how long?

3 **A** Since my brother and him were friends in
4 grade school, I guess.

5 **Q** Okay.

6 **A** A long time ago.

7 **Q** How long have y'all been in a romantic
8 relationship?

9 **A** Since 2009.

10 **Q** And when did that end?

11 **A** I'm not really sure. I don't remember.

12 **Q** Let me ask it this way: Were y'all in a
13 romantic relationship when these allegations came
14 out?

15 **A** No, ma'am.

16 **Q** Were you still living together?

17 **A** Yes, ma'am.

18 **Q** Where were you living?

19 **A** [REDACTED].

20 **Q** In Easley?

21 **A** Yes, ma'am.

22 **Q** Do you still live there?

23 **A** Yes, ma'am.

24 **Q** Who do you live there with?

25 **A** I live with my brother and my mother and my

1 son.

2 Q And is Minor the only child you have?

3 A Yes, ma'am.

4 Q And did Aaron used to live there, as well?

5 A He used to, yes.

6 Q I'm going to show you State's 6 through 10.

7 Do you recognize what's in those photos?

8 A Garments from our house. And that is our
9 couch in our living room.

10 Q Okay. And what number is that? State's
11 what?

12 A Six.

13 Q Okay. And who -- who, if anybody, slept in
14 that living room?

15 A Just Aaron.

16 Q Okay. How it's depicted in that photo, is
17 that how he slept there?

18 A Yes, ma'am.

19 Q Is that the bedding that he used?

20 A Yes, ma'am.

21 Q What is depicted in State's 7?

22 A That is our bathroom.

23 Q Okay. How many bathrooms do y'all have in
24 that house?

25 A Just one big one and then a half one.

1 **Q** So is this the big one or the half one?

2 **A** The big one.

3 **Q** What is in State's 8?

4 **A** That's the bathtub.

5 **Q** Is that your bathtub or somebody else's

6 bathtub?

7 **A** Our bathtub, yes.

8 **Q** Is that the same bathtub as depicted in

9 State's 7?

10 **A** Yes, ma'am.

11 **Q** Who used this bathroom depicted in State's

12 7 and 8?

13 **A** Everyone that -- whoever took showers and

14 stuff.

15 **Q** Was that the only shower y'all had?

16 **A** Yes.

17 **Q** Was that the only bathtub you had?

18 **A** Yes.

19 **Q** Okay. Do you recognize this pillow in

20 State's 9?

21 **A** Yes, ma'am.

22 **Q** What type of sheets are on that pillow?

23 **A** Spider-Man sheets.

24 **Q** Okay. And in State's 10, what kind of

25 sheets are on that window?

1 **A** Spider-Man.

2 **Q** Okay. Are these an accurate depiction of
3 how your residence was in 2016?

4 **A** Yes, ma'am.

5 **Q** I'm going to show you State's 16. Do you
6 recognize this person?

7 **A** Yes, ma'am.

8 **Q** Who is that?

9 **A** Aaron Beach.

10 **Q** Is Aaron Beach in this courtroom today?

11 **A** Yes, ma'am.

12 **Q** Where is he?

13 **A** Sitting at that table over there.

14 **Q** All right. What does he have on?

15 **A** He's got a white shirt on, and long hair.

16 **MS. HINTON:** Your Honor, if the record will
17 reflect that she's identified the defendant.

18 **THE COURT:** The record shall so reflect.
19 You may proceed.

20 **MS. HINTON:** Thank you, Your Honor.

21 **BY MS. HINTON:**

22 **Q** Brittany, is his appearance any different
23 today than it was in 2016?

24 **A** Just a little bit of weight loss and long
25 hair.

1 Q And in State's 17, who is that in that
2 photograph?

3 A That is me and my son.

4 Q Okay. What's your son's name?

5 A Minor [REDACTED].

6 Q Were you aware that Mr. Beach was
7 communicating with a girl in Virginia -- I'm sorry,
8 in Maryland?

9 A I heard it was Virginia.

10 Q Okay. So you were aware that he was talking
11 to someone online; is that fair?

12 A Yes, ma'am.

13 Q Would that have been in the summer of 2016?

14 A Yes, ma'am.

15 Q Did that person ever threaten you?

16 A Not that I can recall.

17 Q Did Mr. Beach ever spend time alone with
18 Minor?

19 A Yeah. I mean, he was his father.

20 Q You have previously reviewed State's 1
21 through 5, which are five photographs; correct?

22 A Yes, ma'am.

23 Q Do you recognize the surroundings in those
24 photos?

25 A Yes, ma'am.

1 Q And what are those the surroundings in?

2 A In our home at [REDACTED].

3 Q Do you recognize the child in that photo?

4 A Yes, ma'am.

5 Q Who is that child?

6 A My son, Minor [REDACTED].

7 Q Have you reviewed the five videos on
8 State's 11?

9 A Yes, ma'am.

10 Q And what are the surroundings depicted in
11 State's 11 in those five videos?

12 A The same. Our home and my child.

13 Q Is that your same home at [REDACTED]?

14 A Yes, ma'am.

15 Q Have you heard the voices on those five
16 videos?

17 A Yes, ma'am.

18 Q And were you able to identify the child's
19 voice on that video?

20 A My son, Minor [REDACTED].

21 Q Were you able to identify the male voice on
22 those videos?

23 A Yes, ma'am, Aaron Beach.

24 Q Tell me a little bit about Minor's speech.

25 A He's got a speech impediment. Excuse me. He

1 goes to speech for it, but he's a little behind in
2 speech.

3 Q How old is Minor today?

4 A Turning eight this year, seven.

5 Q When was his birthday?

6 A [REDACTED].

7 Q Of what year?

8 A [REDACTED].

9 Q Ms. Simmons, that's all I have. Please
10 answer any questions Mr. DeJong may have.

11 THE COURT: You may question her.

12 MR. DEJONG: Thank you, Your Honor. May it
13 please the Court?

14 THE COURT: Yes, sir.

15 CROSS-EXAMINATION

16 BY MR. DEJONG:

17 Q So do you still live at [REDACTED] --
18 drive -- whatever?

19 A Yes, sir.

20 Q Does your son still live there with you?

21 A Yes, sir.

22 Q Okay. Now this big bathtub that you
23 identified in one of these pictures, what room is
24 that bathroom off of? Like, the living room? the
25 study? bedroom?

1 **A** It's its own room.

2 **Q** Pardon?

3 **A** It's its own room. It comes from the
4 hallway.

5 **Q** Okay. So you have to go down the hallway to
6 get to the bathroom?

7 **A** Yes. It's like in the middle of the
8 hallway.

9 **Q** Okay. Does any bedroom go directly into
10 that bathroom?

11 **A** No, sir.

12 **Q** Okay. Did you ever talk to some woman out
13 of Maryland?

14 **A** I did. She contacted me. But it was only
15 like one message, then I blocked her.

16 **Q** Okay. Was it a threatening message?

17 **A** Not that I can recall.

18 **A** You deleted it from your phone.

19 **A** Yes, sir.

20 **Q** Was it on your phone?

21 **A** Yes, sir.

22 **Q** It was on your phone?

23 **A** A long time ago.

24 **Q** When you were living there, how many phones
25 were in the household?

1 **A** Everyone had a phone.

2 **Q** Everybody had a cell phone?

3 **A** Yes, sir.

4 **Q** Did y'all ever exchange telephones or
5 someone use somebody else's telephone?

6 **A** No, sir.

7 **Q** Was the telephone just left laying around
8 the house?

9 **A** No, sir.

10 **Q** Well, you are aware that the allegations in
11 this case, right, what they say Aaron did?

12 **A** I wasn't aware back then.

13 **Q** I understand. That was my next question.
14 Were you aware of anything like that going on in the
15 house?

16 **A** No, sir.

17 **Q** To your knowledge, was anyone else aware of
18 anything like that going on in the house?

19 **A** No, sir.

20 **Q** One moment.

21 **THE COURT:** Yes, sir.

22 (There is a pause.)

23 **BY MR. DEJONG:**

24 **Q** Before when you were living there, did you
25 ever have any male visitors that came to the house?

1 **A** No, sir.

2 **Q** None? How long did you live there?

3 **A** All of my life.

4 **Q** At [REDACTED]?

5 **A** Yes, sir.

6 **Q** Thank you, ma'am.

7 **MR. DEJONG:** No objections to her being
8 excused, Your Honor.

9 **THE COURT:** Well, let's see if there's any
10 redirect.

11 **MS. HINTON:** No, Your Honor. No redirect.

12 **THE COURT:** All right. Ma'am, you may step
13 down. You wish to have her excused?

14 **MS. HINTON:** Yes.

15 **THE COURT:** All right. Thank you, ma'am.
16 You're free to go. The state may call its next
17 witness.

18 **MS. HINTON:** Thank you, Your Honor. The
19 state will call Brian Cowan.

20 **BRIAN COWAN**

21 having been duly sworn, testifies as follows:

22 **THE CLERK:** Thank you, sir. If you would,
23 have a seat and state your name for the record.

24 **THE WITNESS:** Robert Brian Cowan.

25 **THE COURT:** Your witness, Counselor.

DIRECT EXAMINATION**BY MS. HINTON:**

Q I guess I'll refer to you as Mr. Cowan now.
Mr. Cowan, where are you employed now?

A Currently, I'm employed with Hendrick
Honda.

Q Okay. What did you do before that?

A For -- since January 1994 until
January 2019, was employed at the Easley Police
Department.

Q And what did you do there?

A For the last 18 years, I was the crime
scene officer and the forensic officer, also a
detective with the Easley Police Department.

Q In short, do you hand -- did you handle
evidence?

A Yes. I handled all the evidence to come
into the Easley Police Department for 18 years.

Q Did you participate in viewing images and
videos depicting child pornography at the Easley
Police Department?

A Yes, I did.

Q Okay. After you did that, did you respond
to [REDACTED] in Easley?

A Yes, I did.

1 **Q** What was the purpose of y'all responding to
2 that location?

3 **A** I was informed that there was a search
4 warrant to be executed at that address. And as I was
5 the crime scene officer and the evidence officer, to
6 take care of any issues with the collection of
7 evidence. I responded to that location to collect
8 evidence from the -- during the issuance -- during
9 the execution of the search warrant.

10 **Q** Okay. And prior to executing that search
11 warrant, had you seen those videos and those photos?

12 **A** Yes, I had.

13 **Q** Okay. And did you take the photographs of
14 the residence at [REDACTED]?

15 **A** Yes.

16 **Q** I'm going to show you State's 6 through 10.
17 Do you recognize those photos?

18 **A** (Reviewing.)

19 Yes, ma'am. I do.

20 **Q** Did you take those photos?

21 **A** Yes, ma'am. I did.

22 **Q** Okay. Why are these photos of any
23 particular importance?

24 **A** The photos that were taken -- those photos
25 show items that were seen in the video that I viewed

1 with Agent Liner and the other officer.

2 Q Okay. Do you recognize what I'm going to
3 show you as State's 12?

4 A Yes, ma'am. I do.

5 Q Okay. And what is that?

6 A This is a -- the bag that we collected the
7 teal-colored bedding in, that I collected myself.

8 Q Okay. And is that the same teal bedding
9 depicted in State's 6?

10 A Yes, ma'am. That would be.

11 Q Okay. How do you know that that corresponds
12 with this case, what's in that bag?

13 A Because what I do and I always did was,
14 after the officer or the lead agent advised he wanted
15 an item collected, I would photograph it and then
16 collect it and bag it and seal it. That way, I can
17 say this is exactly what I collected and what was in
18 that photograph.

19 Q Okay. Are those your initials on that bag?

20 A No. The initials on this bag appeared to be
21 Agent Liner's.

22 Q Is there a date on that bag?

23 A There is a date.

24 Q And what's the date?

25 A July 16, 2016.

1 **Q** Okay. And what is the significance of
2 putting a date on it before you close it?

3 **A** This date actually signifies the date that
4 it was collected and entered into our evidence system
5 and our records area of the police department.

6 **Q** Can you tell whether or not that bag's been
7 opened at all?

8 **A** It appears to have the same staples that I
9 put it in that day.

10 **Q** If it had been opened, would there have
11 been additional markings on it?

12 **A** There would have been additional markings.
13 Also, you would see where the staples would have been
14 removed and other staples or tape put on it to show
15 another closure.

16 **Q** Okay. So to your knowledge, has State's 12
17 been tampered with or changed at all?

18 **A** It has not.

19 **Q** Other than participating in executing the
20 search warrant and gathering evidence and
21 photographs, did you participate at all, otherwise,
22 in this case?

23 **A** No, I did not.

24 **Q** That's all I have. Please answer any
25 questions Mr. DeJong may have.

1 **THE COURT:** Your witness, Mr. DeJong.

2 **MR. DEJONG:** Thank you, Your Honor. May it
3 please the Court.

4 **THE COURT:** Yes, sir.

5 **CROSS-EXAMINATION**

6 **BY MR. DEJONG:**

7 **Q** If you know, what date did Officer Medina,
8 go to Kay Drive on an anonymous tip?

9 **A** I do not know that.

10 **Q** Well, you said July 16 was the search
11 warrant; right?

12 **A** That's the date that the tag was printed
13 out and placed onto that bag.

14 **Q** Does that mean that's when it was taken?

15 **A** It would've been taken either that day or
16 the day before.

17 **Q** All right. So you were the evidence
18 officer; correct?

19 **A** That's correct.

20 **Q** Did that sheet ever go to -- blanket or
21 whatever it was, did it ever go to SLED for testing?

22 **A** No, it did not.

23 **Q** So it has no evidentiary value; right?
24 Other than you say it was the same one in the
25 picture, whatever?

1 **A** That's correct. It was the same one in the
2 picture on the date that we collected it.

3 **Q** But certainly no forensic evidence?

4 **A** It has not been forensically tested.

5 **Q** Okay. And do you know what else was taken
6 as a result of the search warrant?

7 **A** The only way I would be able to remember
8 that is to look over my property and evidence sheet
9 to see what all was taken that day exactly.

10 **Q** Well, just let me ask you if you recall. If
11 you don't know, we may have to get the Property and
12 Evidence sheet. Were there certain devices taken as a
13 result of that search warrant?

14 **A** If I remember correctly, I believe there
15 was two or three devices taken.

16 **Q** And I know I'm stretching your memory now.
17 But were they -- your recollection, were they
18 laptops? Were they phones?

19 **A** If I remember correctly, there was a phone
20 and a laptop taken. There was a -- I'm not sure if
21 there were any other devices other than that.

22 **Q** Well, bottom line is: Did all of those go
23 into evidence?

24 **A** Yes, they did.

25 **Q** If it was taken, that's what went into

1 evidence?

2 **A** Yes, that's correct.

3 **Q** Did those items ever go to SLED to be
4 analyzed?

5 **A** To my knowledge, without reviewing this
6 case, no, not that I am aware of.

7 **Q** To your knowledge, was those devices
8 checked by any forensic specialist of any kind?

9 **A** To my knowledge, no, not that I'm aware of.

10 **Q** Okay. You said, I believe, to the best of
11 your recollection, you took a phone; is that correct?

12 **A** If I -- to be 100 percent accurate, I would
13 have to look -- refer to my property report.

14 **Q** Well, assuming there was a phone, do you
15 know who in the household it belonged to?

16 **A** Not without having history data and
17 verified IME numbers and stuff like that, I couldn't
18 advise you of that.

19 **Q** Well, if this search warrant was executed
20 on July 16, do you know if there were any charges
21 pending at that point in time?

22 **A** That I'm aware of, no.

23 **Q** Okay. When the -- when the search warrant
24 was executed, how many people were in the residence?

25 **A** If I'm correct, I think there was five

1 individuals at the residence when we approached the
2 residence.

3 Q Were those five all adults?

4 A No. If I remember correctly, four of them
5 were adults and one was a minor.

6 Q Okay. All right. Thank you, Mr. Cowan.

7 THE COURT: Redirect?

8 MS. HINTON: Briefly, Your Honor.

9 REDIRECT EXAMINATION

10 BY MS. HINTON:

11 Q Mr. Cowan, is this a copy of the search
12 warrant related to this case?

13 A Yes, ma'am. It is.

14 Q What's the date of -- what day did y'all
15 execute that search warrant?

16 A That date of this was -- so we executed it
17 on August 4, 2016.

18 Q So not on July 16, 2016?

19 A That's correct.

20 Q The date that Mr. DeJong was referring to
21 on the sticker -- it says July 16, 2016 -- what date
22 is that associated with?

23 A That's actually the case date. It's my
24 mistake on that. That's the date in which the RMS
25 system generated or a report was generated for this

1 case for the investigation.

2 **Q** Okay. So is that when a case comes in, an
3 initial report is made, regardless to how in depth it
4 is, is that the date that attaches to your RMS
5 system?

6 **A** That is correct.

7 **Q** Okay. So does that necessarily mean that's
8 the date that you collected?

9 **A** No, it does not.

10 **Q** What date would you have collected that
11 sheet?

12 **A** The date that was on the return for the
13 property -- the search warrant.

14 **Q** Okay. Do you remember what date that was?

15 **A** August 4, 2016.

16 **Q** Okay.

17 **A** I believe that's correct.

18 **Q** Nothing further. Thank you.

19 **MR. DEJONG:** No recross, Your Honor.

20 **THE COURT:** Okay. You may step down. Do
21 you wish to excuse the witness?

22 **MS. HINTON:** Yes, sir.

23 **THE COURT:** Any objection?

24 **MR. DEJONG:** No objection.

25 **THE COURT:** You're free to go, sir. Thank

1 you very much. The state may call its next
2 witness.

3 **MS. HINTON:** Your Honor, at this time, our
4 next witness would be fairly lengthy, I do
5 believe. So --

6 **THE COURT:** This is where we stop --
7 talked about stopping earlier.

8 **MS. HINTON:** Yes, Your Honor.

9 **THE COURT:** All right. Ladies and
10 gentlemen of the jury, we're moving a little
11 faster than I think we thought we would. So
12 we've kind of gotten to a point where if we
13 start another witness, it would be rather
14 lengthy. So we're going to start again in the
15 morning.

16 You'll be going home. And you know my
17 instructions when you leave the courthouse, and
18 that is not try to gather any information on
19 your own. Don't watch, listen to, or read any
20 media reports. Don't discuss the case with
21 anyone. Don't allow anyone to discuss it with
22 you. If anybody contacts you about your service
23 in this case, let us know as soon as possible
24 so we can take the appropriate action.

25 I'll ask you to be back in the jury room at

1 9:30 in the morning. We should be able to start
2 pretty quickly, so be there on time. And we
3 look forward to seeing you at that time. Hope
4 you have a good evening. You're free to go at
5 this time.

6 (Jury exits at 3:58 p.m.)

7 **THE COURT:** All right. I've got the jury
8 coming in at 9:30. Let's be here at
9 nine o'clock for the *Jackson v. Denno* hearing.
10 You want to do that in the morning?

11 **MS. HINTON:** Yes, Your Honor.

12 **THE COURT:** Okay. We'll take that up at
13 that time. All right. We're in recess then
14 until nine o'clock. Thank you very much.

15 **MR. DEJONG:** Thank you, Your Honor.

16 (The Court recesses for the day at 3:59 p.m.)
17
18
19
20
21
22
23
24
25

CERTIFICATE

I, the undersigned, Teresa B. Johnson, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of all the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for Pickens, South Carolina, on this 13th day of May 2019.

I do further certify that I am neither of kin, counsel nor interest to any party hereto.



Teresa B. Johnson, CVR-M-CM, RVR, RVR-M

Circuit Court Reporter

STATE OF SOUTH CAROLINA	)	COURT OF GENERAL SESSIONS
	)	
COUNTY OF PICKENS	)	THIRTEENTH JUDICIAL CIRCUIT
	)	
State of South Carolina,	)	Case No(s) .: 2017GS3900001,
	)	2017GS3900002
Plaintiff,	)	
	)	
-VS-	)	TRANSCRIPT OF RECORD
	)	
Aaron Benjamin Beach,	)	(Volume 2 of 2)
	)	
Defendant.	)	
	)	

March 18-19, 2019
Pickens, South Carolina

B E F O R E:

HONORABLE ROGER L. COUCH, Judge.

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

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Attorney for the Plaintiff

JOHN DEJONG, Esquire
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(No exhibits offered.)

P R O C E E D I N G S

(The Court resumes on the 19th day of
March 2019, at 9:07 a.m.)

THE COURT: Are they getting your client?

MR. DEJONG: Lane -- I'm sorry, could you
go ahead and get my client out for me.

THE BAILIFF: Yes.

MR. DEJONG: Your Honor, my voice is no
better this morning than it was yesterday. I
don't hurt; it's just very, very frustrating.

THE COURT: I'm sorry?

MR. DEJONG: I said I don't hurt. I'm just
very --

(Laughter.)

THE COURT: I understand.

MR. DEJONG: It's just very, very
frustrating. So with the Court's permission and
Ms. Hinton's permission, I'm going to turn it over
to Mr. King ---

THE COURT: Okay.

MR. DEJONG: --- who is co-counsel, and he
will take it to the barn.

THE COURT: I understand. All right. Very
good.

MR. DEJONG: Thank you.

1 **THE COURT:** You may want to say something
2 to the jury about that or something. You're
3 welcome to, if you'd like. I'm not going to --

4 **MR. DEJONG:** The only thing --

5 **THE COURT:** Or I'll be glad to tell them
6 you've having trouble with your voice.

7 **MR. DEJONG:** I would really rather, for the
8 record, Your Honor, that you do that.

9 **THE COURT:** Okay. I'll be glad to.

10 **MR. DEJONG:** Even though I have -- just I
11 can't talk.

12 **THE COURT:** Okay.

13 **MR. DEJONG:** I'm afraid they can't hear me.

14 **THE COURT:** Are you ready to do the *Jackson*
15 *v. Denno* hearing?

16 **MS. HINTON:** I am, Your Honor. Just one
17 brief thing on that. Mr. DeJong gave me,
18 yesterday afternoon, some redactions that he
19 requested I do on the interview.

20 **THE COURT:** Yes.

21 **MS. HINTON:** We have come to an agreement
22 on those.

23 **THE COURT:** Is there a written form of the
24 interview?

25 **MS. HINTON:** No, sir. It's an audio and

1 video interview.

2 **THE COURT:** Okay. All right.

3 **MS. HINTON:** Unfortunately, I've been
4 working on those redactions for almost an hour
5 now. The technology is just moving at a snail's
6 pace.

7 **THE COURT:** Okay. Well, the jury won't be
8 here until 9:30.

9 **MS. HINTON:** Okay.

10 **THE COURT:** So we've got some time.

11 **MS. HINTON:** I hope that it will be done by
12 then. But I just wanted to let Your Honor know.

13 **THE COURT:** So you've agreed to the
14 redactions?

15 **MS. HINTON:** I have, Your Honor. We've
16 worked out an agreement on those redactions.

17 **THE COURT:** Okay. Is that --
18 (The defendant enters the courtroom.)

19 **THE COURT:** Is that true, Mr. DeJong, that
20 you've been able to work an agreement on that?

21 **MR. DEJONG:** There was only two of my
22 redactions that she didn't agree with. But I
23 said, "Okay. She's agreeing to everything else."

24 **THE COURT:** Okay. All right. Very good.
25 I'm glad you were able to work that out.

1 (Pause.)

2 All right. So are you ready to call your
3 witness?

4 **MS. HINTON:** Yes, Your Honor.

5 **THE COURT:** All right. You may do so.

6 **MS. HINTON:** Thank you, Your Honor.

7 **THE COURT:** Come forward and be sworn
8 please.

9 **BRANDON LINER**

10 having first been sworn, testifies as follows:

11 **THE CLERK:** Thank you, sir. If you would,
12 have a seat and state your name for the record.

13 **THE WITNESS:** I am Detective Brandon Liner.

14 **MS. HINTON:** Detective --

15 **THE COURT:** All right. Counselor, your
16 witness.

17 **MS. HINTON:** Thank you, Your Honor. I'm sorry.

18 **DIRECT EXAMINATION**

19 **BY MS. HINTON:**

20 **Q** Detective Liner, where are you employed?

21 **A** The Easley Police Department.

22 **Q** And how long have you been there?

23 **A** 16 years.

24 **Q** Did you come into contact with Mr. Beach on
25 August 4, 2016?

1 **A** That is correct.

2 **Q** Was your intention, when you contacted him,
3 to arrest him?

4 **A** That is correct.

5 **Q** When did you come into contact with him?

6 **A** I first came in contact with him -- I saw
7 him and Ms. Simmons driving a vehicle. They pulled
8 into Old Market Square. I, then, got behind the
9 vehicle; confirmed with dispatch that they did have
10 active warrants out for their arrest and that they
11 were in hand. At that time, I got Mr. Beach out of
12 the vehicle, informed him he was under arrest, and he
13 was placed in custody.

14 **Q** Okay. You said for "their" arrest, but you
15 just had warrants for Mr. Beach?

16 **A** Just for Mr. Beach. That's correct.

17 **Q** And is Old Market Square within the city
18 limits of Easley?

19 **A** That is correct.

20 **Q** And when you pulled him out, did you
21 handcuff him at that time?

22 **A** Yes, ma'am. We did.

23 **Q** Did you read him Miranda?

24 **A** I did.

25 **Q** Okay. Can you tell me what you read him?

1 **A** I read him from the Miranda card.

2 **Q** Okay. Can you read that?

3 **A** Yes. It states, "You have the right to
4 remain silent. Anything you say can and will be used
5 against you in a court of law. You have the right to
6 talk with an attorney and have him or her present
7 with you while being questioned. If you cannot afford
8 to hire an attorney, one will be appointed to
9 represent you before questioning if you want. You can
10 decide at anytime to exercise these rights; not
11 answer any questions or make any statements. Do you
12 understand these rights that I've explained to you?
13 Having these rights in mind, do you still wish to
14 speak with us now?"

15 **Q** Okay. And did Mr. Beach seem to understand
16 those rights?

17 **A** Yes.

18 **Q** Did he appear to be under the influence of
19 any drugs or alcohol?

20 **A** No.

21 **Q** Did he appear to have any mental
22 infirmities that would limit his ability to
23 understand?

24 **A** No, ma'am.

25 **Q** Did you threaten him at all?

1 **A** No, ma'am.

2 **Q** Okay. At that point, did you question him?

3 **A** No, ma'am. At that point, I just explained
4 to him the nature of the charges. I believe Sergeant
5 -- there was another officer there who actually
6 transported him to -- it was Sergeant Dalton,
7 transported him to the Police Department.

8 **Q** Okay. After he was transported, where did
9 you go?

10 **A** After he was transported, I responded to
11 [REDACTED] to help execute a warrant we had for
12 the residence.

13 **Q** While you were executing that search
14 warrant, did you receive some communication from
15 Mr. Beach?

16 **A** Not directly from Mr. Beach. However, the
17 officer stated that he did wish to speak with us.
18 Myself and Captain Greer did, at that point, leave
19 and go to the police department.

20 **Q** Okay. And I'm going to show you what's been
21 labeled as State's 14. Do you recognize that
22 document?

23 **A** I do.

24 **Q** Okay. And what is that?

25 **A** That is a notice or a waiver of rights,

1 Miranda rights.

2 Q And who has signed that waiver?

3 A That would be myself, Aaron Beach, and
4 Captain Alex Greer.

5 Q Okay. Was that executed at Old Market
6 Square or when you went back to the police
7 department?

8 A This was executed at the police department,
9 just prior to the interview with Mr. Beach at the
10 police department.

11 Q And was that interview video and audio
12 recorded?

13 A That is correct.

14 Q The entire interview?

15 A That's correct.

16 Q And other than the redactions that
17 Mr. DeJong and I have agreed upon, is that a true and
18 accurate depiction of it?

19 A Yes, that's correct.

20 Q Can you read to the Court the rights that
21 you have on that form?

22 A Yes. It says, "You have the right to remain
23 silent. Anything you say can and will be used against
24 you in court. You have the right to talk with a
25 lawyer for advice before we ask you any questions and

1 have your lawyer with you during questioning. If you
2 have no money to pay a lawyer's fee, the Court will
3 appoint a lawyer to represent you without any cost,
4 if you wish. You can decide to answer questions now
5 without a lawyer present. You still have the right to
6 stop answering questions at anytime you wish. You
7 also have the right to stop answering any questions
8 at any time until you speak with a lawyer."

9 Q Okay. And did he initial each right?

10 A That is correct. And so did I.

11 Q Okay. And did he sign anywhere on that
12 document?

13 A He did. He signed at the very bottom.

14 Q Above that, what does it say?

15 A It states, "I, Aaron Beach, understand my
16 right to remain silent and have a lawyer present,
17 free if I cannot afford a lawyer, with me during
18 questioning. I'm willing to answer questions -- I'm
19 willing to answer questions without a lawyer present
20 at this time. There have been no promises made to me,
21 nor has there been any threat, pressure, or coercion
22 of any kind used against me in order to get me to
23 waive my rights. I fully understand that I can stop
24 answering questions at anytime I choose."

25 Q Okay. And what kind of education does

1 Mr. Beach have?

2 **A** Oh, and he advised me that he graduated
3 12th grade.

4 **Q** Has he held down any jobs?

5 **A** That's correct. He has.

6 **Q** Okay. And where has he worked?

7 **A** Miyabi Jr., I believe was the last one he
8 spoke about.

9 **Q** Okay. Did he -- has he worked in the
10 restaurant industry for a while?

11 **A** Yes.

12 **Q** And was this waiver executed on camera?

13 **A** It was, yes.

14 **Q** And again, how long from the time that you
15 took him into custody until you had this conversation
16 with him? You have any idea?

17 **A** If I to guess, it was probably about an
18 hour and a half later.

19 **Q** Did he still seem coherent at that time?

20 **A** That is correct.

21 **Q** Did he appear to be under the influence of
22 drugs or alcohol at that time?

23 **A** No, ma'am.

24 **Q** Did he appear to be under any stress or
25 anything that limited his ability to understand?

1 **A** No, ma'am.

2 **Q** Did you threaten him at all?

3 **A** No, ma'am.

4 **Q** Coerced him in any way?

5 **A** No, ma'am.

6 **Q** Promised him anything?

7 **A** No, ma'am.

8 **Q** How long did your interview with Mr. Beach
9 last?

10 **A** The audio interview, if I had to guess, it
11 was roughly under an hour, right at an hour.

12 **Q** Did you limit his ability to go to the
13 restroom or have food or anything like that?

14 **A** No, Your Honor -- no, ma'am.

15 **Q** Was he cooperative when you spoke with him?

16 **A** He was.

17 **Q** Thank you. That's all I have. Please answer
18 any questions Mr. King may have.

19 **MR. KING:** Thank you.

20 **CROSS-EXAMINATION**

21 **BY MR. KING:**

22 **Q** Detective Liner, did you offer him an
23 opportunity to use the restroom at that time?

24 **A** I did not.

25 **Q** Okay. Did Captain Greer?

1 **A** He was with me. As far as Sergeant Dalton,
2 whether or not he did, I have no idea. He was the one
3 who actually brought him from the jail to us.

4 **Q** Did you offer him a drink or food before
5 the interview?

6 **A** We did not. He didn't ask for any. No, sir.

7 **Q** And what time of day was this around?

8 **A** This was, if I to guess -- I could have
9 told you if I still had the Miranda form in front of
10 me, but it was probably mid to afternoon. So it
11 would've been at roughly 2:45 is when it started.

12 **Q** Did you ask him if he had lunch that day?

13 **A** I did not.

14 **Q** No further questions.

15 **MS. HINTON:** Nothing further.

16 **THE COURT:** You may step down.

17 **THE WITNESS:** Thank you. Sorry.

18 **THE COURT:** The state wish to call any
19 other witnesses on this issue?

20 **MS. HINTON:** No, Your Honor.

21 **THE COURT:** The defense wish to call any
22 witnesses on the issue?

23 **MR. KING:** No, Your Honor.

24 **THE COURT:** The defense wish to make a
25 motion concerning the voluntariness of the

1 statement.

2 **MR. KING:** We do not, Your Honor.

3 **THE COURT:** All right. I will find that
4 the statement was given with proper warnings
5 and apparently was voluntarily given, so I will
6 admit this statement and allow it to be used.

7 **MS. HINTON:** Thank you, Your Honor. I do
8 have one other motion, if Your Honor will
9 entertain it at this time.

10 **THE COURT:** All right.

11 **MS. HINTON:** That was some mention
12 yesterday by Mr. DeJong -- and just kind of in
13 a cursory fashion, so I didn't object -- about
14 how do we know that this is Mr. Beach. I don't
15 know that we're getting into third-party guilt,
16 but I did want to make a motion to limit
17 testimony regarding third-party guilt under
18 *Gregory and Gay* because I don't think that they
19 have any -- or have presented any evidence to
20 meet the standard required under state law. I
21 would just ask that that, as far as Detective
22 *Liner* --

23 **THE COURT:** Well, let me ask the defense:
24 Do you have any intention to introduce evidence
25 of third-party guilt that would point to the

1 guilt of another to the exclusion of your
2 client ---

3 **MR. KING:** No. Judge, I --

4 **THE COURT:** -- that would address any
5 deficiencies of the state's case?

6 **MR. DEJONG:** Judge, Mr. Beach's face is
7 not on the video.

8 **THE COURT:** Okay. Then I'll grant the
9 motion as far as third-party guilt is
10 concerned. They certainly do have the right to
11 point out deficiencies in the evidence.

12 **MS. HINTON:** Absolutely. Thank you.

13 **THE COURT:** And I'll allow you to do that.
14 Any other matters that we need to take up
15 outside the jury's hearing this morning?

16 **MS. HINTON:** Just thinking about the
17 charge, Your Honor ---

18 **THE COURT:** Yes.

19 **MS. HINTON:** --- going forward. I know that
20 the --

21 **THE COURT:** We can discuss that at this
22 time.

23 **MS. HINTON:** I'm sorry?

24 **THE COURT:** I said we can discuss that at
25 this time.

1 **MS. HINTON:** Thank you. I know the
2 exploitation statute is rather lengthy. I don't
3 know what the charge entails because I've never
4 seen the charge on this particular --

5 **THE COURT:** On which one?

6 **MS. HINTON:** The sexual exploitation.

7 **THE COURT:** All right. I have -- we have
8 been working on the charge. I'll be glad to
9 discuss with you what we've come up with.

10 **MS. HINTON:** Sure.

11 **THE COURT:** If you'd like to give us --
12 just give me a moment.

13 **MS. HINTON:** Okay. Thank you.
14 (There is a pause.)

15 **THE COURT:** All right. What we have -- are
16 considering is that an individual commits the
17 offense of first degree criminal -- first
18 degree sexual exploitation of a minor if,
19 knowing the character or content of the
20 material, he: one, uses, employs, induces,
21 coerces, encourages, or facilitates a minor to
22 engage in sexual activity or appear in a state
23 of sexually explicit nudity for the purpose of
24 producing material that contains a visual
25 representation depicting this activity or a

1 state of sexually explicit nudity when a
2 reasonable person would infer the purpose is
3 sexual stimulation; or two, if he permits a
4 minor under his custody or control to engage in
5 sexual activity or appear in a state of
6 sexually explicit nudity for the purpose of
7 producing material that contains a visual
8 representation depicting this activity or a
9 state of sexually explicit nudity when a
10 reasonable person would infer the purpose is
11 sexual stimulation.

12 **MS. HINTON:** I think that's great. And
13 then are there any definitions included in
14 that?

15 **THE COURT:** I did not include any
16 definitions at this time.

17 **MS. HINTON:** Okay.

18 **THE COURT:** If there's something you feel
19 that should be further defined, I will be glad
20 to hear you on that.

21 **MS. HINTON:** I would ask that Your Honor
22 include a definition of "material" and also
23 "sexual activity."

24 **THE COURT:** Is that defined in the code?
25 Or is there some case that specifically

1 addresses those two?

2 MS. HINTON: I do have a code section,
3 Your Honor, that applies it to that particular
4 statute.

5 THE COURT: If you'll give us that code
6 section, we'll certainly take a look at it.

7 MS. HINTON: And it's -- for the record,
8 it's 16-15-375. And also sexually explicit --

9 THE COURT: Can you pass that up?

10 MS. HINTON: Yes, Your Honor.

11 THE COURT: Thank you.

12 MS. HINTON: And the highlighted portions
13 are --

14 THE COURT: (Reviewing.)

15 And as far as that particular charge, you
16 are wanting me to define "material," "sexual
17 activity," and "sexually explicit nudity."

18 MS. HINTON: Yes, Your Honor.

19 THE COURT: Okay. I'll hear from the
20 defense concerning those.

21 MR. KING: We have no objections.

22 THE COURT: If those are all in the code,
23 then I'll probably will use the code language,
24 if I include that.

25 MR. KING: That will be fine, Judge.

1 **THE COURT:** All right. Any other matters
2 concerning the charge?

3 **MS. HINTON:** Just far as the criminal
4 sexual conduct with a minor, I assume we're
5 only charging (a) (1); is that correct?

6 **THE COURT:** What the charge -- what we're
7 considering is -- let me put it that way -- the
8 defendant is charged with criminal sexual
9 conduct with a minor in the first degree. To
10 show the defendant's guilt, the state must
11 prove two elements beyond a reasonable doubt.
12 First, the state must prove beyond a reasonable
13 doubt that the defendant engaged in a sexual
14 battery with the victim.

15 A sexual battery is sexual intercourse,
16 cunnilingus, fellatio, anal intercourse or any
17 intrusion, however slight, of any part of a
18 person's body or any object into the genital or
19 anal openings of another person's body, except
20 when the intrusion is accomplished for a
21 medically recognizable treatment or diagnostic
22 purpose.

23 And secondly, the second element is the
24 state must prove beyond a reasonable doubt that
25 the victim was less than 11 years old at the

1 time of the sexual battery. Consent,
2 willingness, indifference or ignorance on the
3 part of a minor, if any, as to what was taking
4 place does not in any way affect the charge of
5 criminal sexual conduct with a minor.

6 **MS. HINTON:** No objection from the state at
7 this time.

8 **THE COURT:** Any objection?

9 **MR. KING:** No objection, Judge.

10 **THE COURT:** Okay. Any other matters the
11 state would like for the Court to consider on
12 the charge?

13 **MS. HINTON:** No, Your Honor.

14 **THE COURT:** All right. Does the defense
15 have any issues concerning charge or something
16 you would like for me to consider?

17 **MR. KING:** No.

18 **THE COURT:** Okay. Not at this time. All
19 right. Anything further before we go -- I know
20 you need to check on your redactions.

21 **MS. HINTON:** Nothing other than that,
22 Your Honor.

23 **THE COURT:** All right. I -- the Court will
24 be in recess. I'm going to stay on the bench.
25 If you will let me know when you think that

1 will be ready.

2 **MS. HINTON:** Yes, Your Honor. Thank you.

3 **THE COURT:** All right. Thank you very
4 much.

5 (The Court goes off the record at 9:23 a.m.)

6 (The Court goes on the record at 9:55 a.m.)

7 **THE COURT:** All right. Let's bring the
8 defendant in.

9 (The defendant enters the courtroom.)

10 **THE COURT:** All right. I believe the state
11 is ready to proceed; is that right?

12 **MS. HINTON:** That we are, Your Honor.
13 Thank you.

14 **THE COURT:** Mr. King, the defense ready?

15 **MR. KING:** Yes, Your Honor.

16 **THE COURT:** All right. Bring the jury in.
17 (Jury enters at 9:55 a.m.)

18 **THE COURT:** Thank you, sir.

19 All right. The record will reflect the jury
20 has returned to the courtroom.

21 I hope everyone had a good evening. If any
22 of you had any problems complying with my
23 instructions during your absence from the
24 courthouse, I'd ask that you stand.

25 (No audible response.)

1 It appears that everyone has been able to
2 follow my instructions thus far. I want to
3 thank you for your patience this morning. We
4 actually convened court at nine o'clock on some
5 matters we needed to straighten out before we
6 proceeded this morning; found out we had a few
7 glitches with some technology that we intend to
8 use today. So we've gotten that ironed out. I'm
9 sorry we didn't get started exactly when I told
10 you we would. But we are ready to go at this
11 time. So thank you for your patience this
12 morning.

13 Also, this morning, as you probably were
14 noticing, Mr. DeJong indicated he was having
15 some trouble with his voice. He's here and he's
16 still talking, but not loud enough, he thinks,
17 for you folks to hear him clearly. And I think
18 he's probably right. So his co-counsel,
19 Mr. King is going to proceed with the formal
20 representation in the courtroom. So that's the
21 reason for the change, is he's having some
22 problems with his voice this morning. At this
23 time, the state is still calling witnesses.

24 And you may proceed with your next witness.

25 **MS. HINTON:** Thank you, Your Honor, the

1 state will call Detective Brandon Liner.

2 **THE COURT:** Come forward, sir. Be sworn,
3 please.

4 **BRANDON LINER**

5 having been duly sworn, testifies as follows:

6 **THE CLERK:** Thank you, sir. If you would,
7 have a seat and state your name for the record,
8 please.

9 **THE WITNESS:** I am Detective Brandon Liner
10 with the Easley Police Department.

11 **THE COURT:** Counselor, it's your witness.

12 **MS. HINTON:** Thank you, Your Honor.

13 **DIRECT EXAMINATION**

14 **BY MS. HINTON:**

15 **Q** Detective Liner, how long have you been
16 with the Easley Police Department?

17 **A** 16 years.

18 **Q** And we heard Agent Morris describe the
19 Internet Crimes Against Children team.

20 **A** That is correct.

21 **Q** Or ICAC.

22 **A** Uh-huh.

23 **Q** Are you a member of that team?

24 **A** That is correct. I am part of ICAC.

25 **Q** And could you please give a clear timeline

1 of events to the jury regarding the case of Aaron
2 Beach?

3 **A** Okay. So based on the course of this
4 investigation, through statements made by Mr. Beach,
5 we believed the initial conversations with Ms. Dowell
6 began roughly mid-June. We believe the pictures that
7 are sent that we're talking about in video was sent
8 roughly July 4 to the 5th. We also believe that on
9 July 16 is when the initial report was made. On
10 July 16, when the initial report was made, that was
11 when Officer Medina testified that he went to the
12 house and the well-being check.

13 **Q** At this point, at no time was this
14 referenced to the Criminal Investigation Division. It
15 was on July 27, 2016 that we received another call of
16 a concerned citizen that Ms. Dowell confided into.
17 And we were actually able to get her correct phone
18 number; what we believed to be her correct name. That
19 officer did a report and, at that time, it was
20 referred to CID to investigate.

21 On the 28th, it showed up on what is called
22 our "dashboard" with our system. And I realized I had
23 this case on the 28th. From the 28th forward, that
24 was when I was trying to reach out to Ms. Dowell. I
25 called her on the 28th. Spoke with her then on the

1 phone. Initially, she was apprehensive to talk to me.
2 I did explain that this is for the better for the
3 child and we need to get him to a safe location. At
4 that point, she stated that she would cooperate.

5 So I needed -- at that point, since she
6 lived in Fort Royal [verbatim], Virginia, I believe,
7 is where she lived. It was way outside my
8 jurisdiction. I didn't want -- I could not get to her
9 and fly to her, so I reached out to the FBI. I tried
10 to get the FBI involved. Unfortunately, I couldn't
11 get them on the line fast enough.

12 So I then contacted ICAC. It was, I believe
13 -- yeah, October 1 is when I reached out. And I
14 needed someone in Virginia to go meet with Ms. Dowell
15 in reference to this case?

16 Q Is that October or August?

17 A I'm sorry. August 1. So on August 1, that
18 was when I was put in contact with Agent Morris.
19 Agent Morris stated that he would be willing to go to
20 Ms. Dowell's residence. So I contacted Ms. Dowell and
21 let her know, "Hey. There's an agent that's going to
22 be coming to see you about this case."

23 August 2, I believe, is when he met with
24 her. That's when he actually got everything off of
25 her phone. He sent me the images. He sent me the

1 photos. I received them on the 4th, on August 4,
2 2016.

3 Q And then, could you tell in that timeline,
4 and based on your conversations with the defendant,
5 when the relationship with Ms. Dowell ended?

6 A The defendant [verbatim] stated the
7 relationship ended two days prior to the initial
8 contact with law enforcement. That would have been on
9 July 16, 2016, so that would put that ending on
10 July 14, 2016.

11 Q On August 4, after you received the images,
12 what -- just -- don't go into detail right now. But
13 what did you do on August 4, as well?

14 A So August 4, after receiving the images,
15 myself and other officers viewed these images. Then
16 it was determined to go ahead and get an arrest
17 warrant for Mr. Aaron Beach, as well as got a search
18 warrant for his residence. And that was when he was
19 subsequently arrested on that date.

20 Q Okay. And did you also interview him?

21 A That is correct. We interviewed him on
22 August 4.

23 Q Okay. This call that initially came in on
24 July 16, 2016 ---

25 A Yes.

1 **Q** --- did you know the identity of the caller
2 at that time?

3 **A** At that time, they didn't even refer it to
4 CID. So no, I had no clue.

5 **Q** Based on the reports, did anyone know who
6 she was?

7 **A** No.

8 **Q** And then I think you said you received
9 another phone call from someone that Ms. Dowell had
10 confided in her. At that point, were you able to
11 determine her identity?

12 **A** At that point, we were able to determine
13 who -- what her address was, phone number, and we
14 still do not have the last name. It was only in the
15 subsequent meeting with Agent Morris that we
16 determined a full name to be that of Jacquelyn
17 Dowell.

18 **Q** When the anonymous call came in on
19 September -- I'm sorry, on July 16, 2016. Were they
20 able to give you identifying information that allowed
21 you to know the location and the names of the people
22 that you were looking for?

23 **A** That is correct. So on July 16, the initial
24 phone call, from what I understand, she did describe
25 who he was, where he lived, and what she had, as far

1 as images and videos that he had sent her.

2 Q Is that what prompted the well check?

3 A That is correct.

4 Q When you get the package from Agent Morris
5 on August 4, 2016, who do you view those images with?

6 A On August the -- on August 4, 2016, I
7 viewed those images with -- first, I asked José
8 Medina, who's already spoken, because he had actually
9 been in the home and seen the area, seen what -- he
10 had observed what the bathroom looked like; bedroom.
11 So he would know if it happened at the residence, at
12 [REDACTED] in Easley. Also present was my
13 captain, who is Captain Greer, as well as Sergeant
14 Cowan, because he would be one of the ones who would
15 be helping serve the search warrant at the residence.
16 So there were the four of us.

17 Q Okay. And based on information that Officer
18 Medina has already testified and that he relayed to
19 you that day, is that what you used to obtain the
20 search warrant?

21 A Search warrant and arrest warrant. That is
22 correct.

23 Q And what was the search warrant for?

24 A The search warrant was for bedding,
25 clothing, electrical items, Mr. Aaron Beach's phone,

1 things of that nature.

2 **Q** And were you able to collect some of those
3 items?

4 **A** Yes.

5 **Q** Now, you collected several electronics from
6 the home; correct?

7 **A** That's correct.

8 **Q** All right. Did you identify who those
9 electronics belonged to?

10 **A** The electronics we collected at the home, I
11 believe one would be -- the laptop would not power
12 up. They said it was just a common laptop. they all
13 used. One of the devices belonged to Ms. -- an old
14 device of Ms. Brittany Simmons. This was what we
15 collected at the home. Now, we collected Ms. Simmons'
16 phone at that vehicle stop when Mr. Beach was
17 arrested. But that's pretty much from what I can
18 remember.

19 **Q** Okay. Did everybody else in the phone -- in
20 the home, consent to you viewing their electronics?

21 **A** They did.

22 **Q** And did you view those electronics?

23 **A** Myself didn't, but another officer did,
24 yes.

25 **Q** And to your knowledge, was any child

1 pornography located on any of those?

2 **A** No.

3 **Q** So you said you obtained the arrest
4 warrant. Where did you come into contact with
5 Mr. Beach?

6 **A** So on the way to Mr. Beach's residence, we
7 were trying to get Mr. Beach at his residence so we
8 could just go ahead and serve the arrest warrant --
9 search warrant at the residence at the same time. On
10 the way there's when I passed Ms. Brittany Simmons
11 and Mr. Beach in a vehicle. I then turned around on
12 Mr. Beach and Ms. Simmons, knowing we had an active
13 arrest warrant for Mr. Beach.

14 I followed them into the Old Market Square
15 parking lot where I positioned my car behind them. I
16 confirmed through our dispatch that they did have the
17 warrants in hand. They were active. So at that time,
18 I removed Mr. Beach from his vehicle, asked for
19 assistance from another officer, that would've been
20 Sergeant Dalton. It was at that point where we pulled
21 Mr. Beach out of the vehicle. I mirandized Mr. Beach.
22 He was placed in handcuffs and that was when Officer
23 Dalton took him to the Police Department.

24 **Q** Okay. And can you please read to the jury
25 the rights that you read Mr. Beach when you pulled

1 him out of the car?

2 **A** Yes. So since Mr. Beach was under arrest
3 and he was in custody, just in case if he decided he
4 wanted to start answering questions or started to
5 talk then, I wanted him -- to let him know what his
6 Miranda rights were while we had him in custody. So I
7 pulled this card out of my wallet and I explained to
8 him that he does have the right to remain silent.
9 Anything he -- "anything you say can and will be used
10 against you in court of law. You have the right to
11 talk to an attorney and have him or her present with
12 you while you're being questioned. If you cannot
13 afford to hire an attorney, one will be appointed to
14 represent you without any cost, if you want. You can
15 decide at anytime to exercise these rights and not
16 answer any questions or make any statements. Do you
17 understand the rules I've explained to you? Having
18 these rights in mind, do you wish to speak to us
19 now?"

20 **Q** Okay. Did he seem to understand those
21 rights?

22 **A** Yes, ma'am. He did.

23 **Q** Did you threaten him at all?

24 **A** No, ma'am.

25 **Q** Did you promise him anything?

1 **A** No, ma'am.

2 **Q** Did you think that he was cooperative in
3 that time?

4 **A** It appears he was, yes.

5 **Q** Did Ms. Simmons seem cooperative to you?

6 **A** Yes.

7 **Q** And did you receive consent to search that
8 vehicle?

9 **A** We did.

10 **Q** Who gave you that consent?

11 **A** Brittany Simmons.

12 **Q** Did you search the vehicle?

13 **A** We did.

14 **Q** Did you find anything?

15 **A** There was, like, bar codes. I believe there
16 were -- I can't remember everything we pulled out.
17 There was a thumb drive we were interested in that
18 didn't contain anything on it. She consented to us
19 taking it for the investigation and searching that as
20 well, but nothing of value came out of the vehicle.

21 **Q** Okay. And did you search Ms. Simmons's
22 phone?

23 **A** Yes.

24 **Q** With her consent?

25 **A** Yes.

1 **Q** And did you find anything?

2 **A** No, ma'am.

3 **Q** And we'll get into this later, but did the
4 defendant also give you consent to search his phone?

5 **A** He did.

6 **Q** All right. You said that you took him to
7 the police department. What did you do after you took
8 him to the police department?

9 **A** After we took him to the police department,
10 Sergeant Dalton -- I went ahead and had him book
11 Mr. Beach into the police department. Myself,
12 Detective Patterson and the other investigator was
13 Cowan, the crime scene investigator. We all responded
14 to the residence to help execute the search warrant.

15 Once we started to begin -- beginning to
16 execute the search warrant, I saw **Minor** at the
17 residence of the house. Briefly, I did try to speak
18 with **Minor**. Unfortunately, he just couldn't understand
19 what I was asking him. He was four years old. So at
20 that point, I didn't speak to **Minor**. I went into the
21 residence again, helping to assist with the search
22 warrant. But then we were advised that Mr. Beach
23 would like to speak with officers, so myself and
24 Captain Greer left the search warrant scene and went
25 back to speak with Mr. Beach.

1 **Q** Okay. And did you, in fact, speak with
2 Mr. Beach?

3 **A** We did.

4 **Q** Okay. I'm going to show you what has been
5 marked State's 14. Do you recognize that document?

6 **A** I do.

7 **Q** What is that?

8 **A** That is a notification and waiver of
9 rights. It's a Miranda form.

10 **Q** Is that what you presented to Mr. Beach
11 before you interviewed him?

12 **A** That is correct.

13 **Q** Is that on the video and audio recording of
14 his interview?

15 **A** That is correct.

16 **Q** Okay. Can you read to the jury the rights
17 that are listed on that waiver?

18 **A** Yes. It states, "You have the right to
19 remain silent. Anything you say can and will be used
20 against you in court. You have the right to talk with
21 a lawyer for advice before we ask you any questions
22 and have your lawyer with you during any questioning.
23 If you have no money to pay a lawyer's fee, the court
24 will appoint a lawyer to represent you without cost,
25 if you wish. If you decide to answer questions now

1 without a lawyer present, you still have the right to
2 stop answering questions at anytime you wish. You
3 also the right to stop answering at any questions
4 anytime until you talk with your lawyer."

5 Q Okay. Does Mr. Beach initial those rights?

6 A That is correct.

7 Q Did you initial them, as well?

8 A Myself and Alex -- Captain Alex Greer, yes.

9 Q Was Captain Greer present, as well, for the
10 interview?

11 A That is correct.

12 Q And did Mr. Beach also sign that document?

13 A Yes.

14 Q What was the time of that interview?

15 A The time of the interview -- initial rights
16 waiver form started at 2:45 p.m.

17 Q And that was on August the --

18 A August 4, 2016.

19 Q And are there -- is there an additional
20 section of rights there as well?

21 A It is. So what we do is, I read these
22 rights to the defendant -- I read these rights to
23 Mr. Beach. Myself and Mr. Beach would initial and
24 make sure he understood each right. So he would
25 initial and I would initial, initialing that we

1 understood what the rights were. Underneath those
2 rights, it states, "I, Aaron Beach, understand my
3 rights to remain silent and to have my lawyer, free
4 if I could not afford a lawyer, with me during any
5 questioning. I am willing to answer questions without
6 a lawyer present at this time. There have been no
7 promises made to me, nor have there been any threat,
8 pressure, or coercion of any kind used against me in
9 order to get me to waive my rights. I fully
10 understand I can stop answering any questions at
11 anytime I choose."

12 Q Okay. And again, did you threaten him at
13 all?

14 A No.

15 Q Did you promise him anything at all?

16 A No, ma'am.

17 Q Did he appear to understand what you were
18 discussing with him?

19 A That is correct.

20 Q Did his answers appear coherent?

21 A Yes.

22 Q Did he willingly speak with you?

23 A Yes, he did.

24 Q And this did occur at the police
25 department; correct?

1 **A** That is correct.

2 **Q** All right. Was he handcuffed at that time?

3 **A** I'm trying to think back. I think he -- I
4 don't think he was, during this interview.

5 **Q** Okay. But was he under arrest?

6 **A** He was.

7 **Q** I think you stated you went back to talk to
8 him because he had contacted someone to get you back
9 to speak with him; is that correct?

10 **A** Yes. So Sergeant Dalton, who was booking
11 him in, stated that Mr. Beach was willing to talk to
12 us and wanted -- at that point, wanted to seize that
13 opportunity because he was willing and able to talk
14 to us.

15 **Q** And what kind of education level does
16 Mr. Beach have?

17 **A** He stated he graduated high school.

18 **Q** And has he held down employment?

19 **A** He has.

20 **Q** All right. I'm going to show you what has
21 been marked as State's Exhibit 15. Do you recognize
22 that?

23 **A** I do.

24 **Q** Okay. What is that?

25 **A** That is a copy of the interview with

1 Mr. Aaron Beach.

2 Q Okay. And other than the agreed upon
3 redactions between myself and the defense, is that a
4 true and accurate copy of the interview?

5 A It is.

6 Q And is that the interview in its entirety?

7 A Yes.

8 Q Did you interview him at any other point
9 other than what's on this video?

10 A No. Not as far as interview purposes, no.

11 Q Okay. You stated that Mr. Beach gave
12 consent to search his phone; is that correct?

13 A That is correct.

14 Q All right. I'm going to show you what's
15 been labeled as State's 13. Do you recognize that
16 document?

17 A I do.

18 Q What is that?

19 A It's an Easley Police Department consent to
20 search form.

21 Q What was that "specifically" a consent to
22 search?

23 A This, specifically, consented to search for
24 his personal cell phone that was located in his
25 property box.

1 **Q** Okay. And that did not occur on August 4?

2 **A** That is correct.

3 **Q** When did that occur?

4 **A** This occurred on August 8, 2016.

5 **Q** And did Mr. Beach voluntarily consent to
6 you searching his phone?

7 **A** That is correct.

8 **Q** Did you search his phone?

9 **A** Yes.

10 **Q** Did you think you were going to find
11 anything on his phone?

12 **A** Due to earlier testimony, I did not. Or due
13 to earlier interview, I did not think I would find
14 anything on his phone.

15 **Q** Why is that?

16 **A** He stated he deleted everything after he
17 did it.

18 **Q** Okay. And you could have sent this phone
19 off to SLED; correct?

20 **A** That is correct.

21 **Q** And you did not do that; correct?

22 **A** That is correct.

23 **Q** Why did you not do that?

24 **A** The reason -- myself and Captain Greer
25 began to talk about this case. We knew that.

1 Ms. Dowell's phone had already been dumped by Agent
2 Morris up in Virginia. We already had the fact that
3 we had these images and video. We had the evidence on
4 hand. We believed that we had it -- enough to go
5 forward at that point and there was no reason to send
6 it to SLED.

7 **MS. HINTON:** Your Honor, at this time, the
8 state moves State's 13, 14, and 15 into
9 evidence.

10 **THE COURT:** Any objections?

11 **MR. KING:** No objections, Judge.

12 **THE COURT:** Without objections, those
13 exhibits will be admitted into the record as
14 they have been marked. You may proceed.

15 **MS. HINTON:** Thank you, Your Honor.

16 (State's Exhibit 13 through 15 are admitted into
17 the record.)

18 **BY MS. HINTON:**

19 **Q** And Detective Liner, State's 12, do you
20 recognize that?

21 **A** I do.

22 **Q** All right. And what is that?

23 **A** This is a bag that contains teal-colored
24 bedding.

25 **Q** Okay. And what was the significance of

1 getting that teal-colored bedding?

2 **A** This teal-colored bedding was in some of
3 the videos and pictures that were recovered from
4 Ms. Dowell's phone that was sent by Mr. Aaron Beach.

5 **Q** Okay. And have you opened that at all since
6 it's been taken into evidence?

7 **A** No, I have not.

8 **Q** Did you check that out of evidence for the
9 purpose of this trial?

10 **A** I did.

11 **Q** And how do you know that you did that?

12 **A** Because on 3/15/2019, I signed that date,
13 showed my initials that that was taken out of
14 evidence and it actually was signed out of evidence
15 in the electronic system.

16 **Q** Okay. And other than you taking it out of
17 evidence, has it otherwise been in your control since
18 the 15th of March?

19 **A** Yes. It has.

20 **Q** All right. Could you open it at this time?

21 **A** Yes. (Complies.)

22 **Q** And before you show it --

23 **MS. HINTON:** Your Honor, at this time, the
24 state would move State's Exhibit 12 into
25 evidence.

1 **THE COURT:** Any objections?

2 **MR. KING:** Brief question, Judge.

3 **THE COURT:** Yes, sir. You may do so.

4 **EXAMINATION BY MR. KING:**

5 **Q** Detective Liner, where was it last night?

6 **A** Last night, it was locked up into an
7 office.

8 **Q** You took it out on March 15, I believe.

9 **A** That would have been last Friday, yes.

10 **Q** Where was it this weekend?

11 **A** This weekend, it was actually locked --
12 concealed in my personal patrol vehicle and it was
13 also inside a locked box in my personal patrol
14 vehicle.

15 **MR. KING:** No objection, Judge.

16 **THE COURT:** All right. Without objections
17 then, it will be admitted as it's been marked.
18 You may proceed, Counselor.

19 **MS. HINTON:** Thank you, Your Honor.

20 (State's Exhibit 12 is admitted into the
21 record.)

22 **BY MS. HINTON:**

23 **Q** Detective Liner, how old was the victim in
24 this case when this happened?

25 **A** When this happened, the victim was four

1 years old.

2 Q And how old was the defendant?

3 A He was 30.

4 Q And what is the relationship between the
5 victim and the defendant?

6 A It is his biological son.

7 Q And what is the victim's name?

8 A The victim's name is Minor .

9 Q Does he have a full name? Is Minor a
10 nickname for something?

11 A Yeah. I think it's Minor , is how you
12 pronounce it.

13 SPEAKER FROM THE AUDIENCE: Minor .

14 THE WITNESS: Minor .

15 BY MS. HINTON:

16 Q There has been some talk about threats to
17 other family members. Has -- to your knowledge, has
18 any report been made by any other family members
19 about any threats?

20 A To my knowledge, no.

21 Q Okay. And that would be threats from
22 Ms. Dowell; correct?

23 A That is correct.

24 Q So you have no knowledge of any threats?

25 A That is correct.

1 **Q** Was Mr. Beach able to produce any documents
2 regarding any threats?

3 **A** No, ma'am.

4 **Q** Okay. Do you have jurisdiction over
5 Ms. Dowell?

6 **A** I do not.

7 **Q** All right. So if you wanted to arrest her;
8 could you?

9 **A** No, she is in Virginia. And I have no
10 jurisdiction there.

11 **MS. HINTON:** Your Honor, at this time, the
12 state would like to publish State's 15 for the
13 jury, which is the --

14 **THE COURT:** It's into evidence, I believe.
15 So I will allow you to publish that. That --
16 when we say "publish" in the courtroom, that
17 means we allow it to be shown to you or you can
18 view it. It's in evidence. I'll allow you to
19 publish the evidence.

20 **MR. KING:** This is the redacted copy?

21 **MS. HINTON:** Yes.

22 And Your Honor, just -- this is a redacted
23 copy. The redactions are muted. So there will
24 be, at most, a two-minute period where there is
25 no talking.

1 **THE COURT:** Let me explain to the jury.
2 Quite often when evidence is gathered, some of
3 the information that is gathered is not relevant
4 to this case and would not be something that you
5 should see or consider because it has nothing to
6 do with the allegations. In this case, the
7 attorneys have reviewed this interview. Certain
8 portions of it, they agree have nothing to do
9 with this matter and, therefore, shouldn't be
10 considered by you.

11 So when she says "it's been redacted," that
12 means they have taken sections, or small parts,
13 out of the interview. So if you see a blank
14 space or the sound goes dead, that's the process
15 that we went through to be sure that this
16 evidence applies specifically to this case.

17 You may proceed.

18 **MS. HINTON:** Thank you, Your Honor.

19 (State's Exhibit 12 is played at 10:19 a.m.)

20 (State's Exhibit 12 is stopped at 10:52 a.m.)

21 **BY MS. HINTON:**

22 **Q** Detective Liner, the house where this
23 occurred, was that in Pickens county?

24 **A** It was.

25 **Q** Is the same Mr. Beach that you interviewed

1 on August 4, 2016 present in this courtroom today?

2 **A** That is correct.

3 **Q** What, if any, difference in his appearance
4 do you notice?

5 **A** It appears he has lost a significant amount
6 of weight and has long hair at this point.

7 **Q** And who, in particular, are you referring
8 to?

9 **A** Mr. Beach is in between his two -- his
10 counsel. He's wearing a white shirt and has a pen in
11 his hand.

12 **Q** You stated on that video that you
13 understood that he had done this because of the
14 threats that he had received. Do you actually
15 understand why he did this?

16 **A** No, I do not.

17 **Q** Is that an interview tactic?

18 **A** It is. So there's ways you can actually
19 approach an interview. Obviously, that's a "soft
20 approach." If you go sometimes what is called a "hard
21 approach," they will shut down and tell you nothing.
22 I wanted to get the truth, so I went into this
23 interview with a soft approach. And he spoke with me
24 and admitted to me what he did to his son **Minor**.

25 **MS. HINTON:** Your Honor, at this time, I

1 would ask that the courtroom be cleared of
2 anybody that's not essential.

3 **THE COURT:** I will ask that anyone who is
4 not essential to the court proceedings to vacate
5 the courtroom at this time.

6 (The audience complies.)

7 **THE COURT:** Ladies and gentlemen, at this
8 point in time, I discussed with counsel the fact
9 that some fairly sensitive information is going
10 to be shown to you at this point in time. We, at
11 that time, agreed that nonessential persons
12 should be asked to leave the courtroom while we
13 are viewing this evidence.

14 Is that a correct statement of our
15 agreement?

16 **MS. HINTON:** That's correct.

17 **THE COURT:** Is that a correct statement,
18 Mr. King?

19 **MR. KING:** It is, Your Honor.

20 **THE COURT:** All right.

21 **MS. HINTON:** Thank you, Your Honor.

22 **THE COURT:** And I believe the evidence you
23 are about to publish is already in evidence; is
24 that correct?

25 **MS. HINTON:** That's correct, Your Honor.

1 It will be State's 1 through 5 and State's 11.

2 **THE COURT:** Thank you. You may proceed with
3 the publication of those exhibits.

4 **MS. HINTON:** Thank you. You can bring the
5 lights up, actually.

6 **THE COURT:** He just stepped out.

7 **BY MS. HINTON:**

8 **Q** Detective Liner, I want to start with the
9 photographs. Okay. I'm going to show you State's --
10 well, let's start with State's 16. Who do you
11 recognize that to be?

12 **A** That is Aaron Beach.

13 **MS. HINTON:** And Your Honor, I'm assuming
14 I have permission to publish.

15 **THE COURT:** By publishing the photographs,
16 we allow them to circulate them in the jury box.
17 So you could pass those around and take a look
18 at the photographs. Try not to let that keep you
19 from paying attention to any questioning that's
20 going on.

21 You may proceed with the publication.

22 **MS. HINTON:** Thank you, Your Honor.

23 **BY MS. HINTON:**

24 **Q** On State's 16, is there anything in that
25 photograph that you also have in evidence?

1 **A** The teal sheet.

2 **Q** I'm going to start with State's 1. In
3 State's 1, are there any photographs that correlate
4 with State's 6 through 10?

5 **A** You mean correlate as in --

6 **Q** Does the photograph --, are anything in this
7 photograph also depicted in any of the photographs in
8 State's 6 through 10?

9 **A** Yes. The tile floor in this photograph is
10 depicted in Exhibit 8 and Exhibit 7.

11 **Q** Is there anything in State's 2 that
12 correlates with any of the photographs in State's 6
13 through 10?

14 **A** In Exhibit 2, it appears it's going to be
15 the sheet in 6.

16 **Q** Okay. And what about State's 4?

17 **A** Yes. That's going to depict in Exhibit 10.

18 **Q** Is there another picture with this sheet on
19 it?

20 **A** Yes. There's another picture with a -- like
21 a sheet.

22 **Q** In State's 6, are there any videos -- well,
23 let me change that. How many videos are on this flash
24 drive?

25 **A** I believe there are five.

1 **Q** Okay.

2 **MS. HINTON:** And Your Honor, I recognize
3 that it may be difficult for them to see these
4 videos, but they will have a laptop in the jury
5 room with them.

6 **THE COURT:** All right.

7 **BY MS. HINTON:**

8 **Q** Before we play these videos, in your
9 interaction with Mr. Beach, how would you describe
10 his voice?

11 **A** It's very distinctive. As you can hear, he
12 has a very -- I don't want to say lisp, but it's a
13 very distinctive voice that is very distinctive to
14 him.

15 **Q** Do you recognize that voice in any of these
16 videos?

17 **A** That is correct.

18 **Q** Okay. So let's start with video one. Tell
19 me what, if anything, correlates to any and what, if
20 any, voices you can hear on this video.

21 **A** In video one, you can see that teal sheet,
22 you can see the fan, you can see the carpet from -- I
23 believe this is the living room, and you can also
24 hear Aaron Beach's voice.

25 **Q** Okay. And is the fan, the sheet, and the

1 carpet shown in State's 6?

2 **A** That is correct.

3 **Q** And does that also correlate with where he
4 said this event took place?

5 **A** That is correct.

6 (State's Exhibit 11, video one, is played at
7 11:00 a.m.)

8 **BY MS. HINTON:**

9 **Q** Video two, what is depicted in that?

10 **A** In video two, you can see the bathroom
11 tile, you can hear Mr. Aaron Beach's voice, as well
12 as **Minor**'s voice, I believe.

13 (State's Exhibit 11, video two, is played at
14 11:01 a.m.)

15 **BY MS. HINTON:**

16 **Q** And do you recognize the child's voice on
17 that?

18 **A** That is **Minor**.

19 **Q** And is that from your interactions with
20 him?

21 **A** That is correct.

22 **Q** All right. Video three?

23 **A** Video three is the bathroom, the tile,
24 there is a distinct faucet, and you can also hear
25 Aaron Beach's voice in that video.

1 (State's Exhibit 11, video three, is played at
2 11:01 a.m.)

3 **BY MS. HINTON:**

4 **Q** Video four?

5 **A** Video four corresponds with the carpet from
6 the room.

7 (State's Exhibit 11, video four, is played at
8 11:02 a.m.)

9 **BY MS. HINTON:**

10 **Q** Video five?

11 **A** Video five is, again, I believe that's the
12 bathtub.

13 (State's Exhibit 11, video five, is played at
14 11:02 a.m.)

15 **BY MS. HINTON:**

16 **Q** Were those the photographs and the videos
17 as you received them?

18 **A** Yes, that's correct.

19 **Q** Have they been tampered with at all?

20 **A** No, they have not.

21 **Q** Detective Liner, that's all I have. Please
22 answer any questions Mr. King may have for you.

23 **THE COURT:** Mr. King, your witness.

24 **MR. KING:** Thank you, Judge.

25 **THE COURT:** Yes, sir.

CROSS-EXAMINATION

BY MR. KING:

Q Detective Liner, ICAC stands for Internet Crimes Against Children; right?

A That is correct.

Q Particularly Internet crimes, yes?

A Yes.

Q So computer-based, mainly; right?

A It does deal with computer-based, yes.

Q All right. And let me -- I apologize. I don't know. Are you an agent with ICAC or a liaison? What's your rank?

A So here at the Easley Police Department, we don't have enough officers actually to dedicate to specifically for ICAC. So I'm more of a representative with ICAC. So if any cases come in, you say it's computer-based, but it's not always computer-based. It might be pictures. It might be an album that somebody comes across. But any Internet crimes against a child, we would investigate.

Q Okay. So your -- I think your word was "contact person;" right?

A Yes. That's correct.

Q But you've been to ICAC training; correct?

A I have, yes.

1 **Q** Right. You've been through training on
2 Cellebrite?

3 **A** Uh-huh.

4 **Q** That was the software Agent Morris talked
5 about; correct?

6 **A** When you say "training," I'm aware of
7 Cellebrite. We do not, at the police department, have
8 anything that would extract with Cellebrite?

9 **Q** Okay. And let me correct myself. You are
10 aware of the powering capabilities of Cellebrite?

11 **A** Absolutely.

12 **Q** And programs like Cellebrite?

13 **A** That is correct.

14 **Q** And you go through training and talk about
15 what type of evidence you could find in these cases;
16 correct?

17 **A** Correct.

18 **Q** All right. And in this interview we just
19 watched -- what number was it? 15. State's 15, the
20 interview we just watched with Mr. Beach?

21 **A** Uh-huh.. Yes.

22 **Q** You said even though you deleted the
23 information that you'd still get information off of
24 this phone; correct?

25 **A** That is true in some cases.

1 **Q** Okay. But that's what you told Mr. Beach;
2 correct?

3 **A** Yes. That is correct.

4 **Q** And then you testified before that
5 interview that you decided not to send it off to
6 SLED; correct?

7 **A** Correct.

8 **Q** Now you did say you searched Mr. Beach's
9 phone?

10 **A** That's correct.

11 **Q** Did you just -- did he give you the
12 password for the phone?

13 **A** Yes. He was very cooperative. So on
14 August 8 when we met with him, it was specifically
15 not for any questioning purposes. It was just to see
16 if he would give us consent to search his phone.

17 Just to give you the back story to that: So
18 Mr. Beach's phone was in -- when we had him in
19 custody, it was, obviously, placed into a property
20 bin. Sergeant Dalton was asked to retrieve the phone.
21 Evidently, that did not take place. So on August 8,
22 we went down and spoke with Mr. Beach at the Pickens
23 County Law Enforcement Center where he signed over
24 his phone, he signed it out of property to us, and
25 then signed the consent to search the phone.

1 Q I believe that was State's 13; correct?

2 A That's correct.

3 Q The consent?

4 A Yes, sir.

5 Q Okay. Did he give you the passcode to
6 unlock his phone at that time?

7 A Yes. He was sitting there with us.

8 Q Oh, okay. And your search of the phone was
9 to see if Kik was still on it?

10 A The search of the phone was to see if
11 anything was still on it. So we looked through
12 galleries, we looked through if Kik was still on the
13 phone itself. We looked through any other social
14 media accounts. We looked through deleted accounts.
15 We looked through even trying to reset the settings
16 so you could see any recent deleted -- recent
17 deletiated [phonetic] accounts we could pull back up.
18 We searched the phone, as possibly we could while we
19 were there. Yes.

20 Q Okay. And you were doing the search through
21 another software like Cellebrite?

22 A That is correct.

23 Q All right. And the reason Cellebrite is
24 used is to not tamper with the actual phone; correct?

25 A That is part of the process, correct.

1 Q Yeah. Because when you just start opening a
2 phone up and going through it, it logs all of your
3 activity on that phone; correct?

4 A Correct.

5 Q And then it's questionable what is your
6 activity versus what's Mr. Beach's activity; correct?

7 A Correct.

8 Q All right. Now, you said that you visited
9 [REDACTED]?

10 A That is -- that is correct.

11 Q And there were four adults living in that
12 home; correct?

13 A I believe so. I believe there were
14 Mr. Aaron Beach, Brittany Simmons, her brother, and
15 her mother.

16 Q And Minor?

17 A And Minor, yes.

18 Q Was it a two-bedroom home?

19 A From what I remember, there was two
20 bedrooms to the back left; there was a common living
21 area. Minor [REDACTED], I believe, was sleeping in the
22 common living room. To the best of my knowledge, it
23 was a two-bedroom home, I believe.

24 Q No further questions, Your Honor.

25 THE COURT: Redirect by the state?

1 **MS. HINTON:** No, Your Honor.

2 **THE COURT:** You may step down. Thank you
3 very much.

4 **THE WITNESS:** Yes, sir.

5 **THE COURT:** The state may call its next
6 witness.

7 **MS. HINTON:** Thank you, Your Honor. At this
8 time, the state rests.

9 **THE COURT:** All right. Ladies and
10 gentlemen of the jury, that completes the
11 presentation of evidence by the state. There's
12 some matters that I need to take up with the
13 lawyer. These matters have to be taken up with
14 them outside of your presence. So at this time,
15 I'll ask you to step back to the jury room.

16 As always, I'll instruct you not to discuss
17 anything about the case until I ask you to
18 begin deliberations. You may retire to the jury
19 room. Thank you very much.

20 (Jury exits at 11:09 a.m.)

21 **THE COURT:** Any motions at this time?

22 **MR. KING:** None on behalf of Mr. Beach,
23 Your Honor.

24 **THE COURT:** All right. Now, I do need to
25 speak with Mr. Beach briefly about his

1 constitutional rights. So I'm going to ask that
2 he please stand and be placed under oath.

3 (The defendant is first duly sworn.)

4 **THE COURT:** Mr. Beach, you can be seated
5 at this time.

6 **THE DEFENDANT:** (Complies.)

7 **THE COURT:** Thank you. Sir, we've reached
8 the --

9 Mr. Clerk, if you'll would move over just
10 so I can be -- get eye contact with him. Thank
11 you very much. There we go.

12 At this time, I'm going to explain certain
13 of your constitutional rights to you. Do you
14 understand what I am saying at this time?

15 **THE DEFENDANT:** Yes, sir.

16 **THE COURT:** All right. Now, if -- when I
17 finish my explanation, if you have any
18 questions about what I've gone over with you,
19 I'll give you an opportunity to either ask
20 those questions of me or give you an
21 opportunity to consult with your lawyers about
22 these matters. Sir, do you understand that?

23 **THE DEFENDANT:** Yes, sir.

24 **THE COURT:** All right. We've reached the
25 stage of this trial where you have the right to

1 present your defense. The state has completed
2 the presentation of its evidence. And as part
3 of that, you have the right to testify in this
4 trial, if you choose to do so. But you also
5 have a right to claim the protections which are
6 given to you under the Fifth Amendment to the
7 United States Constitution. That amendment
8 reads, in part, that "no person shall be
9 compelled in a criminal case to be a witness
10 against himself."

11 Now, what that means is that while you have
12 the right to testify, that you also have the
13 right not to testify. No one can make you
14 testify in this case. So you have the right to
15 remain silent. The right to remain silent or to
16 testify is a personal decision of yours. No one
17 has the right to make the decision as to
18 whether or not you testify in this case but
19 yourself.

20 I will advise you that should you decide to
21 testify, your testimony would be subject to the
22 same rules that govern any other witness's
23 testimony. You'd be examined by your lawyers on
24 the stand. And then the state would have the
25 opportunity to cross-examine your testimony

1 also on the stand. I will tell you that should
2 you have any convictions on your criminal
3 record, which involve dishonesty or false
4 statements or for crimes which were punishable
5 by imprisonment for more than one year and I
6 make the determination that the probative value
7 of that information would outweigh its
8 prejudicial effect, you -- then I could allow
9 the solicitor to introduce those convictions to
10 attack your credibility.

11 Now, if you decide to testify in this case,
12 the decision on your part has to be done
13 freely, voluntarily, and intelligently. What
14 that means is, you have made that decision
15 after consultation with whoever you wish to
16 consult with, but you've made the decision
17 freely and you've done it with knowledge of the
18 protections which are afforded to you under the
19 constitutional provision I've already discussed
20 with you.

21 I will advise you that if you decide not to
22 testify in this case that I will instruct the
23 jury that the fact that you did not testify
24 should not even be considered by them in
25 reaching a verdict in this case. In other

1 words, there should be no prejudice to your
2 case given the fact that you decided not to
3 testify. My instructions would even go so far
4 that they should not even discuss the fact that
5 you did not testify in the case during their
6 deliberations at all.

7 Now, I will tell you that the decision as
8 to whether or not to testify, as I said, is
9 entirely left up to you. You have the right to
10 consult with your lawyers, with family,
11 friends, anyone else you want to consult with
12 about that decision, but the final decision is
13 yours and yours alone. I will inquire of the
14 state as this time, are there convictions in
15 his record that you would attempt to introduce
16 to attack his credibility?

17 **MS. HINTON:** Not for dishonesty purposes.
18 There are some priors if he got into never
19 having done this before that the state would,
20 at that time, ask, outside the presence of the
21 jury, the opportunity to question him.

22 **THE COURT:** I see. So there are possibly
23 some convictions that if he claimed he never
24 had been involved in that activity, that you
25 would use to attack his credibility.

1 **MR. DEJONG:** That's correct.

2 **THE COURT:** All right. Now -- and are you
3 aware of those, Mr. DeJong?

4 **MR. DEJONG:** I am, Your Honor.

5 **THE COURT:** Okay. And I'm sure you
6 discussed that with your client or had a
7 position to do that?

8 **MR. DEJONG:** I did yesterday.

9 **THE COURT:** Okay.

10 **MR. DEJONG:** And I tried to again this
11 morning, Your Honor.

12 **THE COURT:** Uh-huh.

13 **MR. DEJONG:** I previously discussed his
14 constitutional rights that you have just shared
15 with him. Every time I have spoken with him, he
16 has shared with me that he understands,
17 Your Honor. And I believe he does.

18 **THE COURT:** You feel that he does?

19 **MR. DEJONG:** I'm sorry, Your Honor?

20 **THE COURT:** You feel that he did
21 understand your advice?

22 **MR. DEJONG:** I believe he did.

23 **THE COURT:** Okay. Thank you very much.

24 Now, Mr. Beach, did you understand what
25 I've gone over with you thus far?

1 **THE DEFENDANT:** Yes, sir.

2 **THE COURT:** Do you have any questions of me
3 about what I've explained to you thus far?

4 **THE DEFENDANT:** No, sir.

5 **THE COURT:** All right. Now, I told you that
6 you have the right to discuss this with anybody
7 you'd like to. Your lawyer indicates that
8 perhaps you have discussed it with your
9 attorneys; is that correct?

10 **THE DEFENDANT:** Yes, sir.

11 **THE COURT:** Do you wish to discuss this
12 decision with them any further at this time?

13 **THE DEFENDANT:** No, sir.

14 **THE COURT:** Do you wish to discuss this
15 decision with anyone else at this time?

16 **THE DEFENDANT:** No, sir.

17 **THE COURT:** All right. Do you intend to
18 testify in this case?

19 **THE DEFENDANT:** No, sir.

20 **THE COURT:** All right. Now, does the
21 defense have any other witnesses that you would
22 like to introduce?

23 **MR. DEJONG:** We do not, Your Honor..

24 **THE COURT:** Okay.

25 **MR. DEJONG:** The defense would rest.

1 **THE COURT:** All right.

2 **MS. HINTON:** Your Honor?

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

4 **MS. HINTON:** I'm sorry. I noticed that they
5 did not move for a directed verdict. It is my
6 understanding, under the law, that is an
7 automatic PCR if that motion is not made.

8 **THE COURT:** Uh-huh.

9 **MS. HINTON:** So I would ask -- and this is
10 kind of awkward and I don't exactly know how to
11 do it, but I would ask that they make a
12 directed verdict motion and that you rule on
13 that.

14 **THE COURT:** Yes, sir.

15 **MR. DEJONG:** Your Honor, for the record,
16 we would make such motion. But I have no
17 argument, in all candor.

18 **THE COURT:** I see. Okay. Well, viewing the
19 evidence and my inquiry at this time of the
20 existence of evidence, not weighing the
21 evidence one way or the other, I find that the
22 state has presented sufficient evidence to
23 avoid a directed verdict in the case and I
24 would allow the case, at this time, to go to
25 the jury.

1 **MR. DEJONG:** Thank you, Your Honor.

2 **THE COURT:** Now, does the state wish to --
3 I don't think the -- I'm thinking and I don't
4 think the defense has introduced any evidence
5 in the trial.

6 **MS. HINTON:** No, Your Honor.

7 **THE COURT:** Is that correct?

8 **MS. HINTON:** That's correct.

9 **THE COURT:** All right. So the state will
10 be opening and the defense will be closing on
11 the argument.

12 **MS. HINTON:** Yes, Your Honor. And I believe
13 I do not get any reply ---

14 **THE COURT:** That's right.

15 **MS. HINTON:** --- under the current law.

16 **THE COURT:** That's my understanding. All
17 right. Do you need a few minutes before we go
18 into closing arguments?

19 **MR. DEJONG:** Mr. King's going to do it.

20 **MR. KING:** Can I get a five-minute
21 bathroom break?

22 **THE COURT:** Okay. Yeah. We'll take a short
23 break then. So we're in recess for short time.
24 I'll stay on the bench at this time.

25 (The Court goes off the record at 11:17 a.m.)

1 (The Court goes on the record at 11:28 a.m.)

2 **THE COURT:** Is the state ready to proceed
3 with closing arguments?

4 **MS. HINTON:** We are, Your Honor.

5 **THE COURT:** Is the defense ready?

6 **MR. KING:** Ready, Judge.

7 **THE COURT:** All right. Let's bring the
8 jury in.

9 (Jury enters at 11:29 a.m.)

10 **THE COURT:** All right. The record will
11 reflect the jury has returned to the courtroom.
12 When I asked you to step out earlier, the state
13 had completed the presentation of its evidence.
14 At this time, the defense has the right to
15 present evidence if it chooses to do so. The
16 defense may call any witnesses.

17 **MR. KING:** Judge, at this time, the
18 defense rest.

19 **THE COURT:** Thank you.

20 All right. So the defense has now rested.

21 That means the -- that completes the
22 presentation of all evidence in the case. If you
23 will recall, at the beginning of the trial, I
24 told you when we reached this stage of the
25 proceedings, the attorneys would be given their

1 second opportunity to talk directly to you about
2 the case in their closing argument or summation.
3 Again, the state will be going first, followed
4 by the defense.

5 You may proceed.

6 **MS. HINTON:** Thank you, Your Honor. May it
7 please the court.

8 **THE COURT:** Yes, ma'am.

9 **MS. HINTON:** Mr. King, Mr. DeJong.

10 The monsters that kids fear don't always
11 live under their bed. For **Minor**, he lived
12 in the living room of his home at
13 in Easley. If I'm being honest, I thought about
14 what I'm going to say to you 100 times and I
15 still don't know what to say in a case like
16 this. I imagine -- and the defense gets the last
17 argument -- that they're going to present to you
18 possibly a few things, and I want to touch
19 briefly on those.

20 One is that Jacqueline Dowell should've
21 been charged with some sort of crime. I'm not
22 necessarily disagreeing with that. I'm certainly
23 not presenting Ms. Dowell to you as a saint.
24 People who do things like this don't hang out in
25 chats with saints. They hang out with other

1 people who are into the same sick fantasies that
2 they are into.

3 But I do think that Ms. Dowell was truthful
4 to you. And I think that she told you her
5 involvement, at least to some extent, in this
6 case. What was important about her testimony is
7 that they communicated on Kik. Mr. Beach was
8 dumb enough to tell her who he was, where he
9 lived and all about his family. And while he
10 never sent photographs or videos of him
11 molesting his child with his face in it, he
12 certainly sent her photographs of himself. So
13 the fact that Ms. Dowell is not charged has
14 nothing to do with Mr. Beach's case and why we
15 are here today.

16 That would be similar to Detective Liner
17 and I going to a house; Detective Liner driving
18 me there; me breaking in and shooting and
19 killing somebody; Detective Liner driving me
20 home and hiding me out; Detective Liner going to
21 the police and telling them what happened; and
22 because they didn't charge Detective Liner, then
23 I shouldn't be prosecuted in any way either for
24 shooting and killing anybody. It doesn't make --
25 that doesn't make any sense.

1 The second thing I think that they might
2 talk to you about is that his phone wasn't sent
3 off to SLED. It wasn't. We have not hidden that
4 from you. At the point where Detective Liner was
5 on August 4, he had everything he needed. He had
6 videos, he had photographs, and he had Mr. Beach
7 confessing to what he did. Not just, "Yeah.
8 Whatever you say. I did that," but in specific
9 detail what he did to his son, the exact rooms
10 of where he was when he did this to his son.

11 You will notice that Mister -- excuse me,
12 Detective Liner didn't show him the photographs
13 and say, "What room is this?" He said, "Where
14 did this happen?" And he told you in the living
15 room and in the bathroom. And that correlated
16 with the images and the videos that Detective
17 Liner had already seen, not that Mr. Beach had
18 seen, but Detective Liner had seen. Mr. Beach
19 knew where they had happened, because he did it.
20 Certainly, they probably could have recovered
21 some information from his phone, but again, that
22 doesn't negate the evidence that we already have
23 in this case.

24 The charges in this case are criminal
25 sexual conduct with a minor in the first degree.

1 That involves two things, one that I prove to
2 you that a sexual battery occurred. And that is
3 -- in short form, and the judge will charge you
4 fully on the law -- that there must be some part
5 of Mr. Beach's body that entered some part of
6 Minor's body. And you have seen the videos
7 and you have seen the photographs of Minor
8 performing oral sex on his father.

9 And I also had to prove to you that he was
10 under the age of 11. I don't think that's been
11 in dispute at all. He was four years old at the
12 time.

13 The next thing is sexual exploitation of a
14 minor in the first degree. That is basically
15 getting a child to do some sexual act, in this
16 case, masturbation, playing with himself,
17 performing oral sex, ejaculating on his face,
18 for the purpose of sexual gratification and then
19 sending that to somebody else. You can
20 determine, as a reasonable person, whether or
21 not that was for sexual gratification. I assert
22 to you there is no other reason that you would
23 sexually assault your son, other than for your
24 own sick sexual gratification.

25 We know that it was sent because Mr. Beach

1 told you that it was. He told you he recorded
2 it, sent it to her on Kik. And I have to have
3 proven to you that this occurred during the
4 month of July 2016. And I think through the
5 testimony of Ms. Dowell of when she received the
6 images and saved them, the testimony of
7 Detective Morris, and his own testimony, through
8 his confession, of Mr. Beach that these images
9 did occur during that time. In fact, if you
10 listen very closely to the last video where **Minor**
11 **██████** is in the bathtub paying with himself, you
12 can hear fireworks in the background. And I
13 would assert to you that correlates with the
14 July 4 holiday.

15 The state's case -- and I've spoken about
16 Ms. Dowell -- set the stage that they
17 communicated on Kik. I don't know who asked for
18 them. I don't know who voluntarily sent them. I
19 know that that's not relevant. And I know that
20 whether or not Mr. Beach was threatened is not
21 an excuse. Because when you're threatened, you
22 go to the police; you don't sexually assault
23 your son. And you certainly don't tell a
24 detective that the reason you sexually assaulted
25 your son was to protect him. That is crazy.

1 Agent Morris is the one thing who got the
2 images, got the videos. There has been no
3 evidence that those images or videos have been
4 tampered with at all. Officer Medina went to the
5 house. He was familiar with the home. He was
6 familiar with **Minor**, and he has identified
7 him in those photos.

8 Brittany Simmons, that is her son and she
9 has known Mr. Beach since her brother was in
10 grade school. They have been together since
11 2009. She knows Aaron Beach's voice. She
12 identified it on those videos. She knows what
13 her son looks like, and she knows his voice. And
14 she identified him on those videos as well and
15 in those photographs.

16 Detective Liner also interviewed the
17 defendant. And you have heard his voice, and it
18 is distinct. He has a unique voice. And I would
19 submit to you the voice that you heard on that
20 recording during his confession is the same
21 voice that you hear on those videos.

22 There are no winners in this case.
23 Everybody has lost. **Minor** has certainly
24 lost. **Minor**'s family has lost. This is not about
25 winning or losing.

1 This is about the fact that, for three
2 years now, Mr. Beach has hidden behind a cloak
3 of righteousness, innocence, whatever you want
4 to call it. I call it a cloak of manipulation, a
5 cloak of manipulating other people and
6 manipulating his own son for the most despicable
7 acts. Your father is supposed to be the one who
8 protects in the most important place where you
9 are supposed to be protected, and that's your
10 own home. Mr. Beach is no father.

11 I told you before that Mr. Beach walked in
12 here an innocent man, and that is true. He has
13 done that every day. But that stops today,
14 because Mr. Beach is not innocent. And if you
15 are firmly convinced that Mr. Beach sexually
16 assaulted his four-year-old son, **Minor**, and
17 recorded it, and sent it to Ms. Dowell, the same
18 way that he confessed to doing it in State's 15,
19 then he's not entitled to that anymore. And I
20 would ask on behalf of **Minor** that you
21 return a verdict of guilty. Thank you.

22 **THE COURT:** The defense may proceed.

23 **MR. KING:** Thank you, Judge.

24 **THE COURT:** Yes, sir.

25 **MR. KING:** Madam solicitor.

1 The allegations in this case are extremely
2 difficult and atrocious, but they're
3 allegations. That's what we talked about.
4 They're allegations. Even at this point, they
5 are allegations against innocent Aaron Beach
6 sitting over at that table. I say they are
7 allegations and he's innocent, Aaron Beach,
8 because they're his essential constitutional
9 rights he's got. That's what we're here for.

10 The third important constitutional right is
11 that Ms. Hinton, the state, has to prove to
12 y'all beyond a reasonable doubt that Mr. Beach
13 committed criminal sexual conduct in the first
14 degree and sexual exploitation in the first
15 degree. Now, where does reasonable doubt come
16 from?

17 Reasonable doubt comes from three places:
18 number one, the evidence; number two, conflicts
19 between the evidence; and number three, missing
20 or a lack of evidence. All right. So that means
21 when you are deliberating, you ask yourself
22 those three things: What's in the evidence
23 that's missing? What are the conflicts between
24 the evidence? And what is wrong about this
25 evidence? Let's talk about those things.

1 We had Ms. Dowell on the stand. She is into
2 a lot of different activities online. I think
3 there's role-playing and other things she talked
4 about. What she did say -- she said she was
5 honest up there -- she lied about her name, she
6 lied about her age, she lied about where she was
7 living, but she was up there and said, "Even
8 though I did all of those things, I assumed the
9 person that I was communicating with was being
10 honest." All right. That's the evidence she gave
11 you, and it is conflict between evidence. She's
12 saying that people online lie. And then she's
13 turned it around and said, "But Mr. Beach was
14 telling the truth." That is a conflict. That's
15 where the reasonable doubt comes from. Okay.

16 Now, let's talk about the cell phone.
17 Detective Liner is trained in Internet Crimes
18 Against Children about what is on a cell phone
19 and how even after items are deleted, there's
20 still evidence on there. He didn't go get that.
21 There's missing evidence for you. All right?

22 Now, like I said, these are really, really
23 rough allegations. Okay? And His Honor asked you
24 -- before we picked you to be on Mr. Beach's
25 jury, he asked you, "Do you have any biases? And

1 can you set those biases aside?" That's what
2 your duty is. That's when the clerk swore you in
3 as jurors. He had you swear that you're going to
4 set all of those biases aside. That's what we
5 ask today. We ask you to set aside all your
6 biases and analyze the evidence as was presented
7 here. And afterwards, we ask that you return a
8 verdict of not guilty. Thank you.

9 **THE COURT:** Ladies and gentlemen of the
10 jury, that completes the closing arguments and
11 summations by the attorneys. And I told you, at
12 this point in time in the preceding, it would be
13 my responsibility to charge you concerning the
14 law in this case. As I told you, it would be
15 your duty to begin your deliberations to
16 determine the facts in this case and it's your
17 duty under the law for you to accept the law
18 exactly as I give it to you at this time and
19 apply that law to the facts in this case as you
20 determine the facts to be. It is your duty to
21 determine the facts in this case. And you do
22 that based upon your own common sense and
23 examination and evaluation of the testimony and
24 the other evidence presented during the case.

25 Now I began the case by going over with you

1 the indictments in this case. Those are the
2 documents that bring the cases into this court.
3 Those are the charges that have been noticed to
4 the defendant, made him aware of the charges,
5 they made the Court aware of the charges to be
6 tried in this case. Those two indictments I have
7 here, and you will be allowed to view those
8 indictments during your deliberations.

9 But again, I will caution you: The
10 indictments themselves are not evidence. The
11 fact that an indictment has been issued by a
12 grand jury is not evidence of guilt in this
13 case. It cannot be used by the jury in any way,
14 the document itself and what it contains, in
15 determining the guilt or the innocence of the
16 defendant. That determination is made based upon
17 the evidence that's presented during the trial
18 of the case. But I do want to go over the
19 documents with you so that you'll understand
20 what the state has alleged in this matter.

21 The first one that I will talk over with
22 you is 2017GS390001. That indictment is for the
23 sexual exploitation of a minor in the first
24 degree. The indictment states, in part, that
25 Aaron Benjamin Beach did, in Pickens county, or

1 about or between the dates of July 1, 2016 and
2 July 31, 2016, knowing the character or content
3 of the material used, employed, induced,
4 coerced, encouraged, or facilitated a minor to
5 engage in sexual activity or appear in a state
6 of sexual -- sexually explicit nudity for live
7 performance or the purpose of producing material
8 containing sexual stimulation. This is in
9 violation of a code, Section 16-15-395 of the
10 Code of Laws of South Carolina 1976 as amended,
11 against the peace and dignity of the state and
12 contrary to the statute in such case made and
13 provided. Now, I'll go over that charge with you
14 in more detail later on in my charge on the law,
15 but that's the first indictment that's been
16 presented to us for trial in this case.

17 The second indictment is case
18 number 2017GS390002. This indictment is for the
19 offense of criminal sexual conduct with a minor
20 in the first degree. The indictment states, in
21 part, that Aaron Benjamin beach did in Pickens
22 County on or about or between the days of
23 July 1, 2016 and July 31, 2016 commit a sexual
24 battery on S.B., who was less than 11 years of
25 age. This is in violation of code section

1 16-3-655(a) (1) of the South Carolina Code of
2 Laws 1976 as amended, against the peace and
3 dignity of the state and contrary to the statute
4 in such case made and provided.

5 Now, each indictment in this case is a
6 separate charge. You will be called upon to
7 write a verdict for each of those charges
8 separately and distinct from the other. That
9 verdict must be unanimous. And I'll talk to you
10 about that in more detail later on. Each
11 indictment is presented to you separately and is
12 a separate charge for you to consider in this
13 case.

14 Now, you, the jury, have the duty of
15 determining the weight, the value, and effect
16 that is to be given to the evidence that you've
17 heard in this case. It is your ultimate goal to
18 determine whether or not the state has met its
19 burden of proof in this case. And I told you at
20 the beginning of the trial, the state has the
21 only burden of proof in this case, and that is
22 to improve the allegations contained in the
23 indictment by proof -- and each and every
24 element in those indictments by proof beyond a
25 reasonable doubt.

1 Now, the two charges, again, that have been
2 levied are criminal sexual conduct with a minor
3 in first degree and sexual exploitation of a
4 minor in the first degree. Now I told you at the
5 beginning of the trial that the defendant has
6 pled not guilty to those indictments. That plea
7 places the burden of proof, again, upon the
8 state. It is the state's burden alone to prove
9 those allegations by proof beyond a reasonable
10 doubt.

11 Now, when I talk to you about the elements
12 of a crime, that's the various things that have
13 to be proven in order for a crime to be
14 established by way of proof. So there are
15 essential elements to every crime. And I'll go
16 over those with you in just a minute. It is the
17 state's burden of proving each of those elements
18 to you by proof beyond a reasonable doubt.

19 The burden of proof is never upon a
20 defendant in the case. The defendant is not
21 required to prove his innocence in a case. The
22 burden is always on the state because it is the
23 one that has made the allegations and the burden
24 is on the state to prove those allegations,
25 again, by proof beyond a reasonable doubt.

1 I'm going to charge you that it's a very
2 important, vital part of our criminal law that
3 every defendant in a criminal case, no matter
4 how serious the crime that the defendant is
5 charged with, is always presumed to be innocent
6 of the crimes charged until such time as proof
7 has been shown to you of guilt beyond a
8 reasonable doubt. That presumption of innocence
9 is with the defendant throughout the trial. It's
10 -- the presumption is with him at the beginning
11 of the trial, it continues throughout the trial
12 and into your deliberations.

13 Some people describe the presumption of
14 innocence that a defendant has in a case
15 somewhat like a robe that the judge wears into
16 the courtroom. So it's about his shoulders when
17 the trial starts. It remains about his
18 shoulders, that presumption of innocence,
19 throughout the trial. It's about his shoulders
20 when you go back into the jury room to begin
21 your deliberations. It stays about his shoulders
22 until such time as it has been stripped or taken
23 from him by evidence that satisfies you of the
24 defendant's guilt beyond a reasonable doubt.

25 So the presumption of innocence is not just

1 a legal phrase. It's not just something that we
2 say. It's a substantial right that every
3 defendant is entitled to in a criminal case in
4 this state.

5 Now, I told you at the beginning of the
6 trial that you and I have different duties to
7 perform during the trial. That continues even
8 now as to our different duties. It's been my
9 responsibility to preside over the case. And
10 I've had the duty to go over the matters with
11 the attorneys.

12 I want to caution you at this point in
13 time. As I told you at the beginning of the
14 trial, the law doesn't allow me a position
15 concerning the facts in this case. You should
16 not take anything that I have said or done in
17 this trial, even now during this charge on the
18 law, to somehow indicate to you that I have a
19 preference, one way or the other, as to how you
20 determine the facts in this case.

21 I told you earlier the law does not allow
22 me an opinion on the facts. I have no opinion as
23 to how you should determine the facts in this
24 case. You are the sole judges of the facts in
25 this case. So again, don't take anything that I

1 say or do in the discharge of my duties to
2 indicate to you otherwise. I have no opinion as
3 to how you should determine the facts in this
4 case. That is your responsibility and your
5 responsibility alone.

6 You are to consider only the competent
7 evidence before you, that's the testimony of the
8 witnesses from the witness stand and other items
9 in evidence that have been allowed into the
10 record of the case through the testimony of
11 those witnesses. That's the evidence in this
12 case. That's what you should consider in making
13 a determination as to the guilt or innocence of
14 this -- of the defendant in this case. If there
15 was anything that was taken out of the case or
16 ruled not admissible, you shouldn't even
17 consider those matters at all in reaching a
18 verdict in this case. Only consider those things
19 that have been placed into the record during the
20 trial of this case.

21 I told you earlier that I have this duty of
22 charging you on the law in this matter. As the
23 presiding judge in this case, I am considered
24 the sole judge of the law in this case. I told
25 you earlier, and I've already told you in this

1 charge, that you are to take the law exactly as
2 I give it to you -- accept it as I give it to
3 you.

4 If you've got a notion as to what the law
5 is or what it ought to be, leave those notions
6 outside the jury room. Take the law exactly as I
7 tell it to you now, present that law -- compare
8 that law to the facts as you determine them to
9 be. That should put you in a position to render
10 a verdict in this case. But if you don't agree
11 with the law, if you don't think that it is
12 right, or you have some notion as to what the
13 law ought to be, again, leave those notions
14 outside the jury room in this case.

15 You are the sole judges of the facts in
16 this case. And as such, you will be the sole
17 judge of the credibility or the believability of
18 what you've heard during this trial. I told you
19 earlier you have the right to consider anything
20 in the record to make determinations of
21 credibility or believability.

22 You have the right to believe all of what
23 witnesses have told, part of what they told, or
24 none of what they've told. You are the sole
25 judges of the facts. I told you, you need to use

1 your own good common sense in deciding what you
2 choose to believe or what you choose not to
3 believe in this case. So it's a matter for you
4 solely to determine the credibility, the
5 believability. You also determine the weight,
6 the value and the effect of the evidence that
7 you've heard in this case. That's your
8 responsibility and your responsibility alone.

9 You have the right to consider whether a
10 witness had some motive in testifying, a bias or
11 prejudice, a stake in the outcome of the case,
12 whether the witness actually had the ability to
13 know what that witness was testifying to. And I
14 pointed out to you earlier, you have the right
15 to observe the witnesses as they spoke to you
16 from the witness stand. Take all of those
17 factors into consideration. Use your common
18 sense. And you decide what you choose to assign
19 a finding of credibility to as to what's been
20 placed in the record.

21 Now, earlier, and I've told you several
22 times, that the state has the burden of proving
23 the case, its allegations, beyond a reasonable
24 doubt. And you may ask yourself, "Well, just
25 what is a reasonable doubt? What does the law

1 mean? What is a reasonable doubt?" I will tell
2 you that in cases where that has been defined by
3 the court, a reasonable doubt has been defined
4 as that kind of doubt that would cause a
5 reasonable person to hesitate to act. The state
6 does have the burden of proving its case beyond
7 a reasonable doubt.

8 Now, if you -- let me digress for a second.
9 I don't know if any of you have ever been
10 involved in a civil case in a court of law.
11 Civil cases are where people are seeking
12 monetary judgments for various reasons. It can
13 be because someone got hurt in an accident. It
14 could be because somebody breached a contract.
15 It could be because they allege that someone
16 failed to pay a debt that they owed. So those
17 are cases where people are seeking monetary
18 damages. They're called civil cases.

19 If you are involved in a civil case, the
20 standard of proof for one side or the another to
21 win in a civil case is proof by the greater
22 weight of the evidence. The lawyers talked about
23 the scales of justice tilting ever so slightly,
24 either in favor of their client or in favor of
25 the other side. So that's the standard of proof

1 in a civil case, proof by the greater weight or
2 the preponderance of the evidence.

3 This is not a civil case; it is a criminal
4 case. Under criminal cases, the standard of
5 proof is higher than that, more powerful than
6 that. In other words, proof beyond a reasonable
7 doubt. I will tell you that proof beyond a
8 reasonable doubt would be that kind of proof
9 that leaves you firmly convinced of the
10 defendant's guilt.

11 I also am going to point out to you there's
12 very few things that happen in this world that
13 can be proven beyond any doubt whatsoever. And
14 the state does not have the burden of proven its
15 case beyond every possible doubt. I will tell
16 you that, after your consideration of the
17 evidence in this case, if you are firmly
18 convinced of the defendant's guilt beyond a
19 reasonable doubt, you must find the defendant
20 guilty. On the other hand, if you think there is
21 a real possibility that the defendant is not
22 guilty, then you must give the defendant the
23 benefit of that doubt and find the defendant not
24 guilty.

25 Now, I will also inform you that facts and

1 circumstances that merely place upon the
2 defendant a suspicion that a crime may have
3 occurred, merely raise a speculation or
4 conjecture of the defendant's guilt, that
5 wouldn't be sufficient for a finding of proof
6 beyond a reasonable doubt.

7 Now, one other thing I want to point out to
8 you -- it's something you probably never
9 considered about the evidence in the case --
10 under the law, we view evidence as being either
11 direct evidence or circumstantial evidence. And
12 a jury has the right to consider both direct or
13 circumstantial evidence and reach a verdict in
14 the case. Let me explain to you what we mean by
15 those two different kinds of evidence.

16 Direct evidence is the testimony from a
17 person or a witness who claims to have actual
18 knowledge of the facts. That would be somebody
19 who claims to have actually been an eyewitness
20 to the event or experienced something that
21 happened. They heard it. They saw it. They felt
22 it. They smelled it. That would be someone
23 testifying directly on the fact that they're
24 seeking to improve. It's evidence which
25 immediately establishes the fact that someone is

1 trying to prove. That's when somebody testifies
2 with direct evidence on a matter.

3 Now circumstantial evidence is different
4 than that -- from that. Circumstantial evidence
5 is proof of a chain of facts or circumstances
6 that indicate the existence of some other fact.
7 Some of the courts have defined circumstantial
8 evidence as the kind of evidence immediately
9 establishes collateral facts from which a main
10 fact could be reasonably inferred.

11 Now, that's a lot of fancy lawyer talk in
12 my opinion. And I've always tried to give a
13 simple example of what we mean by proof of a
14 fact by circumstantial evidence. Let's say last
15 night before you went to bed, you walked over to
16 the window in your bedroom and you looked
17 outside and the stars were shining, the moon was
18 out, pretty night out. You went to bed. Slept
19 well all night. Didn't wake up at all.

20 So the next morning when you got back up,
21 you walked back to that same window in your
22 bedroom. The sun is out. You look a little
23 closer and you realize there's water dripping
24 out of the trees. You notice there's puddles out
25 in the yard or in the road in front of the house

1 that weren't there the night before. Maybe the
2 lawn is just completely soaked with water.

3 Now, you slept all night. So you didn't see
4 it rain. You didn't hear it rain. So you didn't
5 directly experience the fact that it rained that
6 night. But from the collateral facts that you
7 know to be true, water dripping out of the
8 trees, puddles in the road, wet lawn out front,
9 from those facts that you know to be true, you
10 could reasonably infer that at some time during
11 the night, it rained. So that's what we mean by
12 proof of collateral facts from which a
13 reasonable -- another fact could be reasonably
14 inferred.

15 Now, the law doesn't make a distinction
16 between the weight or the value that you, the
17 jury, can give to either direct testimony or
18 circumstantial evidence. You have the right to
19 consider both kinds of evidence in reaching a
20 verdict. It is up to you to decide the weight or
21 the value or the effect of the evidence, both
22 direct or circumstantial, that you have heard in
23 the case. So a greater degree of certainty is
24 not required of circumstantial evidence than of
25 direct in order for you to reach a finding of

1 fact.

2 I will tell you, as a jury, you should
3 weigh all of the evidence in the case, direct
4 and circumstantial. And if after weighing all of
5 the evidence in the case, if you're not
6 convinced of the defendant's guilt beyond a
7 reasonable doubt, you must find the defendant
8 not guilty. However, on the other hand, if you
9 firmly convinced that the defendant's guilty
10 beyond a reasonable doubt, you must find the
11 defendant guilty.

12 Now, I told you we had one witness who was
13 qualified as an expert. When I did that, I told
14 you that I would talk to you about that in a
15 little bit more detail when I charge you on the
16 law. And that witness was qualified as an expert
17 witness. And I told you then that the rules of
18 evidence ordinarily don't allow witnesses to
19 testify about their opinions or conclusions, and
20 an exception to that general rule is for someone
21 who we declare to be an expert. And that's
22 somebody who, because of their education or
23 their life experiences, or their studies in some
24 art or science or profession, has been called
25 and been certified as an expert in some field or

1 science.

2 Now, those people that are qualified as an
3 expert are allowed to state their opinions as to
4 any relevant or material matter within their
5 area of expertise. And they can state the
6 reasons why they hold those opinions.

7 But now, you, the jury, have the right to
8 weigh or consider all of the evidence. So you
9 should consider the opinion of an expert
10 received into evidence like any other evidence
11 in the case. You give it the weight you think
12 that opinion deserves. If you find that the
13 opinion is not based on sufficient education or
14 experience or if you find the reasons given to
15 support the opinion weren't valid or you don't
16 think they were strong enough, you have the
17 right to conclude that the opinion is not sound
18 or that it's outweighed by other evidence.

19 Simply because the Court declared someone
20 to be an expert does not mean that you're
21 required to accept their opinions in a case.
22 It's to be given no greater weight than any
23 other witness simply because I declared that
24 person to be an expert. You should weigh all of
25 the evidence and all the testimony. Give it the

1 weight you think it deserves.

2 Now, I'm going to instruct you on
3 something, that is that -- and I'm going to
4 emphasize that the fact that the defendant did
5 not testify in this case is not a factor to be
6 considered by you in any way during your
7 deliberations in this case. In your
8 consideration of the question of guilt or the
9 innocence of the defendant, that matter should
10 not be considered at all. It must not be
11 considered by you because the defendant has a
12 constitutional right to remain silent. And the
13 assertion of that right by a defendant must not
14 be considered by you in your deliberations at
15 all.

16 I repeat to you: Under your oath as a
17 juror, you are to draw no conclusions whatsoever
18 from the fact that a defendant did not testify.
19 In fact that a -- the fact that a defendant did
20 not testify shouldn't even be discussed by you
21 at any time during your deliberations in this
22 case.

23 I've told you throughout this trial -- I
24 will tell you again -- the burden of proof is
25 solely upon the state. It's the state's

1 obligation to prove the allegations contained in
2 the indictments by proof beyond a reasonable
3 doubt and the defendant is not required to prove
4 his innocence. That burden of proof remains upon
5 the state throughout the trial in this matter.

6 Now, during the trial, statements made by
7 the defendant had been admitted into the
8 evidence of the case. And the Court has
9 determined that the statement was admissible.
10 And I instruct you that you make the ultimate
11 decision as to whether or not the defendant made
12 the statement. And if the defendant did make the
13 statement, you must determine whether the
14 statement was made by the defendant voluntarily
15 and of his own free will. This means the
16 statement was not caused by pressure, force,
17 fear, threats, coercion, or intimidation or by
18 any hope or promise of leniency or reward of any
19 kind.

20 In determining whether the statement was
21 voluntary, you should consider both the
22 character of the defendant, the details of the
23 questioning. Some factors that you could
24 consider are the age of the defendant, the
25 defendant's education or lack thereof, the

1 defendant's mental abilities or capacities, the
2 defendant's intelligence, the defendant's
3 background or environment, the place and the
4 length of the questioning, and the detention,
5 the nature of the questioning, and the advice or
6 lack thereof to the defendant of his
7 constitutional rights including, but not limited
8 to: the right to remain silent; that any
9 statement could be used in a court of law; if
10 the right to -- that the defendant had a right
11 to have a lawyer present; and that if he could
12 not afford a lawyer, that one could be appointed
13 to represent him without cost; and that he had
14 the right to stop making the statement at any
15 time. You must consider all of the surrounding
16 circumstances before you give any weight to an
17 alleged statement.

18 The state has the burden of proving beyond
19 a reasonable doubt the alleged statements were
20 made voluntarily. Should you determine that it
21 was, then you may give the statement any further
22 considerations you deem proper. You must decide
23 what weight, if any, should be given to the
24 statement. However, if you determine that the
25 statement was not freely and voluntarily made by

1 the defendant, then you should not consider the
2 statement at all.

3 Now, in order to establish criminal
4 liability in this state, criminal intent for
5 certain particular crimes must also be proven by
6 the state. Now, criminal intent is the mental
7 state that is required for an offense to occur.
8 It can be purpose, intent, knowledge,
9 recklessness, or criminal negligence. When I go
10 over the actual charges with you, you should
11 listen to those words that require intent on the
12 part of the defendant in order for the crime to
13 exist. The state must prove criminal intent
14 beyond a reasonable doubt.

15 Criminal intent is a matter that must be
16 determined from the facts and circumstances of
17 the case. In other words, circumstantial
18 evidence in the case. There's no way to include
19 criminal intent to any scientific or
20 mathematical certainty. There's no way you could
21 be present when somebody does an act and, at
22 that moment, look inside their head and
23 determine what they intended to do when they did
24 the act. That's not scientifically possible. So
25 you have to look at the facts and circumstances

1 surrounding the act in order to determine what
2 someone intended to do when the act occurred.

3 The law says that criminal intent can be
4 inferred from the circumstances shown to have
5 existed at the time. That's how you determine
6 whether or not the element in a statute
7 requiring intent, whether or not that element
8 was present. Again, it's not necessary to
9 establish it by any direct or scientific
10 evidence. Intent may be established by
11 circumstantial evidence, taking into
12 consideration the acts of the parties, the facts
13 and circumstances of what happened.

14 I will tell you what criminal intent is.
15 Criminal intent is a mental state. It's a
16 conscious wrongdoing. And part of what you may
17 be determining in these statutes to determine is
18 what the defendant intended to do based upon the
19 circumstances that were shown to have existed at
20 the time of the act.

21 All right. The first charge I'm going to go
22 over with you now -- this is the actual charge
23 that he's been charged with -- is criminal
24 sexual conduct with a minor in the first degree.
25 The defendant is charged with criminal sexual

1 conduct with a minor in a first degree. To show
2 the defendant's guilt, the state must prove two
3 elements -- I've told you about the element of
4 the crime -- and they must be proven beyond a
5 reasonable doubt.

6 The first element that the state must prove
7 beyond a reasonable doubt is that the defendant
8 engaged in a sexual battery with the victim.
9 Now, the law defines a sexual battery as such
10 things as: sexual intercourse; cunnilingus;
11 fellatio; anal intercourse; or any intrusion,
12 however slight, of any part of a person's body
13 or any object into the genital or anal openings
14 of another person's body, except when the
15 intrusion is accomplished for a medically
16 recognized treatment or diagnostic purpose.

17 The second element of that crime is the
18 state must prove beyond a reasonable doubt that
19 the victim was less than 11 years old at the
20 time of the sexual battery. I will charge you
21 that consent or willingness or indifference on
22 the part of a minor victim, if any, as to what
23 was taking place, does not in any way affect the
24 charge of criminal sexual conduct with a minor.

25 The next charge that I'm going to talk to

1 you about is the charge of sexual exploitation
2 of a minor in the first degree. When an
3 individual commits this offense of first degree
4 sexual exploitation of a minor, if knowing the
5 character or content of the material, he: one,
6 uses, employs, induces, courses, encourages, or
7 facilitates a minor to engage in sexual activity
8 or appear in such state of sexually explicit
9 nudity for the purpose of producing material
10 that contains a visual representation depicting
11 this activity or a state of sexually explicit
12 nudity when a reasonable person would infer the
13 purpose is sexual stimulation; or secondly, if
14 he permits a minor under his custody or control
15 to engage in sexual activity or appear in a
16 state of sexually explicit nudity for the
17 purpose of producing material that contains a
18 visual representation depicting this activity or
19 a state of sexually explicit nudity when a
20 reasonable person would infer that the purpose
21 of that is sexual stimulation.

22 Now for purposes of interpreting this
23 statute, you can consider the following
24 definitions: The term "material" in that statute
25 means pictures, drawings, video recordings,

1 films, digital, electronic files, or other
2 visual depictions or representations but not
3 material consisting entirely of written words.

4 "Sexual activity," the definition of that
5 in this statute, includes any of the following
6 acts or simulations thereof: number one,
7 masturbation, whether done alone or with another
8 human; two, oral intercourse, whether done with
9 another human; or touching, in an act of
10 apparent stimulation or sexual abuse, of the
11 clothed or unclothed genitals, pubic areas, or
12 buttocks of another person.

13 "Sexually explicit nudity," under the
14 statute, means a showing of uncovered, or less
15 than opaquely-covered human genitals, pubic
16 areas, or buttocks.

17 Now, ladies and gentlemen of the jury,
18 please remember that each indictment charges a
19 separate distinct crime. You must decide each of
20 the indictments separately and apply the law as
21 it applies to that indictment, uninfluenced by
22 your decision as to the other indictment. In
23 other words, the defendant can be found guilty
24 or not guilty on either of these indictments and
25 they should be considered separately from each

1 other as separate charges in the case. You must
2 reach a separate verdict as to each of the
3 charges.

4 The verdict in this case must be unanimous.
5 Each and every one of you must agree on the
6 verdict as to each charge before it becomes the
7 verdict of the jury.

8 Now, at the beginning of the case, I told
9 you that I would appoint a foreperson during my
10 charge on the law. I would ask Alicia Trawick to
11 raise your right hand please.

12 Ma'am, you're going to be the foreperson of
13 the jury. That means that you will be the person
14 who will be leading the discussions for the
15 jury. Should the jury have a question that you'd
16 like to ask of me, I'd ask that the jury agree
17 upon the form of the question, but you record
18 it, write it down on a piece of paper, knock on
19 the door, hand it to the bailiff. They'll bring
20 the question to me and I'll consider what answer
21 I can give.

22 I can't get involved in your discussions
23 concerning the facts, so I can't answer every
24 question you might have. But I'm not going to
25 ask you to edit any questions. If the jury has a

1 question, you write it down. I'd can determine
2 whether I can answer it or to what extent I can
3 answer it. But I can be given questions during
4 your deliberations.

5 Secondly, it will be your responsibility to
6 record the verdict, and I'll go over with you
7 how you do that in just a few minutes. So you'll
8 be the one who writes the verdict down once the
9 verdict has been reached. Once the verdict has
10 been reached on both charges, you will knock on
11 the door; let the bailiff know that the verdict
12 has been reached. The jury will be brought back
13 to the courtroom for us to receive the verdict.

14 Now, I have asked the clerk to send out for
15 some lunch for you. We're having pizza today.
16 They're going to bring that in, once it's ready,
17 here at the courthouse into the jury room. So if
18 someone comes into the jury room during your
19 deliberations, Madam forelady, I want you to
20 stop the discussions. Don't discuss anything
21 about the case while that person or persons are
22 in the jury room. You resume the discussions
23 once they have left the room.

24 In other words, the deliberations are for
25 the jury and jury alone. Don't discuss anything

1 about the case when someone else might be in
2 that jury room. So they'll have to come in to
3 bring the lunch and your drinks and that sort of
4 thing, maybe come in and clean up something if
5 you have a problem. But don't talk about the
6 case while they are in the jury room.

7 But as I've told you, each and every one of
8 you must agree upon the verdict before it is the
9 verdict of the jury. So the fact that I've asked
10 this lady to be the foreperson does not mean
11 that her -- that she's not any more important
12 than any other juror. You all must agree upon a
13 verdict before a verdict is reached in the case.
14 But once the unanimous verdict is reached,
15 you'll be the person who will record that for me
16 and let the bailiff know when that's being
17 reached.

18 Now, I've gone over a good bit with you,
19 and I may have misspoken about something I've
20 said. I'm going to go over my charge with the
21 attorneys at this point in time. So I have to
22 send the jury back out one more time. I'll,
23 again, tell you don't discuss anything about
24 this case. I'm going to bring you back to the
25 courtroom shortly and give your final

1 instructions and send you out to start
2 deliberations. And I've got to go over -- we've
3 got to go over the evidence, be sure that you
4 take the proper evidence to the jury room so the
5 wrong things don't go back. So there's some
6 housekeeping things we have to take care of
7 before I want you to start your deliberations.

8 So at this time, if you'll take them back
9 to the jury room, I'll call you back shortly.
10 Don't discuss the case until I ask you to do so.
11 Thank you very much.

12 (Jury exits at 12:15 p.m.)

13 **THE COURT:** Any exceptions or corrections
14 from the state to the charge? (Pause.)

15 Any corrections or exceptions to the charge
16 from the state?

17 **MS. HINTON:** No, Your Honor.

18 **THE COURT:** Any from the defense?

19 **MR. KING:** None on behalf of Mr. Beach.

20 **THE COURT:** All right. I'll ask you folks
21 to come forward and let's segregate the evidence
22 so we're clear we're sending back only proper
23 evidence. I have the two indictments, if you'd
24 like to look at those before I send those back
25 to be sure there's no problem with those.

1 **MR. DEJONG:** I've looked at them,
2 Your Honor, and I have --

3 **THE COURT:** Okay. And you're okay with it?

4 **MR. DEJONG:** Yes, sir.

5 **THE COURT:** All right. Now, the computer
6 that you said would be available, I assume it's
7 clean of everything else and can't communicate
8 with the outside?

9 **MS. HINTON:** That's correct, Your Honor.
10 These are specifically clean, jury laptops.

11 **THE COURT:** All right. Very good. (Pause.)
12 So have we got them separated? All of it's
13 right there?

14 **MS. HINTON:** Yes, Your Honor, everything
15 is --

16 **THE COURT:** Is the laptop -- where is it?

17 **MS. HINTON:** It's right here.

18 **THE COURT:** Okay. I couldn't see it behind
19 her laptop. Okay. If you send it with one of the
20 bailiffs that you can grab ahold of, we can get
21 it back to the jury.

22 **MR. DEJONG:** Is Your Honor just sending
23 the indictments back? Are you sending --

24 **THE COURT:** I'm sending the indictments
25 back. I'm going to ask them to write the verdict

1 in the appropriate --

2 **MR. DEJONG:** Okay. So you're not sending a
3 sheet like some of the other judges do?

4 **THE COURT:** No.

5 **MR. DEJONG:** Thank you, Your Honor.

6 **THE COURT:** Why don't you get him to hand
7 it to her and let me point out to her where that
8 is, so she doesn't get lost.

9 **THE BAILIFF:** Okay. Yes, sir.

10 **THE COURT:** I assume they have pens and
11 pads back there?

12 **THE CLERK:** Sir?

13 **THE COURT:** They've got something to write
14 on?

15 **THE BAILIFF:** You want me to take their
16 phones away from them?

17 **THE COURT:** Yeah. I don't want phones back
18 there.

19 **THE CLERK:** I'll take them.

20 **THE COURT:** All right. Is the state ready
21 to proceed? We ready to get the jury back in?
22 The defense ready?

23 **MR. KING:** We are, Your Honor.

24 **THE COURT:** Let's bring the jury in.

25 (Jury enters at 12:18 p.m.)

1 **THE COURT:** All right. The jury has
2 returned to the courtroom.

3 Mr. Bailiff, if you'll hand that to the
4 forelady for me.

5 Ma'am, he's handing you the two indictments
6 in the case. Let me point out something to you.
7 On the back -- what I call the back -- of the
8 indictments -- that's -- not the body of it, the
9 other side, and that may be the side that's up.
10 I'm trying to --

11 **THE CLERK:** No, the other side.

12 **THE COURT:** The other side. The other side.
13 There we go. That's the side I want to talk to
14 you about. If you'll look in the lower
15 right-hand corner, there's a place to record the
16 verdict down there. Do you see that blank?

17 **THE JUROR:** One minute.

18 (There is a pause.)

19 **THE COURT:** Yes, ma'am. That's quite all
20 right. I have that same problem. (Pause.)

21 Do you see in the lower right-hand corner
22 it says "verdict," that place?

23 **THE JUROR:** Yes.

24 **THE COURT:** So on each indictment, on the
25 charge on the indictment, you'll record the

1 verdict, either guilty or not guilty, in that
2 blank, sign it, and date it in that -- in that
3 corner. That's on each of the indictments. Each
4 of them have a place to record the verdict. When
5 I say "record the verdict," that's where I want
6 you to write whatever the verdict is of the
7 jury. Now, we're going to send --

8 Yes, sir?

9 **MR. KING:** I think you meant left-hand.
10 You said right-hand.

11 **THE JUROR:** It's folded, so...

12 **THE COURT:** Yeah. So she found it.

13 **MR. KING:** I just want to make sure we're
14 all on the same page.

15 **THE COURT:** We're in agreement, I think. We
16 found the blank. I'm looking from this way and I
17 said right.

18 Now, ma'am, the evidence has been gathered
19 together. You'll have that back in the jury
20 room. We're sending back the computer with the
21 videos on there. That computer does not
22 communicate with the outside. It's wiped clean,
23 but it can be used to view that evidence. So if
24 you want to look at that evidence, you have the
25 right to do so. You have the right to look at

1 any of the evidence that's in the record. So
2 that will be sent back. You'll have the right to
3 use that during your deliberations, if you feel
4 that's necessary. It's up to you as to how you
5 conduct your deliberations. But that information
6 will be available.

7 And as I said, lunch should be coming in
8 shortly. They will be giving that to you. Once a
9 verdict has been reached, if you will inform the
10 bailiffs, then we will bring you back to the
11 courtroom to receive that verdict. Again, if you
12 have any questions, record on a piece of paper,
13 knock on the door, give it to the bailiff.
14 They'll bring that to me. Then I'll bring you
15 back into the courtroom to respond to those
16 questions.

17 Now, the two ladies that are the alternates
18 in the case, I'm going to ask that you remain
19 seated in the courtroom.

20 The 12 regular jurors now may retire to the
21 jury room. I'm instructing you to begin your
22 deliberations at this time. Return to the jury
23 room.

24 (Jury exits at 12:21 p.m.)

25 (Deliberation of the jury begins at 12:22 p.m.)

1 **THE COURT:** You should be Mary Jones and
2 Donna Granger; is that right?

3 **ALTERNATE JUROR #1:** Yes, sir.

4 **ALTERNATE JUROR #2:** Yes, sir.

5 **THE COURT:** Is that right?

6 **ALTERNATE JUROR #1:** Yes, sir.

7 **ALTERNATE JUROR #2:** Yes, sir.

8 **THE COURT:** I wanted to make sure we had the
9 right people. You've been the alternates in the
10 case. And you've been here in case one of the
11 other jurors had a family emergency or an
12 illness, you could've stepped in and we could've
13 completed the trial with you sitting in the
14 case. However, once the jury goes back to the
15 jury room, the law says that your duties have
16 ended in the matter. So I'm releasing you from
17 any further responsibility in the case.

18 As such, you have the right to discuss the
19 case with someone, if you wish to. You also have
20 the right not to discuss this case with anyone.
21 That's totally up to you. Should anybody bother
22 you or harass you about your service on the
23 jury, please report that to the clerk's office
24 as soon as possible. We'll take the appropriate
25 action. I don't think that's going to happen.

1 But if it does, please let us know so we can
2 help you with that. That should not be a
3 problem.

4 Now, the -- this has been a very difficult
5 case as far as what's been shown and proven to
6 you. The clerk has indicated that if you feel
7 that you need to talk with someone about what
8 you've seen or been involved in --

9 I believe you can make that available to
10 them, if you need to do that.

11 **THE CLERK:** I can.

12 **THE COURT:** So if you feel that you need to
13 talk with someone about this matter, it's
14 available to you if you wish to do that. I'll
15 just make you aware that's available.

16 Lunch is coming. Has it gotten here yet?

17 **THE CLERK:** No, sir. I've got to go pick
18 it up.

19 **THE COURT:** Oh, he's got to go get it. So
20 it will be back -- if you would like for us to
21 let you have a seat, you're welcome to stay and
22 have lunch with us, if you'd like to do that, or
23 you're free to go. And you can stay here if
24 you'd like to resolve the case. You can do that
25 as well. So you're free to either go or stay at

1 this point in time.

2 I do want to thank you for your service.

3 Unfortunately, alternates are the kind of the
4 people that we invite to the dance, but then we
5 don't let you dance. So that's about the way it
6 works. So I do thank you for being here. We
7 couldn't have done it without you. The bailiffs
8 will show you out if you wish to do that. The
9 clerk will explain to you any pay or that sort
10 of thing. And I don't know --

11 Are they keeping the jury for the rest of
12 the week?

13 **THE CLERK:** Yes, sir. Call back after six
14 tonight.

15 **THE COURT:** What now?

16 **THE CLERK:** Call back after six tonight.

17 **THE COURT:** Okay. So you may have to call
18 back in after six tonight. You may have to get
19 on another case before the week's out. We'll see
20 how that works. Okay. But anyway, thank you very
21 much for your service. The bailiff will show you
22 out at this time.

23 **THE CLERK:** All right. I will go pick up
24 the pizza.

25 **THE COURT:** Okay. Thank you sir.

1 Any objections to my final instructions,
2 from the state?

3 **MS. HINTON:** No, Your Honor.

4 **THE COURT:** Any from the defense?

5 **MR. KING:** None from the defense,
6 Your Honor.

7 **THE COURT:** All right. We'll be in recess
8 until such time as we receive a question or a
9 verdict. Thank you very much.

10 (The Court goes off the record at 12:25 p.m.)

11 (The Court goes on the record at 1:06 p.m.)

12 **THE COURT:** I have been informed that a
13 verdict has been reached; is that true?

14 **THE BAILIFF:** Yes, sir.

15 **THE COURT:** Is the state ready to receive
16 the verdict?

17 **MS. HINTON:** We are, Your Honor.

18 **THE COURT:** Is the defense ready?

19 **MR. KING:** Yes, sir.

20 **THE COURT:** Bring them in.

21 (Jury enters at 1:07 p.m.)

22 **THE COURT:** All right. The record will
23 reflect the jury has returned to the courtroom.
24 Madam Forelady, I have been informed that a
25 verdict has been reached. Is that true?

1 **THE JUROR:** That is true.

2 **THE COURT:** If you'll pass those forms to
3 the bailiff, please. Thank you, ma'am.
4 (The verdict forms are handed to the Court.)

5 **THE COURT:** (Reviewing.)
6 I'll ask the clerk to publish the verdict.

7 **THE CLERK:** This is docket.
8 number 2017GS390002, State versus Aaron Benjamin
9 Beach, indictment for criminal sexual conduct
10 with a minor first degree. The verdict is
11 guilty. Docket number 2017GS390001, indictment
12 for exploitation of a minor first degree,
13 verdict is guilty. Is this your verdict and
14 still your verdict so say you all by raising
15 your right hand?
16 (Each juror responds.)

17 **THE CLERK:** Thank you very much.

18 **THE COURT:** Thank you. Anything further
19 from the state before I release the jury?

20 **MS. HINTON:** No, Your Honor.

21 **THE COURT:** Anything further from the
22 defense?

23 **MR. DEJONG:** Nothing from the defense,
24 Your Honor.

25 **THE COURT:** All right. Ladies and

1 gentlemen, I want to thank you very much for
2 your attention in this case and your attention
3 to your duties. At this point in time, I'm going
4 to release you from any further responsibility
5 in this case.

6 As such, I've informed you so far that you
7 shouldn't discuss this case with anyone. I will
8 tell you now that you have the right to discuss
9 it with someone if you wish to do so. You also
10 have the right not to discuss the case. A
11 citizen owes no one an explanation for their
12 service on a jury panel. You're not required to
13 discuss this, unless you choose to do so.

14 Now if anyone attempts to bother you or
15 harass you concerning your service on the jury,
16 I'd asked that you contact the clerk's office as
17 soon as possible. We'll take appropriate action
18 should that occur.

19 Now, this has been somewhat of a difficult
20 case. As I release you, I'll ask you to step
21 back into the jury room. I think the clerk would
22 like to discuss matters with you at that point
23 in time.

24 If you wish to be present for sentencing,
25 you have the right to do that. Just let the

1 clerk or the bailiffs know that. They could make
2 arrangements for you to be present during
3 sentencing. And sentencing will take place
4 today.

5 Again, I want to thank you very much for
6 your service on the jury panel. I'm informed
7 that there may be other cases tried this week.
8 So you'll be calling back in after six o'clock
9 for any further instructions this week.

10 But again, I want to thank you for your
11 help in this matter. If it weren't for citizens
12 such as yourselves, who come forward and serve
13 on juries, we couldn't operate our system. So I
14 thank you very much for you being here and being
15 of assistance in this case. So at this point in
16 time, you'll step back.

17 Madam Forelady, I noticed that you didn't
18 put the date down at the bottom on this. I'm
19 going to ask the clerk to get you to date it for
20 us in your handwriting so there's no question
21 that that was done by you. The remainder of the
22 jury can step back to the jury room. Thank you
23 very much.

24 (Jury exits at 1:10 p.m.)

25 **THE BAILIFF:** The jurors are coming in.

1 **THE COURT:** They're coming back around?

2 **THE BAILIFF:** Yes, sir.

3 **THE COURT:** Okay. That's fine. They have
4 passed up the sentencing sheets, if you'll get
5 those ready for me.

6 **THE CLERK:** I do not have the bottom
7 filled out.

8 **THE COURT:** Go ahead and take care of
9 that.

10 You may approach the bar.

11 **MR. DEJONG:** Thank you, Your Honor.

12 **THE COURT:** While the clerk is taking care
13 of that, my understanding of the possible
14 sentencing in the case is -- the criminal sexual
15 conduct first with a minor carries 25 to life?

16 **MS. HINTON:** That's correct, Your Honor.

17 **THE COURT:** And the exploitation charge is
18 3 to 20?

19 **MS. HINTON:** That's correct, Your Honor.

20 **THE COURT:** But they have to be sentenced
21 consecutively.

22 **MS. HINTON:** That's correct, Your Honor.

23 **THE COURT:** Is it your understanding?

24 **MS. HINTON:** Yes, Your Honor.

25 **THE COURT:** Counselor, is that your

1 understanding?

2 **MR. DEJONG:** It is, Your Honor.

3 **THE COURT:** All right.

4 Thank you, sir.

5 Mr. Aaron Benjamin Beach, having been found
6 guilty by jury of your peers of the offenses of
7 criminal sexual conduct with a minor in the
8 first degree and sexual exploitation of a minor
9 in the first degree, it is now for this Court to
10 determine -- or consider sentencing this matter.

11 I'm going to go over some matters, first of
12 all, with the state, to have them give me some
13 information that I'm going to request. At that
14 time then, I will give you and your attorneys an
15 opportunity to address the Court concerning this
16 matter. Your attorneys first, and then I'll give
17 you an opportunity to speak, as well. Should
18 there be anybody present who would like to speak
19 on your behalf, the Court will be happy to hear
20 from those people if they are here to speak for
21 you.

22 So first of all, from the state, any prior
23 record for this defendant?

24 **MS. HINTON:** Yes, Your Honor. He has a
25 2006 assault and battery of a high and

1 aggravated nature that was pled down from a
2 criminal sexual conduct with a minor. He was
3 placed on the Sex Offender Registry for that
4 offense. And then, he has a 2008 Sex Offender
5 Registry violation. And I would, at the
6 appropriate time, like to be heard on the
7 details of his prior convictions.

8 **THE COURT:** Okay. Now, Counselor, I'll
9 hear from you on behalf of your client.

10 **MR. DEJONG:** Thank you very much,
11 Your Honor.

12 **THE COURT:** Yes, sir.

13 **MR. DEJONG:** May it please the Court.
14 Mr. Beach -- and some of this, you probably
15 gleaned from the interview that was played
16 earlier, Your Honor.

17 **THE COURT:** That's all right. I'll be
18 happy to hear from you.

19 **MR. DEJONG:** Thank you so much. He is 32
20 years of age, Your Honor. He last lived at the
21 ██████████ address in Easley. He was
22 arrested on August 4, somewhere around there. He
23 has been in jail since that time, Your Honor. He
24 has not been able to make bond. He does have a
25 high school diploma. He graduated from Easley

1 High School. He is not on probation at this
2 point in time.

3 Your Honor, as we do in every case, we ask
4 our clients about past mental health issues. By
5 self reporting, Your Honor, he says he has had
6 no mental health issues. Haven't picked up on
7 any, so we did not send him for a competency.
8 Frankly, I didn't see any sense in that. He
9 appeared competent.

10 He never did really communicate with me a
11 great deal, not because he refused to; because
12 of conditions down at the jail, it's difficult
13 to get down there. I would encourage him, from
14 time to time, to call my office. I think if he
15 called -- that I'm aware of -- if he called more
16 than twice since that time in 2016, I would be
17 very surprised. We tried to talk him a couple of
18 times in preparation for the trial. I don't
19 believe he was being dishonest; he was just no
20 help, Your Honor. I'll put it that way.

21 He was born in California, Your Honor. He
22 basically grew up in Orlando, Florida. He did
23 move into this area at the age of 12 years old.
24 He really has no family in the area. The closest
25 relative he has in the area is his father who

1 lives now in Myrtle Beach. He has some siblings
2 and half siblings, some of who live in Myrtle
3 Beach, Washington State, and Florida. So he
4 really has no family in this area.

5 He did share with me, Your Honor, that when
6 he was in elementary school, I believe, he was
7 diagnosed with ADHD but has not been on any
8 medication for that for -- in years. And part of
9 that, by his own choosing, as I understand.

10 **THE COURT:** His current age is?

11 **MR. DEJONG:** Pardon me?

12 **THE COURT:** Current age?

13 **MR. DEJONG:** His current age is 32.

14 **THE COURT:** 32.

15 **MR. DEJONG:** Yes, sir. So from what I can
16 gleam from Mr. Beach, he hasn't been on any
17 medications. From my side of the house, he's
18 been a pleasure to represent. I can't say
19 anything negative about him.

20 You have heard the facts in the case as the
21 jury found them to be. It is a horrible case.
22 I'm not going to sit here and try to detract
23 from that, Your Honor. And I think Mr. Beach
24 understands that, as well, Your Honor. All I can
25 ask is the Court be as lenient as possible.

1 Do you have anything you'd like to share
2 with the judge?

3 **THE DEFENDANT:** No, sir.

4 **MR. DEJONG:** Nothing further.

5 **THE COURT:** Anything you'd like to say,
6 Mr. Beach?

7 **THE DEFENDANT:** No, sir.

8 **THE COURT:** Okay. Counselor, you said you
9 wish to be heard concerning his prior
10 convictions.

11 **MS. HINTON:** Yes, Your Honor. His prior
12 conviction for assault and battery of a high an
13 aggravated nature involved his 11-year-old
14 stepbrother. This occurred while he was home
15 unsupervised, while his parents were at work,
16 that was a forced anal sex situation. The
17 defendant also, in that case, confessed that
18 they were watching pornography and that things
19 got out of control resulting in him penetrating
20 him anally. Because the family did not want to
21 put the victim through a trial, the decision was
22 made by someone in our office, not myself, but
23 someone else, to allow him to plead to a reduced
24 sentence for probation and the Sex Offender
25 Registry.

1 I'm going to ask the Court for something
2 that I have never asked for in my 10 years of
3 practicing law, and that's for a life sentence
4 or its equivalent. Because I feel that Mr. Beach
5 has been given every opportunity to correct his
6 life, move forward from this incident, and has
7 failed to do so. I also feel that society has
8 been given every protection that they can be
9 given outside of Mr. Beach being in jail cell,
10 to protect any future victims that he may have.
11 And I do believe that if Mr. Beach were allowed
12 to be out, that he would reoffend.

13 Mr. Beach, in my opinion, has shown little
14 to no remorse in this situation. In addition to
15 that, he has contacted the victim multiple times
16 via letters despite having a no-contact order in
17 place. I think he is incapable of complying with
18 any order by any court that is not a confinement
19 in the jail cell.

20 In addition to that, whatever sentence you
21 do impose, I would ask that there being a
22 no-contact order. Mr. Beach -- Minor [REDACTED]'s
23 mother, of course, does not want hear from him,
24 nor does she want him to have any contact with
25 anyone in her family or her child. He has been

1 in jail for 958 days.

2 MR. DEJONG: Your Honor, if I may --

3 THE COURT: Just one second. Let me make a
4 note --

5 MR. DEJONG: I'm sorry, Your Honor.

6 THE COURT: Let me make a note of his time
7 served. 900 and what?

8 MS. HINTON: 58.

9 THE COURT: Thank you.

10 I'm sorry. Yes, sir.

11 MR. DEJONG: No, I apologize, Your Honor.

12 THE COURT: That's okay.

13 MR. DEJONG: Yesterday, I put on the record
14 the prior offer. He did reject that. I'm not
15 trying to rehash that, but I may have been
16 partially responsible for that. Because I,
17 obviously, knew he was on the Sex Offender
18 Registry and I told him if he pled or was
19 convicted of this charge, the Attorney General's
20 Office may file a Sexually Violent Predator Act
21 against him. So I did advise him of that,
22 Your Honor. I just wanted you to be aware of
23 that.

24 THE COURT: I understand. Now, anyone wish
25 to speak on behalf of the victim in this matter?

1 **MS. HINTON:** The victim's family does not
2 want to address the Court, Your Honor, but I
3 believe Detective Liner would like to, very
4 briefly, address the Court.

5 **THE COURT:** All right. Yes, sir.

6 **SPEAKER:** Yes, sir. Thank you, Your Honor.

7 **THE COURT:** You can come forward. Yes, sir.

8 **SPEAKER:** I'm sorry. If it pleases the
9 Court, Your Honor --

10 **THE COURT:** Identify yourself for the
11 record, please.

12 **SPEAKER:** Yes, sir. I'm Detective Brandon
13 Liner ---

14 **THE COURT:** All right.

15 **SPEAKER:** --- with the Easley Police
16 Department.

17 **THE COURT:** Thank you very much.

18 **SPEAKER:** While interviewing Mr. Beach,
19 Your Honor, I'll be honest with you, he
20 attempted to show some emotion. But in my 16
21 years, I believe that was strictly emotion was
22 just because he was caught. Since then, I have
23 seen zero emotion come from him. This was his
24 son that he sexually assaulted. And I do believe
25 that he would offend if he was released back

1 into society. I truly believe that with all of
2 my heart. Again, thank you for allowing me to
3 speak. I just wanted to make sure that be known.

4 **THE COURT:** Okay. Thank you, sir.

5 **SPEAKER:** Thank you, sir.

6 **THE COURT:** Ma'am, you indicated the
7 victim's family does not wish to be heard; is
8 that correct?

9 **MS. HINTON:** That's right. They are
10 present, but do not wish to speak.

11 **THE COURT:** Mr. Beach, when I consider
12 sentencing, I look at several factors, as any
13 judge would: Of course, you look at prior
14 record. In this case, you do have one. What's so
15 troubling about that prior record is that it was
16 for a similar offense with someone who was, in
17 fact, related by marriage, in that case, to you.
18 It was a similar offense to this particular
19 offense.

20 You pled to that. You were placed on the
21 Sex Offender Registry, and that carries with it
22 some counseling, things of that nature. I assume
23 that took place. Maybe it did; maybe it didn't.
24 But at any rate, it was probably clearly
25 explained to you, at that time, the nature of

1 the evidence, the seriousness of it, the fact
2 that you did not need to be involved in that;
3 hence, the registration requirements and the
4 requirements that you make everyone aware of
5 where you are and what you're doing. So you were
6 aware of the seriousness of that offense.

7 And then, we come to this particular case.
8 As I look at what happens in a case, I try to
9 decide when someone draws a statute and sets up
10 a term of prison for any particular offense, the
11 legislature in this case, they recognize, by
12 giving the judges a range of sentencing, that
13 there are some cases that are more reprehensible
14 than others and more in need of correction than
15 others.

16 In this particular case, like I said, I've
17 got a reoffending sex offender in this case and
18 the victim in this case was your biological
19 child. Not only was it a heinous crime, it was
20 recorded and then disseminated on the Internet.
21 I can't think of a more reprehensible thing to
22 do to someone's own child than what happened in
23 this case. So when I look on the sentencing
24 continuum here, I'm forced to look at the more
25 serious events that was covered by this statute,

1 in a case where it was recorded and disseminated
2 in the fashion that it was. It's conduct which
3 is not acceptable, it's deplorable, and it
4 cannot be accepted by this society.

5 All right. The sentence in the case for
6 sexual exploitation of a minor is 20 years. I
7 have run that consecutive to my sentence for
8 criminal sexual conduct with a minor in the
9 first degree. That sentence is life. Good luck
10 to you, sir.

11 **MR. DEJONG:** Thank you, Your Honor.

12 **MS. HINTON:** Thank you, Your Honor.

13 **THE COURT:** I am including in the sentence
14 no contact with the victim or the family.

15 **MS. HINTON:** Thank you, Your Honor.

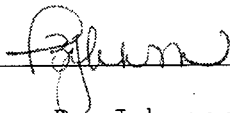
16 **THE COURT:** Court in this case is
17 adjourned. Thank you very much.

18 (The Court goes off the record at 1:29 p.m.)
19
20
21
22
23
24
25

CERTIFICATE

I, the undersigned, Teresa B. Johnson, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of all the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for Pickens, South Carolina, on this 13th day of May 2019.

I do further certify that I am neither of kin, counsel nor interest to any party hereto.



Teresa B. Johnson, CVR-M-CM, RVR, RVR-M
Circuit Court Reporter

WITNESSES

Brandon Liner

Easley Police Department

8/1/2016

ARREST WARRANT NUMBER

2016A3920400870

ACTION OF GRAND JURY

TRUE BILL

Date

JAN 03 2017

Melanie Dells
Foreperson of Grand Jury

VERDICT

Guilty

Alicia C. Frank 3/19/19
Foreperson of Petit Jury
Date:

DOCKET NO. 2017-GS-39-0001
BBH

The State of South Carolina

County of Pickens

COURT OF GENERAL SESSIONS

JAN 03 2017

TERM 2017

THE STATE

vs.

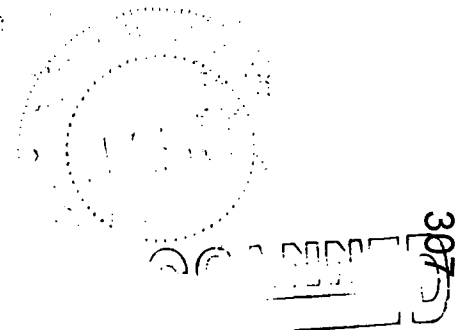
AARON BENJAMIN BEACH

Indictment for

0379

SEXUAL EXPLOITATION OF A MINOR FIRST
DEGREE

VIOLATION § 16-15-0395



STATE OF SOUTH CAROLINA)
COUNTY OF PICKENS)

INDICTMENT FOR
SEXUAL EXPLOITATION OF A MINOR FIRST DEGREE

At a Court of General Sessions, convened on

JAN 03 2017

the Grand Jurors of Pickens

County present upon their oath:

That AARON BENJAMIN BEACH did in Pickens County, on or about or between the dates of July 1, 2016 and July 31, 2016, knowing the character or content of the material, used, employed, induced, coerced, encouraged or facilitated a minor to engage in sexual activity or appear in a state of sexually explicit nudity for live performance or for the purpose of producing material containing sexual stimulation. This is in violation of §16-15-0395 of the South Carolina Code of Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

Brandi Hunter

SOLICITOR

BAR # 77844

Certified Copy
Brandi Hunter
Clerk of Court
Pickens County, SC
Dated _____

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

309

COUNTY OF Pickens
 STATE VS.
Aaron Benjamin Beach
 AKA:
 Race: WHITE Sex: M Age: 32
 DOB: [REDACTED] SS#: [REDACTED]
 Address: [REDACTED]
 City, State, Zip: Easley, SC 29640-1800
 DL#: [REDACTED] SID#: [REDACTED]
 *CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐
 In disposition of the said indictment comes now the Defendant who was
 TO: Sexual Exploitation of a Minor - 1st degree

INDICTMENT/CASE#: 2017GS3900001A/W#: 2016A3920400870Date of Offense: 7/1/2016S.C. Code § 16-15-0395(D)CDR Code #: 0379

SENTENCE SHEET

3-20-must be consecutive

☒ CONVICTED OF or ☐ PLEADS

in violation of § 16-15-0395(D) of the S.C. Code of Laws, bearing CDR Code # 0379
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ §17-25-45
 w/minor 1st or Lewd Act)

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

Brandi Hutton 77844
 Hinton, Brandi Batson SC Bar#

Defendant

DEION JOHN W.
 Attorney for Defendant

01620
 SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center;
 for a determinate term of 20 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
 and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
 of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____
 months/years and subject to South Carolina Department of Probation, Parole and Pardon Services' standard conditions of probation,
 which are incorporated by reference.

☐ CONCURRENT or ☒ CONSECUTIVE to sentence on: 3/19/19☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOP. 958 days☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

☐ Set by SCDPPPS _____

Recipient: _____

*Fine:
 §14-1-206 (Assessments 107.5%) \$
 §14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00
 §14-1-211(A)(2) (DUI Surcharge) \$100 \$
 §56-5-2995 (DUI Assessment) \$12 \$
 §56-1-286 (DUI Breath Test) \$25 \$
 Proviso (Public Def/Probation) \$500 \$
 §14-1-212 (Law Enforce. Funding) \$25 \$ 25.00
 §14-1-213 (Drug Court Surcharge) \$150 \$
 §50-21-114 (BUI Breath Test Fee) \$50 \$
 §56-5-2942(J) (Vehicle Assessment) \$40/ea \$
 3% to County (if paid in installments) \$ 3.75

TOTAL \$ 128.75Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fee

Other: _____

☐ Appointed PD or appointed other counsel;
 Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Clerk of Court/ Deputy Clerk

Court Reporter: Ieresa Johnson

Presiding Judge

Judge Code: 2135Sentence Date: 3/19/2019

Certified Copy
 Clerk of Court
 Pickens County, SC
 Date: 3/19/2019

WITNESSES

Brandon Liner

Easley Police Department

8/4/2016

ARREST WARRANT NUMBER

2016A3920400869

ACTION OF GRAND JURY

TRUE BILL

Date

JAN 03 2017

Melanie Davis
Foreperson of Grand Jury**VERDICT***Guilty**Alicia C. Drawick* 3/19/19
Foreperson of Petit Jury

Date:

DOCKET NO. 2017-GS-39-^{BBH}0002

The State of South Carolina

County of Pickens

COURT OF GENERAL SESSIONS

JAN 03 2017

TERM 2017

THE STATE

vs.

AARON BENJAMIN BEACH

Indictment for

0385

CRIMINAL SEXUAL CONDUCT WITH A MINOR
FIRST DEGREE

VIOLATION § 16-03-0655(A)(1)

STATE OF SOUTH CAROLINA)
)
 COUNTY OF PICKENS) INDICTMENT FOR
) CRIMINAL SEXUAL CONDUCT WITH A MINOR FIRST DEGREE

At a Court of General Sessions, convened on **JAN 03 2017** the Grand Jurors of Pickens
 County present upon their oath:

That AARON BENJAMIN BEACH did in Pickens County, on or about or between the dates of July 1,
 2016 and July 31, 2016, commit a sexual battery on S.B., who was less than eleven years of age. This is
 in violation of §16-3-655(A)(1)[formerly 16-3-655(1)] of the South Carolina Code of Laws (1976) as
 amended

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

Brian Hutter
 SOLICITOR
 BAR # 77844

Certified Copy
 Clerk of Court
 Pickens County, SC
 Dated _____

STATE OF SOUTH CAROLINA

COUNTY OF
STATE

Pickens

VS.

Aaron Benjamin Beach

AKA:

Race: WHITE Sex: M Age: 32

DOB: [REDACTED] SS#: [REDACTED]

Address:

City, State, Zip: Easley, SC 29640-1800

DL#: [REDACTED] SID#: [REDACTED]

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Criminal Sexual Conduct with a Minor - 1st degree

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2017GS3900002

A/W#: 2016A3920400869

Date of Offense: 7/1/2016

S.C. Code § 16-03-0655(A)(1)

CDR Code #: 0385

SENTENCE SHEET

25 - Life

☒ CONVICTED OF or ☐ PLEADS

in violation of § 16-03-0655(A)(1) of the S.C. Code of Laws, bearing CDR Code # 0385

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☒ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State:

ARREST: Brandi Hutton 77844

Hinton, Brandi Batson

SC Bar#

Defendant

DEJONG, JOHN W.
Attorney for Defendant

01620

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center, for a determinate term of Life days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.☐ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOP. 958 days☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP _____

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

☐ Set by SCDPPPS _____

Recipient: _____

*Fine:	\$	
§14-1-206 (Assessments 107.5 %)	\$	
§14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100.00
§14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§56-1-286 (DUI Breath Test)	\$25	\$
Proviso (Public Def/Probation)	\$500	\$
§14-1-212 (Law-Enforce. Funding)	\$25	\$ 25.00
§14-1-213 (Drug Court Surcharge)	\$150	\$
§50-21-114 (BUI Breath Test Fee)	\$50	\$
§56-5-2942(I) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)	\$	\$ 3.75

TOTAL \$ 128.75

Clerk of Court/ Deputy Clerk

Court Reporter: Teresa Johnson

SCCA/217(04/2018)

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defense Fund

Other: No contact with the family.

☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk of Court during probation and shall be collected before any other fees.

Presiding Judge

Judge Code: 21735

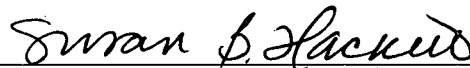
Sentence Date: 3/19/2019

Certified Copy

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



Susan B. Hackett
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 1st day of November, 2019.

RECEIVED

NOV 01 2019

SC Court of Appeals