

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

RECEIVED

NOV 26 2019

SC Court of Appeals

Appeal from Pickens County General Sessions Court
The Honorable Robin Stilwell, Circuit Court Judge

Appellate Case No. 2016-001905

The State of South Carolina,.....Respondent.

v.

Charles B. Rampey,.....Appellant.

AMENDED RECORD ON APPEAL

2/3

WILLIAM G. YARBOROUGH, III ■ LAUREN C. HOBBS
William G. Yarborough III, Attorney at Law, LLC
308 West Stone Avenue Greenville, SC 29609
(864) 331-1612 • Fax: (864) 370-0022

ATTORNEYS FOR APPELLANT

Assoc.
Post Office Box 115
Columbia, South Carolina 29211

ATTORNEYS FOR RESPONDENT

INDEX

■ Trial Transcript.....	1 – 252
I. Pre-trial Matters and Jury Selection.....	4 – 37
II. Opening Statements	
Opening Statement by Assistant Solicitor Shannon Odom.....	38 – 41
Opening Statement by Thomas Boggs, Esquire.....	41 – 44
III. Testimony ¹	
i. Deputy Van Massingill	
-Direct Examination by Assistant Solicitor Shannon Odom.....	44 – 46
-Cross Examination by Thomas Boggs, Esquire.....	46 – 48
ii. Kathryn Hinton	
-Direct Examination by Assistant Solicitor Shannon Odom.....	48 – 55
-Cross Examination by Thomas Boggs, Esquire	55 – 58
iii. Minor	
-Direct Examination by Assistant Solicitor Shannon Odom.....	58 – 73
-Cross Examination by Thomas Boggs, Esquire.....	73 – 96
-Redirect Examination by Assistant Solicitor Shannon Odom.....	97 – 98
iv. Mary Fran Croswell	
-Direct Examination by Assistant Solicitor Shannon Odom.....	99 – 110
-Cross Examination by Thomas Boggs, Esquire.....	110 – 115
v. Shauna Galloway Williams	
-Direct Examination by Assistant Solicitor Shannon Odom.....	116 – 122
-Voir Dire by Thomas Boggs, Esquire.....	122 – 123
-Direct Examination by Assistant Solicitor Shannon Odom continued.....	124 – 141
-Cross Examination by Thomas Boggs, Esquire.....	142 – 143
vi. A.M. (in-camera)	
-Examination by the Court.....	154 – 156
vii. Captain Marvn Nix	
-Direct Examination by Assistant Solicitor Shannon Odom.....	158 – 165
-Cross Examination by Thomas Boggs, Esquire.....	165 – 169
-Redirect Examination by Assistant Solicitor Shannon Odom.....	169
-Recross Examination by Thomas Boggs, Esquire.....	169 – 170
IV. Mid-trial Motions.....	172 – 174

¹ Gaps in page ranges of witness testimony account for objections and any motions heard *in camera*.

V. Testimony Continued	
viii. A.M.	
-Direct Examination by Thomas Boggs, Esquire.....	176 – 184
-Cross Examination by Assistant Solicitor Shannon Odom.....	184 – 188
-Redirect Examination by Thomas Boggs, Esquire.....	188 – 189
VI. Closing Arguments	
- Closing Argument by Assistant Solicitor Shannon Odom.....	191 – 194
- Closing Argument by Thomas Boggs, Esquire.....	194 – 206
-Reply by Assistant Solicitor Shannon Odom.....	206 – 221
VII. Jury Charges.....	221 – 223
VIII. Court’s Charge on Jury’s Note.....	233 – 235
IX. <i>Allen</i> Charge.....	236 – 238
X. Verdict.....	240 – 242
XI. Post-trial Motions and Sentencing.....	242 – 251
■ Indictment.....	253 – 254
■ Sentencing Sheets.....	255
■ Court’s Exhibit 1, Jury’s Questions.....	256
■ Certificate of Counsel.....	257

STATE OF SOUTH CAROLINA)

COUNTY OF PICKENS)

COURT OF GENERAL SESSIONS
2016-GS-39-01538

CCY

STATE OF SOUTH CAROLINA,
PLAINTIFF,

vs.

TRANSCRIPT OF RECORD

CHARLES BRANDON HAMPEY,
DEFENDANT.

August 31, 2016 - September 1,
2016
Pickens, South Carolina

B E F O R E:

THE HONORABLE ROBIN B. STILWELL, JUDGE.

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

SHANNON ODOM, ESQ.
Attorney for the Plaintiff

THOMAS BOGGS, ESQ.
Attorney for the Defendant

APRIL P. HERRON
Circuit Court Reporter

E X H I B I T S

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EVD.</u>
(State's Exhibits)			
1	Photograph	161	162
(Defendant's Exhibits)			
1	Photograph	4	76
2	Photograph	4	76
3	Photograph	4	76
4	Photograph	4	76
5	Photograph	4	76
6	Photograph	4	76
7	Photograph	4	76
8	Photograph	4	76
(Court's Exhibits)			
1	Jury Note	236	
2	Jury Note	236	

All Exhibits were retained by the Clerk of Court for Pickens County.

1 telling you what the facts in this case are, because I am
2 not. I have no position with regard to what the facts are
3 in this case. And these indictments will not tell you
4 what the facts are. They simply tell you the allegations
5 that the State has made against the Defendant.

6 In this case, just like in any other case that may
7 come before the Court in the United States of America in
8 the State of South Carolina, in the County of Pickens, a
9 defendant is presumed innocent, presumed innocent and
10 retains that presumption of innocence until such time as
11 12 deliberating jurors determines that the State has met
12 its burden of proving each and every element of the
13 offense beyond a reasonable doubt. The State has the
14 burden of proving the allegations. As we stand here right
15 now, the Defendant, Mr. Rampey, retains his presumption of
16 innocence and he won't lose it until the State has met its
17 burden of proof to the satisfaction as determined by 12
18 juror.

19 So, having said that, ladies and gentlemen, I'm going
20 to read the allegations on the indictments for you. The
21 first case is State of South Carolina vs. Charles Brandon
22 Rampey, and it is case number 2016-GS-39-1538. And that
23 is an indictment for criminal sexual conduct with a minor
24 in the third degree. In this indictment, ladies and
25 gentlemen, the State would allege that Mr. Rampey did in

1 personal, professional or family relationship with
2 Mr. Rampey?

3 (There was no response.)

4 THE COURT: Ladies and gentlemen of the jury,
5 Mr. Rampey is represented by Mr. Thomas Boggs, a lawyer
6 license to practice in the State of South Carolina. Is
7 there anyone among you who has a personal, professional or
8 family relationship with Mr. Boggs?

9 (There was no response.)

10 THE COURT: Ladies and gentlemen, Ms. Shannon Odom of
11 the Thirteenth Circuit Solicitor's Office is prosecuting
12 this case on behalf of the State. Is there anyone among
13 you who has a personal, professional, or family
14 relationship with Ms. Odom or anyone who is employed by
15 the Thirteenth Circuit Solicitor's Office?

16 (There was no response.)

17 THE COURT: All right. Let the record reflect no
18 affirmative response.

19 Ladies and gentlemen, here is a list of potential
20 witnesses that may be called to testify in this case --

21 MR. BOGGS: Your Honor?

22 THE COURT: Yes, sir.

23 MR. BOGGS: Excuse me, I hate to interrupt you.

24 We're striking number two on the Defendant's list. We're
25 removing it.

1 PROSPECTIVE JUROR: No. 18, Traci Brockman.

2 THE COURT: Okay. And knowing this person, do you
3 feel like you can still be fair and impartial in this
4 trial, ma'am?

5 PROSPECTIVE JUROR: Yes.

6 THE COURT: Okay. Thank you for telling me, I
7 appreciate it.

8 Anyone else?

9 (There was no response.)

10 THE COURT: All right, ladies and gentlemen, is there
11 anyone among you who is a member of an organization which
12 advocates for criminal prosecution or victim's rights or
13 is a contributor to any of those types of organizations?
14 And by example, I mean organizations like MADD, Mothers
15 Against Drunk Driving, SADD, Students Against Drunk
16 Driving, or any other like organization, again, that
17 advocate for criminal prosecution or for victim's rights?

18 (There was no response.)

19 THE COURT: All right. Let the record reflect no
20 affirmative response.

21 Ladies and gentlemen, I have a couple of questions
22 for you that may be sensitive to you, okay. So I need --
23 you're all under oath, obviously, and I need honest
24 answers from you. But if you don't want to answer out
25 loud if you need to respond in the affirmative to any of

1 THE COURT: Do you think you can still be a fair and
2 impartial juror given that fact, sir?

3 PROSPECTIVE JUROR: Yes, sir.

4 THE COURT: Okay, thank you for telling me.

5 Anyone else?

6 (There was no response.)

7 THE COURT: Is there any member of the jury panel or
8 your immediate family who's been the victim of sexual
9 abuse?

10 (Jurors stand.)

11 THE COURT: Y'all can tell me now or you can come up.
12 It's entirely up to you, whatever you feel comfortable
13 doing.

14 PROSPECTIVE JUROR: I have a sister that she was
15 molested as a child, around age four and five, repeatedly,
16 that was in the State of Florida. Then she was raped, if
17 you will, as a teenager.

18 THE COURT: Okay. Do you feel like -- what's your
19 name and juror number, first of all?

20 PROSPECTIVE JUROR: Sara Garrett, No. 55.

21 THE COURT: Okay. You still feel like you can be a
22 fair and impartial in this trial, ma'am?

23 PROSPECTIVE JUROR: Yes.

24 THE COURT: Okay, I thank you for telling me.

25 Now, you don't have to tell me that much detail. You

1 in the trial of this case?

2 (There was no response.)

3 THE COURT: Okay. All right, I'm going to come down
4 and we'll talk, okay.

5 Then everybody else, just hold tight. After we're
6 done, we'll go into jury qualification, okay.

7 Stand this way so your voice carries this way.

8 PROSPECTIVE JUROR: I lost my son a few years ago.

9 THE COURT: Yes, ma'am.

10 PROSPECTIVE JUROR: I just can't handle details like
11 this. I do have a family member that has been through
12 that, so.

13 THE COURT: What's your name and juror number?

14 PROSPECTIVE JUROR: Davinia Goddard, 63.

15 THE COURT: Okay, 63. Okay. Do you think you can
16 serve on this jury or is it too difficult for you?

17 PROSPECTIVE JUROR: It's too difficult.

18 THE COURT: Okay.

19 So No. 63, I'm going to strike her for cause, okay.

20 No worries. Okay.

21 THE COURT: All right.

22 PROSPECTIVE JUROR: Judge?

23 THE COURT: Yes, sir.

24 PROSPECTIVE JUROR: Can I come talk?

25 THE COURT: I'm sorry, yeah, yeah, come on up. I

1 going to proceed to jury strikes now. Those of you who
2 have been here before have been through it before. You
3 know that it's --

4 For these offenses, does the Defense get 10 or five
5 strikes.

6 MR. BOGGS: Ten.

7 THE COURT: Okay. All right.

8 That's your understanding of it as well?

9 MS. ODOM: Yes, sir.

10 THE COURT: So the State will have five strikes and
11 the Defense will have 10.

12 So ladies and gentlemen, what will happen is the
13 Clerk of Court is going to read off your name from a
14 randomly-generated list of jurors. No particular order.
15 When he reads your name, I want you to stand up. And the
16 attorneys are going to exercise strikes or peremptory
17 challenges. They can strike for just about any reason.
18 What you will hear from -- if you hear from both
19 attorneys, from both attorneys either please seat the
20 juror or please swear the jury, then bring all your
21 belongings, everything you have and have a seat in the
22 jury box. If you hear from either side, please excuse the
23 juror or please strike the juror from the trial of this
24 case, then you will have been stricken and just take your
25 seat back and we'll go on the next juror.

1 MS. ODOM: Please present Ms. Matthews.

2 THE CLERK: And the Defense?

3 MR. BOGGS: Excuse the juror from the case.

4 THE CLERK: If you return to your seat, please,

5 ma'am.

6 Juror No. 32, Nancy R. Cooper.

7 (Nancy R. Cooper, a white female, came forward.)

8 THE CLERK: What says the State?

9 MS. ODOM: Please present Ms. Cooper.

10 THE CLERK: And the Defense?

11 MR. BOGGS: Excuse her from the case.

12 THE CLERK: If you will return to your seat, please,

13 ma'am.

14 Juror No. 159, Teresa G. Yearwood.

15 (Teresa G. Yearwood, a white female, came forward.)

16 THE CLERK: What says the state?

17 MS. ODOM: Please present Ms. Yearwood.

18 THE CLERK: And the Defense?

19 MR. BOGGS: Excuse the juror from the case.

20 THE CLERK: If you would return to your seat, please,

21 ma'am.

22 Juror No. 134, Amy S. Smith.

23 (Amy S. Smith, a white female, came forward.)

24 THE CLERK: What says the State?

25 MS. ODOM: Please present Ms. Smith.

1 THE COURT: If you would come forward, please, sir,
2 and have a seat in the jury box.

3 Juror No. 122, Christopher P. Robinson.

4 (Christopher P. Robinson, a white male, came
5 forward.)

6 THE CLERK: What says the State?

7 MS. ODOM: Please present Mr. Robinson.

8 THE CLERK: And the Defense?

9 MR. BOGGS: Swear the juror.

10 THE CLERK: If you would come forward, please, sir,
11 and have a seat in the jury box.

12 Juror No. 55, Sara J. Garrett.

13 (Sara J. Garrett, a white female, came forward.)

14 THE CLERK: What says the State?

15 MS. ODOM: Present Ms. Garrett.

16 THE CLERK: And the Defense?

17 MR. BOGGS: Excuse the jury from this case.

18 THE CLERK: If you would return to your seat, please,
19 ma'am.

20 Juror No. 147, Dana J. West.

21 (Dana J. West, a white female, came forward.)

22 THE CLERK: What says the State?

23 MS. ODOM: Please present the juror.

24 THE CLERK: And the Defense?

25 MR. BOGGS: Swear the juror.

1 and have a seat in the jury box.

2 Jury No. 6, Jimmy L. Bagwell.

3 (Jimmy L. Bagwell, a white male, came forward.)

4 THE CLERK: What says the State?

5 MS. ODOM: Please excuse the juror from the trial of
6 this case.

7 THE CLERK: Okay. If you would return to your seat,
8 please, sir.

9 Juror No. 113, Richard A. Powell.

10 (Richard A. Powell, a white male, came forward.)

11 THE CLERK: What says the State?

12 MS. ODOM: Please present the juror.

13 THE CLERK: And the Defense?

14 MR. BOGGS: Swear the juror.

15 THE CLERK: If would come forward, please, sir, and
16 have a seat in the jury box.

17 Juror No. 116, Duane F. Reller.

18 (Duane F. Reller, a white male, came forward.)

19 THE CLERK: What says the State?

20 MS. ODOM: Please present Mr. Reller.

21 THE CLERK: And the Defense?

22 MR. BOGGS: Excuse the juror from this case.

23 THE CLERK: If you would return to your seat, please,
24 sir.

25 Juror No. 26, Nikolas L. Chapman.

1 THE CLERK: What says the State?

2 MS. ODOM: Please excuse the juror.

3 THE CLERK: If you would return to your seat, please,
4 sir.

5 Juror No. 40, Gregory J. Dodgens.

6 (Gregory J. Dodgens, a white male, came forward.)

7 THE CLERK: What says the State?

8 MS. ODOM: Please excuse the juror.

9 THE CLERK: Would you return to your seat, please,
10 sir.

11 Juror No. 76, Robert S. Keith.

12 (Robert S. Keith, a white male, came forward.)

13 THE CLERK: What says the State?

14 MS. ODOM: Please present the juror.

15 THE CLERK: And the Defense?

16 MR. BOGGS: Swear the juror.

17 THE CLERK: If you would come forward, please, sir,
18 and have a seat in the jury box.

19 Juror No. 39, Sheila N. Dobson.

20 (Sheila N. Dobson, a white female, came forward.)

21 THE CLERK: What says the State?

22 MS. ODOM: Please present the juror.

23 THE CLERK: And the Defense?

24 MR. BOGGS: Excuse the juror from the case.

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

1 THE CLERK: And the Defense?

2 MR. BOGGS: Excuse the juror from the case.

3 THE CLERK: If you would return to your seat, please,
4 ma'am.

5 Juror No. 114, Andrew D. Rausch.

6 (Andrew D. Rausch, a white male, came forward.)

7 THE CLERK: What says the State?

8 MS. ODOM: Please present the juror.

9 THE CLERK: And the Defense?

10 MR. BOGGS: Swear the juror.

11 THE CLERK: If you would come forward, please, sir,
12 and have seat in the jury box.

13 THE COURT: All right, Counsel, any matters of law or
14 issues to take up with respect to the qualification and/or
15 selection of this jury?

16 State?

17 MS. ODOM: No, Your Honor.

18 THE COURT: From the Defense?

19 MR. BOGGS: None from the Defense, Your Honor.

20 THE COURT: All right, good enough.

21 All right, ladies and gentlemen, for those of you who
22 weren't selected, I extend my condolences. I wish you had
23 the opportunity to serve. This is the last -- this should
24 be the last trial that we pick a jury for this week, so I
25 probably won't see you again unless something very

1 sequestration and I'm hereby granting it on the record. I
2 can't -- understand from where I sit, I can't police an
3 order of sequestration because I don't know who's
4 testifying and who's not. A lot of people may come in and
5 out of the courtroom and I don't know if they're
6 perspective witnesses. So y'all are charged with the
7 responsibility of policing the order of sequestrations.

8 Are all of the witnesses in the courtroom now?

9 MS. ODOM: All the witnesses who aren't allowed to be
10 in the courtroom for the State are out of the courtroom.

11 THE COURT: Okay. Good enough.

12 All right, ladies and gentlemen, I know I extended
13 condolences to the jurors who didn't get selected for the
14 jury, which means that I need to extend to you
15 congratulations. I'm looking forward to the opportunity
16 to work with you on this case. I anticipate this should
17 be a fairly short case. I hope it will be done tomorrow.
18 As a matter of fact, I expect that it will be done
19 tomorrow.

20 Now, when we start the trial of a case, I find that
21 it's helpful for me to tell the jury, first of all, what
22 your role is as jurors, what my role is as the judge, then
23 the process and procedure for going through this case. So
24 let's start first and foremost with your role as jurors.

25 As jurors in the trial of the case, you are the

1 this case. Again, your determination will be whether the
2 State has met its burden of proving each and every element
3 of each offense beyond a reasonable doubt. Until 12 of
4 you determine that the State has met that burden of proof,
5 then the Defendant in the case retains the presumption of
6 innocence.

7 Now, I've told you that y'all will apply the law to
8 the case and law to the facts as you find them to be.
9 Now, I'm the judge of the law, which means I'll be charged
10 with the responsibility of telling you what the law is.
11 The reason I don't give you a full charge on the law on
12 the front end is because I don't know what the evidence is
13 going to be. So I'm not in a position to tell you exactly
14 and precisely what the law will be as it relates to
15 evidence because I'm like y'all, I haven't seen it yet.

16 But, essentially, what I'll do in this case is, first
17 of all, give you the law at the end of the case. During
18 the conduct of the trial, I'm the person who makes sure
19 that we follow the law, the rules of procedure and the
20 rules of evidence. So, if you will, I'm the umpire. I'm
21 the objective referee. I'm just calling balls and
22 strikes. I'm going to make sure we stay on track and that
23 we're not going outside of what may be considered relevant
24 evidence.

25 Now, during the course of the trial while I am

1 themselves and their theory of the case. Generally
2 speaking, they're very short and are intended, again, not
3 to tell you the entire case, not to try the case, but to
4 introduce themselves and their theory of the case. That,
5 again, is not evidence. It's argument and persuasion.

6 After the parties have had the opportunity to make
7 opening statements to you, then the State will have the
8 opportunity to begin putting its case into the record.
9 Ordinarily, what happens is the State is going to call a
10 witness to the stand. The witness will come take the
11 stand, take the oath of a witness and then testify.
12 That's evidence. And during the course of that witness's
13 testimony, the State may be presenting documents,
14 audiotapes, videotapes, objects, any number of things
15 which may be admitted into the record as evidence. After
16 the State has examined that witness, then the Defense will
17 have the opportunity to examine that very same witness.
18 And again, the Defense can introduce evidence in that
19 manner as well by admitting documents, tapes, audiotapes,
20 but isn't required to. The Defense isn't required to.
21 After one witness is gone, the next will be called and
22 we'll go through the same process.

23 After the State has called all of its witnesses to
24 the stand, then the State will rests. The Defense will
25 then have the opportunity at its discretion to put a case

1 Don't begin any deliberations until such time as I
2 tell you to, okay. We're going to take in this case
3 breaks. For instance, we're going to go home tonight,
4 obviously. We're going to take some breaks probably this
5 afternoon just to refresh. Don't discuss the case. Don't
6 discuss what you thought about a witness, don't discuss
7 whether you thought it was believable or not believable.
8 Don't discuss anything about the case. Because you know
9 from your own personal experience and your own common
10 sense that you cannot begin to make any important decision
11 until you've heard all of the evidence that bears upon the
12 decision.

13 The same is true in life, you know that. If you had
14 a brother, a sister, a son, a parent, somebody who's come
15 to you and told you a story and you were absolutely
16 convinced of it when you heard that story at first
17 impression. But then later on, you heard the other side
18 of the story and it put it in a different perspective.
19 Same is true in court. It's important that you hear
20 everything before you make up your mind, before you begin
21 to make up your mind about the case. So wait until I give
22 you instructions to begin your deliberations.

23 Also, when you go home tonight, your spouse, your
24 friend, your significant other, whoever, is going to
25 invite you to discuss the case. What are you doing? What

1 this trial, any of you need to take a break, let me know
2 or let the bailiff know. It doesn't matter if we've been
3 back on the record for two minutes, you let me know
4 because y'all are the 14 most important people in this
5 courtroom right now. It's much more important that you're
6 listening to the evidence and paying attention than
7 thinking boy, I wish they'd shut up so I can take a break.
8 So y'all let me know and we'll take a break.

9 All right. So, ladies and gentlemen, we're about to
10 start with opening statements.

11 And let me ask you, Ms. Odom, you have -- how many
12 witnesses do you think you're going to have?

13 MS. ODOM: Seven.

14 THE COURT: Fairly short witnesses, most of them?

15 MS. ODOM: Some are and some aren't, about half and
16 half.

17 THE COURT: All right, good enough.

18 And Mr. Boggs, how many witnesses to you anticipate
19 right now that you have?

20 MR. BOGGS: Your Honor --

21 THE COURT: And I won't hold you to it, obviously.

22 MR. BOGGS: I don't anticipate more than one.

23 THE COURT: Okay. So you've heard that, ladies and
24 gentlemen. Eight witnesses, okay, eight witnesses. And
25 we'll go through those as quickly as we can, as quickly as

1 here on arraignment. Your Honor, would you like for me to
2 read the body of the indictment?

3 THE COURT: No, ma'am. I think I've already read it
4 on the record to the jury pool. Has the same been
5 presented, a copy to the Defendant?

6 MS. ODOM: Yes, sir, to his attorney.

7 THE COURT: Okay. All right, good enough.

8 Have you served -- received a copy of the same?

9 MR. BOGGS: I have, Your Honor. We waive any formal
10 arraignment.

11 THE COURT: Okay. Good enough. Let the record
12 reflect that the indictment has been presented. Of
13 course, the rules and formal arraignment has been waived.

14 All right. Anything additional that we need to put
15 on the record before we begin our opening statements?

16 MR. BOGGS: No, sir.

17 MS. ODOM: No, sir.

18 THE COURT: Okay. Now, y'all notice that I set an
19 expectation with the jury that y'all were going to be
20 short on opening, right? So y'all be short on opening,
21 all right.

22 MS. ODOM: I won't make you liar.

23 THE COURT: Yeah, that's right. They'll hold it
24 against you, okay, because I've already established their
25 expectations in that regard.

1 to get sexually aroused or an attempt to turn her on or
2 both. That's CSC third degree.

3 CSC second degree is the intercourse. You're going
4 to hear from her about that. She's going to tell you
5 about it. But it's just not vaginal intercourse. It can
6 be that, it can be anal intercourse. It can even be oral
7 sex with him forcing her to do that to him or him doing
8 that to her. So all of those would qualify as criminal
9 sexual conduct in the second degree. So that's what you
10 need to be looking for.

11 And I encourage you, I plead with you, listen, listen
12 to every witness. Listen to everything they say. And
13 when they're up there, kind of gauge them, get a feel for
14 them. Think, why are they testifying? What motive, what
15 bias might they have? Are they doing this for their own
16 good or someone else's? Who's benefit? What are they
17 gaining by testifying? Look at their demeanor. Don't
18 just listen to them, but look at them. Really pay
19 attention. We're not just here for the heck of it. This
20 case is important to the State, it's important to the
21 Defendant. It's important to many other parties involved.
22 This is very serious.

23 And at the end of the case, I'll get an opportunity
24 to stand before you again to summarize all of the evidence
25 I presented, all my witnesses. Mr. Boggs will get another

1 chance to come up here. But, ultimately, I will ask you
2 to render justice, to deliberate, to discuss it amongst
3 yourselves and really consider everything, and then find a
4 verdict of guilty on both counts because the Defendant is
5 guilty. Thank you.

6 THE COURT: Mr. Boggs.

7 MR. BOGGS: Thank you.

8 OPENING STATEMENT BY MR. BOGGS

9 MR. BOGGS: Good afternoon, my name is Tam Boggs. I
10 represent Brandon in these charges. And I agree with two
11 things she said. One is, listen to everything because at
12 the conclusion of this trial, you're going to see a
13 pattern and a story that was built. It will be almost
14 like a pyramid. And that's about the only way you're
15 going to be able to reach a verdict that literally speaks
16 the truth. So I agree with her on that.

17 I agree with her again when she said we're not here
18 just for the heck of it. We're not. We're here today to
19 close a two-and-a-half-year nightmare that Brandon and his
20 wife, Lori, who is ~~Minor's~~ mother, and the other four
21 children who live with them have been going through.
22 We've been trying to get this done for two and a half
23 years. Finally, we're here and you're going to correct
24 this problem.

25 All right. I'm not going to sit up here and talk to

1 to show that this was an unfortunate result of a plan that
2 MINOR came up with. Almost three years ago, MINOR ,
3 the testimony is going to show, wanted to move out of her
4 mother's house and go live with her grandmother. And her
5 mother said no because there would be no rules, you'll be
6 running the streets and you cannot go live with your
7 grandmomma because we rules and you've got to abide by
8 them. So MINOR came up with a plan. If I accuse my
9 stepfather of touching me, then I'll go live with
10 grandmomma and grandmomma and momma will work out how this
11 is going to be rectified.

12 At that time, MINOR had no idea that it would go
13 this far. At that time, MINOR didn't even think the
14 police would be involved. She thought her grandmother and
15 mother would work it out between themselves. She'd live
16 with grandmomma and be able to run the streets like she
17 wanted to. But that's not what happened. That's not what
18 happened. So that plan -- you'll see how that plan just
19 blew up in her face during this whole process.

20 She got what she wanted, though. She got out of her
21 house. She got out of that house and she completely
22 changed from what she was when she lived in that house
23 with the rules to what she became once she lived in the
24 house with no rules. So she accomplished what she wanted.
25 She got out of the house. But it's put her mother,

Van Massingill - Direct Examination by Ms. Odom 45

1 Q Now, tell me what your job duties are right now.

2 A As of right now, I'm on the community action team. I
3 don't respond to calls, it's more of a proactive policing.
4 Before that, I worked the road on the Bravo team, which I
5 answered calls, 911 calls for service, that kind of thing.

6 Q So your job previously was answering calls that
7 somebody made to 911, you'd go on out there?

8 A Yes, ma'am.

9 Q Were you working January 2nd of 2014?

10 A Yes, ma'am.

11 Q Did you have the opportunity to respond to a call in
12 reference to Minor

13 A Yes, ma'am.

14 Q Where did you respond?

15 A Easley Baptist Hospital in Easley.

16 Q Who did you meet with when you got there?

17 A I met with the grandmother and the victim, Kathryn
18 Hinton and Minor

19 Q Do you remember what Minor's demeanor was?

20 A No, ma'am.

21 Q And without telling me anything else she may have
22 said, did Minor tell you a place or location where any
23 abuse may have occurred?

24 A Yes, ma'am, two locations, 108 Pond Creek Lane in
25 Central, 105 Bridwell Road in Six Mile, which is both

1 MS. ODOM: Objection, it calls for hearsay.

2 MR. BOGGS: This is the victim saying this.

3 THE COURT: I understand. You can ask her those
4 questions.

5 I presume she's going to take the stand; is that
6 correct?

7 MS. ODOM: Yes, sir.

8 THE COURT: With respect to the report, I think that
9 is hearsay.

10 BY MR. BOGGS:

11 Q All right. You asked what happened and she told you,
12 right?

13 A Yes, sir.

14 Q Okay. Then later on, you, basically, got a second or
15 enlarged story, didn't you?

16 A What do you mean?

17 Q About two-thirds of the way down. After you asked
18 her a question, she gave her an enlarged statement, right?

19 A She was just advising what went on within that year.

20 Q Yeah, yeah. But, basically, it was two separate
21 statements. The first thing she told you, right? And
22 then later on, she gave you another version, right?

23 A I don't understand.

24 Q Okay, I'll move on, never mind. And that, again, was
25 the only involvement you had in this case?

Kathryn Hinton - Direct Examination by Ms. Odom 49

1 A She's my daughter -- I mean, my granddaughter.

2 Q Who is Minor's mom?

3 A Lori.

4 Q Is she your daughter?

5 A Yes, ma'am.

6 Q All right. How old was Lori when Minor was born?

7 A I think she was already turned 15. I think she just
8 turned 15. I'm not really sure, it's been a long time
9 ago.

10 Q Where did they live when Minor was born?

11 A They lived with me and my second husband, Ricky
12 Durham.

13 Q And how long did they live with you?

14 A I think until Minor was about three years old.

15 Q And where did they go when Minor was three?

16 A They went to live with Teresa Rhodes and Bobby
17 Rhodes.

18 Q Who are they?

19 A James's mother and father, parents.

20 Q Who is James?

21 A That's Lori's second husband -- first husband.

22 Q So when Minor was three, her mother married James
23 Rhodes?

24 A Yes, ma'am.

25 Q And they went to live with his parents?

1 Q All right. And when Minor lived on Street, were
2 her and Katlyn come over to your house a good bit?

3 A Yeah, they stayed with me and Rickey.

4 Q How often would you say they were over at your house?

5 A Probably about every weekend. Me and her was close,
6 so I wanted to see her as much as I could.

7 Q Okay. Did there come a time when James and Lori
8 separated?

9 A Yeah, I think James couldn't hold a job and he
10 wouldn't work, so that's what their problem was.

11 Q Who did Lori start seeing after James?

12 A Then she started seeing Brandon.

13 Q Okay. Do you remember about when he came into the
14 picture? What year or anything?

15 A I think about 2008, 2009. Because Ricky died in
16 2008, January of 2008, so I think after that. But I can't
17 really remember.

18 Q That's all right. Now, do you know how they met, her
19 and Brandon?

20 A They met when they was working at Mark Four Dayco.

21 Q All right. And did he move in with her or did she
22 move in with him?

23 A She was still living in my trailer, so he moved in
24 with her.

25 Q Okay. Did he have any children?

Kathryn Hinton - Direct Examination by Ms. Odom 53

1 A Yeah, she started crying.

2 Q Did she get emotional?

3 A Yeah.

4 Q Now, as to location only, did she disclose to you
5 where any abuse may have happened?

6 A Uh-huh.

7 Q As to time frame only, did she tell you when or how
8 long any abuse may have been going on?

9 A No, she didn't.

10 Q In response to her getting upset and saying something
11 to you, where did y'all go?

12 A Well, I had to call into work. I said, I need to
13 take you to the hospital. So that's where we went, we
14 went to Easley Hospital.

15 Q And in response to what she said, did you contact law
16 enforcement?

17 A Yeah, they said they had to bring law enforcement in.

18 Q All right. So after all that happened, did *Minor*
19 live with you for a while?

20 A Uh-huh.

21 Q Okay. Do you remember how long she stayed with you?

22 A Probably about a year or two.

23 Q And why did she end up having to move?

24 A I guess because I was having problems getting over my
25 second husband and me and Tommy started fussing a lot.

Kathryn Hinton - Cross-Examination by Mr. Boggs 55

1 A (The witness shakes head.)

2 Q So she had to go live with a family friend?

3 A (The witness nods head.)

4 Q All right. Is the Defendant -- is Charles Brandon
5 Rampey in the courtroom?

6 A Yeah, he's right over there.

7 MS. ODOM: Your Honor, can the record reflect she's
8 pointed the Defendant out?

9 THE COURT: Well, the record will reflect that she
10 pointed. You're going to put a final point on that.

11 BY MS. ODOM:

12 Q Can you describe what the Defendant is wearing?

13 A He's wearing a suit, a black suit.

14 Q And is the person wearing the black suit, the
15 Defendant, is that Charles Brandon Rampey?

16 A (The witness nods head.)

17 Q All right.

18 MS. ODOM: Your Honor, I'll just leave that one
19 there.

20 THE COURT: Okay.

21 MS. ODOM: Please answer any questions the Defense
22 attorney may have for you.

23 CROSS-EXAMINATION

24 BY MR. BOGGS:

25 Q Back in the fall of 2013, Minor started asking you

Kathryn Hinton - Cross-Examination by Mr. Boggs 57

1 A I think he's older than that.

2 Q Okay. He has no relationship to you at all, does he?

3 A No.

4 Q Has no relationship to Minor at all?

5 A Huh-uh.

6 Q So Minor a 16-year-old, is living with a man 55 or
7 60 years old that's not related to anybody in your family;
8 is that correct?

9 A Yes, sir.

10 Q That doesn't bother you?

11 A Yeah, it bothers me.

12 MS. ODOM: Objection, irrelevant.

13 THE COURT: Overruled.

14 MR. BOGGS: Judge, I think that's the only questions
15 I've got for her.

16 THE COURT: Any redirect?

17 MS. ODOM: No, sir.

18 THE COURT: All right. Thank you.

19 MR. BOGGS: Your Honor, I've got a matter of law and
20 I think we can do a sidebar real quick.

21 THE COURT: Okay. Y'all come on up here.

22 She can be excused, I presume?

23 MS. ODOM: Yes, sir.

24 MR. BOGGS: She can, yes, sir.

25 (WHEREUPON, a bench conference was held.)

Minor - Direct Examination by Ms. Odom 59

1 A I'm in grade 10.

2 Q What kind of subjects do you have this year?

3 A Mostly, I've been studying art class, but I have a
4 lot of Spanish and English and math. I'm really good at
5 math.

6 Q Can you describe to me your family?

7 A My family is a little bit confusing, but -- okay, I
8 never knew my real dad. He hasn't really been in the
9 picture. I've always lived with my mom.

10 Q What your mom's name?

11 A Lori.

12 Q All right.

13 A I've always lived with her. Since my mom had me,
14 whenever she was smaller, my grandmother, her husband kind
15 of took the role of my father figure, her husband did.
16 And I guess they've always been around. And then -- I'm
17 sorry. Thank you. Then my mom met my first dad, which
18 was James Rhodes. She met him and they were together for
19 a long time. I considered him my father. Then they had
20 my little sister, K.G. .

21 Q How old is she?

22 A She is 10 right now.

23 Q Do you have any other brothers or sisters?

24 A I have a biological brother and I have -- I still
25 consider them my brother and sister, two stepsisters -- a

Minor

- Direct Examination by Ms. Odom 61

1 A I had the bedroom on the far right end and my little
2 sister had the bedroom sort of in the middle. Then my
3 parents had the master bedroom on the left end.

4 Q All right. And tell me, do you remember when or how
5 Brandon came into the picture?

6 A Right after my stepdad and my mom got divorced, he
7 just appeared there. I don't know how they met, all I
8 know is, all of a sudden, he was there.

9 Q Did he move in with y'all?

10 A Yes, he did.

11 Q Were you excited?

12 A Yeah.

13 Q How did you feel about it?

14 A I was excited. I mean, I was sad because I missed my
15 other dad. I never had a dad before, so maybe this could
16 be my dad, you know.

17 Q Do you remember how old you were when Brandon started
18 coming around?

19 A Nine or 10, I don't know.

20 Q And do you remember him and your mom getting married?

21 A All I remember is them getting -- I know they
22 married, but all I remember is them getting proposed to
23 because I was there whenever he proposed to her. And one
24 day after school, sometime whenever I was about 10, 11, I
25 was in middle school, they took me out of school and told

Minor

- Direct Examination by Ms. Odom 63

1 Q So during the summer that year, where would you stay
2 when you weren't in school?

3 A I would stay home or on the weekends, whenever Nana
4 Kathy wasn't working, I would go over there sometimes.

5 Q When you stayed home, who was there?

6 A Well, it depended on who was working. My mom didn't
7 work for a while. But it really depended on who was
8 working.

9 Q All right. *Minor* can you tell me about any abuse
10 or anything that you remember happening first?

11 A Yes. I do remember the first time this all happened.

12 Q Where were you?

13 A I was at the trailer.

14 Q And who all was there?

15 A All of my siblings and Brandon.

16 Q Okay. When you say all your siblings, his kids, too?

17 A Yes.

18 Q And what happened?

19 A He called me into a room and he made me touch him.

20 Q Where did he make you touch him?

21 A His private area.

22 Q And when you say private area, do you mean his penis?

23 A Yes.

24 Q How did he make you touch him?

25 A He made me put my hand on it, basically. And he told

Minor - Direct Examination by Ms. Odom 65

1 have you do?

2 A He made me put it in my mouth.

3 Q And tell me your position, standing up, sitting down?
4 How were you positioned when you put his penis in your
5 mouth?

6 A On my knees.

7 Q Did he tell you to get like that?

8 A (The witness nods head.)

9 Q How did you know what to do?

10 A He told me.

11 Q What did he tell you to do?

12 A He told me to get on my knees and put it in my mouth.

13 Q And then what?

14 A Then he told me to move my head back and forth.

15 Q Did anything else happen in the bathroom this time?

16 A (The witness nods head.)

17 Q What else happened?

18 A He told me to take off my pants and he put it in my
19 butt.

20 Q Tell me what position you were in when that happened.

21 A He leaned me over the bed.

22 Q Now, what room were you in?

23 A The master bedroom.

24 Q Okay. All right. I'm sorry to ask, but how did that
25 make you feel?

A.M. - Direct Examination by Ms. Odom 67

1 on the bed. Then he pulled down my pants and he started
2 licking my private parts.

3 Q And is that all that happened that time?

4 A (The witness nods head.)

5 Q All right. Was there a time when y'all moved from
6 Six Mile?

7 A (The witness nods head.)

8 Q Tell me where y'all moved.

9 A We moved -- I don't remember the exact address, but I
10 know it was in Cateechee.

11 Q Tell me about that house.

12 A It's a big house. It was a lot bigger than the
13 trailer. It had a fenced-in porch. Then it had, I think,
14 three bedrooms or what you would call bedrooms. I don't
15 know, we used them for bedrooms.

16 Q And why did y'all move out there, do you know?

17 A Because his parents used to live there and they got a
18 new place. And we had a big family, so we took the
19 opportunity and moved.

20 Q All right. Now, do you remember what time of
21 year y'all moved to Cateechee?

22 A Fall, almost wintertime.

23 Q Did any abuse happen at that home?

24 A Yes.

25 Q Tell me about anything that happened there.

Minor

- Direct Examination by Ms. Odom 69

1 was also the laundry room.

2 Q What was your mom doing?

3 A She was either vacuuming -- I think she was
4 vacuuming.

5 Q When did it -- do you remember how long it lasted?

6 A I don't remember.

7 Q Was there -- you said there's only two incidents you
8 remember at the house, what was the other incident?

9 A It was last incident that happened before I told. It
10 was a small one. He just -- it was Christmas Day and he
11 took me into the bathroom and he put lotion on my hands
12 and he made me jack it.

13 Q And did anything come out?

14 A (The witness nods head.)

15 Q What came out?

16 A White stuff.

17 Q Where was -- where was your mom when that happened?

18 A I think she was in the car getting the kids ready to
19 go to my aunt's for Christmas.

20 Q So that was on Christmas Day?

21 A (The witness nods head.)

22 Q And what did y'all do after that incident?

23 A We just went over to their house and we stayed over
24 there. And I didn't tell for a couple of days after that.

25 Q So that was in -- all this happened right before you

MINOR - Direct Examination by Ms. Odom 71

1 Q Do you remember what you told him?

2 A I told him exactly what happened.

3 Q How did it feel having to talk about this to a male
4 police officer?

5 A It felt -- I felt safe because he was a police
6 officer, but at the same time, since this started
7 happening, I've been afraid -- I was afraid of men, so it
8 didn't feel that great.

9 Q So after you talked to the police officer, that first
10 police officer, who did you talk to next, do you remember?

11 A I think I talked to a lady police officer. I'm not
12 sure if I talked her then, but a doctor came in and she
13 examined me.

14 Q And did you ever speak to Captain Nix, who is beside
15 me?

16 A Yeah, I spoke to him a little bit after the incident
17 at the hospital.

18 Q Do you know how many times you had to -- you ended up
19 talking to him?

20 A I think two, maybe three.

21 Q Okay. And over the last few years, have you had to
22 talk with several different people about this?

23 A Yes, ma'am.

24 Q So after this happened, who did you live with?

25 A After that happened, I lived with my grandmother.

Minor

- Cross-Examination by Mr. Boggs 73

1 A Yes.

2 Q Tell me what he's wearing.

3 A He's wearing a black suit.

4 Q Can you point to Brandon?

5 A (The witness complies.)

6 Q And is that the man who abused you?

7 A (The witness nods head.)

8 MS. ODOM: Your Honor, can the record reflect that
9 she's pointed out the Defendant?

10 THE COURT: Yes, ma'am.

11 MS. ODOM: All right. Minor please answer any
12 question that the Defense attorney has.

13 CROSS-EXAMINATION

14 BY MR. BOGGS:

15 Q Minor you're going to have to help me out here a
16 little bit, okay? A couple things, you have been
17 interviewed by a good many people, right?

18 A Yes, sir.

19 Q And you've given a good number of statements?

20 A Yes, sir.

21 Q To various police officers and counselors and people
22 like that, right?

23 A Yes, sir.

24 Q All right. And during a lot of these, you refer to
25 your private and Brandon's private, I mean, that's the

minor

Cross-Examination by Mr. Boggs 75

1 Q Is that a fair representation of the circumstances
2 that existed on December 13th of 2013?

3 A (The witness nods head.)

4 Q You have to say yes or no for this young lady.

5 A Yes.

6 Q All right. Now, ~~minor~~ if you would, I'm going to
7 show you another picture. Do you recognize the people in
8 that picture?

9 A Yes. That was the night that we got the Christmas
10 trees.

11 Q Okay. Is that a fair representation of the
12 circumstances that existed when this picture was taken?

13 A Yes.

14 Q Okay. I'm going to show you one more. It was taken
15 Christmas morning. Do you recognize the people in there?

16 A Yes, all of them.

17 Q Do you remember when this picture was taken?

18 A (The witness nods head.)

19 Q You have to say yes or no for her.

20 A Yes.

21 Q Is that a fair representation of the circumstances
22 that existed at that time?

23 A Yes.

24 Q Okay.

25 MR. BOGGS: Your Honor, at this time, we would move

Minor

- Cross-Examination by Mr. Boggs 76

1 to introduce Defendant's 1, 2 and 3 into evidence.

2 MS. ODOM: No objection?

3 THE COURT: All right. Without objection, the same
4 is in evidence.

5 They're already marked?

6 MR. BOGGS: Yes, sir, they are.

7 (WHEREUPON, Defendant's Exhibit Nos. 1, 2 and 3
8 were admitted into evidence.)

9 BY MR. BOGGS:

10 Q Defendant's Exhibit No. 1 is a picture taken at
11 Hollywild in December -- December 13th, 2013, correct?

12 A Yes.

13 Q It's a family picture. Now, are you in that picture?

14 A I'm right there.

15 Q All right. Tell the jury what you're wearing.

16 A I'm wearing a blue sweatshirt and I'm the one with
17 square glasses.

18 Q And you're standing next to your mother, Lori; is
19 that correct?

20 A Yes, sir.

21 Q And Brandon's there and your four siblings, right?

22 A Yes.

23 MR. BOGGS: Your Honor, request permission to
24 publish?

25 THE COURT: You may.

Minor - Cross-Examination by Mr. Boggs 78

1 A Yes.

2 Q Who is that woman?

3 A Tami Rampey.

4 Q Is that Brandon's mother?

5 A Yes.

6 Q And this was taken, like you say, the Christmas
7 morning as y'all were getting ready to go, right?

8 A Yes.

9 Q And the vehicle in the background, that's the car you
10 rode over to your aunt's in; is that correct?

11 A Yes, that's their Suburban.

12 Q Okay. Now, your grandmother testified that you
13 wanted to go live with her?

14 A Yes. I think every kid wants to go live with their
15 grandmother and grandfather at some time.

16 Q In your mind, you had some reasons for it. You had
17 five children in the house, right?

18 A Yes.

19 Q In your house, you're the oldest, right?

20 A Yes.

21 Q And you, basically, ended up having to be the
22 babysitter for the youngest, didn't you?

23 A Yes.

24 Q You had to change the diapers and fix the food for
25 them and all that, right?

Minor

- Cross-Examination by Mr. Boggs 80

1 A No.

2 Q What other children lived with her?

3 A Well, my little sister was wanting to live with her,
4 too. I mean, all of us wanted to.

5 Q No, I'm not talking about ~~little sister~~. I'm talking about
6 you going to live with your grandmomma. You wanted to do
7 that so you would get all the attention and not have to
8 share it with your little siblings; isn't that right?

9 A No.

10 Q That's not right, okay. So you didn't mind not
11 getting the attention?

12 A No. I mean, sure, I had those days where I wanted
13 more attention, but I would never just move somewhere to
14 get more attention.

15 Q Okay. You might have to explain that one to me. But
16 anyway, you don't deny you wanted to go live with your
17 grandmom?

18 A No.

19 Q You don't deny that you weren't getting the attention
20 you thought you were entitled to, right?

21 A No, I don't deny that.

22 Q You didn't really particularly like being the full
23 time babysitter for your little brother, did you?

24 A Well, actually, I liked it a lot. I mean, sure, I
25 didn't like it at times, but it was fun.

Minor

- Cross-Examination by Mr. Boggs 82

1 to remember it. You don't? Think hard. Think hard. You
2 were sitting on the bed with A.M. talking about it and
3 you came up with a plan as to how you could get to go live
4 with Nana. You don't remember that?

5 A No, sir. I don't think I've ever planned a plan to
6 mess up my whole family.

7 Q All right. Do you have any reason to believe that
8 Allie would just be making up stuff?

9 A No, I don't think she would make it up, but at the
10 same time, I didn't say it.

11 Q Okay. Now, let's talk about the specific
12 allegations. Do you remember talking to the first
13 policeman that came in?

14 A Yes, sir.

15 Q Okay. And he interviewed you at the hospital,
16 correct?

17 A Yes, sir.

18 Q And he asked you what happened. Do you remember what
19 you told him?

20 A Yes, I do.

21 Q All right. And you told him -- the first thing you
22 told him was that Brandon had been touching your private
23 areas, such as your breasts and vagina; is that right?

24 A Yes, sir.

25 Q All right. And he talked to you a little bit more.

Minor

- Cross-Examination by Mr. Boggs 84

1 A I believe so, yes.

2 Q Okay. Now, on January 3rd, the next day, you wrote a
3 statement, right?

4 A Yes.

5 Q And in that statement, instead of being one time, you
6 said he had put his penis in you about five times. Do you
7 remember that?

8 A Yes.

9 Q Okay. So it went from fondling to fondling and
10 putting his penis in you one time to the next day, it was
11 fondling and putting his penis in you five times?

12 A Yes, but you have to remember I was 12. I can't
13 remember these things. Some things you just want to
14 forget.

15 Q Okay. All right. But you seem to -- your story kind
16 of seems to get bigger. Okay. Then on the sixth,
17 January 6th, you interview with this gentleman right here,
18 right?

19 A Yes.

20 Q All right. And you told him that Brandon on several
21 occasions had put his penis in you, right?

22 A Yes.

23 Q So what you told Massingill, that it had only
24 happened once, wasn't true because it had grown now to
25 five times and then to several times; is that right?

Minor - Cross-Examination by Mr. Boggs 86

1 private?

2 A I think I said butt because I don't remember him
3 saying that he put it in my vagina, no.

4 Q But do you remember telling Palis what I just said?

5 A Yes, but I think I meant my butt.

6 Q So your story has gone from the fondling, down, down,
7 down, it gets better every time. Why didn't you tell
8 Massingill about the oral sex and the anal sex?

9 A I was 12. And the more I think about it, the more
10 that I was told to tell about it, the more I remembered.

11 Q So you're blaming it on your age?

12 A Well, no, of course not. I'm saying the more that I
13 was told to tell about it, the more I remembered.

14 Q Now, you talked to Palis on the seventh. So we've
15 had the second, the third, the sixth and the seventh of
16 January, right?

17 A (The witness nods head.)

18 Q And the on the eighth, you met with Detective Nix,
19 right?

20 A Yes.

21 Q All right. And you said that Brandon had performed
22 anal sex on you the day you were going to go get your
23 Christmas trees?

24 A Yes.

25 Q And you also told Detective Nix that on Christmas Day

Mirror

Cross-Examination by Mr. Boggs 88

1 A Oh, yeah, yeah.

2 Q All right. That was January 27th, 2014, right?

3 A Yes.

4 Q And you remember Dr. Crosswell?

5 A Yes, I believe so.

6 Q I'm sorry?

7 A I believe so, yes.

8 Q Well, she's the doctor that examined you, right?

9 A Yes.

10 Q And she did a vaginal exam and she did an anal exam,
11 right?

12 A Yes.

13 Q Do you remember what the results of those were?

14 A Well, it said that my vagina is not touched and it
15 wasn't.

16 Q So because your hymen was still intact, right?

17 A Huh?

18 Q Your hymen was still intact. It had not been busted?

19 A (The witness shakes head.)

20 Q You know what that means?

21 A Huh?

22 Q That means you're a virgin?

23 A Yeah.

24 Q And if you're a virgin, you've never had a penis put
25 in you, right?

Minor

- Cross-Examination by Mr. Boggs 90

1 A No.

2 Q You don't remember that or it wasn't normal?

3 A I don't remember anything. I think all I was
4 thinking about was whenever she was going to give me
5 stuffed animals.

6 Q I'm sorry?

7 A She said that she would give me a prize at the end,
8 so -- because I went through all that, so I think that was
9 the only thing I was thinking about at the time.

10 Q Okay. The doctor didn't tell you that there was no
11 medical evidence of anal penetration? She didn't tell you
12 that?

13 MS. ODOM: Objection, asked and answered.

14 THE COURT: Sustained. I'm going to give you the
15 opportunity to ask the doctor those questions. She's not
16 a medical expert and she can't come to any medical
17 conclusions. You'll have the opportunity to ask the
18 doctor those questions.

19 MR. BOGGS: All right.

20 BY MR. BOGGS:

21 Q So at this time, you're living with Nana, correct?

22 A Yes, sir.

23 Q And you said you lived with Nana for about a year?

24 A Yes.

25 Q Okay. And you know -- well, scratch that, I'll ask

Minor

- Cross-Examination by Mr. Boggs 92

1 A Yes.

2 Q Okay. Now, can you tell me who that's a picture of?

3 A Me.

4 Q And is that a picture that you posted on social
5 media?

6 A Yes.

7 Q Can you tell me who that's a picture of?

8 A That's me.

9 Q Is that a picture you posted on social media?

10 A Yes.

11 Q How often do you wear -- excuse me, let me ask you
12 this first. Who is that a picture of?

13 A Me.

14 Q Is that one you posted on social media?

15 A Yes.

16 Q And what about that one?

17 A Me.

18 Q Is that one you posted on social media?

19 A Yes.

20 Q Okay.

21 MR. BOGGS: Okay. Move to introduce these, Your
22 Honor?

23 THE COURT: Okay.

24 MS. ODOM: No objection.

25 MR. BOGGS: Defendant's Exhibits 4 through 8, Your

Minor

- Cross-Examination by Mr. Boggs 94

1 Q When did you change your hair color from blue to
2 blonde?

3 A I have actually changed my hair color a lot.

4 Q Sometimes it's pink, it's been green, it's been
5 black.

6 A It's been rainbow.

7 Q It's been rainbow. That's not the way your mother
8 would let you dress when you were at home, right?

9 A Well, I never asked for that. She said I could dye
10 my hair once.

11 Q She did, okay. Is that a picture of you, too?

12 A Yes, it is.

13 Q And that Pikachu -- is that how you pronounce that?

14 A Pikachu, yes.

15 Q And that's a message you sent to somebody, right?

16 A I didn't send that to anybody.

17 Q What's that?

18 A That's a caption.

19 Q All right. So you're just asking somebody to chat
20 with you?

21 A Yeah.

22 Q Okay. But you're the one that wrote that?

23 A Yes.

24 Q Is that the kind of language that you use now?

25 A No.

Minor

- Redirect Examination by Ms. Odom 96

1 interview with somebody over at the Julie Valentine
2 Center?

3 A Yes.

4 Q That was pretty extensive, wasn't it?

5 A Yes.

6 Q And I think it was Sarah Davis, does that sound
7 right?

8 A I believe so, yes.

9 Q Okay. And that would have been January 30th, which
10 was three days after your medical exam, does that sound
11 about right?

12 A I believe so, yeah.

13 Q And you told them -- of course, you didn't know what
14 the results of your medical exam were then?

15 A No.

16 Q Okay. You didn't find out until later; is that
17 right?

18 A I don't know.

19 Q Okay.

20 MR. BOGGS: I think that's all the questions I have,
21 Your Honor.

22 THE COURT: Any redirect, ma'am?

23 MS. ODOM: Yes, sir, briefly, Your Honor.

24 REDIRECT EXAMINATION

25 BY MS. ODOM:

Minor - Redirect Examination by Ms. Odom 98

1 Q Do you think if you said none of this happened, you
2 could go back and live with your mom?

3 A I always thought that, but at the same time maybe all
4 of this would still be happening. I don't see why people
5 would believe that I would make up something just to go
6 live with my grandma. I had a wonderful family. I had a
7 little brother. I had a little sister. I had my mom. I
8 had people who cared about me. I had a family.

9 Q Did you love the Defendant?

10 A (The witness nods head.)

11 Q But did you want to have sex with him?

12 A No. I wanted him to be my dad. I always wanted a
13 dad. I just wanted him to be my dad.

14 MS. ODOM: All right. Nothing further.

15 THE COURT: Recross, sir?

16 MR. BOGGS: No, sir.

17 THE COURT: All right. Thank you, ma'am. You may
18 step down.

19 All right, ladies and gentlemen, let's take a short
20 break. We'll come back in in just a few minutes and
21 resume testimony. Please don't discuss the case.

22 (WHEREUPON, the jury left the courtroom at
23 approximately 3:35 p.m.)

24 THE COURT: Okay. We'll be in recess for a few
25 minutes.

Mary Fran Crosswell - Direct Examination by Ms. Odom 100

1 there's a concern of some form of child maltreatment.

2 Q Tell me about your education.

3 A I received my undergraduate degree from Wake Forest
4 University. I received my medical degree from the
5 University of Louisville School of Medicine and completed
6 pediatric residency at the Greenville Health system.

7 Q In addition to your education and to your training at
8 the hospital, what other types of training have you had?

9 A I've done multiple annual continuing medical
10 education courses, primarily focused in the field of child
11 maltreatment.

12 Q Have you had any special training in child sexual
13 assault?

14 A Yes, I have.

15 Q Can you tell me about your experience specifically in
16 the field of child sexual assaults?

17 A Since September of 2008 -- or, excuse me, 2006, I
18 have focused full time work on child abuse evaluation.
19 The majority of those evaluations are sexual abuse
20 evaluations.

21 Q So how many years did you say you have been doing
22 this?

23 A September 11th, it will be 10 years.

24 Q Do you know about how many exams you've done?

25 A I perform between 150, 200 exams a year, multiplied

Mary Fran Crosswell - Direct Examination by Ms. Odom 101

1 by 10, so I'd say close to 2000 exams.

2 Q Have you ever testified in court?

3 A Yes, I have.

4 Q How many times, ballpark, do you think you've
5 testified?

6 A I would estimate 35 to 40 times.

7 Q And how many times have you been qualified as an
8 expert in child abuse pediatrics?

9 A I would estimate 30 to 35 times in the field of child
10 abuse pediatrics. Otherwise, it's been in general
11 pediatrics.

12 MS. ODOM: Your Honor, at this time, I'm going to
13 move to have her qualified as an expert in child abuse
14 pediatrics.

15 THE COURT: Any voir dire or exceptions, sir?

16 MR. BOGGS: We have no objection. We would stipulate
17 to her qualifications.

18 THE COURT: All right, ladies and gentlemen, when a
19 party offers a witness as an expert witness, they do so
20 because of a witness's expertise, education and experience
21 in a given field. The reason someone may offer someone as
22 an expert witness is because an expert witness can testify
23 as to things that a lay witness may not be able to testify
24 to. That is, an expert witness can offer opinion evidence
25 that a lay witness may not otherwise be able to offer.

Mary Fran Crosswell - Direct Examination by Ms. Odom 103

1 Next, I will take a medical history from the provider
2 or caregiver who has brought the child in for the exam.
3 Then if a child is old enough, I attempt to obtain
4 independent history of why they're there from the child.
5 And then perform the physical exam after that.

6 Q Okay. So they have -- the specialist kind of helps
7 them comfortable?

8 A That's correct.

9 Q And then you as well explain to them what's going to
10 happen?

11 A Yes.

12 Q Tell me about the physical exam.

13 A So most of the exam is what a general pediatrician
14 would do, just a head to toe physical exam, looking in the
15 eyes, ears, the mouth, listening to heart and lungs,
16 assessing the stomach or abdomen. And then for the sexual
17 abuse evaluations, we use a piece of medical equipment
18 called a colposcope. A colposcope is a form of
19 magnification and light source. And it also has the
20 ability to photo document any physical findings that I may
21 see.

22 Q What do you look for when doing the exam?

23 A I'm looking for any type of acute injury or chronic
24 injury. An acute injury would be something like a cut or
25 a bruise. A chronic injury would be something that is

Mary Fran Crosswell - Direct Examination by Ms. Odom 105

1 THE COURT: Yes, ma'am, you may.

2 THE WITNESS: So when you first look at a female
3 genital area, the first layer of tissue that you have to
4 move aside are some fatty layers of tissue called the
5 labia majora. Once that is laid aside, you'll be able to
6 see the clitoris, which are also connected to the labia
7 minora, which is another layer of tissue. And that kind
8 of wraps around like this. Deep to that is the opening to
9 the vagina. And then partially covering the vagina is a
10 layer of tissue, I'm going to mark it different, it's
11 called the hymen. Then you have a space in between where
12 this ends and then this is where the anus is. And just to
13 orient you, the opening to where urine comes out is there
14 and it's called the urethra.

15 Q Thank you. All right. Can you tell me what the
16 hymen is?

17 A The hymen is just a thin layer of tissue that really
18 marks where the entrance of the vagina is.

19 Q And what are some misconceptions about the hymen?

20 A Many people believe that the hymen will have obvious
21 injury or scarring if there has been any type of
22 penetration and this is not always the case, especially in
23 child sexual abuse.

24 Q And can you tell me why?

25 A Either because the nature of the abuse didn't cause

Mary Fran Crosswell - Direct Examination by Ms. Odom 107

1 which are large -- you know, can be large objects, so
2 they're designed to allow objects to pass without causing
3 any trauma.

4 Q If something is inserted into the anus, would there
5 necessarily be injury?

6 A No. Just as the sphincter can relax to allow objects
7 to pass out, the sphincter can also relax and allow
8 objects to pass in.

9 Q And do you think the size of an object could have an
10 affect on the possible injury or noninjury to the anus?

11 A Well, certainly, depending on what size you're
12 talking about -- certainly, the variation in size -- you
13 know, larger objects may be more predisposed to injury
14 than smaller objects.

15 Q And you earlier said something about the sphincter
16 tone. Can you kind of elaborate on that and what that
17 means?

18 A It just means that that muscle is contracted like it
19 should be. For me, when I say normal anal sphincter tone,
20 that area and the way the skins folds is as I would expect
21 it to fold because the muscle is working as it should.

22 Q Okay. And if anal penetration was completed, would
23 it necessarily disturb the hymen?

24 A No. I would not expect it to disturb the hymen if it
25 were anal penetration.

Mary Fran Crosswell - Direct Examination by Ms. Odom 109

1 percentile for her age.

2 Q Can you tell me about her exam overall, what kind of
3 health she was in?

4 A She was in very good health.

5 Q And what about the findings in reference to her
6 genital exam?

7 A She had a normal exam.

8 Q Was her hymen intact?

9 A Her hymen did not have any evidence of any tears or
10 lacerations.

11 Q And was there anything unusual about her anus?

12 A No, there was not.

13 Q And you've already touched on this a little in your
14 testimony, but is there always evidence of trauma in
15 sexual abuse cases?

16 A No. In child sexual abuse, it's actually rare to
17 have a specific finding of sexual abuse on the exam. Less
18 than three percent of the cases have a specific physical
19 finding that would indicate the abuse.

20 Q And you said about the hymen being able to heal up
21 quickly, what about an exam in general, do all injuries
22 heal up quickly?

23 A Yes. The type of tissue in those areas is mucosal
24 tissue. So the analogy I make is that when you bite the
25 inside of your mouth, sometimes that will heal up in a day

Mary Fran Crosswell - Cross-Examination by Mr. Boggs 111

1 A Okay.

2 Q It is normal for her to still have a hymen after that
3 many penetrations?

4 MS. ODOM: Objection. I might have misheard the
5 question, but I think he said vagina. That would be
6 misstating prior testimony in evidence.

7 MR. BOGGS: I didn't hear what she said.

8 THE COURT: I think she says that you're misstating
9 the prior evidence.

10 Here's my position on that. I don't know what the
11 prior evidence is. I don't take a position on what the
12 prior evidence is. Y'all determine what you heard, okay.
13 The attorneys' questions, just like opening and closing
14 statements, are not evidence, okay.

15 I don't know -- I don't take a position on whether
16 that was a misstatement or not. I don't take the position
17 on whether you misstate evidence or not. That's up to the
18 attorney -- or excuse me, the jury to determine.
19 Questions aren't evidence, the responses are evidence.
20 Documents that are put into the record are evidence. If
21 either of the attorneys misstate the record, then I'm sure
22 that you will recognize that.

23 Okay. You may proceed.

24 BY MR. BOGGS:

25 Q She wrote a statement to the police that she had had,



Mary Fran Crosswell - Cross-Examination by Mr. Boggs 113

1 medical evidence that --

2 MS. ODOM: Objection. I would ask him to allow her
3 to answer the question how she would answer the question
4 --

5 MR. BOGGS: I'm repeating the question. It's a yes
6 or no question. I've told her she can explain it.

7 THE COURT: Pose the question and let her respond.

8 BY MR. BOGGS:

9 Q There is no medical evidence that there was ever any
10 penile penetration of her vagina, is there?

11 A The medical evidence is the history that I was
12 provided.

13 Q I understand.

14 A A medical evaluation cannot take just one component
15 of the evaluation. Any medical evaluation is going to
16 require a history, a physical exam and any laboratory
17 studies that are necessary to determine.

18 Q Okay. I don't want to argue with you, so let me make
19 it so I can understand it. Is there any physical evidence
20 that her vagina was penetrated?

21 A There is no physical evidence.

22 Q All right. Now, as far as the anus goes, is there
23 any physical evidence that there was penetration of her
24 anus?

25 A There is no physical evidence.

11

12

[Redacted]

Mary Fran Crosswell - Cross-Examination by Mr. Boggs 115

1 A No.

2 Q No scarring?

3 A Nor would I expect there to be based on the history
4 that I was provided.

5 Q No scarring?

6 A No scarring.

7 Q Okay. So again, you're just taking her word for it?

8 A I performed a medical evaluation to come to my
9 opinion.

10 Q Uh-huh. But no medical evidence at all, no
11 physical --

12 MS. ODOM: Objection, asked and answered.

13 MR. BOGGS: That's all I have for her.

14 THE COURT: Any redirect?

15 MS. ODOM: No, sir.

16 THE COURT: All right. Thank you, appreciate it.

17 You may call your next witness.

18 MS. ODOM: Your Honor, may I have a second to step
19 out in the hall and see if she's here --

20 THE COURT: Sure.

21 MS. ODOM: -- before I call her name with no
22 response?

23 (Pause.)

24 MS. ODOM: Your Honor, at this time, the State calls
25 Shauna Galloway-Williams.

1

2

Shauna Galloway-Williams - Direct Examination by Ms. Odc117

1 A Yes, I have a Bachelor's Degree in psychology from
2 Winthrop University and a Master's Degree in counseling
3 from Clemson University.

4 Q And what other kind of training have you had in
5 addition to your two degrees?

6 A So in addition to that, I have over 150 skills-based
7 hours of training directly related to assessing child
8 maltreatments when there are allegations of child
9 maltreatment with children in families. Because I'm
10 licensed as professional counselor in the State of South
11 Carolina, I'm also required to complete, at least, 22
12 hours of continuing education credit each year. So most
13 of my continuing education credits have been directly
14 related to child abuse and sexual assault because that's
15 my area of specialization.

16 Q So in addition to your degrees, you didn't just stop
17 there, you continue every year to have more and more
18 education?

19 A That's correct.

20 Q And would you count your work, your experience as
21 part of your training as well?

22 A Sure, yes.

23 Q How many victims of child abuse would you say you've
24 worked with?

25 A I don't know an exact number, but I would say

U.

U.



Shauna Galloway-Williams - Direct Examination by Ms. Odell19

1 recognizing and responding to child abuse and sexual in
2 youth serving organizations. I also have presented at
3 national and statewide as well as local conferences in the
4 area of child maltreatment.

5 Q Have you had the opportunity to write or publish
6 anything?

7 A I have not been published in any journals, no.

8 Q What are the textbooks you use in your classes?

9 A Well, in the child maltreatment course, I use a book
10 that is entitled "Child Maltreatment". It's written by
11 Stephanie King. And the text itself covers the dynamics
12 of child maltreatment, system responses to that and the
13 different types of child maltreatment we tend to see in
14 the field.

15 Q So are the issues and topics of child sexual abuse
16 and maltreatment thoroughly researched?

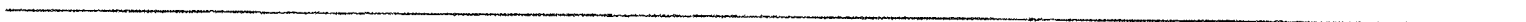
17 A Yes.

18 Q And you said there's articles out there on the topic?

19 A There are. There are articles on the topics related
20 to child maltreatment. There are journals that are
21 specifically related to child maltreatment. There are
22 textbooks and there are even entire programs. In fact,
23 the program that I teach in is the child advocacy studies
24 program. And that program is dedicated to training
25 professionals who are going to enter the field of child

U

U



Shauna Galloway-Williams - Direct Examination by Ms. Odcl21

1 that's done in the child advocacy studies programs or cast
2 programs across the country represent the fact that it is
3 a widely-recognized field of expertise now.

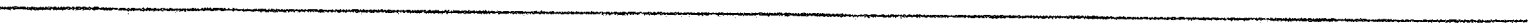
4 Q Do you happen to have with you any studies or
5 articles showing the reliability or do you know any
6 offhand?

7 A That demonstrate the liability?

8 Q Yes, ma'am.

9 A Well, typically, when you're talking about
10 reliability, you're talking about scientific studies,
11 studies that can be replicated over and over again. So
12 when we're talking about the research that's done in the
13 area of child abuse and neglect, those don't tend to be
14 studies where you're testing one condition against another
15 or looking for reliability, rather you're looking at
16 longitudinal research where you're comparing information
17 across cases over time. Given the fact that we're talking
18 about abuse and neglect, we can't really expose children
19 or families to the conditions of abuse and then some to
20 not those conditions and compare that way.

21 So in terms of scientific reliability, that's not the
22 type of testing -- or research that we're talking about.
23 However, the research that supports our field has been
24 widely researched and replicated. In other words, teams
25 of researchers may find the same type of conditions or



Shauna Galloway-Williams - Direct Examination by Ms. Odcl23

1 Q Well, obviously, you haven't then?

2 A That's correct, I have not.

3 Q So you've never talked to her?

4 A No.

5 Q Have you reviewed the police notes?

6 A I have not.

7 MR. BOGGS: Your Honor, she may be an expert, Judge,
8 but I would object to her testifying to anything about
9 ~~Miss~~

10 THE COURT: Okay. And I think the law specifically
11 precludes that if I'm not mistaken.

12 MR. BOGGS: Yes, sir.

13 However, she can testify -- do you take exception
14 generally to her expertise or her ability to opine about
15 subjects within her given field?

16 MR. BOGGS: No, sir.

17 THE COURT: Okay. All right. She is so admitted as
18 an expert witness.

19 Ladies and gentlemen, I've explained to you
20 previously what an expert witness is and why someone may
21 be offered as an expert witness. I just remind you once
22 again that if someone is admitted and qualified as an
23 expert witness that does not mean that their testimony has
24 any greater weight. Just like any other testimony you
25 receive, you decide whether it's credible and whether it

U

U



Shauna Galloway-Williams - Direct Examination by Ms. Odc125

1 third of our funding comes from the federal government
2 through grants that we write on an annual basis. The
3 other third comes from United Way of Greenville County as
4 well as Pickens County. And the final third is made up of
5 fund raising and donations as well as grants.

6 Q So whatever you say today isn't going to affect you
7 getting paid or not?

8 A No, I'll be paid regardless.

9 Q Okay. All right. So you've been qualified as an
10 expert in child sexual abuse and dynamics. Can you kind
11 of give the jury a broad overview on what that means?

12 A So the area of child abuse dynamics or child sexual
13 abuse dynamics?

14 Q Yes, just like briefly to kind of let them know what
15 you do or why you're here.

16 A So there are a number of things that are unique to
17 cases of child sexual abuse that unless you've experienced
18 it or studied it or it's part of your job or your
19 education, you may not understand. There's some unique
20 things about the way that children talk about child sexual
21 abuse or disclose abuse. There's some unique things
22 around how they respond or others respond to it. It's not
23 -- it's really hard to understand in some respects because
24 when we think about children being harmed or hurt, you
25 know a child falls down on a playground or if their

1

2

Shauna Galloway-Williams - Direct Examination by Ms. [redacted] 126

1 sibling injures them, the first thing that they'll do is
2 come and tell someone. And that's not usually what
3 happens in cases of child sexual abuse. So that's just
4 one example of some of the differences and some of the
5 things that make it a little bit more challenging to
6 understanding how children are -- why children are acting
7 the way they are and why they may do some things that may
8 seem counterintuitive to what we would do ourselves as
9 adults.

10 Q Tell me about delayed disclosure. What does that
11 mean?

12 A So delayed disclosure is the term that we use to
13 refer to children not disclosing or telling about abuse
14 right away. It's such a common occurrence that we have a
15 term to describe that. And that means that children may
16 not tell within hours, days, weeks and many times, years
17 or never tell about child sexual abuse.

18 Q Can you kind of talk to us about the process of
19 disclosure?

20 A Well, we refer to disclosure as a process because we
21 know one, that children often don't tell right away when
22 it does happen. We also know that sometimes children
23 won't tell everything about an incident or incidents all

24 at one time. So it is a process. There are a lot of

24 | at one time. so it is a process. there are a couple of
25 | different ways that we categorize disclosures. Many

Sharna Galloway-Williams - Direct Examination by Ms. On128

1 The second main reason that children delay disclosure
2 is because they're often abused by someone that they know,
3 they love and they trust, so this is someone they have a
4 relationship with in some way. It may also be someone
5 that's known, loved and trusted by the child's family
6 members and even the community. And that relationship, in
7 and of itself, can make it very challenging for a child to
8 tell. Because there may be things about that relationship
9 that they actually appreciate and enjoy. Or it may be
10 that that relationship is important to other family
11 members or friends or community members.

12 Children may not disclose because they feel
13 responsible in some way for what happened. Children are
14 naturally egocentric. They think that everything revolves
15 around them and that they are the cause for things. But
16 in sexual abuse cases, children may feel responsible
17 because they were told in some way they have something to
18 do with it. They may feel responsible because if it's an
19 incident that's happened repeatedly and they didn't tell
20 someone or didn't do anything to stop it, they may feel
21 responsible for that.

22 Their bodies may have responded to the sexual abuse
23 and that makes them feel guilty and shameful and
24 responsible for that. And then along with that there's a

lot of shame and embarrassment with sexual abuse. In

Shauna Belloway-Williams - Direct Examination by Ms. Od-130

1 with the person that is committing this offense with them.
2 So it can look very confusing on the outside to other
3 people. It can feel very confusing to the child.

4 It's very similar to any significant partner
5 relationship that we may have with someone. There may be
6 one thing that that person does that we just absolutely
7 can't stand, that drives us nuts. Again, I'm not
8 minimizing the experience of child sexual abuse to a pet
9 peeve, but we still maintain the relationship with that
10 partner or that best friend in spite of some of these
11 other things that may be hurtful or painful that we
12 dislike. It's a very similar kind of dynamic with a child
13 who's being sexually abused by someone that they know,
14 they love and they trust.

15 In some instances, the offender may be the one person
16 that gives that child the most attention and affection and
17 maybe someone who the child is closest with. So they can
18 both appreciate that relationship, but dislike what's
19 happening to them.

20 Q And you also already touched on this, but the child
21 being afraid of what other people -- how they would react,
22 you said that also affects the disclosure?

23 A Right. Yes. That general fear of the unknown,
24 what's going to happen to my family if I tell. What's

going to happen to other relationships, what's going to

Shauna Galloway-Williams - Direct Examination by Ms. Ed.132

1 that we're asking of them because they're still children.
2 Even as adults, we don't always know what you're asking of
3 us, so we may need to ask a clarifying question. But with
4 children, even more so. So they may not know that when
5 you ask -- this happens to me often with children. The
6 question I ask is well, where did he touch you? And what
7 I want the child to tell me is where on her body she was
8 touched. But often, children will say in my bedroom.
9 Because where did he touch you could mean in what room, in
10 what house, in what city. And if I'm not specific about
11 that question, I may not get the answer that I am looking
12 for from that question. Does that make sense.

13 Q It does. So who's asking the question, how they're
14 wording the question. How about what surrounding they're
15 in, would that affect it as well, how the child answers?

16 A Certainly. So, yeah, I mean, being in a setting
17 where the child feels more comfortable asking questions,
18 that may be more willing to share information, depending
19 on who's in the room with them when they ask questions and
20 what that setting is. Those things could certainly impact
21 the type of information the child shares and how
22 comfortable they are sharing information.

23 Q Tell me what makes sexual abuse different, the
24 disclosure different than physical abuse disclosure?

25

A Well, there's a couple of things. You know, with

Shauna Galloway-Williams - Direct Examination by Ms. edr134

1 takes a long time for children to really understand. So
2 they may have a really hard time, depending on their age,
3 giving us a day, month, year. You know, with children,
4 even up until the age of 12 or 13, sometimes we associate
5 time frames with holidays or school or other things so
6 that we can get a good frame of reference of when they're
7 talking about an incident occurring. To ask a child to
8 remember an exact date and time is very challenging,
9 particularly, if there's been recurring or multiple
10 incidents of abuse.

11 The example I like to use is, you know, I go to the
12 grocery store every week on the same day. I go every
13 Sunday. I park in basically the same parking spot and I
14 go down the same aisles every week, been doing that for
15 years. But if you ask me to tell you what items I bought
16 on a particular date, a year and time, I might be able to
17 tell you in general what I bought because there's a few
18 things that I always pick up, but I wouldn't be able to
19 tell you every single item. But if there were one day
20 that I went in and I parked in a different spot or
21 somebody hit my car with the buggy or something like that,
22 I would probably remember those details more
23 significantly. I still may not remember everything that
24 was in my cart, but I remember that particular incident

25

more so than others.

Shawna Galloway-Williams - Direct Examination by Ms. Odell 36

1 buying them gifts, allowing them to stay up later, giving
2 them special attention. All of that with the intent of
3 developing and maintaining a trusting relationship with
4 the child, and also, testing the waters with the child to
5 see just how far they can go and whether or not this is
6 the child that may tell or not tell.

7 Q So it's normal for touching to start at one level and
8 progress with grooming?

9 A Yes. So that can happen, yes. That would be a type
10 of grooming. Where there might be a behavior or
11 introduction to touch that may feel uncomfortable, but
12 it's not quite and the child tolerates that and doesn't
13 say anything. And so the next time, the touch progresses
14 to a different type of touch and then so on and so on
15 until the behavior progresses to more sexualized behavior.

16 Q Can you tell me about some factors that may make
17 sexual abuse -- make a victim more susceptible or
18 vulnerable to sexual abuse?

19 A Sure. So there are some characteristics associated
20 with children that increase the risk of sexual abuse. The
21 younger a child is, the higher at risk they are for sexual
22 abuse because they're more reliant on caregivers and
23 others to take care of them, particularly bathing,
24 toileting. those types of things so they're higher risk

And they also have fewer verbal skills or opportunities to

Sheena Galloway-Williams - Direct Examination by Ms. [unc]138

1 anything?

2 A Well, again, you know, going back to the idea that
3 any sort of behavioral problems or -- and, certainly,
4 attention seeking could be one of those, might influence
5 whether or not that child is more likely to be abused than
6 others.

7 Q I'm going to get a little bit into coaching. What
8 does coaching mean in your field?

9 A When a child is influenced to say something that may
10 not necessarily have happened. When they've been
11 influenced to add or change or delete from their
12 disclosure.

13 Q Can you tell me some signs of coaching?

14 A Well, when we're talking with children and when we
15 are assessing their disclosures, we're looking to see if
16 they share core and contextual details. So the core
17 details are who, what, how something happened. The
18 contextual details are the sensory details, what did
19 something feel like, what did it smell like, what did they
20 hear, what did they see. Contextual details are the
21 details that a child shares that let us know that what
22 they're talking about is something they've experienced and
23 not something that someone has told them about.

24 THE COURT: Do you need to talk to the clerk Mr

25

Boggs?

1 Ms. Galloway-Williams, who may not be able to appear
2 tomorrow, therefore, we will continue with her examination
3 by consent of both parties. We anticipate that will be
4 very, very short. The Defendant will miss very little, if
5 nothing, this afternoon, at least, of any consequence.

6 And I don't mean to demean your testimony in any way,
7 shape or form, but it won't be prejudicial to him is the
8 point that I'm making.

9 I'll explain that to the jury as well and make sure
10 that they recognize that I instructed EMS to be called and
11 for medical authorities to tend to him.

12 Okay. We'll come back tomorrow morning at
13 9:00 o'clock and we'll see where we stand with the hopes
14 that we'll be able to proceed with the trial of the case.

15 Okay. Bring the jury in.

16 (WHEREUPON, the jury entered the courtroom at
17 approximately 5:00 p.m.)

18 THE COURT: All right. Ladies and gentlemen, thank
19 you for being patient with us. As you saw when we
20 adjourned previously, Mr. Rampey indicated to the Court
21 that he was having some chest pains. Apparently, he had a
22 history with some health issues over the last several
23 weeks. So when you went out, I instructed EMS to be
24 called and I instructed medical authorities to tend to him

----- and I instructed medical authorities to tend to him
out of the wealth of caution. He won't be with us for the

Shanna Galloway-Williams - Cross-Examination by Mr. Boggs 142

1 to be very conservative becoming less so. You know,
2 sometimes we see children who may sexually act out. You
3 know, they've been exposed to sexual behavior, so they may
4 act out with others. They may be promiscuous if they're
5 introduced to sexual behavior at a young age. At the same
6 time, there may be absolutely no outward symptoms or signs
7 or changes that a child would display. Some children don'
8 change their behavior at all and a lot of times -- or
9 sometimes you may not see anything any different.

10 MS. ODOM: Please answer any questions Mr. Boggs has.

11 THE COURT: Mr. Boggs.

12 CROSS-EXAMINATION

13 BY MR. BOGGS:

14 Q Okay. You sound like you've given this testimony a
15 lot, basically, the same testimony, which is kind of
16 boilerplate.

17 A That's --

18 Q My question -- excuse me. My question is this, you
19 testified or said that you've never seen *Minor*, right?

20 A That is correct.

21 Q All right. You've never talked to her, right?

22 A Right.

23 Q Okay. Never looked at any reports?

24 A I have not

24 A I have not.

25 Q Okay. So you can't testify today that anything that

144

1 heard from those witnesses, then we'll move to argument
2 and charge.

3 So this evening, please don't discuss the case.
4 You'll have plenty of time to discuss it when you begin
5 your deliberations, but for the immediate time being,
6 don't discuss it. When you come back tomorrow morning, we
7 will resume the trial.

8 Hope y'all have a good evening and be safe going home
9 and coming back. Thank you. You're released.

10 (WHEREUPON, the jury left the courtroom at
11 approximately 5:04 p.m.)

12 THE COURT: Y'all have any written request for
13 charge?

14 MR. BOGGS: I do not, other than your standard
15 credibility, believability.

16 THE COURT: Yes, sir, you get that.

17 Any written request for charge?

18 MS. ODOM: No, sir. I would ask do you give the
19 standard reasonable doubt charge?

20 THE COURT: Now, I ordinarily give the firmly
21 convinced standard as opposed to the type of doubt which
22 would cause a reasonable person to hesitate to act. I can
23 give the other one if you want me to, but I find that
24 really doesn't necessarily resonate with juries at least

...it doesn't necessarily, resonate with juries, at least,
it doesn't resonate with me. So if you want to argue the

1 THE COURT: It's in the definition category. 3
2 We'll include that definition. Okay. I haven't re:
3 today.

4 Okay. All right. Good enough.

5 MR. BOGGS: Thank you, Your Honor.

6 The court: Yes, sir.

7 Y'all have a great evening. We'll be back at 9:00
8 tomorrow.

9 (WHEREUPON, Court was adjourned for the day to
10 be reconvened on Thursday, September 1, 2016.)

11 THURSDAY, SEPTEMBER 1, 2016

12 THE COURT: Mr. Rampey, how are you doing today, sir?
13 Feel better?

14 MR. RAMPEY: No, sir.

15 THE COURT: No, no better. But your hearts better, I
16 hope.

17 MR. RAMPEY: They told me I need to follow up with my
18 cardiologist and possibly have to have a pacemaker.

19 THE COURT: Well, I'm sorry to hear that. I'm glad
20 you're back. You're looking fit.

21 MR. RAMPEY: Yes, sir. Thank you.

22 THE COURT: That's good news.

23 All right. We have one juror who's still
24 outstanding. Any issues we need to take up before we get
25 started?

1 THE COURT: Gentlemen, I'm going to ask you to stand
2 up if you will and identify yourselves.

3 MR. JAMES RHODES: James Rhodes.

4 THE COURT: Okay.

5 And sir, you are?

6 MR. BOBBY RHODES: I'm Bobby Rhodes.

7 THE COURT: Did y'all have a conversation with a
8 juror this morning?

9 MR. BOBBY RHODES: No, sir.

10 THE COURT: You didn't talk to him at all?

11 MR. BOBBY RHODES: We didn't talk to anybody.

12 MR. JAMES RHODES: We didn't --

13 THE COURT: Y'all can't talk at the same time,
14 gentlemen, because the court reporter can't take it down.

15 I tell you what, Mr. Rhodes, the younger, and then
16 Mr. Rhodes, the elder, you tell me your recollection of it
17 and then you can tell me your recollection of it.

18 MR. JAMES RHODES: The only person we saw was
19 Rampeys. We saw no jurors. We got here at 9:00 on the
20 dot.

21 THE COURT: I'm afraid you were talking so quickly
22 that I couldn't understand you.

23 MR. BOBBY RHODES: I said we only saw the Rampeys.
24 We didn't see the jury. We got here at 9:00. We were
25 actually running late.

150

1 MS. RHODES: Yes, sir.

2 THE COURT: Were you in the stairwell as well?

3 MS. RHODES: No, sir.

4 THE COURT: Well, how would you know that they were
5 speaking to each other if you weren't in the stairwell.

6 MS. RHODES: I just assumed.

7 THE COURT: Okay.

8 MS. RHODES: I just assumed, I guess, that since they
9 were talking to each other. I don't know what the subject
10 matter was.

11 THE COURT: Are you sure that they were talking to
12 each other and these two gentlemen weren't talking to one
13 another as opposed to the juror?

14 MR. RHODES: It seemed they were talking all
15 together?

16 THE COURT: Did you hear any of the substance of the
17 conversation?

18 MS. RHODES: No, sir.

19 THE COURT: Okay. All right. Thank you. I
20 appreciate you telling me. I mean, these things are
21 sensitive and they're important, so it is important for me
22 to flush it out.

23 Do y'all want to have a conversation with that juror
24 specifically?

25 MR. BOGGS: I have no problem letting the clerk go

1 on.

2 THE COURT: I think that's right. And if I'm not
3 mistaken, he was sitting on the front row in the second
4 seat from the right, does that sound right to you?

5 MS. RHODES: I don't remember where he was sitting
6 yesterday, sir.

7 THE COURT: Okay. I think that's the gentleman.
8 Yes, sir.

9 MR. JAMES RHODES: So we came up the stairwell this
10 morning and there were a gentleman following us. I even
11 held the door for him, but I never said a word to him.

12 THE COURT: Okay. Okay. I appreciate you saying
13 that. I appreciate you saying that. And I'm not pointing
14 fingers. I don't suspect anything.

15 MR. JAMES RHODES: Well, I don't even really know who
16 he is. I probably wouldn't recognize him if you brought
17 him in here.

18 THE COURT: Okay. Well, what we'll do is -- you
19 know, we just need to make sure that it's fair. Whether
20 he's on the jury or not on the jury, ultimately, doesn't
21 necessarily matter to me. What matters to me is that
22 everyone understands after this trial is over, regardless
23 of the outcome, appreciates and recognizes and believes
24 that it was a fair trial.

25 MR. BOGGS: And it does sound like it could have been

1 in. We'll do that.

2 _____ A.M. after being duly sworn,
3 testified as follows:

4 THE CLERK: Have a seat state your name for the
5 record, please.

6 THE WITNESS: My name is Am. . . .

7 THE COURT: What do you go by?

8 THE WITNESS: A.M.

9 EXAMINATION

10 BY THE COURT:

11 Q Okay. A.M., I'm going to ask you a few questions.
12 There are no secrets. The reason I'm asking you questions
13 is because my understanding is you're 12 years old; is
14 that right?

15 A (The witness nods head.)

16 Q And I need to make a determination as to whether it's
17 appropriate for you to testify in the case. So some of
18 the questions I ask you may seem a little odd, maybe even
19 a little silly, but they're questions I have to ask you to
20 make the determination as to whether you should testify
21 today, okay. Where do you go to school?

22 A Liberty Middle.

23 Q What grade are you in?

24 A Seventh grade.

25 Q Do you have brothers and sisters?

1 THE COURT: Ladies and gentlemen, is there anything
2 additional you'd like to ask this young lady?

3 MR. BOGGS: Nothing from the Defense, Your Honor.

4 MS. ODOM: No, sir.

5 THE COURT: Okay. Any question as to her competency?

6 MR. BOGGS: None, Your Honor.

7 MS. ODOM: No.

8 THE COURT: Okay. All right, A.M.. Thank you for
9 answering those questions. What I'm going to ask you to
10 do is you can go back out of the courtroom and when we're
11 ready for you to testify, what we'll do is we'll bring you
12 back in. The jury will be here. And what we'll do is
13 we'll swear you in again and you'll go through that
14 process. And instead of me asking you questions, the
15 lawyers will ask you questions, okay, and you'll be
16 addressing the jury, not necessarily me, okay.

17 All right. Good luck to you. Thank for coming in.

18 THE WITNESS: You're welcome.

19 THE COURT: Okay. Mr. Rhodes, I think before we
20 started that, you were raising your hand.

21 MR. BOBBY RHODES: Yes, sir. I just want to state
22 the fact when I was coming up the stairwell because I was
23 getting my daily exercise.

24 THE COURT: Okay. All right. Good enough. Good
25 enough.

Marvin Nix - Direct Examination by Ms. Odom 158

1 time. We're starting a little bit late because we were
2 waiting on a juror, but we're not going to wait anymore.
3 We're going to go ahead and go forward. That's one of the
4 reasons we have alternates.

5 So Mr. Dent, you are now on the jury of 12
6 deliberating jurors.

7 So it's my anticipating we will have two witnesses
8 this morning and then we will go to argument and charge.
9 We'll have to take a break after the State completes its
10 case for me to take up some legal business. Then the
11 Defense will have the opportunity to put evidence into the
12 record and we can roll into argument and charge.

13 Having said that, Ms. Odom, it's your case, you may
14 call your next witness, ma'am.

15 MS. ODOM: Thank you, Your Honor, the State calls
16 Marvin Nix.

17 THE CLERK: Place your left hand on the Bible, raise
18 your right hand.

19 MARVIN NIX, after being duly sworn,
20 testified as follows:

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

23 THE WITNESS: Marvin Nix.

24 DIRECT EXAMINATION

25 BY MS. ODOM:

1 A I received this case as a followup case, I believe it
2 was January 3rd, 2014. Usually, if a road deputy responds
3 to an initial call and it requires followup investigation,
4 it comes to the investigation division. Like I said, this
5 one I think I got from Van Massingill. He took the
6 original report.

7 Q So what did you do first when you got the case?

8 A First thing when I got the case, I contacted Ms.
9 Kathryn Hinton, which is the victim's grandmother, and
10 arranged for her to bring the victim in to speak with me.

11 Q What date did that happen on?

12 A I believe it was January 3rd.

13 Q Okay.

14 A 2014.

15 Q And do you remember how old MINOR was at that
16 point?

17 A At the time, she was 12.

18 Q And that first meeting you had with her as to date
19 only or date range, can you tell me what she might have
20 told you about when any of these could have happened?

21 A It occurred within the last year. Through the
22 initial investigation, it probably started when she was
23 11, so about a year.

24 Q Okay. And do you remember her demeanor when you
25 spoke with her?

1 Q Tell me what it is.

2 A It's the house located *Address*.

3 Q Is that a fair and accurate representation of the
4 house?

5 A Yes.

6 MS. ODOM: Your Honor, at this time, I'd move to have
7 this introduced into evidence as State's 1?

8 MR. BOGGS: No objection.

9 THE COURT: All right. Without objection, the same
10 is admitted.

11 (WHEREUPON, State's Exhibit No. 1 is admitted
12 into evidence.)

13 BY MS. ODOM:

14 Q Do you know what happened to the -- can you tell us
15 if that trailer is still there in *Town*?

16 A I'm not sure.

17 Q All right. So this is the house where she said some
18 of the abuse occurred?

19 A Yes.

20 Q Okay.

21 MS. ODOM: Your Honor, I just want to publish it to
22 the jury.

23 THE COURT: Yes, ma'am.

24 BY MS. ODOM:

25 Q Now, after you spoke with *Minor*, at did you do

Marvin Nix - Direct Examination by Ms. Odom 164

1 Q Who was that?

2 A Office Palis.

3 Q Tell me about that officer. Is that a man or a
4 woman?

5 A She's a female. She's assigned to the school,
6 basically, works there are R.C. Edwards.

7 Q So the kids see her everyday?

8 A Everyday.

9 Q Kids may be a little more comfortable with her?

10 A Yes.

11 Q Was she in the meeting with you when you talked to
12 minor ?

13 A Yes.

14 Q You told me minor age, tell me the Defendant's
15 age at the time of this incident.

16 A I believe he was 26.

17 Q He's definitely older than 16?

18 A Yes.

19 Q Older than 18?

20 A Yes.

21 Q Is he in the courtroom?

22 A Yes.

23 Q What is he wearing?

24 A A black suit, looks like a garnet and black tie.

25 Q Can you point him out to me?

1 is that correct?

2 A Yes, sir.

3 Q And you had access to all information collected --

4 A Yes, sir.

5 Q -- whether it be interviews, medical reports,
6 anything?

7 A Yes, sir.

8 Q Okay. And just for clarification for the jury, is
9 that pretty much what MINDY looked like at the time that
10 you saw her?

11 A Yes.

12 Q And that would have been January -- the first time
13 you saw her was the second -- third?

14 A Third.

15 Q Okay. And you interviewed her on January 6th; is
16 that correct? I think you said the seventh, but --

17 A The seventh.

18 Q Okay. The supplement date of 1/6/2014?

19 A Oh, yeah, it was the third. You're talking about the
20 first?

21 Q No, no, a supplemental report.

22 A Let me look at it.

23 Q Am I reading that right?

24 A Yeah, that's just what I wrote the supplement, but I
25 met with her on the third when I received the report

1 A I think I heard --

2 Q I mean, you either did or you didn't?

3 A No, I didn't.

4 Q Okay. Now, you did have to talk to her again, didn't
5 you?

6 A Yes, sir.

7 Q And on that next time you talked to her, you made a
8 note that some of the recollections that she had were
9 different than what she had told you before; is that
10 right? Is that what that means?

11 A I didn't actually speak to her on that meeting.

12 Q Okay. So who is the I here?

13 A I went to speak with her, but there was someone else
14 there.

15 Q But you were present when she gave those
16 recollections?

17 A Yes.

18 Q And they were different than what she had said before
19 in some respects?

20 A A little more information, yes.

21 Q Well, different is not more, different is different
22 than what she had said before. That's the way it's
23 written up. Again, I didn't write the report.

24 A Right, okay.

25 Q Isn't that correct?

170

1 Okay. Does the State have any more evidence?

2 MS. ODOM: No, sir, Your Honor.

3 THE COURT: Okay. All right. State rests?

4 MS. ODOM: Yes, sir, the State rests.

5 THE COURT: Ladies and gentlemen, the State rests.

6 That means I must necessarily take up some legal issues.

7 Now, I'm going to give you a little bit of homework back

8 in your jury room. I'm going to ask you to elect a

9 foreperson for your jury. You have a lot of potential

10 candidates for foreperson of the jury, so I'm going to let

11 you decide who that should be.

12 Now, a foreperson of a jury is responsible for

13 ensuring that everyone on the jury has a voice during jury

14 deliberations. That is that everyone has the opportunity

15 to be heard. When you're in a group of 12 people, you

16 know, there are going to be some people who are more vocal

17 and more opinionated than others, and some people who are

18 going to be more shy and going to be a little bit more

19 quiet than others. The foreperson makes sure that

20 everyone has the opportunity to be heard.

21 Over and beyond that, I can't tell you exactly how

22 you will conduct your deliberations or what additional

23 role the foreperson may assume. Each and every jury

24 deliberates a little bit differently based on the 12

25 personalities that are in the jury room. However, it is

1 discussed the case with anyone this morning.

2 He stated clearly and unequivocally, I might even say
3 emphatically, that he, in fact, did not have any
4 conversations this morning within anyone regarding this
5 case. I was satisfied that he had not and I'm satisfied
6 that he can continue as an impartial juror in the trial of
7 this case. And it's my understanding that the parties
8 agree with that assessment.

9 MS. ODOM: Yes, sir.

10 MR. BOGGS: Correct.

11 THE COURT: Okay. All right.

12 Motions?

13 MR. BOGGS: Two motions, Your Honor. First one is a
14 motion to dismiss on the State's failure to present
15 sufficient evidence that would allow the jury to reach a
16 verdict of guilty based on anything other than
17 speculation, surmise and conjecture.

18 THE COURT: Yes, ma'am?

19 MS. ODOM: In response to the directed verdict
20 motion, it's not the weight of the evidence, it's the
21 existence of it. There has been direct testimony, not
22 just circumstantial, but direct testimony about the abuse.
23 All the elements of both crimes have been thoroughly
24 covered and discussed during the State's case. And I
25 would argue that there is more than enough to go forward.

1 they're both in Pickens County. So did Detective
2 Massingill confirmed where the victim said it happened and
3 they're both in Pickens County. I asked Ms. Hinton where
4 Haleigh said it happened. I think she said Pickens County
5 as well. I am very careful, overly so, to the point where
6 it probably drives the jury crazy thinking why does she
7 keep asking that. I think that's been covered.

8 THE COURT: I think the location of the alleged
9 incident was sufficiently articulated. I respectfully
10 deny the motion.

11 MR. BOGGS: Your Honor, as I mentioned to the Court
12 based on the medical situation that occurred, he's been
13 advised to walk for about five to 10 minutes about every
14 hour.

15 THE COURT: Well, let's take --

16 MR. BOGGS: I don't want to have a repeat of
17 yesterday.

18 THE COURT: I got you. Let's take five minutes,
19 okay. Right now, it is 9:55, so we're going to come back
20 in at 10:00. Okay. When you close, I want to be ready to
21 go straight into argument and charge.

22 MR. BOGGS: Okay. Yes, sir.

23 (WHEREUPON, a short break was taken.)

24 THE COURT: Ready for the jury?

25 MR. BOGGS: Yes, sir.

A.M.

- Direct by Mr. Boggs

176

1 competencies or because they just ramrodded you into it.
2 I don't want to know which, but congratulations. Happy to
3 have you.

4 Okay. All right. Mr. Boggs, your case.

5 MR. BOGGS: Your Honor, we would call A.M.
6

7 A.M. after being duly sworn,
8 testified as follows:

9 THE CLERK: Thank you, please be seated. If you
10 would have a seat and state your name for the record,
11 please.

12 THE WITNESS: My name is A.M.

13 DIRECT EXAMINATION

14 BY MR. BOGGS:

15 Q Can you pull up a little bit closer to that
16 microphone so everybody can hear you, okay?

17 A All right.

18 Q A.M., how old are you?

19 A I am 12 years old.

20 Q When is your birthday?

21 A 2003.

22 Q You're close to being 13; is that correct?

23 A Uh-huh.

24 Q You live in Pickens County?

25 A (The witness nods head.)

A.M.

Direct by Mr. Beggs

178

1 A Uh-huh.

2 Q You wouldn't make up a story, you would tell the
3 truth, okay?

4 A Uh-huh.

5 Q That's what we want, all right?

6 A All right.

7 Q Now, I know you're probably no expert on testifying,
8 if I ask you a question or Ms. Odom ask you a question you
9 don't understand, it's perfectly okay to just say I don't
10 understand the question or rephrase it, okay?

11 A Yes, sir.

12 Q All right. Now, how would you describe your
13 relationship with . A.M.

14 A When?

15 Q I'm sorry?

16 A When?

17 Q Before December of 2013?

18 A I would consider her as a sister.

19 Q Okay. I'm half deaf. You said --

20 A I would consider her as a sister.

21 Q You considered her as a sister?

22 A Uh-huh.

23 Q And did you see her on a fairly regular basis?

24 A Just about every time when my uncle would be over.

25 Q Did you guys play together?

A.M. - Direct by Mr. Boggs

180

1 THE COURT: I understand. You can rephrase the
2 question and ask her how her mother felt about that.

3 BY MR. BOGGS:

4 Q How did her mother feel about Minor going to live
5 with Nana?

6 A She didn't like it very much.

7 Q And do you know why she didn't like it?

8 A Because she didn't want Minor doing everything she
9 wanted because she may do something wrong.

10 Q Okay. Now, did you have a specific conversation with
11 Minor on December 26th of 2013?

12 A Yes.

13 Q All right. Where were you?

14 A We were in my bedroom.

15 Q All right. And were you just having girl talk going
16 back and forth?

17 A Yeah.

18 Q Were you doing anything else?

19 A We were playing with our My Little Ponies we got for
20 Christmas.

21 Q You were playing with My Little Ponies. What are
22 those, toys or something?

23 A Yeah, they're toys.

24 Q And you'd just gotten them for Christmas?

25 A Uh-huh.

A.M. - Direct by Mr. Evans

182

1 Q Did you get the impression from that conversation
2 that she felt that if she told a lie on Brandon she would
3 be able to go live with her grandmother?

4 A Yeah.

5 Q And that exactly what happened?

6 A Uh-huh.

7 Q Are you aware of that?

8 A Uh-huh.

9 Q You've got to speak up, yes or no?

10 A Yes.

11 Q Did you have any further conversations that day about
12 this whole situation?

13 A We had some conversations before that day.

14 Q Okay. So this was not the first time she had brought
15 it up.

16 A Yeah.

17 Q Okay. Meaning yeah, you had talked about it before?

18 A Uh-huh.

19 Q Is that yes or no?

20 A Yes.

21 Q Okay. Now, did you tell anybody at that time what
22 Mingo had said?

23 A No, I didn't.

24 Q All right. Did you ultimately tell your mother about
25 this?

A.M. - Cross-Examination by Ms. Odom 184

1 A (The witness nods head.)

2 Q Yes?

3 A Yeah.

4 Q Okay. Going back to your statement that you and
5 minor, you felt like y'all were kind of like sisters?

6 A Yeah.

7 Q So up until that time, did you and she confide in
8 each other about a lot of different things girls do?

9 A Yeah.

10 Q Okay.

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

13 THE COURT: Okay. Cross-examination?

14 MS. ODOM: Yes, sir.

15 CROSS-EXAMINATION

16 BY MS. ODOM:

17 Q All right. So how old did you say you are now?

18 A I'm 12.

19 Q So how old were you at the time?

20 A It was about two and a half years ago, so I would be
21 around 10 or nine, depends on which time.

22 Q All right. When's your birthday?

23 A 2003.

24 Q How long has it been since you've seen Minor ?

25 A It has been almost three years.

A.M. Cross-Examination by Ms. Odom 186

1 A I don't know what you're trying to ask me.

2 Q Have you ever spoken with Mr. Boggs before?

3 A I had to talk to him because, I mean, he had to know
4 what was going on.

5 Q So you have spoken with him. How many times have you
6 spoken with him?

7 A Once.

8 Q Did he tell you what he would ask you today?

9 A No.

10 Q Did y'all talk about what you would be discussing?

11 A A little bit.

12 Q So you knew what --

13 A Like what I would be doing here.

14 Q But y'all didn't talk about what questions he would
15 ask you?

16 A No, we didn't.

17 Q Well, who told you what questions you'd be asked?

18 A Nobody did.

19 MR. BOGGS: Objection, Your Honor, that's an improper
20 question.

21 THE COURT: Well, she answered it. She said nobody
22 did, so I'm going to overrule.

23 MR. BOGGS: Good for her.

24 BY MS. ODOM:

25 Q So did you discuss what you were doing here today

A.M. - Redirect Examination by Mr. Boggs 188

1 Q All right. Did you ever speak with law enforcement
2 about this?

3 A No.

4 Q Do you know that your mom spoke with law enforcement
5 several times?

6 A No.

7 Q Do you know that your mom never told law enforcement
8 that you had anything to say?

9 A I don't know what she did.

10 Q Have you ever spoken with me about the case?

11 A No.

12 Q Do you think it's important that someone, a cop or a
13 prosecutor know what you had to say?

14 A I don't understand the question.

15 Q Do you think you should have told a cop before now?

16 A Yes, I should have.

17 MS. ODOM: Nothing further.

18 THE COURT: Any redirect, sir?

19 MR. BOGGS: Just a clarification.

20 REDIRECT EXAMINATION

21 BY MR. BOGGS:

22 Q She's indicated I tried to coach you. I met with you
23 in my office one time for about 15 to 20 minutes?

24 A Yeah.

25 Q You told me what happened; is that correct?

1 MR. BOGGS: Defense rests, Your Honor.

2 THE COURT: Okay. Are we ready to go to argument and
3 charge? Any motions need to be put on the record?

4 MR. BOGGS: Just renew the two previous ones.

5 THE COURT: All right. The ruling is the same.
6 Anything from the State?

7 MS. ODOM: No, sir.

8 THE COURT: Okay. So will you waive opening?

9 MR. BOGGS: I prefer she open and close.

10 THE COURT: Okay. All right. So you'll open on the
11 law and close. Okay.

12 MS. ODOM: All right. Your Honor, just to make sure,
13 if I open on the law, I'm still able to speak about the
14 law in my final closing.

15 THE COURT: Yes, ma'am. I'm going to give you both
16 liberty recognizing that you're professional attorneys and
17 you know what's right and what's wrong, okay?

18 MS. ODOM: Thank you, Your Honor.

19 THE COURT: So, ladies and gentlemen, now we're going
20 to go to closing arguments and we're going to have the
21 closing charge on the law.

22 Now, as I told you before, opening statements and
23 closing arguments and lawyers questions are not evidence.
24 So you're about to hear argument from each side. Now,
25 that is not evidence. You've already heard all the

1 touching. No penetration. This is just touching,
2 groping, fondling. But the way the law reads, the
3 defendant over the age of 14 at the time, the victim under
4 the age of 16. The defendant touched the victim or had
5 the victim touch him in a lewd manner with an intent to
6 achieve some kind of sexual gratification. Meaning that
7 the Defendant touched the little girl when he was
8 intending to get some kind of sexual gratification from it
9 or he touched her trying to turn her on, or he had her
10 touch him trying to get turned on, or even he thought
11 maybe she'll touch me and she'll like it. So that's what
12 that means, the touching. And this can be anywhere on the
13 body.

14 Now, CSC second degree, that's penetration. And it
15 doesn't have to be penis and vagina. It includes any kind
16 of penetration. And it doesn't necessarily have to be the
17 penis at all. The way this reads, the defendant committed
18 a sexual battery on someone who was 14 years of age or
19 less, but, at least, 11. And here, you're going to have
20 that. When it started she was 11, 11 and a half. She was
21 12 when she reported, 12 when it ended.

22 Now, the sexual battery, I'm going to read you the
23 definition of it and then kind of explain to you what it
24 means because the definition is kind of crisp and written
25 to avoid any kind of vulgarity. Sexual battery means

1 when you're back there when you're looking over everything
2 thinking about everything she told you, everything all the
3 other witnesses told you. It's beyond a reasonable doubt.
4 And a lot of times, lawyers try to confuse jurors on this,
5 try to muddy up the waters a little bit, but it just
6 basically means were you firmly convinced, are you firmly
7 convinced it happened? So that's most of the law on it.
8 The Judge will charge you a little bit more, but I'm going
9 to sit down now and y'all will see me again in a few
10 minutes.

11 THE COURT: Mr. Boggs.

12 MR. BOGGS: May it please the Court?

13 THE COURT: Yes, sir.

14 CLOSING ARGUMENT BY MR. BOGGS

15 MR. BOGGS: Thank you, Your Honor.

16 Ladies and gentlemen of the jury, criminal sexual
17 conduct, criminal sexual conduct with a minor. One --
18 other than murder, it's one of the most serious cases that
19 can come into this courtroom. This has been an extremely
20 short trial, particularly, particularly for a charge that
21 is so devastating and so serious as this. Do not let the
22 fact of this trial being so short have any impact on your
23 deliberations and your thought processes. Because it was
24 the short trial, it just wasn't much evidence. That's
25 what it came down to. That's why it's short. It's not

1 over the same information as the solicitor. Not one tear.
2 She was just kind of be-bopping along with me and I'm
3 sitting there thinking wait a minute, it was that
4 devastating to you while Ms. Odom was talking to you, why
5 isn't it now? Again, that's not the answer to the case.
6 But it's certainly something to think about.

7 You've heard the testimony from Kathy Hinton that
8 Minor wanted to come live with her. You heard testimony
9 from Minor she wanted to go live with Nana. You heard
10 the testimony from A.M. that Minor wanted to go live
11 with Nana. Why? No rules. Run the streets. Do whatever
12 she wanted to do. But her mother, Lori, wasn't going to
13 put her in that situation and said no, you cannot go live
14 with your grandmother because of the reason you would have
15 no discipline.

16 December 2013, that's what Minor looked like.
17 December 2013, that's Minor Christmas Day 2013, that's
18 Minor and the family. She makes these allegations. And
19 guess what, she gets what she wants. She gets to go live
20 with grandma, right. Living with grandma. Living with
21 grandma. Living with grandma. I'm sorry, I should have
22 cut that bottom part off. I apologize for the language,
23 but that's living with grandma. Living with grandma.
24 Mom, I want to go live with Nana. No, you can't do that.
25 Momma, I want to go live with Nana. No, you can't do

1 Put it in my private. Which she defines as her vagina.
2 But I can't remember when this happened. That was
3 January 2nd.

4 January 3rd, she writes a statement for Captain Nix
5 saying well, if I'm getting by with this one, maybe I can
6 make it a little bit bigger. So she went from fondling
7 and one time sexual intercourse, but she doesn't remember
8 when. January 3rd, five times.

9 Then she talks to Nix. At that point, she's fondling
10 and multiple times sexual intercourse. Then comes the
11 sixth where she adds anal sex. So now she's gone from
12 fondling, fondling one time to fondling five times,
13 fondling multiple times and vaginal penetration and anal
14 intercourse. Then she gets to talk to somebody else. And
15 what does it become then? Oral sex. So we've gone from
16 fondling, fondling one time, she doesn't know when,
17 fondling multiple times and sexual intercourse, fondling,
18 intercourse, anal intercourse, fondling, intercourse, anal
19 intercourse, oral sex.

20 So this story, the more she talks to people, just
21 gets bigger. It just gets bigger. Because she's getting
22 the things she didn't get at home. Do you remember what
23 she said she didn't get at home? Attention. Those four
24 little siblings and the ones getting attention. That's
25 one of the reasons she wanted out of the house.

1 taken? It tells you right there. 8:13 in the morning as
2 they're loading up to go, she is trying to convince
3 everyone that she had just been sexually assaulted. 8:13,
4 12/25/2013. Again, you're the ones who have to judge this
5 evidence, not me. But my common experience was that
6 somebody who had just been sexually assaulted, I would be
7 surprised that they were smiling that much. Does it make
8 sense? Does it make sense?

9 Well, she went through these allegations and she got
10 what she wanted. She's living with grandma. She's
11 getting all this attention. Then what happened? Then
12 what happens? She runs into a brick wall. Do you
13 remember when that happened? January 27th, 2014. What
14 happened on January 27th, 2014? Dr. Crosswell did a
15 medical exam, did a medical exam. And during that medical
16 exam, there's a physical done, both in the vaginal area
17 and the anal area. Dr. Crosswell did everything she could
18 yesterday to bring this back over to the State's side.
19 She went around and around and around and around the block
20 over and over, this could happen, this could happen.

21 Again, I'm not the brightest bulb in the house, but I
22 really found her testimony strange. And she didn't go
23 specifically to the allegations Minor made. But I found
24 it strange that if a 12-year-old girl had had vaginal
25 penetration multiple times, more than five, according to

1 you guys are here for.

2 I just don't know how you get around the medical. I
3 am not that bright to see how you can actually get around
4 it. I guess you could make arguments that well, the
5 doctor talked about the elasticity and the doctor talked
6 about estrogens and all this, but she never explained it
7 as it related to Minor She never said this relates
8 specifically to Minor She talked about all these other
9 people. Why didn't she testify about Minor The only
10 thing she testified to about Minor -- not about these
11 other medical journals and all this other stuff she was
12 talking about. Why didn't she testify -- this little girl
13 specifically, her only testimony about Minor was no
14 physical evidence. No physical evidence. I didn't hear
15 anything else.

16 I'm not going to go through the testimony of all the
17 witnesses, but I was a little bit thrown because I never
18 really grasped the last lady that testified yesterday,
19 can't remember her name. I'm not even sure why she was
20 here. I never talked to Minor I never read any
21 reports or Minor. I never seen anything related to
22 Minor She gave just a boilerplate testimony. It
23 sounded like -- basically, it sounded like she and the
24 solicitor had gotten the questions together and off they
25 went. Didn't have anything to do with Minor. They're

1 statement, I don't think I told the cops -- I don't think
2 I ever told the cops that there was vaginal penetration.
3 It's in all their reports. It's in her statement itself
4 that she testified to from yesterday. And yet, she is
5 still trying to tailor this story to suit her needs. It's
6 tragic. It really is tragic. She has been caught up in
7 something that she couldn't get out of and it snowballed
8 and snowballed and snowballed what she thought was going
9 to be a little innocent effort to get to live with Nana
10 two and a half years ago.

11 Brandon and Minor's mother, Lori, and those four
12 little siblings need to be put back together and have
13 whatever they can make of their lives. I'm asking you to
14 think about just a few things because this is what it
15 boils down to. A.m's testimony, the girl that won't
16 lie, the girl that won't make up a story, according to
17 Haleigh. Her testimony that Minor said this is how I
18 get to Nana's. I have to make up a story. She didn't say
19 I'm going to make up a story, she said I'll make up a lie
20 and I can get to Nana's. I can go from this to that.
21 That's what her job was. Keep that in mind.

22 I don't want to beat a dead horse, but the reports of
23 January 27th, 2014 is astronomical in a case like this.
24 Astronomical. No physical evidence. No physical
25 evidence. So take away no physical evidence. Take away

1 think because it's a short trial it's a slam dunk. Weigh
2 the evidence, weigh the credibility, weight the
3 believability to determine whether or not the State has
4 met its burden of proof beyond a reasonable doubt. Beyond
5 a reasonable doubt.

6 Again, I want to thank you for your service. You've
7 got a tough job. Got a tough job. But scrape away,
8 scrape away and get down to the basic facts. No
9 corroboration. No physical evidence. And a girl who
10 won't lie saying Minor had told her this is exactly what
11 she was going to do. Thank you.

12 THE COURT: Ms. Odom.

13 CLOSING ARGUMENT BY MS. ODOM

14 MS. ODOM: Thank you, Your Honor.

15 She loved him, but she didn't want to have sex with
16 them. That's what really stands out to me. Twelve years
17 old. You heard her testify. She was excited. She wanted
18 a dad. She never knew her daddy. She knew her stepdaddy,
19 but he wasn't around anymore. She was excited when
20 Brandon came around, looking forward to having a male
21 figure in her life. She loved him, but she didn't want to
22 have sex with him.

23 And that last witness yesterday that testified,
24 Mr. Boggs said I don't know why she testified, I don't
25 know why she testified. Well, she discussed some things

1 any of that testimony that came from the stand. Man, oh,
2 man. Let me just go ahead and apologize to you right now.
3 I've been told all my life that whatever I'm thinking is
4 written on my face. So if I made any kind of faces or
5 looked a little flustered during the trial, I'm sorry,
6 because I can't hide anything. If I have a bad day at
7 work and come home, my husband knows. I don't say a word,
8 he knows.

9 So I'm sorry if I've made any kind of face that
10 offended you, it's been all I could do not to jump up and
11 say that's not what they said. That's not the testimony.
12 No. Listen to it. Play it back if you need to. Anything
13 I say, anything the Defense attorney says, not testimony,
14 not evidence. The Judge told you. When I objected and
15 said he's misstating that, the Judge said anything the
16 attorneys say, not evidence. If you want to listen to it
17 again, you can. But he keeps saying *Minor* said five
18 times in her vagina, five times. No, she didn't. She
19 never said that. Never said that he stuck his penis in
20 her vagina from the very beginning.

21 Now, they want to make a big deal about how when that
22 first officer came to the hospital, she gave him two
23 completely different statements. No, she didn't give him
24 two statements. The officer said, What happened? She
25 said, well, my stepdad has been touching me. All right.

1 exam said her hymen was still intact and that just doesn't
2 make any sense. She never, ever has said that he put it
3 in her vagina. Of course, her hymen is going to be
4 intact. He didn't put his penis in there. That's another
5 thing to think about. Her period hadn't started. She
6 didn't get pregnant. Maybe she could get pregnant, better
7 not put it in her vagina. You know, this isn't something
8 that just one day the Defendant decided, you know, I think
9 I want to have sex with my stepdaughter. No, built up to
10 it. Kind of got her trust, knew she craved that
11 attention, knew that he probably could do what he wanted
12 to, wasn't going to matter, nobody is going to believe
13 her. No, he built up to it. He thought about it. It got
14 worse over time.

15 Another thing about being questioned, it depends who
16 ask the question and how they ask it. It depends on where
17 you are. The courtroom is going to be a lot different
18 than at her house. At the hospital, when she just
19 disclosed 20 minutes before, 30 minutes before, she's
20 bawling her eyes out. She's upset over this. Her life
21 has changed. And a cop shows up, it's different. But
22 over all this time, all this time, three years, she's had
23 to go through this, talked to so many people and she's
24 been consistent. I asked her, You think if you just said
25 it didn't happen, it could go back to normal? She misses

212

1 going to make this up just so she can go dye her hair,
2 just so she can paint her fingernails? That she's going
3 to make it up, these specific times of abuse? It started
4 out with him telling me, just touch it. Just jack it.
5 Then the next time, it was this. You think she thought
6 about well, I need to do, at least, six times. I need to
7 come up with 10 times. I need to do this or that. You
8 think a 12-year-old is going to say I need to make up X
9 amount of allegations and if I don't, then it's not going
10 to work. You think she's gone through three years of
11 having to retell and talk to people over and over again
12 about this? You think that's pleasant for her to be on
13 the stand? Nobody wants to have to talk about sex.

14 I'm a grown woman, I don't want to talk about sex
15 with Captain Nix or with any of you in front of you. I
16 don't want to have to do that. How about a child, you
17 think that's pleasurable for her to have to do this over
18 and over again when all it would take is for her to say
19 forget it. I'm not going forward. I lied, I just want it
20 to be over. It would have been real easy for her to end
21 this, but she's consistent because it happened. If she's
22 just going to make up a story, make it up, don't you think
23 it would have been just one main thing, just one he
24 touched me. That would have done it. That would have
25 been enough. But she details what happened.

214

1 He was standing up. Momma's inside vacuuming. Then
2 -- he didn't sit down. He didn't lay on the floor. He
3 kept standing up and had her bend over. It would have
4 been real easy if momma's coming, the vacuum turns off.
5 That would have been his cue. The vacuum turns off. He
6 would have known if she was coming. Also, he stood up the
7 whole time. It would have been very easy for him to pull
8 the pants back up, walk into the house, intercept mom
9 before she could ever see Minor. Don't you for one
10 second believe that that couldn't happen because it did
11 happen.

12 If she was going to make that up, do you think she
13 would have made up and said oh, well, my mom was inside
14 the house and we were on the porch. Because at first
15 blush, you say, what? What do you mean? Your mom was
16 just a few feet away or at the front of the house. But
17 then you think about it and everything she said makes
18 sense. They would have had notice of momma coming out.

19 Now, the last incident, the one that happened on
20 Christmas Day, in the closing, Mr. Boggs was saying they
21 just opened their gifts that Christmas morning. They were
22 going over and he made her do this at 8:13 or whatever the
23 picture was taken. That's not what Minor testified to.
24 She didn't say at 8:13 in the morning that they went over
25 to Aunt Bebe's, to Aunt Beth's. No, she said it was

216

1 side. So now she's with a family friend, with her half
2 sister's grandma's ex-boyfriend. She's known him her
3 whole life, but still, you think this is what she wanted.
4 She wants to be with her mom. She said they were like
5 twins. And her mom was young when she had her. I can see
6 them being really close. You know, it's kind of sad to
7 think about it, it's really sad to think about it. It's
8 like the Defendant is a fox and has been escorted right to
9 that chicken coop. The rooster before was kicked out,
10 she's let him come on it, put him up above her kids, put
11 him over her kids, chosen him over her child. You know,
12 this little girl, she didn't have a fighting chance.
13 She's been brave enough to get up here and tell you what
14 happened, to give you the details that she's maintained.
15 Ms. Galloway-Williams touched on it a little
16 yesterday, how children might lie, but think about what
17 they would say when you make up a lie. If someone
18 approaches you and says well, say he touched you. All
19 right. Well, he touched me and it was in the bedroom or
20 whatever. But they're not going to come up with a complex
21 lie and then be able to remember it for three years and
22 repeat it every time about how they just got Christmas
23 trees, it was on a back porch. You know, think about
24 that.
25 Bottom line is she took all she could. Then there

1 it. It's a secret crime.

2 And she's been dealing with this. And, you know,

3 that last witness, the Defense's witness. I wasn't sure

4 how to approach it. I have to be honest with you,

5 sometimes, I like to get in somebody's face a little bit.

6 I like to tear them up a little bit. There's no reason to

7 get in a child's face. There's no reason for me to try to

8 make her cry. Bottom line is, it's a last ditch effort

9 that reeked of desperation. Of course, she loves her

10 momma, this little girl. Loves her grandmomma, loves the

11 Defendant. She's going to do whatever they tell her to

12 do. And with her saying this when it happened and then

13 never contacting law enforcement, don't you think when her

14 momma talked to Captain Nix afterwards that she would have

15 said, oh, yeah, by the way, my daughter is saying this?

16 Or don't you think in the time since that that somebody

17 would have contacted the cops, contacted me, contacted my

18 office saying hey, by the way, there's a witness saying

19 that *Minor* said this. I had no idea until this morning.

20 Don't you think that would have been helpful? No,

21 desperate, thinking we've got to do something. What can

22 we do? What can we do? Why don't we put a little girl up

23 there. We know the prosecutor ain't going to get onto

24 her. Maybe that will help a little bit. It didn't

25 really.

1 doctor. She has testified over and over again. She knows
2 her stuff. So when you're thinking about that medical
3 exam, don't go back there saying well, Ms. Odom said this
4 or Mr. Boggs said that, no, the doctor who performed it,
5 who's the expert.

6 This is the last time I get to talk you before I sit
7 down. So it's always tempting to kind of read over
8 everything because I guarantee you, the second the Judge
9 starts talking, I'm going to think of something. Oh, man,
10 why didn't I say that. But what it all comes down to is
11 ~~NO~~ do you believe her? Do you believe her? Do you
12 think she would have made all this up just so she could
13 paint her fingernails? Because that doesn't make sense at
14 all. Do you think she would have all these specific
15 details? You think a 12-year-old should know those
16 specific details? About how to make white stuff come out
17 of a penis or that it's called jacking off or how it
18 really hurts even if you just put the tip of somebody's
19 penis in your butt? You think a 12-year-old little girl,
20 who by the Defense attorney is saying her mom really
21 sheltered her, tried to keep her in line, you think she's
22 going to know all that stuff, all those details she gave
23 to investigators, she gave to anyone who would ask her the
24 questions? You think she's going to know all those
25 details? No. She got up there and she poured her heart

1 Now, when you took your oath, you swore to accept the
2 law as I give it to you. So if you come into this
3 courtroom with any prior notion, any opinion or previous
4 position about what the law is or about what the law
5 should be, I charge you now to disregard that. Under your
6 oath, you must accept the law as I give it to you.

7 Now, ladies and gentlemen, your role, of course, is
8 to determine what the facts are in the case. You do that
9 based on the evidence that's been received. Now, let me
10 restate one thing that's very important that I've told
11 you, at least, twice in this trial. And that is that the
12 defendant is presumed innocent until the State meet its
13 burden of proving each and every element of each offense
14 beyond a reasonable doubt.

15 Now, understand that the presumption of innocence has
16 its basis in our constitution. And that's not just a
17 legal theory. It's very important and it's the
18 cornerstone of our criminal justice system. So understand
19 that as the Defendant sits here today now in this
20 courtroom, he wears a cloak of innocence. And that cloak
21 of innocence will not be removed until and unless 12
22 deliberating jurors determine that the State has met its
23 burden of proving each and every element beyond a
24 reasonable doubt of each charge that is before you.

25 Now, you've got two charges in this case. Two

224

1 you can know with absolute certainty. And the law doesn't
2 require that the State prove its case beyond any possible
3 doubt. However, if you are convinced after your review of
4 the evidence that the Defendant is guilty, then -- if you
5 are firmly convinced of the Defendant's guilty, then under
6 your oath, you would find the Defendant guilty. However,
7 if after your review of the evidence you find that there
8 is a real possibility, a real possibility that the
9 Defendant is not guilty, then under your oath, you would
10 find the Defendant not guilty.

11 Now, ladies and gentlemen, something happened in this
12 case or failed to happen that I need to point out to you
13 because it's important. In this case, the Defendant
14 elected not to testify. Now, the State has the burden of
15 proof. The Defense has no burden of proof. And under our
16 Constitution, each and every one of us has the right to
17 remain silent. The Defendant elected to exercise that
18 right to remain silent. Now, because he chose to exercise
19 a Constitutional right that we all enjoy, you can't hold
20 that against him. That is such a sacred right, that, in
21 fact, you can't discuss that in your room.

22 Now, ladies and gentlemen, you are going to determine
23 what the facts are in this case based on your review of
24 the evidence. You saw the evidence. You will use your
25 common sense and you will collectively determine what

1 Now, ladies and gentlemen, again, the law doesn't
2 prefer direct over circumstantial evidence. You decide
3 what's important. However, to the extent that the State
4 relies upon circumstantial evidence, all of the
5 circumstances when taken together must point conclusively
6 to the guilt of the accused beyond a reasonable doubt. It
7 cannot create a mere suspicion.

8 All right. Let's talk about the charges that are
9 before the Court, ladies and gentlemen. As you know,
10 there are two charges that we have previously talked
11 about, criminal sexual conduct with a minor in the second
12 degree, criminal sexual conduct with a minor in the third
13 degree.

14 Now, before we get started, I'm going to read the
15 statute to you, okay, but I need to read for you a
16 definition first because it's relevant to the statutory
17 requirements for criminal sexual conduct with a minor in
18 the second degree. So ladies and gentlemen, that term is
19 sexual battery. And sexual battery means sexual
20 intercourse, cunnilingus, fellatio, anal intercourse or
21 any intrusion, however slight of any part of a person's
22 body or any object into the genital or anal openings of
23 another person's body except when such intrusion is
24 accomplished for medically recognized treatment or
25 diagnosis.

230

1 will give you to go back into your jury room. There's a
2 verdict form for each of the charges, or each of the
3 indictments that you will have to consider. And those are
4 the same. The only difference is they relate to separate
5 and distinct charges. So let's look at it real quick.
6 All it has is the caption and it has verdict and then it
7 explains which charge it is. The one I'm looking at, just
8 by way of example, is criminal sexual conduct with a minor
9 in the third degree. Then you'll see it says, we, the
10 jury, by unanimous agreement find the Defendant. Now,
11 understand in that first sentence there's an important
12 word in there and that's unanimously. Your verdict must
13 be unanimous. All 12 of you must agree on the verdict.
14 It can't be 11 to one or 10 to two. All of you must agree
15 on the verdict that you reach in this case. Also,
16 understand your verdicts must be based on the evidence
17 that was presented at trial and the law as I give it to
18 you. It can't be based on prejudice, passion or sympathy
19 or caprice or bias. It can be based on nothing but your
20 reasoned calculation and your reasoned consideration of
21 the evidence that was presented at trial in this case.

22 So, ladies and gentlemen, you'll have two options,
23 not guilty or guilty. I don't put them in any particular
24 order. I prepared the verdict forms. When I've got two
25 choices, I'm going to put one first and one second. So

1 it's time to start deliberations because what's going to
2 happen is I'm going to send the bailiff back to the jury
3 room with these verdict forms and he'll give you these
4 verdict forms and tell you to begin your deliberations.
5 If you don't have these verdict forms in your hands, then
6 it's not time to begin your deliberations yet, so that
7 will be your signal. Don't start before you get the
8 verdict forms.

9 Okay. You may return to your jury room.

10 (WHEREUPON, the jury left open court at
11 approximately 11:45 p.m.)

12 THE COURT: Exceptions to charge?

13 MR. BOGGS: None from the Defense, Your Honor.

14 MS. ODOM: No, sir.

15 THE COURT: Okay. All right. Ladies and gentlemen,
16 counsel and parties, I commend all of you for having tried
17 an excellent case and having been civil throughout the
18 trial. I truly appreciate it. I appreciate parties being
19 prepared and trying excellent cases. Good luck to both of
20 you.

21 If you will, please, just inventory the evidence and
22 make sure that everything is there and nothing that is not
23 supposed to be is not there. And I'm going to give these
24 verdict forms to the bailiff. When y'all are done doing
25 the inventory, you can give those to the bailiff and he'll

1 and we'll play it because everything is audiotaped. It's
2 my understanding from the court reporter that that's about
3 an hour's worth of testimony. We can come back in and
4 listen to it all.

5 Now, your second question, We would like to see the
6 doctor's report and testimony. Same thing with respect to
7 her testimony. I don't know how long that's going to
8 last, but you remember when she was on the stand. My
9 recollection is maybe it's half an hour. With respect to
10 the doctor's report, I can't give you anything that wasn't
11 entered into evidence. If it wasn't admitted as an
12 exhibit and entered into evidence, then I don't have the
13 ability to give it to you. So I can't give you something
14 that is outside the record. There was testimony regarding
15 the report and questions were asked and answers were
16 elicited, so you'll have to rely upon your recollection
17 with regard the evidence that was presented.

18 The same thing with police reports. I can't give you
19 the police reports because they weren't admitted into
20 evidence. Now, ladies and gentlemen, the reason for that
21 is because under the rules of court, police investigation
22 reports are not admissible as a matter of public policy.
23 And there are a lot of reasons for that and I don't go
24 into that. But again, there were questions that were
25 posed based on police reports. Again, that which was

1 THE COURT: All right, Counsel, we'll be in recess
2 until we hear back from them. All right.

3 (WHEREUPON, Court's Exhibit No. 1 was marked for
4 identification.)

5 THE COURT: All right. Ladies and gentlemen, I
6 received an additional note from the jury, which says,
7 quote, We are deadlocked, end quote.

8 I'm going to make this Court's Exhibit No. 2.

9 (WHEREUPON, Court's Exhibit No. 2 was marked for
10 identification.)

11 THE COURT: I'm going to bring the jury out and give
12 them an Allen charge directing them to continue their
13 deliberations.

14 So having said that, you need to put anything on the
15 record?

16 MR. BOGGS: No, sir.

17 THE COURT: All right.

18 (WHEREUPON, the jury entered the courtroom at
19 approximately 2:07 p.m.)

20 THE COURT: All right. Ladies and gentlemen, I've
21 received your note and I sympathize with you. I recognize
22 this is a difficult case and it's difficult to come to a
23 resolution. It's hard enough for two people to agree on
24 anything, so it's particularly difficult, oftentimes, for
25 12 people who have just met each other and have been

1 majority, I would ask you as well to consider the position
2 of the minority again and see if you can come to some
3 resolution in this case. I know that's not what you
4 wanted to hear when I brought you back out there, but,
5 again, this is important and a lot of resources have been
6 expended to get to this point in time. And these parties
7 deserve a verdict. So I ask you to return to your jury
8 room and attempt to come to a verdict. Thank you very
9 much.

10 (WHEREUPON, the jury left the courtroom at
11 approximately 2:11 p.m.)

12 THE COURT: All right. Yes, sir?

13 MR. BOGGS: Judge, I'd ask you to do in addition to
14 that something in the language that they don't have to
15 compromise their position. Some of the jurors may have
16 interpreted that as they've got to get a verdict. And I
17 think the Allen charge purpose is just to tell them that
18 nobody is going to be any better than that. I'm afraid a
19 couple of them possibly could say we're supposed to get a
20 verdict. We've got to get a verdict today.

21 THE COURT: I understand.

22 MR. BOGGS: If the Court would consider just in
23 addition, you don't have to compromise your position,
24 something along that language. I'm sorry, I don't have --
25 I've heard it before, but I don't have it to present to

1 either. So I recognize your objection and your request,
2 and I respectfully deny the same. I think if I tell them
3 that, then there's a hundred percent chance that they're
4 going to continue to be hung. All right. Thank you.

5 (WHEREUPON, court was in recess awaiting a
6 verdict.)

7 THE COURT: My understanding that we have a verdict
8 from the jury.

9 Is the State ready to receive the verdicts?

10 MS. ODOM: Yes, sir.

11 THE COURT: Is the Defense ready to receive the
12 verdicts?

13 MR. BOGGS: Yes, sir.

14 THE COURT: All right.

15 (WHEREUPON, the jury entered the courtroom at
16 approximately 3:28 p.m.)

17 THE COURT: All right. Mr. Smith, has the jury
18 reached a unanimous verdict, sir?

19 MR. FOREMAN: Your Honor, we have.

20 THE COURT: If you would please hand the verdict form
21 to the clerk of court.

22 Okay. Mr. Welborn, you may publish the verdict, sir.

23 VERDICT

24 THE CLERK: State of South Carolina vs. Charles
25 Brandon Rampey, the case number 2016-GS-39-1538, criminal

1 show of hands, is there any one of this jury who feels as
2 though you compromised a firmly-held position and simply
3 agreed to go along with the remaining juries?

4 (There was no response.)

5 THE COURT: Okay. Thank you very much, ladies and
6 gentlemen. I appreciate that. If you would please return
7 to your jury room. I'm going to be in there in just a
8 second and I'm going to release you. I promise you I'm
9 not going to be very long. Thank you.

10 (WHEREUPON, the jury left the courtroom at
11 approximately 3:32 p.m.)

12 THE COURT: All right, Counsel, what I'm going to do
13 is I'm going to go release the jury. Then I'll come back
14 out for sentencing and any post-trial motions, okay.

15 (WHEREUPON, a short break was taken.)

16 THE COURT: Okay. All right. You may proceed to
17 sentencing.

18 However, Mr. Boggs, do you have any post-trial
19 motion, sir?

20 MR. BOGGS: Just on the guilty verdict, Your Honor.
21 There may have been testimony that fit right into that
22 statute. It seems to me that all the testimony was on
23 criminal sexual conduct second unless you incorporate that
24 and reduce it, the actual elements of CSC three. I don't
25 remember if they had any testimony about the fondling or

244

1 THE COURT: Okay. I'll grant her some latitude in
2 that regard. I understand. I'm going to take into
3 consideration not necessarily the facts because I
4 recognize they might not necessarily be an accurate
5 betrayal of the event. However, insofar as this is
6 advocacy for the State, I'll give them the opportunity to
7 advocate and I'll give you the opportunity to do the same.

8 Yes, ma'am.

9 MS. ODOM: Thank you, Your Honor. Also, later in
10 2009, he was convicted of entering premises after warning
11 in a criminal domestic violence charge, first offense. He
12 also has another pending CSC second with a minor charge
13 that he was arrested for a few months after he made bond
14 on the current charges.

15 And Your Honor, the victim is not present here in the
16 courtroom. She went back to school today. But at the
17 appropriate time, I can make a brief statement on her
18 behalf.

19 THE COURT: Okay. Let me make sure that I'm clear on
20 this. On the criminal sexual conduct with a minor in the
21 third degree, the maximum possible penalty is 15 years; is
22 that correct?

23 MS. ODOM: Yes, sir.

24 THE COURT: Is that your understanding, Mr. Boggs?

25 MR. BOGGS: Zero to 15.

1 other relatives. They've been here, you've seen,
2 throughout this entire trial.

3 Judge, I think this is readily apparent this is a
4 compromised verdict. And I don't want to make light of
5 it, but that's exactly what it is.

6 He was charged in February of 2014 with CSC. That's
7 all he was charged with. A week before we were to go to
8 trial last month, they slipped this CSC three indictment
9 in. I don't know what caused them to do that at that
10 point. But as you saw, we did the arraignment yesterday,
11 I guess it was. We've been fighting the CSC two because
12 that's what they harped on. Then at the last minute, as a
13 safety net, they put in this CSC three in the event the
14 CSC two fell apart, which it did because they couldn't
15 prove it, which is exactly what happened.

16 Brandon works. He's been on an ankle brace monitor
17 two and a half years. In fact, the man you just talked to
18 from Eagle Eye --

19 THE COURT: Yes, sir.

20 MR. BOGGS: -- monitors him. And they have never had
21 one problem. In fact, he offered to come to court to
22 recommend the ankle bracelet be removed, which we were
23 going to do, but his trial was coming up in July. And we
24 were going to be in trial before we could get to court on
25 a motion hearing, so we didn't pursue it at that point.

1 while from them. They got custody back yesterday in
2 Family Court right below where we're sitting right now.
3 Judge, I don't know, generally, I can run off at the
4 mouth. You've heard me talk enough, but I'm a little bit
5 at a loss for words. But I think you understand where I'm
6 coming from. He doesn't have a serious record. It's just
7 unfortunate that this ended up the way it did.

8 We could have brought in -- well, I'm not going to
9 say that. Never mind. I'm not going to throw stones on
10 issues outside that box like e-mails and texts and all
11 that stuff. It's ironic. Ming^o made that for him a
12 couple months ago and sent it to him with a note saying I
13 hope you like this. And that's been going on. She's been
14 sending things to him through her mother. It makes it
15 seem like the complete antiphrasis of her coming in and
16 testifying against him today.

17 But I'm not going to belabor the point. You know
18 where I'm coming from. I'm going to ask you to be as
19 lenient as you can. If there's any way the Court would
20 consider -- and I've got to ask you, for a sentence that
21 could be served on house arrest. Let him get this -- if
22 it turns out to be he needs this valve or whatever you
23 call it, at least, he would be under the care of the
24 physician that's been taking care of him. Thank you.

25 THE COURT: Mr. Rampey, is there anything you would

1 think her motives were or what happened to her or didn't
2 happen to her, it certainly has visited upon her harshly.
3 I recognize for the collective family that it's difficult,
4 too. I'm sorry that all of you find yourselves in this
5 position.

6 I don't presume to second guess jury verdicts.
7 Whether it was a compromised verdict or not, I don't know.
8 I asked them a specific question at the close of the trial
9 after they had returned their verdict to make sure that
10 they had not, in fact, compromised their closely-held
11 beliefs to simply arrive at a verdict. And they indicated
12 clearly they did not. And I must take them at their word.
13 They had every opportunity to answer that.

14 Again, in my capacity as the judge, I don't second
15 guess juries. And it's my job at this point to sentence
16 in accordance with the law and in context with what the
17 jury found. The jury found that, Mr. Rampey, you had
18 molested a 12-year-old girl. That's what they found. And
19 I must, I must under my responsibility as an officer of
20 the court and as a judge holding an office in the State of
21 South Carolina sentence in that context.

22 These are not the types of crimes that we sentence
23 home incarceration on. They just aren't. That's an
24 unreasonable expectation. There's nothing on the face of
25 this earth that we need to hold more dear and precious

CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)

COUNTY OF AIKEN

I, PENNY M. JOHNSON, Official Court Reporter for the Second Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete Transcript of Record of the proceedings had and the evidence introduced in the trial of the captioned case, relative to appeal, in Court of General Sessions for Pickens County, South Carolina, on the 31st day of August and 1st day of September, 2016.

I do further certify that I am neither of kin, counsel,
nor interest to any party hereto.

January 11, 2017

Penny M. Johnson

Penny M. Johnson Court Reporter

My Commission Expires: 06/16/2018

254

STATE OF SOUTH CAROLINA)
COUNTY OF PICKENS)
INDICTMENT FOR
CRIMINAL SEXUAL CONDUCT WITH A MINOR 3RD DEGREE

At a Court of General Sessions, convened on JUL 19 2016 the Grand Jurors of Pickens
County present upon their oath:

That CHARLES BRANDON RAMPEY did in Pickens County, on or about or between the dates of
November 1, 2012 and December 31, 2013, being over the age of fourteen years, willfully and lewdly
commit or attempt a lewd and lascivious act upon or with the body, or its parts, of H.M.G., a child under
the age of sixteen years, with the intent of arousing, appealing to, or gratifying the lust, passions, or
sexual desires of himself or such child. This is in violation of §16-03-0655(C) 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.

Shirley S. Odom 77891
SOLICITOR BAR #

PENDING 800-431-6888	COURT'S
	EXHIBIT NO. <u>1</u>
	IDENTIFICATION EVIDENCE <u>AB</u>
	DATE: <u>9-1-19</u>

① WE WOULD LIKE TO SEE MINOR'S TESTAMONY.

② WE WOULD LIKE TO SEE DOCTORS REPORT & TESTAMONY

③ CAN WE SEE THE POLICE REPORTS

④ ARE MINORS SUBJECT TO LIE DETECTOR TEST? ✓

RECEIVED