

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Pickens County

Honorable Edward W. Miller, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

FREDRICK HARRISON TOWE,

APPELLANT.

APPELLATE CASE NO. 2018-002258

RECORD ON APPEAL

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SC Court of Appeals

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1 STATE OF SOUTH CAROLINA
2 COUNTY OF PICKENS

)
) IN THE COURT OF GENERAL SESSIONS
)

4 THE STATE OF SOUTH
5 CAROLINA

6 -vs-

7 FREDRICK HARRISON TOWE,
8 DEFENDANT.

)
)
) TRANSCRIPT OF RECORD

) 2016-GS-39-02812

) 2016-GS-39-2813

) DECEMBER 17, 2018

) PICKENS, SOUTH CAROLINA

9
10 (VOLUME I)

11
12 B E F O R E:

13 THE HONORABLE EDWARD W. MILLER, JUDGE. ; And a Jury.
14
15
16

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

18 MEGAN MORICLE OWEN, ASSISTANT SOLICITOR
19 ATTORNEY FOR THE STATE

20 JOHN DEJONG, PUBLIC DEFENDER
21 ATTORNEY FOR THE DEFENDANT
22
23

24 MICHAEL R. WATTS
25 CIRCUIT COURT REPORTER

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1 (PROCEEDINGS, DECEMBER 17, 2018)

2 (Marriage License marked as State's Exhibit No. 1
3 for identification).

4 (Consent to Search marked as State's Exhibit No. 2
5 for identification)

6 (Release for Records marked as State's Exhibit
7 No. 3 for identification)

8 (Miranda Rights Form marked as State's Exhibit No.
9 4 for identification)

10 (Doctor's Notes marked as State's Exhibit No. 5
11 for identification)

12 (SLED Records marked as State's Exhibit No. 6 for
13 identification)

14 THE COURT: All right. Anything before we start?

15 MR. DEJONG: Do you want to hear motions now, Your
16 Honor?

17 THE COURT: Well, anything we have to hear before
18 the jury comes in?

19 MR. DEJONG: No, sir.

20 THE COURT: All right. And have we got any voir
21 dire?

22 MR. DEJONG: Yeah, I have some.

23 THE COURT: Have you given this to the State?

24 MS. OWEN: I have no objection to any of his
25 questions, Your Honor.

1 THE COURT: I'm going to tell you what. I'm going
2 to send you a list of my standard voir dire.

3 MR. DEJONG: Well, I understand that, judge. I do
4 do a lot of those. I also found that every judge is a
5 little different. Yeah, I probably am a little redundant
6 from time to time, but you know that ounce of prevention is
7 worth a pound of cure.

8 THE COURT: Starting that now, are we?

9 MR. DEJONG: Do what, judge?

10 THE COURT: Nothing.

11 MR. DEJONG: Oh, okay.

12 THE COURT: So this was investigated by SLED, I
13 take it.

14 All right. Well, I think most of it is all
15 covered in my standard stuff.

16 MR. DEJONG: I think the State has handed you some
17 voir dire.

18 MS. OWEN: Uh-huh. You have got it.

19 MR. DEJONG: You have handed it up to the court,
20 right?

21 MS. OWEN: Yes.

22 MR. DEJONG: I don't have a problem with anything,
23 but I have an age old problem with the one that they ask you
24 to propound to the panel if anybody has been represented by
25 the Public Defender's Office.

1 THE COURT: Okay. I won't do that.

2 MR. DEJONG: Okay. Very good.

3 THE COURT: How are you going to introduce
4 yourself?

5 MR. DEJONG: I just practice law in Pickens
6 County.

7 THE COURT: Okay.

8 MS. OWEN: Your Honor, we make sure that he
9 doesn't practice alone and my concern is always that they
10 have had someone else in the Public Defender's office, like
11 Daniel king, or Sarah Gorsky, or Max Gravely, or someone
12 that they wouldn't know was there.

13 THE COURT: Well -- okay. That's your concern.
14 You put it on the record. I'm -- the scales tip in his
15 favor.

16 MS. OWEN: Thank you, Your Honor.

17 THE COURT: All right. Okay.

18 MR. DEJONG: Strikes are five and ten, Your Honor?

19 THE COURT: I don't think so. What is the
20 charges?

21 MS. OWEN: Yes, Your Honor, it should be five and
22 ten. CSC with a minor, second degree.

23 THE COURT: So five and ten.

24 MR. DEJONG: Thank you, Your Honor.

25 (Whereupon, the jury venire panel entered the

1 courtroom)

2 THE COURT: All right. Ladies and gentlemen,
3 welcome up to courtroom four and we'll try and get you a
4 tour of the entire courthouse before the week is over.

5 My name is Ned Miller and I am one of your --

6 (Off the record).

7 (Back on the record)

8 THE COURT: Let me start again.

9 My name is Ned Miller. I'm one of your 13th
10 Circuit judges. My main office is over in Greenville, but
11 I'm always pleased and always look forward to coming over to
12 Pickens County and I'm very happy to be here.

13 It is my privilege to hold a term of General
14 Sessions court this week. That is criminal court. And
15 Judge Verdin has qualified you all to serve as jurors for
16 the week under our state law and now we are going to qualify
17 you to serve as jurors for this particular case, and so I
18 will propound some questions to you. And please remember
19 that you are under oath and to give full, complete and
20 truthful answers to all the questions which I will pose to
21 you. But before I do that, I'm going to introduce the case
22 to you.

23 The first -- this is a two-count -- two indictment
24 case. The first indictment is the State versus Fredrick
25 Harrison Towe.

1 Did I pronounce it correctly, Mr. DeJong?

2 MR. DEJONG: Towe.

3 THE COURT: Towe, T-O-W-E.

4 And this is an indictment for criminal sexual
5 conduct with a minor in the second degree.

6 This indictment alleges that Fredrick Harrison
7 Towe did, in Pickens County, on or about between the dates
8 of September 1, 2000 and December 30, 2000, engage in sexual
9 battery with HY, who was at least fourteen years of age, but
10 less than sixteen years of age, and he did so in a position
11 of familial, custodial, or official authority to coerce the
12 victim to submit and/or he was older than the victim, in
13 violation of our statutes and laws.

14 The second indictment is the State versus Fredrick
15 Harrison Towe, and it is an indictment for incest, and this
16 indictment alleges that Fredrick Harrison Towe did, in
17 Pickens County, between the dates of February 9, 2001, and
18 July, 2002, have carnal intercourse with HY, who was within
19 the degree of relationship prohibited by our state law.

20 Now, ladies and gentlemen, to these indictments
21 the defendant has pled not guilty. And, as such, certain
22 rights attach, which belong to every person in this country
23 who is charged with a crime, and that is that he is presumed
24 to be innocent, unless and until the charging body, which in
25 this case is the State of South Carolina, can prove to a

1 jury beyond any reasonable doubt each and every element of
2 the offenses that are alleged against him.

3 Please --

4 Can you sit down so the jury can see me? Thank
5 you.

6 Please keep that in mind throughout the course of
7 the trial or these proceedings.

8 The other thing I would tell you is that these
9 documents which I have read to you are nothing more than
10 they appear to be and that is just pieces of paper and you
11 should take no presumption or any inference from the fact
12 the indictments have been arrived at. They are not evidence
13 of guilt or innocence. They are just the formal documents
14 which allow the case to wind its way through our system to
15 arrive here in court for disposition. So please keep that
16 in mind also throughout the course of the proceeding.

17 Before I go any further I would ask the attorneys
18 to stand and identify themselves and their client, if
19 appropriate.

20 MS. OWEN: Thank you, Your Honor.

21 Ladies and gentlemen, my name is Megan Owen. I
22 work for the 13th Circuit Solicitor's Office.

23 This is Skipper Wallace. She is with the South
24 Carolina Law Enforcement Division.

25 THE COURT: All right. Thank you very much.

1 MR. DEJONG: May it please the court?

2 THE COURT: Yes, sir.

3 MR. DEJONG: Ladies and gentlemen, my name is John
4 DeJong. I practice law here in Pickens County. Today I
5 have the pleasure of representing Fredrick Harrison Towe,
6 also known as Freddie Towe.

7 THE COURT: All right.

8 Ladies and gentlemen, is there any member of the
9 jury panel related by blood or marriage or who might have a
10 business, personal, or social relationship with any of the
11 attorneys involved in this case or any member of the 13th
12 Circuit Solicitor's Office? If so, please stand.

13 (No response)

14 THE COURT: Is there any member of the jury panel
15 related by blood or marriage or has a business, personal, or
16 a social relationship with Fredrick Harrison Towe? If so,
17 please stand.

18 (No response)

19 THE COURT: I'm going to read a list of potential
20 witnesses and I'll need to know the same about these folks.

21 M. Skipper Wallace with SLED.

22 Special Agent Michael Collins with SLED.

23 Nick Parker with SLED.

24 Harvey Owens with SLED.

25 Minor

1 Tammy Truman.

2 Chief Jimmy Dixon with the Clemson Police
3 Department.

4 Sandra Williamson with the Anderson County
5 Sheriff's Office.

6 Michelle Scott.

7 Rick Truman.

8 Dustin Yorty.

9 Shauna Galloway Williams with the Julie Valentine
10 Center.

11 Is there any member of the jury panel who is
12 related by blood or marriage or who has a business,
13 personal, or social relationship with any of those potential
14 witnesses whose names I have just read? If so, please
15 stand.

16 (No response)

17 THE COURT: Is there any member of the jury panel
18 who has any knowledge about the events that are alleged in
19 these indictments? If so, please stand.

20 (No response)

21 THE COURT: Is there any member of the jury panel,
22 jury panel family member, or very close personal friend who
23 has ever been a victim of or charged with these type of
24 offenses? If so, please stand.

25 (No response)

1 THE COURT: Is there any member of the jury panel
2 aware of any bias or prejudice towards either the State or
3 the defendant? If so, please stand.

4 (No response)..

5 THE COURT: Is there any member of the jury panel
6 who is a member of or contributor to a group whose primary
7 concern is the promotion of victims or law enforcement's
8 rights? If so, please stand. Examples would be MADD, SADD,
9 CAVE. If so, please stand.

10 (No response)

11 THE COURT: Is there any member of the jury panel
12 who knows of any reason whatsoever why you should not serve
13 in this case, with particular emphasis on your ability to be
14 fair and impartial to both the State and the defense? If
15 you cannot do that, please let us know right now. If so,
16 please stand.

17 (No response)..

18 THE COURT: All right. Anything further from the
19 State?

20 MS. OWEN: Nothing from the State, Your Honor.

21 THE COURT: From the defense?

22 MR. DEJONG: Nothing on behalf of Mr. Towe, Your
23 Honor.

24 THE COURT: All right. Thank you very much.

25 All right, Mr. Clerk, are you ready? Still

1. working.

2. THE CLERK: Yes, sir.

3. (Off the record).

4. (Back on the record).

5. THE COURT: When your name is called, if you
6. would, just stand in place and await further instructions.
7. Thank you.

8. THE CLERK: Juror number 175, Carissa R. Stech.
9. What says the State?

10. MS. OWEN: Please present the juror.

11. THE CLERK: And the defense?

12. MR. DEJONG: Please swear the juror.

13. THE CLERK: Please come forward and have a seat in
14. the jury box.

15. Juror number 3, Angus A. Anderson.

16. What says the State?

17. MS. OWEN: Please present the juror.

18. THE CLERK: And the defense?

19. MR. DEJONG: Please swear the juror.

20. THE CLERK: Please come forward and have a seat in
21. the jury box.

22. Juror number 185, Dan Thompson.

23. What says the State?

24. MS. OWEN: Please present the juror.

25. THE CLERK: And the defense?

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

3 THE CLERK: Please return to your seat, sir.
4 Juror number 180, Laurene Sullivan.
5 What says the State?

6 MS. OWEN: Please present the juror.

7 THE CLERK: And the defense?

8 MR. DEJONG: Please swear the juror.

9 THE CLERK: Please come forward and have a seat in
10 the jury box, please.

11 Juror number 93, Berles Hoxit.

12 What says the State?

13 MS. OWEN: Please present the juror.

14 THE CLERK: And the defense?

15 MR. DEJONG: Please swear the juror.

16 THE CLERK: Please come forward and have a seat in
17 the jury box.

18 Juror number 162, Markus R. Roberts.

19 What says the State?

20 MS. OWEN: Please present this juror.

21 THE CLERK: And the defense?

22 MR. DEJONG: Please swear the juror.

23 THE CLERK: Please come forward and have a seat in
24 the jury box.

25 Juror number 96, David Jachowski.

1 What says the State?

2 MS. OWEN: Please present this juror.

3 THE CLERK: And the defense?

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

6 THE CLERK: Please return to your seat, sir.

7 Juror number 193, John Vickous.

8 What says the State?

9 MS. OWEN: Please present this juror.

10 THE CLERK: And the defense?

11 MR. DEJONG: Please excuse this juror from the
12 trial of this case.

13 THE CLERK: Please return to your seat, sir.

14 Juror number 208, David Young.

15 What says the State?

16 MS. OWEN: Please present this juror.

17 THE CLERK: And the defense?

18 MR. DEJONG: Please excuse this juror from the
19 trial of this case.

20 THE CLERK: Please return to your seat.

21 Juror number 22, Hannah Bowen.

22 What says the State?

23 MS. OWEN: Please excuse this juror.

24 THE CLERK: Please return to your seat.

25 Juror number 62, Julia Frugoli.

1 What says the State?

2 MS. OWEN: Please present this juror.

3 THE CLERK: And the defense?

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

6 THE CLERK: Please return to your seat.

7 Juror number 132, Jacqueline Mouzon.

8 What says the State?

9 MS. OWEN: Please present this juror.

10 THE CLERK: And the defense?

11 MR. DEJONG: What number, please, Mr. Clerk?

12 THE CLERK: 132.

13 MR. DEJONG: 132. Thank you, sir.

14 Please swear the juror.

15 THE CLERK: Please come forward and have a seat in
16 the jury box.

17 Juror number 207, Jason Yates.

18 What says the State?

19 MS. OWEN: Please present this juror.

20 THE CLERK: And the defense?

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

23 THE CLERK: Please return to your seat, sir.

24 Juror number 146, Paul Phelps.

25 What says the State?

1 MS. OWEN: Please present this juror.

2 THE CLERK: And the defense?

3 MR. DEJONG: Please swear the juror.

4 THE CLERK: Please come forward and have a seat in
5 the jury box.

6 Juror number 16, Linda Black.

7 What says the State?

8 MS. OWEN: Please present this juror.

9 THE CLERK: And the defense?

10 MR. DEJONG: Please excuse this juror from the
11 trial of this case.

12 THE CLERK: Please return to your seat.

13 Juror number 209, Dakota Youngblood.

14 What says the State?

15 MS. OWEN: Please excuse this juror.

16 THE CLERK: You may return to your seat, sir.

17 Juror number 206, Alina Wright.

18 What says the State?

19 MS. OWEN: Please present this juror.

20 THE CLERK: And the defense?

21 MR. DEJONG: Please swear the juror.

22 THE CLERK: Please come forward and have a seat in
23 the jury box.

24 Juror number 164, Christle Ross.

25 What says the Stats?

1 MS. OWEN: Please present this juror.

2 THE CLERK: And the defense?

3 MR. DEJONG: Please swear the juror.

4 THE CLERK: Please come forward and have a seat in
5 the jury box.

6 Juror number 113, Jonathan Kole.

7 What says the State?

8 MS. OWEN: Please excuse the juror.

9 THE CLERK: Please return to your seat, sir.

10 Juror number 33, Randall Carson.

11 What says the State?

12 MS. OWEN: Please present this juror.

13 THE CLERK: And the defense?

14 MR. DEJONG: Please swear the juror.

15 THE CLERK: Please come forward and have a seat in
16 the jury box.

17 Juror number 12, Debra Batzold.

18 What says the State?

19 MS. OWEN: Please present this juror.

20 THE CLERK: And the defense?

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

23 THE CLERK: Please return to your seat.

24 Juror number 45, Jennifer Dahlquist.

25 What says the State?

1 MS. OWEN: Please present this juror.

2 THE CLERK: And the defense?

3 MR. DEJONG: Please seat the juror.

4 THE CLERK: Please come forward and have a seat in
5 the jury box.

6 Juror number 6, Vicki Babb.

7 What says the State?

8 MS. OWEN: Please present this juror.

9 THE CLERK: And the defense?

10 MR. DEJONG: Please swear the juror.

11 THE CLERK: Please come forward and have a seat in
12 the jury box.

13 THE COURT: All right, two alternates , and one
14 and two on each of them.

15 THE CLERK: Juror number 54, Heather Dunn.

16 What says the State?

17 MS. OWEN: Please present this juror.

18 THE CLERK: And the defense?

19 MR. DEJONG: Please excuse this juror from the
20 trial of this case.

21 THE CLERK: Please return to your seat, please.

22 Juror number 202, Sheila Wiggins.

23 What says the State?

24 MS. OWEN: Please present this juror.

25 THE CLERK: And the defense?

1 MR. DEJONG: Please swear the juror.

2 THE CLERK: Please come forward and have a seat in
3 the jury box.

4 This is for the second alternate.

5 Juror number 87, Michaela Holder.

6 What says the State?

7 MS. OWEN: Please excuse this juror.

8 THE CLERK: If you would return to your seat,
9 please.

10 Juror number 31, Gregory Callopi.

11 What says the State?

12 MS. OWEN: Please present this juror.

13 THE CLERK: And the defense?

14 MR. DEJONG: Please swear the juror.

15 THE CLERK: Please come forward and have a seat in
16 the jury box.

17 THE COURT: All right. Any exception or objection
18 to the jury as impaneled pursuant to Batson or Jebb?

19 MS. OWEN: Not from the State, Your Honor.

20 MR. DEJONG: Nothing on behalf of Mr. Towe, Your
21 Honor.

22 THE COURT: All right.

23 All right, ladies and gentlemen, at this time I am
24 going to excuse you all for the remainder of the day and ask
25 you to call back after six o'clock for what to do next.

1 Thank you all very much.

2 (Whereupon, the jury venire panel left the
3 courtroom)

4 THE COURT: All right. Ladies and gentlemen, I
5 want to congratulate you all on being selected as a juror.
6 It is rare to be called up for jury duty in the big panel.
7 It's rarer still to be called -- well, all of you got called
8 to the courtroom this time, but it's a very rare event to be
9 called to serve on a jury. It is a great privilege, a great
10 responsibility, and we -- I trust that you all will find it
11 to be a very rewarding experience when you are able to
12 reflect back on it when your service is finished, so I thank
13 you all for the sacrifices that you are making to be here.

14 I want to tell you that we have a dispute about
15 the facts in this case which cannot be resolved in any
16 fashion, other than to ask a jury to come here to the
17 courthouse, to the courtroom, listen to the evidence
18 presented here in the courtroom and the law that I will give
19 to you throughout the case in this courtroom and to come to
20 a decision which will resolve the dispute.

21 I would remind you at this time that every person
22 charged with a crime in this state is presumed to be
23 innocent, unless and until the charging body, in this case
24 the State of South Carolina, can prove to you all beyond any
25 reasonable doubt each and every element of each offense that

1 is charged. So please keep that in mind throughout the
2 course of the proceedings.

3 I also again tell you that the indictments that
4 are issued are not evidence of guilt and you should make no
5 presumption or make any inference from the fact that they
6 are issued with respect to the question of guilt or
7 innocence. They are just the formal written documents which
8 allow the case to wind its way through our system to arrive
9 here in court for disposition.

10 For your benefit I break a trial into five parts
11 so that you all have a procedural road map to tell you where
12 you are and what's coming next and they are sort of big
13 general parts, but at least, if you can remember it, have an
14 idea about where you are in the trial.

15 The first part we are going to start after lunch
16 and I define the first part as the opening statements to you
17 of the attorneys and those are brief and not argumentative
18 statements about the case.

19 The second part of the trial is the meat and
20 potatoes of this case, and every case, and that is the
21 presentation of the evidence in the case. And that will
22 generally come to you in one of three ways. The most
23 commonly thought of way, I believe, is through oral
24 testimony from this witness stand. The second most common
25 way is through the introduction of tangible items or

1 documents. And the third most common way is when the
2 parties agree that some fact is so beyond dispute that you
3 should accept it as being true and that's what we call a
4 stipulation of the parties.

5 The third part of the trial, after all of the
6 evidence has been presented, is the -- or are the closing
7 arguments of the attorneys. So you have a brief and
8 non-argumentative opening statement and you have a closing
9 argument, where the parties get up and advocate their
10 position based on the evidence presented in the courtroom
11 and the law and urge you to resolve the dispute in their
12 favor.

13 The fourth part of the trial will be when I charge
14 you as to what the law is as it relates to this case.

15 And the fifth part of the trial will be when you
16 retire to your jury room to deliberate this case and resolve
17 the dispute.

18 The parts are not of equal length. And as you can
19 well imagine, the second part of the trial, the evidence, is
20 the most -- is probably the longest part of the trial, but
21 if you can remember that little map, then you will know
22 where you are and what's coming next.

23 I will ask you to do a number of things throughout
24 the course of the trial, I'm quite sure, but there are three
25 main things I ask you to do. The first is to keep an open

1 mind. Don't make a decision about how this case ought to be
2 resolved now, after the opening statements, even after the
3 evidence is in, or the law. Wait until you are back in the
4 jury room to deliberate the case to make up your mind.

5 We go through all the questioning in these cases
6 to ensure that we have a fair and impartial jury, that will
7 try this case based on the evidence presented in the
8 courtroom and the law as I will give it to you.

9 The second thing I'll ask you to do, and sounds
10 very simple and can be very difficult, and that is to pay
11 attention. If you were to let your mind wander off during
12 the course of the trial, you might miss an answer to a
13 question, or even the way a question is answered and that
14 might become important in your deliberations, and if you had
15 let your mind wander off, you would be at a disadvantage in
16 your deliberations, so pay attention.

17 The third thing I would ask you to do and instruct
18 you to do, emphasize that you do, is not to discuss this
19 case with anyone until you are free to deliberate the case.
20 Don't talk about the facts of the case. Now, that doesn't
21 seem very difficult now, because you don't know anything
22 about the case. I don't -- you know, I know about as much
23 as you do, but when you -- if this case goes overnight,
24 since we are kind of getting a little bit of a late jump on
25 it, I think it may well go into tomorrow, and I don't know,

1 it could go longer. I don't know, but when you go home it's
2 human nature to want to discuss the matter with who you see,
3 with a friend or a family member, but you can't do that,
4 because even an innocent comment with someone who you like
5 and trust might have an impact on your state of mind and
6 that would not be fair to these parties. It wouldn't be
7 fair to your fellow jurors, and most especially would not be
8 fair to yourself to allow someone who is not making the
9 sacrifices that each of you are making to have any input in
10 the outcome of the trial. They don't know anything about
11 it. They are not watching the witnesses. They are not
12 listening to the evidence and they should not have an impact
13 on how this case is resolved, so don't talk about it.

14 Don't do independent research. If you hear about
15 some physical location in the course of the testimony, don't
16 go there. Don't get on Facebook, please, even more,
17 Twitter, or the other one, Instagram. Don't do it.
18 Everything that you need to know to resolve this dispute you
19 will hear in this courtroom and all of that will be subject
20 to constitutional protections and scrutiny.

21 I will tell you that you all are the sole judges
22 of the facts in the case and a trial judge is not allowed to
23 have an opinion about the facts in the case. So please
24 don't think that anything I may say or do throughout the
25 course of the trial that I have an opinion. It is up to you

1 all to decide what to believe and what not to believe what
2 you find to be true and not true.

3 That same law makes me the sole judge of the law
4 in the case. So if you have any idea as to what you think
5 the law is or what the law ought to be and it differs from
6 what I tell you the law is throughout the course of the
7 trial, you are going to swear an oath in just a second to
8 set aside your own opinion and apply the law precisely as I
9 state it to you.

10 I'm sure there are other things that I'll ask you
11 to do throughout the course of the trial, but there are a
12 couple of things I do want to tell you. From time to time
13 you may see me ask the attorneys to come up and speak with
14 me out of your hearing, or I may excuse you all to your jury
15 room to discuss some issue. We are not trying to deceive
16 you, but we may be trying to keep something from you. In
17 these discussions we may be discussing a piece of evidence
18 that is not admissible. And, of course, if that's the case
19 you shouldn't hear it, or we may be discussing the length of
20 a witness' testimony to decide, you know, should we break
21 for the evening or should we -- logistical type things. So
22 that's what we are doing in these little bench conferences
23 or when you all are excused to your jury room. Keep your
24 eye out on that.

25 And the next thing I'm going to ask you to do is

1 when you return from lunch, it's 12:15, I'm going to ask you
2 to be back at 1:30, is to see if you all can, from the first
3 twelve jurors selected, decide who you would like to be your
4 foreperson. And the foreperson is the moderator of your
5 discussions at the conclusion of the trial during your
6 deliberation and your spokesperson in the courtroom, should
7 that become necessary. If you all -- I always like to give
8 the jury an opportunity to do that. If you all can't make
9 that decision, well, I can help you out with that, but I
10 would love it if you all could decide that on your own.

11 With that, ladies and gentlemen, I'm going to ask
12 you to stand and take the oath in this case.

13 THE CLERK: Again, if you will raise your right
14 hand.

15 You shall well and truly try the issues joined in
16 this case in the State versus Fredrick Harrison Towe and a
17 true verdict render according to the law and evidence, so
18 help you God?

19 (Jury Panel collectively said I do).

20 THE CLERK: Thank you. Please have a seat.

21 THE COURT: All right. Well, y'all don't have to
22 sit. We are going to excuse you now for lunch. See you
23 back in an hour and fifteen minutes. Great. Thank you.

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

1 THE COURT: Okay. Anything before we break?

2 MS. OWEN: Nothing from the State, Your Honor.

3 MR. DEJONG: If it please the court, Your Honor,
4 Mr. Towe is charged under two separate indictments, that
5 being amended Indictment 2016-GS-39-2813. That is for
6 incest, and Indictment 2016-GS-39-2812, criminal sexual
7 conduct with a minor.

8 Those two indictments, Your Honor, allege
9 different dates and a lot of that I believe probably has to
10 do with the age of the alleged victim at the time these
11 allegations arose.

12 THE COURT: A logical deduction, yes, sir.

13 MR. DEJONG: Thank you, Your Honor.

14 However, I'm going to ask the court to make the
15 State elect which one they want to proceed on. I realize
16 that one is not a lesser included of the other, but the
17 offenses are closely related, but the factual issue of --
18 well, you have got age in one and then you basically not an
19 element of the crime, but an age of the other. I think it
20 would be very, very confusing to the jury to hear testimony
21 as to the CSC second and the alleged victim's age and then
22 try to make some sort of distinction of going into the
23 incest charge that doesn't have an age.

24 In other words, I submit that the elements of the
25 two crimes are so different, Your Honor, that they should be

1 tried separately, and I ask either that the State be
2 required to elect or that one of the charges be severed.

3 THE COURT: Motion for severance is what you are
4 asking?

5 MR. DEJONG: I beg your pardon, Your Honor?

6 THE COURT: Well, I think the jury is sworn. I
7 think that the time is passed for that.

8 MR. DEJONG: Okay.

9 THE COURT: Okay. All right.
10 Anything else?

11 MR. DEJONG: Yes, sir.

12 Throughout this case there is a lot of talk of
13 polygraph. I would not suspect that Madam Solicitor will
14 try to bring that in, but I would certainly request that
15 there not be any discussion of polygraph tests in this case,
16 period.

17 THE COURT: All right. Okay.

18 MS. OWEN: Your Honor, I know the rules. I have
19 instructed all of my witnesses on that.

20 THE COURT: Okay. There you go.

21 MR. DEJONG: Pardon me?

22 I'm sorry, one of my hearing aids just died, so
23 I'm having a hard time.

24 THE COURT: It doesn't work when it's out of your
25 ear for sure.

1 MR. DEJONG: It doesn't work real good when it's
2 in my ear.

3 THE COURT: She is not going to bring it up.

4 MR. DEJONG: Thank you, Your Honor.

5 THE COURT: She has instructed her witnesses.
6 Okay.

7 MR. DEJONG: Finally, this case has a bit of an
8 interesting wrinkle to it. The allegations against my
9 client were made in 2003 to the Clemson Police Department.
10 SLED, when they were investigating the case, got certain
11 information from the Clemson City Police Department.
12 According to the report that they obtained there are certain
13 statements that were made by certain parties that was made.
14 I don't have access to those statements and what I can find
15 from SLED's investigation that they were not available due
16 to people leaving and I think the main investigator leaving
17 along with it. The problem I have with that coming in is I
18 don't have those statements. I don't know if there would be
19 anything exculpatory.

20 And, again, Your Honor, these are related to 2003
21 allegations were related or basically the same allegations
22 that were made in 2016. I don't know how the State is going
23 to use that, but without the statements available, it's
24 really hard for me to get into the 2003 case, Your Honor.
25 What happened to the statements I don't know.

1 MS. OWEN: Your Honor, I don't have the statements
2 either. We have -- Skipper Wallace is here from SLED.
3 She's requested that. Jimmy Dixon provided what is
4 available. All that he had in his file in the case 2003 was
5 the incident report. That's all I have. I have provided
6 what we have.

7 We are going to discuss briefly the incident
8 report, but we don't have the statements either, Your Honor,
9 and so I believe he will have an opportunity to
10 cross-examine the people mentioned in the statement wherein
11 those incidents reports that gave statements, so he would be
12 able to ask them about whatever he wants to at that point,
13 but we don't have any statement either.

14 THE COURT: There you go.

15 MR. DEJONG: The problem with that, judge, I can
16 cross-examine them, but I certainly have no basis to impeach
17 them if they did make a statement.

18 THE COURT: Well, you know, I can't help you with
19 that.

20 MR. DEJONG: All right.

21 THE COURT: Certainly good argument material.

22 MR. DEJONG: Finally, Your Honor, and I'm going to
23 sit down and hush, and this one is a bit tricky coming from
24 me. There are allegations by the alleged victim in this
25 case that she was molested when she was three years of age.

1 Now, that comes in, not that Mr. Towe was the perpetrator
2 when she was three, and I don't even know if there were any
3 police reports made or not at that point in time. Nothing
4 has been furnished to me, but, again, without that police
5 report and with a three year old reporter at that point in
6 time, again, I would be shooting fish in a -- would be
7 shooting fish in a barrel. I would be shooting in the dark
8 and trying to work around those three -- the allegations she
9 was three years of age. And part of the problem there is,
10 Your Honor, as I understand it, and SLED's investigation,
11 and according to the alleged victim's statement, the
12 allegations that she made when she was three are basically
13 the same allegations that she has made against Mr. Towe in
14 this case. I'm just asking that those three year old --
15 when she was three, those allegations not come in.

16 MS. OWEN: Your Honor, I don't have any
17 statements, but that is part of her statement is that she
18 does allege that Mr. Towe was aware of what happened to her
19 when she was younger, that she was a victim. He asked her
20 about those things and then he did the same things to her.
21 She said that's part of her statement.

22 Your Honor, I believe it's relevant and going to
23 be more probative than prejudicial to him. She's not
24 alleging he did anything to her when she was three. That's
25 a wholly unrelated case. That was in a different

1 jurisdiction, different state. I don't have access to that
2 information, but he is well aware of that information that
3 was in her statement. He can cross-examine her about it.

4 MR. DEJONG: I guess cross-examination cures
5 everything, judge.

6 THE COURT: Well, it can be done by a seasoned
7 professional like yourself, Mr. DeJong.

8 MR. DEJONG: Thank you, Your Honor.

9 THE COURT: All right. Okay.

10 Anything else?

11 MS. OWEN: Nothing from the State, Your Honor.

12 THE COURT: All right. We will see you all at

13 1:30.

14 MR. DEJONG: Oh, Your Honor, one thing.

15 THE COURT: Hang on.

16 MR. DEJONG: The jury has been sworn.

17 THE COURT: Yeah.

18 MR. DEJONG: I would ask that Mr. Towe be allowed
19 to stay out. He's always showed up for court, always showed
20 up --

21 THE COURT: State's position?

22 MS. OWEN: Your Honor, I would ask that he be held
23 until the case is concluded.

24 THE COURT: Well, we will discuss it tonight
25 before we break. I'm going to let him out on lunch.

1 MS. OWEN: Thank you, Your Honor.

2 MR. DEJONG: Thank you, Your Honor.

3 THE COURT: All right.

4 (Whereupon, proceedings were recessed)

5 (Whereupon, proceedings were reconvened)

6 THE COURT: Are y'all ready to go?

7 MR. DEJONG: Ready for the defense, Your Honor.

8 MS. OWEN: Yes, Your Honor.

9 THE COURT: Okay.

10 Mr. Carson is the foreperson.

11 (Jury Note marked as Court's Exhibit No. 1 for
12 identification)

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

15 THE COURT: All right. Ladies and gentlemen,
16 welcome back. We are ready to begin the trial.

17 Opening statements.

18 MS. OWEN: Thank you, Your Honor.

19 Good afternoon, ladies and gentlemen.

20 My name, as I said, is Megan Owen. I work for the
21 13th Circuit Solicitor's Office. I am a prosecutor in
22 Pickens County and I am presenting this case to you today on
23 behalf of the 13th Circuit.

24 Fredrick Towe, who is also know as Freddie, has
25 been charged with criminal sexual conduct with a minor in

1 the second degree and incest. The judge is going to give
2 you the law on that at the conclusion of the trial, but just
3 so you are aware of what that means, criminal sexual conduct
4 with a minor in the second degree has two different parts
5 and we are focusing on one part. That is going to be that
6 Fredrick Towe did have sex, sexual intercourse, with a
7 victim who is between the ages of fourteen and sixteen years
8 old.

9 Judge Miller read the indictment to you. We
10 allege that that happened September of 2000, until the end
11 of December of 2000. Based on the age of the victim at the
12 time, that would be Minor , she was fifteen years
13 old.

14 Incest is when people in the same family and
15 relation have some sort of sexual intercourse. It's alleged
16 Fredrick Towe had sex with his stepdaughter Minor
17 once he married her mother from February of 2001, until July
18 of 2002.

19 Ladies and gentlemen, this isn't CSI. I wish it
20 was, but it's not. It's not as technical and you are not
21 going to hear all kinds of crazy interesting summations of
22 how we came to this conclusion.

23 What you are going to hear is a lot of testimony
24 and it's all going to come from right here. And Judge
25 Miller said, I'm going to ask you also, to please pay

1 attention to everything that's said. And it's going to be
2 your decision to decide who you think is credible, who is
3 not, what you believe and what you don't believe.

4 And, ladies and gentlemen, I have the burden of
5 proof in this case. I'm here to prove to you beyond a
6 reasonable doubt that the defendant sitting at the table
7 over here, Fredrick Towe, did have sexual intercourse with
8 **Minor** when she was fifteen years old. It was
9 against her will and he was in a place of familial custodial
10 authority over her, in that he was her mother's boyfriend.
11 He lived in her home and then became her stepfather.

12 In February of 2001 he married her mother Tammy
13 and that is when the incest charge comes about, because at
14 that point he is now her stepfather. She continued to live
15 in the home until July of 2002.

16 Ladies and gentlemen, at the end of this case,
17 after you hear everything, I'm going to ask you to come back
18 with a verdict of guilty that Fredrick Towe did sexually
19 assault and have sex with **Minor**. Her name has
20 changed and we will go through that, but at the time she was
21 fifteen and then she was sixteen, ladies and gentlemen, and
22 all this happened in Clemson, South Carolina.

23 Thank you.

24 THE COURT: All right, Mr. DeJong?

25 MR. DEJONG: May it please the court..

1 Madam prosecutor.

2 His Honor has shared a number of things with you
3 and so I'm probably going to share some of them again, okay,
4 because I think they are certainly worth repeating.

5 Every person in this country who is charged with a
6 crime has a very, very substantial right under our law and
7 that substantial right, ladies and gentlemen, is known as
8 the right of the presumption of innocence.

9 Now, you can look at Mr. Towe, Freddie, as seated
10 over at counsel table. He's got a suit on, but he also has
11 something you really can't see and that is that presumption
12 of innocence. And sometimes we liken that presumption of
13 innocence to a robe of righteousness draped about the
14 shoulders of the accused.

15 I kind of like to liken it to saran wrap. Mr.
16 Towe is covered from the very soles of his feet to the very
17 top of his head with saran wrap, which is known as the right
18 of presumption of innocence, and that saran wrap, ladies and
19 gentlemen, stays there throughout this trial. It doesn't
20 leave when I sit down. It doesn't leave when after the
21 first witness, however many witnesses testify. It doesn't
22 leave at all. Actually it follows him back into the jury
23 room when you ladies and gentlemen are given the go-ahead to
24 start deliberating, and it stays with him until, or unless,
25 you twelve people are convinced beyond a reasonable doubt

1 that he committed the offenses.

2 Now, Mr. Towe comes in here today with nothing at
3 all to prove to y'all. He is the accused, and His Honor has
4 already shared with you that the indictments are not
5 evidence against him, anymore, ladies and gentlemen, as the
6 fact that he was arrested for this charge and there is an
7 arrest warrant out there somewhere floating around. That
8 arrest is not any evidence in this case at all. Indeed it's
9 kind of -- or what kind of amuses me a little bit in this
10 digital age that we live in, we still have to keep the paper
11 trail going and that's what the indictment is and the
12 warrants, as far as that goes. They are charging documents.
13 They are not any evidence whatsoever against Mr. Towe.

14 So that leaves then the burden of proof is on the
15 State to prove Mr. Towe's guilt to your satisfaction under
16 the law, as His Honor will give it to you at the end of this
17 case, to determine whether or not the State has carried that
18 burden of proof beyond a reasonable doubt.

19 Now, I'm not going to talk about reasonable doubt
20 right now. We will talk about that when we come back
21 together at the end of this trial, but that is the burden of
22 proof and that is the highest burden of proof that we have
23 in our legal system.

24 You are not I don't believe going to hear, and I
25 think the solicitor mentioned this, we don't agree on many

1 things, but every once in a while we can agree on something.
2 There is not going to be a lot of technical testimony in
3 this case.

4 The alleged offenses, as enumerated by Madam
5 Solicitor, occurred in -- allegedly occurred in September of
6 2002. Then there is a cut-off on one, and then they start
7 the other one, which started I think in 2001, or 2002. I
8 don't remember exactly off the top of my head.

9 So on those charges, both charges, the State must
10 carry the burden of proof on each charge. Not that they
11 carry the proof perhaps on one doesn't mean that the other
12 one is also. When you get back to the jury room you will
13 have to weigh each charge and deliberate on each charge as
14 Mr. Towe is indicted for.

15 Basically, as I understand it, this whole case is
16 going to be testimony, that is he said she said. I don't
17 believe you are going to see any scientific evidence. I
18 don't think you are going to see any forensic evidence. It
19 will simply be testimony.

20 And in this case, ladies and gentlemen, and I
21 think His Honor alluded to it, but in this case you have no
22 friends to reward. You have no enemies to punish. Yours is
23 purely to determine whether or not under the allegations of
24 this case and what the State portrays to you is whether or
25 not they have carried their burden of proof.

1 I would remind you of one thing, please, ladies
2 and gentlemen. The State will go first in calling
3 witnesses. The State will ask witnesses questions first.
4 We are followed by what is called cross-examination. I
5 would ask you to remember the responses to cross-examination
6 are as much testimony and evidence in this case as are the
7 responses to Madam Solicitor's questions. It's all part of
8 that and I ask you to pay attention to the
9 cross-examination, as well as the direct examination. I
10 just ask that you pay attention. Your Honor shared with you
11 that earlier.

12 On behalf of Mr. Towe I thank the twelve of you,
13 the fourteen for the moment for being here. I give credit
14 to the late great Winston Churchill to the statement I'm
15 about to make, that people take issue with me, but I think
16 Winston Churchill, it sounds better, so if I'm wrong, I'm
17 wrong, but he said that jury service is the highest service
18 you can give to your country, your community, in times of
19 peace. I'm not sure we are at peace right now. Maybe we
20 can paraphrase it. Jury service is the greatest service you
21 can provide for your community as a noncombatant. It is
22 just that important. Without the twelve, fourteen of you
23 here today, I mean no disrespect to His Honor, but without
24 you the prosecutor wouldn't have to be here, I wouldn't have
25 to be here. How would we resolve issues if y'all were not

1 here? I do not know, because we have been doing this as
2 long as this country has stood, as far as I know.

3 So I ask you again, you have been very attentive.
4 I never can say that word properly. Listen to me and Madam
5 Solicitor. I just ask you to remain that way throughout
6 this trial. After you go back in that jury room and
7 deliberate, you come out and say Madam Solicitor, you
8 haven't proved your case beyond a reasonable doubt and bring
9 back a verdict of not guilty on both charges. Thank you.

10 THE COURT: All right. Call your first witness.

11 MS. OWEN: Thank you, Your Honor.

12 The State would call Minor to the stand.

13 Minor, having been first duly sworn,
14 testified as follows:

15 THE WITNESS: Yes.

16 THE CLERK: If you would have a seat and state
17 your name for the record, please.

18 THE WITNESS: My name is Minor.

19 DIRECT EXAMINATION BY MS. OWEN:

20 Q. How are you, Minor?

21 A. I'm okay.

22 Q. A little nervous?

23 A. Yes.

24 Q. Minor, can you tell the jury a little bit about
25 yourself? How old are you?

1 A. I'm thirty-three. I will be thirty-four in a few
2 weeks.

3 Q. What's your birthday?

4 A. [REDACTED].

5 Q. What year were you born?

6 A. [REDACTED].

7 Q. And Minor were you -- what town do you live in
8 currently?

9 A. Anderson.

10 Q. How long have you been over there?

11 A. Since I was in second grade.

12 Q. What do you do currently?

13 A. I work with Aldi's.

14 Q. Okay. How long have you been employed there?

15 A. Just started there. Just been there a few months.

16 Q. Okay.

17 Can you tell the jury a little bit about yourself,
18 where you are from, where you went to high school?

19 A. I'm from Ohio. I have three children and went to
20 school two different places; Pendleton High School, Daniel
21 High School.

22 Q. How did you end up in South Carolina from Ohio?

23 A. My mom came down here to visit family and fell in love
24 with it and came back home, packed us up and we came back
25 down here.

1 Q. How old were you when that happened?

2 A. Second grade, so seven, eight.

3 Q. Okay. Do you have any siblings?

4 A. I do. I have two brothers.

5 Q. How old are they?

6 A. Rick, my oldest brother is thirty-eight; and Dustin, my
7 younger brother is twenty-nine.

8 Q. Were they all last in Ohio?

9 A. Yes.

10 Q. All of you moved here together?

11 A. Uh-huh.

12 Q. Did you have a stepdad at that time?

13 A. Yes.

14 Q. Who was that?

15 A. Duane Yorty.

16 Q. Did he move here with you as well?

17 A. He did.

18 Q. Where were y'all living when you first moved here?

19 A. Anderson. Broadway Lake.

20 Q. Okay. At some point did you move to Clemson?

21 A. We did.

22 Q. When was that?

23 A. I was fourteen when we moved to Clemson.

24 Q. Where were you living then?

25 A. What?

1 Q. Where were you living then?

2 A. When we moved to Clemson?

3 Q. Yes.

4 A. We were -- we moved in with Freddie.

5 Q. Do you remember where that was?

6 A. That was -- the address changed. It was [REDACTED]

7 [REDACTED] then.

8 Q. That was in Clemson?

9 A. Clemson, yeah.

10 Q. Can you tell the jury a little bit about how Freddie
11 came into your life?

12 A. My mom started working at Milliken in Pendleton. He
13 worked there also. They started dating and ended up getting
14 married.

15 Q. Can you tell me about the beginning of their
16 relationship?

17 A. It was just a regular normal dating relationship.
18 Nothing spectacular.

19 Q. Did you move in with Freddie at some point?

20 A. We did.

21 Q. Can you tell the jury when that was?

22 A. I don't remember offhand. February of '99, I believe
23 is when it was.

24 Q. How long had they been dating at that point, do you
25 know?

1 A. I -- I do not remember.

2 Q. How long did you live there?

3 A. Four, five months, and then we moved back out into the
4 apartments that we had been living in previously. Then we
5 moved back in a few months later.

6 Q. Why did y'all move out?

7 A. He had decided that he wanted to make things work with
8 his wife, and then broke it off again after we had moved
9 out, and then asked mom and us to move back in with him.

10 Q. Okay. Do you know when you moved back in permanently?

11 A. I don't remember what month it was, no.

12 Q. Okay. Do you know what year it was?

13 A. '99.

14 Q. Okay. And who all moved back in at that point?

15 A. I don't remember if Dustin moved with us. He was kind
16 of back and forth between his dad and mom, but it was me and
17 mom and mostly Dustin.

18 Q. And Freddie?

19 A. Yeah. Well, yeah, Freddie lived there already.

20 Q. Okay. Did your older brother move in with you, or no?

21 A. No, no, he was already married.

22 Q. Did he live in Clemson as well?

23 A. No.

24 Q. Where was he living?

25 A. He lived in Anderson.

1 Q. Can you describe the layout of Freddie's house that you
2 moved into for the jury?

3 A. It was a three bedroom, two bath. It had a carport.

4 Q. Were all the bedrooms on one side or the other?

5 A. They were -- all the bedrooms were down on that end of
6 the hallway and one bathroom was in the hallway and then the
7 other bathroom was off of the master bedroom.

8 Q. Okay. Can you describe exactly the size of the
9 bedroom, how the layout was there?

10 A. It was -- the two biggest bedrooms filled out the end
11 of the house with a closet in between and then another
12 bedroom was off of the hallway.

13 Q. Okay. So there was a hallway, two bedrooms, and a
14 bedroom?

15 A. Yeah.

16 Q. What side of the hallway were you on?

17 A. If you are going down the hallway, I was on the right.

18 Q. Okay. And where was Dustin's room?

19 A. Dustin's was actually the first one in the hallway, so
20 his room and then mine.

21 Q. And a wall in between?

22 A. Right.

23 Q. And where was Freddie and your mom's room?

24 A. Their room -- our room shared that metal wall, so there
25 room was on the left side of the hallway.

1 Q. Okay. Can you describe the rest of the house to the
2 jury?

3 A. When you walk in the front door, you walk into the
4 living room. In front of the living room is the dining
5 room, and then there was like an island with a kitchen right
6 there behind it.

7 Q. And how was the living room set up?

8 A. It changed a lot.

9 When we first moved in, when you walked in the living
10 room, it was to the left, like the main furniture and stuff
11 was to the left, I believe.

12 Q. And was it couches or end couches?

13 A. Yeah, it was couches and love seats, TV, coffee table.

14 Q. And was there a computer at some point?

15 A. There was a computer. I don't recall where it was when
16 we first moved in.

17 The dining room, we had a computer table put in
18 there --

19 Q. Okay.

20 A. -- after a while.

21 Q. So the living room, dining room, kitchen?

22 A. Yeah.

23 Q. A computer was in the dining room?

24 A. Yes.

25 Q. And do you know approximately how long you lived with

1. Freddie total?

2. A. Total, from '99, 2001. About three years.

3. Q. Three years?

4. A. (Shaking head yes).

5. Q. Okay. While you were living there did your mom and
6. Freddie have the same job?

7. A. At times.

8. Q. Okay. Can you tell me about a little bit about what
9. you remember from their employment?

10. A. Like I said, they had been at Milliken for awhile, and
11. they worked at a gas station, Hickory Point in Clemson --
12. well, Central I believe that is. They worked there for
13. awhile. Then they also worked with Med Shore together.

14. Q. When you moved in with Freddie, they were both working
15. at Milliken?

16. A. Yes.

17. Q. Did something happen to Freddie at Milliken?

18. A. His arm got caught in a machine. Because they deal
19. with fabrics, there is big rolling machines. His arm had
20. gotten caught all the way up to his shoulder --

21. Q. Okay.

22. A. -- and it kept rolling, even though his arm was in
23. there. It did a lot of damage.

24. Q. And what happened after that?

25. A. He was out of work for awhile; had to go through a lot.

1 of surgeries to get it fixed, and I don't recall him
2 returning back after that.

3 Q. Okay. Do you remember about how old you were when that
4 happened?

5 A. I was fourteen. Fairly positive I was fourteen.

6 Q. Okay. And while you were living with Freddie, where
7 did you go to school?

8 A. At first I went to Pendleton. And then because we were
9 living on that side of town, then whenever we moved in with
10 him I got transferred to Daniel High School.

11 Q. Do you know what year you got transferred to Daniel?

12 A. '99. '99.

13 Q. Okay. How old were you then?

14 A. I was fourteen because I was still in the 9th grade.

15 Q. Okay. And how long did you stay at Daniel High School?

16 A. Until February of -- I was sixteen that year. I don't
17 remember what year that was.

18 Q. In September of 2000 did something happen between you
19 and Freddie?

20 A. Yes.

21 Q. And I'm going to back up. I should have asked you this
22 previously.

23 Minor were you and Freddie close?

24 A. No, not extremely close. We didn't know each other
25 that well. The relationship moved kind of fast, so --

1 Q. Okay. Did he treat you like a daughter?

2 A. Yes. I mean, I was already older, so there was, you
3 know, not a -- not very loving, but, you know, he was
4 cordial, nice. He gave me advice. You know, no -- just a
5 regular friendship relationship, you know.

6 Q. Okay. Did you ever confide in Freddie?

7 A. I did.

8 Q. Can you tell the jury a little bit about what you
9 confided in him?

10 A. All sorts of stuff. I mean, the father I grew up with
11 wasn't a lot about talking and Freddie did talk a lot and he
12 liked to have conversations, so, you know, we would -- we
13 were kind of getting to know each other, so we shared a lot
14 about our histories together. I mean, not our history
15 together, but our separate histories, we would share them
16 together.

17 Q. And was your mom always around?

18 A. Not always, no. They kind of had conflicting
19 schedules.

20 Q. What kind of conflicting schedules?

21 A. Just, you know, like he would work on the day she was
22 off and vice versa, or she would work mornings and he would
23 work evenings. Just back and forth like that.

24 Q. Okay. Was Dustin always there?

25 A. No.

1 Q. So there were times when you and Freddie were alone?

2 A. Quite often.

3 Q. Was there a specific incidence that happened when you
4 were three that you had confided in Freddie about?

5 A. Yes.

6 Q. Can you tell the jury about that?

7 A. So when I was three, my mom's friend molested me for
8 quite some time. My mom found out about it and then he was
9 charged, from what I understand.

10 Q. Okay. You were very young?

11 A. I was three.

12 Q. And that was in another state, is that correct?

13 A. That was in Ohio, yes.

14 Q. Okay. And did Freddie know about that?

15 A. He did.

16 Q. How?

17 A. My mom had told him, and then he had come to me with
18 some questions about it, just -- just wanting to know more
19 about it, because my mom was not aware that I had remembered
20 any of it. That was not something that we really talked
21 about through the years because she just assumed I didn't
22 remember anything and it was something that I grew up with.
23 It was just a part of me, so, you know, I didn't really talk
24 about it that often.

25 Q. Okay. When you were living with Freddie, did he have

1 any sort of animals?

2 A. He did. He had two German shepherds.

3 Q. Was anything special about those dogs?

4 A. One -- one German shepherd was female. Her name was
5 Bandit. She was a drug -- I don't know what the technical
6 term is, but a drug dog for the police department and she
7 would go and, you know, sniff out whatever it was they
8 needed her to sniff out.

9 Q. Did Freddie work at the police department?

10 A. Not at the time. Not at that time, but previously we
11 had been told he did, yes.

12 Q. Okay. And that was in a conversation that he had
13 worked for the police department?

14 A. Right. Both of the dogs -- the other dog, Rip, he was
15 a search and rescue dog that continued to be used by the
16 city and -- and that they, you know, were a part of the
17 police department.

18 Q. At some point in September of 2000 did Freddie start to
19 do things that made you uncomfortable?

20 A. Yes.

21 Q. Please tell the jury about that.

22 A. He would just make gestures with his -- you know, with
23 his hands. He would hug me a little differently. He
24 would -- I'm sorry.

25 He would just start saying suggestive things.

1 I'm sorry. I'm getting really dizzy.

2 Q. Do you need some water?

3 (Off the record).

4 (Back on the record)

5 THE WITNESS: I got really hot and very dizzy.

6 (Off the record).

7 (Back on the record)

8 A. And he would just start sharing past sexual experiences
9 with me. He would just talk about them.

10 BY MS. OWEN:

11 Q. He would start sharing past sexual experiences with
12 you?

13 A. Right, just -- you know -- you know, this one girl in
14 time, just, you know, that type of thing.

15 Q. Okay. How old were you when that happened?

16 A. I was fourteen.

17 Q. That's when this kind of conversation started?

18 A. It did. It -- it kind of just gradually got more
19 explicit as time went on.

20 Q. Okay. Did you ever ask him to stop?

21 A. I never said those words, no. I just -- I would try to
22 evade the conversation or change the subject or find
23 something else to do.

24 Q. Was your mom ever around when that stuff was happening?

25 A. Sometimes. Not very often. She would always just, you

1 know, say she doesn't want to hear about that, she didn't
2 want to talk about that, and she would shut the conversation
3 down.

4 Q. Minor at some point did things progress with Freddie
5 rather than him just talking?

6 A. Yes, they did.

7 Q. Okay. Can you tell the jury about that?

8 A. So one particular -- the first morning that anything
9 went past the suggestive and explicit things, I -- I was in
10 bed and mom was at work and he came in to wake me up. I
11 woke up with his hand up my shirt and he was touching my
12 breasts. I woke up.

13 I woke up -- I'm so sorry.

14 I woke up with his hand up my shirt and he was touching
15 my breasts, and then he -- then he made me give him a blow
16 job.

17 When I was -- when I was three -- Randy was the man's
18 name when I was three who molested me. I'm sorry. He would
19 smack my face with his penis whenever I would cry or fight
20 him, and that was something I had told Freddie about
21 whenever he asked me about what happened when I was three.
22 So that morning he had grabbed me by my hair and he told me
23 that he knew I wasn't going to say no, because that was
24 something that I had told him was that it was very hard for
25 me to say no when I didn't want to do something. I became

1 very fearful and he told me that he knew I wasn't going to
2 turn him down, that I was going to do what he wanted me to
3 do and I was too afraid to say no. So I pushed against him.
4 I finally said no a few times, but he still didn't stop.

5 He -- he raped me that morning the first time. Then he
6 told me that I would be there for when he wanted and that's
7 how it happened.

8 Q. Minor I'm going to ask you a few questions on that.
9 When you woke up did he have any clothes on?

10 A. He did. He had on a pair of jeans.

11 Q. And at some point did he take his pants off?

12 A. Whenever I sat up on the bed, whenever his hand was up
13 my shirt, he had grabbed the back of my head by the hair and
14 then with his other hand and undid his belt and his pants.

15 Q. And he had you perform the oral sex first. And then
16 when you say "raped me", you mean you had vaginal and penile
17 sex with force?

18 A. Yes.

19 Q. Was anyone else home that morning?

20 A. No.

21 Q. After he did that what happened?

22 A. He -- he walked out of the room.

23 Q. And that was in September of 2000?

24 A. Yes.

25 Q. And you would have been fifteen?

- 1 A. Yes.
- 2 Q. What happened later that day? Do you remember?
- 3 A. Nothing happened. It was -- just went on with the day.
- 4 Q. You went to school like nothing happened?
- 5 A. (Shaking head yes).
- 6 Q. Did you tell anyone that that had happened?
- 7 A. Not then, no.
- 8 Q. Why not?
- 9 A. Because he had told me that he was in the Marines and
- 10 that he would -- I mean not the Marines. I mean the Navy.
- 11 That he was a Navy Seal and that he knew plenty of people
- 12 and that he knew how to keep me quiet and that no one would
- 13 believe me anyway because he had been an officer and he knew
- 14 everyone there and no one else would have believed me.
- 15 Q. After that can you tell the jury about what started
- 16 happening?
- 17 A. He was coming into my room on a daily basis for months
- 18 and I -- I said no, but then it became evident that that
- 19 wasn't going to stop him, and so he just continued to -- he
- 20 just continued to do whatever he was in the mood for that
- 21 day.
- 22 Q. Was it always sexual intercourse?
- 23 A. No, not always. Sometimes it was just oral.
- 24 Q. Were there people home sometimes?
- 25 A. Not whenever there was any oral sex or actual sex going

1 on, no.

2 Q. Was anyone ever home when other things were happening?

3 A. Yes. He would -- he loved to hide on the other side of
4 the wall at times.

5 Whenever we would sit and watch a movie, he would make
6 me come and sit on the couch with him and then it seemed
7 like a game that he liked to play. Sometimes in the living
8 room he would just make me touch him underneath the blanket.

9 Whenever my mom was in the kitchen, he would sometimes
10 have me on the -- in the living room side of the island. It
11 was a full island and it went all the way up to the ceiling.
12 He would have me on that side and would just sometimes have
13 me touch him. Sometimes he would touch me, just for a
14 moment, you know, just for the thrill of it, I guess.

15 Q. Did anyone ever walk in on you when any of these things
16 were happening?

17 A. No.

18 Q. Were there times when you would be in the living room
19 and people would walk in and see something?

20 A. Well, in the living room, yes. Like, you know, when my
21 hand was under the blanket, he would just hold my hand still
22 so it just didn't look like anything was happening.

23 Q. Okay. Do you remember specifically anybody in
24 particular that had walked in?

25 A. My mom walked in quite a few times. My brother Dustin

1 had walked in a few times.

2 Q. Minor from September to December of 2000, you were
3 fifteen, is that correct?

4 A. Yes..

5 Q. And you said this was happening on a daily basis for
6 those two months?

7 A. Yes, ma'am.

8 Q. And you then turned sixteen December 30th of 2000?

9 A. Yes, ma'am.

10 Q. Do you remember when your mom and Freddie got married?

11 A. I don't remember the day, but it was February of that
12 next year.

13 Q. And how long did Freddie continue to rape you?

14 A. Until I -- until I moved out in the summer of the next
15 year.

16 Q. While you were still living at home, what was going on
17 at school?

18 A. I started getting into some trouble. My grades started
19 going down quite a lot. I ran away from home. I attempted
20 to run away from home again, but that I got caught and
21 didn't get to run away that time. I ended up in alternative
22 school when I was sixteen.

23 Q. How long did you stay at the alternative school?

24 A. Until -- since my birthday is over Christmas break.
25 Until Christmas break of that year, because I turned

1 seventeen and then I could legally drop out.

2 Q. Were you often staying with friends or working? What
3 was going on while you weren't in school?

4 A. Both. I would stay with friends. I would -- I had a
5 job at Subway. I had another job at a real estate agency
6 just filing paperwork and stuff like that.

7 Q. Just to stay out of the house?

8 A. As much as I could.

9 Q. How was your relationship with your mom at that point?

10 A. It was quite stressful. Of course, she did not
11 understand why. I was as stressed out as I was and she just
12 assumed it was normal teenage stuff, but we were still --
13 still very close.

14 Q. Minor at any point over the two years that you lived
15 with -- or three years that you lived with your mom and
16 Freddie did you tell anyone what was going on?

17 A. I told one person, my best friend.

18 Q. Did you tell anyone in your family?

19 A. No.

20 Q. Did you tell a teacher?

21 A. No.

22 Q. Why not?

23 A. No one would believe me. Everywhere we went he ran
24 into somebody that he knew and everybody had wonderful
25 things to say about Freddie and I was -- I was scared,

1 because what if my mom didn't believe me? What if she did,
2 then where would we go? I was afraid.

3 Q. Minor were there occasionally -- did Freddie have
4 children?

5 A. He has two.

6 Q. Were they occasionally at the house?

7 A. They were.

8 Q. Did anything ever happen when they were around?

9 A. No.

10 Q. Where does his mom live?

11 A. At the time she lived next door.

12 Q. Did anything ever happen when she was around?

13 A. No, she rarely set foot in the house.

14 Q. And at the time that this was all going on, your mom
15 was working a different shift than Freddie?

16 A. Right.

17 Q. At some point did you start working at the same place
18 as your mom?

19 A. I did. There's a Subway inside of Hickory Point and I
20 started working at the Subway.

21 Q. Minor was there anything identifiable about Freddie
22 that you were able to talk about before?

23 A. There wasn't. He had -- he had no piercings, tattoos,
24 scars, other than the one on his arm, but that was, you
25 know, for everyone to see on his arm. It was nothing --

1 nothing, you know, specific, no.

2 Q. Okay. And then you said that you moved out eventually.
3 Do you remember when you moved out?

4 A. Yes.

5 Q. When did you move out?

6 A. It was the summer of 2002. I went to spend the night
7 with a friend and I called my mom a month or so later on
8 break "I'm moving out. I can stay here," and I came home
9 and got my stuff that was already pretty much packed up and
10 left.

11 Q. When did you finally tell your mom what had been going
12 on?

13 A. I broke down and told my fiance and he in turn called
14 my older brother, because they worked together. This was in
15 February of '03 -- January or February of '03. And Rick, my
16 older brother, called my mom, and then my mom came out to
17 the apartment that I was living in.

18 Q. What happened when she got there?

19 A. Whenever she walked in, Rick said "Freddie raped my
20 sister," and I was in the bedroom.

21 My mom came back to the bedroom to talk to me and was
22 quite hysterical. She was just crying and, you know, asking
23 questions that I could not answer. It was my mom, you know.
24 And then she ran out the door and jumped in the car.

25 Q. What happened after that?

1 A. She went speeding down the road to the house.

2 I called 911, because I was afraid that she was going
3 to wreck. I was afraid she was going to get there and hurt
4 him and then turn -- be arrested, and so I called 911 and
5 the police were there whenever we got there. Well, pulling
6 in whenever we got there.

7 Q. What happened when you got there?

8 A. Mom went into the house. Freddie was in the shower.
9 Police showed up.

10 One officer was asking me, you know, what was going on
11 and I -- I told him, you know, the best I could what was
12 going on and he told me that --

13 MR. DEJONG: Objection to what he told her, Your
14 Honor.

15 THE COURT: Sustained.

16 A. Oh, I'm sorry.

17 BY MS. OWEN:

18 Q. Okay.

19 A. I just --

20 Q. You talked to the police?

21 A. Yes.

22 Q. And then what happened?

23 A. I went to the station to make a statement.

24 Q. Did you file a police report?

25 A. Yes.

1 Q. And that was in February of 2003 --

2 A. Yes.

3 Q. -- do you think?

4 A. I believe it was January.

5 Q. January?

6 A. Yes.

7 Q. Of 2003?

8 A. Yes.

9 Q. Okay. And after you made that incident report what
10 happened?

11 A. I went home and waited for my mom to talk to me,
12 because she was still processing everything. She
13 eventually, after a few days, told me that she didn't --

14 MR. DEJONG: Objection to what mom said, Your
15 Honor.

16 THE COURT: Sustained.

17 BY MS. OWEN:

18 Q. Minor did your mom believe you?

19 A. No, she didn't.

20 Q. What did you do at that point?

21 A. We didn't talk for months. I didn't see her or my
22 brother. And I called her and I told her that if I had to
23 pretend like nothing happened in order to see her again,
24 then I would, and so that's what I did.

25 And I went back home that night and I told my fiance

1 that I wanted to go and visit them and that I was just going
2 to just not talk about it, just try to pretend like nothing
3 had happened because I missed my mom and I missed my
4 brother.

5 Q. At some point did you call the police and tell them you
6 didn't want to proceed with charges?

7 A. I did. It was about a week later I called and I told
8 them that I wanted to drop the charges. And that was --
9 that was that.

10 Q. Just to be clear, from September 2000 to December of
11 2000, you were still living at Freddie's home and sexual
12 intercourse was occurring?

13 A. Yes.

14 Q. And then from January of 2001 to July of 2002, you
15 continued to live there and he continued to sexually assault
16 you?

17 A. Yes.

18 Q. And, Minor over the next few years how were things
19 with your family?

20 A. Very stressful. No one really believed what I had said
21 because he was such an upstanding citizen. And I did my
22 best to pretend that everything was fine and go to Christmas
23 and Thanksgiving and birthday parties and all the regular
24 stuff.

25 Q. Other than major holidays, did you spend much time with

1 Freddie and your mom?

2 A. Not much at all, no. I had had a daughter, and so my
3 mom eventually, you know, she wanted to see her and so we
4 come over with her sometimes.

5 Q. Minor now it's 2018. Why did you file a report in
6 2016?

7 A. My mother came to me and confided in me that --

8 Q. We can't say what anyone said.

9 A. Okay, fine.

10 Just confided some things to me and I had started
11 thinking about pursuing charges again possibly, and then I
12 found out that he was applying for the sheriff's department
13 for a sheriff's deputy of Anderson County and that terrified
14 me for him to have that kind of a job, number one, and for
15 it to be in a county that I lived in, that my family lived
16 in, and I just -- I had to try one more time.

17 Q. What did you do at that point?

18 A. My brother got a number for me, which I called. I
19 ended up getting in touch with -- with Melissa and that went
20 from there.

21 Q. Minor I'm going to make sure I followed up on a few
22 things.

23 At some point after you had moved out, did you tell
24 your mom that you possibly had an STD?

25 A. I did.

1 Q. What did you tell her about that?

2 A. That I did have an STD that I had been treated for, but
3 I wanted her to know about it because it seemed that I very
4 well may have had it whenever the sexual assault did happen.

5 Q. Did Freddie use condoms?

6 A. No, he did not.

7 Q. How did you avoid getting pregnant, do you know?

8 A. I was on birth control.

9 Q. When you tried to run away at some point, who was that
10 with?

11 A. The second time was with my boyfriend. The first time
12 was with my friend.

13 Q. Okay. The second time what happened, do you remember?

14 A. My younger brother was hiding underneath my bed to
15 scare me and overheard me on the phone with my boyfriend
16 saying that he would be there to pick me up in a moment. He
17 ran out and told my mom that, you know, somebody was about
18 to come and pick me up and that I was leaving.

19 The next thing I knew there were headlights coming at
20 my window. Freddie had pulled into the front of the yard
21 and there were police officers from Clemson behind him. And
22 then a few moments after that my boyfriend started pulling
23 in and saw all of the police officers and just backed off.

24 Q. What was his name?

25 A. Blake.

1 Q. Is he alive still?

2 A. No, he passed.

3 Q. Do you remember about when that was?

4 A. I was sixteen. I don't remember. I don't remember,
5 I'm sorry.

6 Q. That's okay.

7 But that was while you were in alternative school and
8 at sixteen?

9 A. I believe so.

10 Q. After you attempted to run away, did anything get worse
11 with Freddie?

12 A. According to him he lost his job because of that. I
13 don't know if that's the case or not. And he was very mean.

14 I bruise easily. I have always bruised easily my whole
15 life and he was quite forceful the next few weeks after
16 that.

17 Q. Was he ever mean to your mom or your brother?

18 A. He would often be overly mean to them. I feel like it
19 was like a sort of a punishment to me whenever I wasn't
20 around, whenever he wanted me to be whenever I didn't
21 cooperate as much as he wanted me to.

22 Q. Did you ever see him threaten your mom or your brother?

23 A. Threaten?

24 Q. Yes.

25 A. Threaten, as in --

1 Q. Any sort of verbal or insinuated threats to them?

2 A. I don't know that I would call them threats. They were
3 just nasty mean. I don't know if they would be called
4 threats.

5 Q. Did your mom and brother also believe that Freddie had
6 been a Navy Seal at some point?

7 A. Yes. That was something he told everyone.

8 Q. Okay.

9 A. Even strangers.

10 Q. Minor at any point in time did you ever want to have
11 sexual intercourse with Freddie?

12 A. No.

13 Q. Did you feel like you were forced into that?

14 A. Yes.

15 Q. Can you tell the jury why you felt like you had to
16 submit to him?

17 A. Because I was afraid of what -- of what he could do if
18 I didn't.

19 MS. OWEN: I have no further questions.

20 Please answer any questions that Mr. DeJong may
21 have.

22 MR. DEJONG: May it please the court?

23 THE COURT: Cross.

24 CROSS EXAMINATION BY MR. DEJONG:

25 Q. So when did you move from Ohio to this area?

1 A. When I was in second grade.

2 Q. Second grade?

3 A. (Shaking head yes).

4 Q. All right.

5 Now, when did you first become aware of Fredrick Towe?

6 A. He -- my mom was talking about him whenever she was
7 working at Milliken and they started dating.

8 Q. Okay. Do you remember when they started dating?

9 A. I -- I was fourteen. I don't recall exactly when,
10 though.

11 Q. Well, you mentioned fourteen and fifteen a good bit.
12 In September of 2000 you were fifteen?

13 A. Yes.

14 Q. Okay. And then in December you turned s-i-x-t-e-e-n.
15 Okay.

16 Well, and I got a fan back here, so I'm probably going
17 to ask you some stuff you have already been asked and I
18 apologize for that.

19 When you were talking about yours and Freddie's
20 relationship, was it a good relationship?

21 A. It was at first, yes.

22 Q. Okay. More of a father-daughter type thing?

23 A. It was -- it was beginning to get there, yes.

24 Q. Okay. So then you moved -- the first time that you
25 moved in with Freddie was when?

1 A. It was in -- it was in the beginning of the year. I --
2 I don't remember the month exactly.

3 Q. What year?

4 A. Of '99.

5 Q. Okay. Then you moved out?

6 A. We did.

7 Q. And when did you move back in?

8 A. I -- I don't -- it was that same year. I don't
9 remember the month.

10 Q. Now, if I understood you correctly, you said the
11 relationship with Freddie before we ever get into any of the
12 allegations that you made was not a loving relationship, is
13 that right?

14 A. No, not loving, no.

15 Q. But yet you and Freddie talked a lot?

16 A. Yeah.

17 Q. Okay. Now, when you moved back in with Freddie for
18 the -- the last time, which I gather was sometimes in '99,
19 based on your recollection, who all moved in?

20 A. Me, my mom, and I don't -- I don't recall if my brother
21 was living with his dad or living with us at that time.

22 Q. Okay. Which brother?

23 A. My younger brother.

24 Q. And what's his name?

25 A. Dustin.

1 Q. Okay.

2 Now -- so you and Freddie talked a lot. You confided
3 in Freddie?

4 A. Uh-huh. Yes.

5 Q. Okay. And when did you first confide in Freddie about
6 the prior allegations of molestation?

7 A. I -- I don't remember at what point that was.

8 Q. Okay. Well, did you share with him the details of
9 that?

10 A. Not all of the details, but some of them, yes.

11 Q. Well, and maybe I misunderstood you, but at some point
12 in time when you were talking with Madam Solicitor, my
13 impression is you said you really didn't remember anything
14 about that, is that correct?

15 A. No, I said my mom thought I didn't remember anything.

16 Q. Okay. All right.

17 And yet you say you didn't talk much about that. You
18 certainly must have talked to Freddie, didn't you?

19 A. No, I said we didn't talk about it as I was growing up.

20 Q. Okay.

21 A. We didn't talk about what happened when I was three.

22 Q. When did you start talking about it again?

23 A. My mom had made a comment and I had -- I made a
24 statement back to her, you know, saying that I remembered
25 and that was news to her. She did not know that I

1 remembered.

2 Q. When was that, if you recall?

3 A. I -- I have -- I have no idea at what point in time
4 that was.

5 Q. Was that before you moved in with Freddie?

6 A. No, no, it was after we moved in.

7 Q. Okay.

8 So when you were describing the house, if I understood
9 correctly, there was three bedrooms?

10 A. Yes.

11 Q. Your bedroom -- well, the master bedroom was on the
12 very end. Then you go down the hallway there is the
13 bedroom. Yours was on the right, correct?

14 A. Yes.

15 Q. And then you indicated that the bedroom on the left was
16 your brothers, is that correct?

17 A. No, when you are going down the hallway, the first
18 bedroom you come to on the right was my brother's.

19 Q. Okay.

20 A. The next bedroom after that was mine.

21 Q. Okay.

22 A. And then their bedroom, my mom and Freddie's, was on
23 the opposite side of the hallway.

24 Q. Well, then certainly at some point your brother must
25 have lived there if he had a bedroom, did he not?

1 A. Well, I mean, he did. He -- and he stayed there the
2 weekends and things like that.

3 Q. So when you are talking about what you allege went on
4 between you and Freddie, your brother was certainly there
5 some of the time, was he not?

6 A. He was there sometimes, yes.

7 Q. Now, you say on this, the morning of the first part you
8 say you remember and allege that you were in bed?

9 A. I was.

10 Q. But your mom was at work. If you were in bed, how do
11 you know your mom was at work?

12 A. Because my mom worked early shift.

13 Q. What time were you awakened?

14 A. I -- I don't know what time it was.

15 Q. Okay. So you can't really say that you knew whether
16 your mom was there or not, can you?

17 A. At the moment when I opened my eyes, no, I cannot say
18 whether my mother was there.

19 Q. No condom was ever used?

20 A. No.

21 Q. As I understand it, you were on birth control?

22 A. I was.

23 Q. All right.

24 Well, at some point in time, maybe two points in time,
25 I'm not sure, you tried to run away twice, right?

1 A. I did.

2 Q. Okay. When was the first time?

3 A. It was in December. I was fourteen and I spent the
4 night with a friend and we ran away.

5 Q. That was long before -- or that was before you said
6 anything started happening with Freddie, wasn't it?

7 A. Anything physical.

8 Q. Pardon me?

9 A. Before anything physical started happening --

10 Q. Yes, ma'am.

11 A. -- with Freddie.

12 Q. So you are running away when you were fourteen, you
13 were just doing that on your own emotion, correct?

14 A. No, sir.

15 Q. Huh?

16 A. No, sir. He hadn't raped me yet, but things had been
17 still quite uncomfortable.

18 Q. Okay. Well, you talked about gestures and that type of
19 thing. Did you have a boyfriend when you were fourteen?

20 A. For a couple of months until I moved, yes.

21 Q. Well, that time were you trying to run away with your
22 boyfriend?

23 A. No.

24 Q. Okay. And when did you try to run away the second
25 time?

1 A. I believe I was sixteen years old and I was doing
2 everything I could to just get out of the house.

3 Q. Did you have a boyfriend at that point in time?

4 A. I did.

5 Q. Okay. And that's who you were going to run away with,
6 right?

7 A. Right.

8 Q. Okay. But your mom and Freddie found out and they
9 stopped you?

10 A. Yes.

11 Q. Now, you said the police were there. Were you already
12 outside when the police got there, or --

13 A. No, I was in my room.

14 Q. Okay. So wherever the police came from you are not
15 really sure, other than they ultimately ended up at your
16 house, or Freddie's house, or whoever's house?

17 A. Correct.

18 Q. So after you alleged that you were raped, you never
19 told anybody?

20 A. No.

21 Q. Tell your boyfriend?

22 A. No.

23 Q. Okay. Tell your mom?

24 A. No.

25 Q. Tell your brother?

1 A. No.

2 Q. Either brother, any brother?

3 A. No.

4 Q. When you moved down here, you had a stepfather I
5 believe you said, is that correct?

6 A. Yes.

7 Q. Did he move down here with you?

8 A. He did.

9 Q. Did you ever tell him?

10 A. No.

11 Q. Okay.

12 A. I told -- I eventually told my friend that I ran away
13 with the first time and told her after awhile.

14 Q. Okay. So the first time that you ran away when you
15 were fourteen, that was with some other young lady --

16 A. Yes.

17 Q. -- that you were running away to? Were you both
18 running away?

19 A. Yes.

20 Q. Okay. You said that Freddie didn't have any scars,
21 other than the one on his arm, is that correct?

22 A. That I knew about, correct.

23 Q. Well, you say you saw him naked, didn't you?

24 A. Yes, many times.

25 Q. Do you remember a scar on one of his thighs where they

1 did a skin graft?

2 A. Yeah, on his -- on his side.

3 Q. But you didn't mention that to anybody. You said you
4 didn't see any scars, right?

5 A. That was -- I meant scars that could not be seen. You
6 could see those with shorts on, so I -- I must have
7 misunderstood. I'm sorry.

8 Q. How about scars on his lower leg that were there from
9 his youth?

10 A. (Shaking head no).

11 Q. You didn't see any of those?

12 A. I kept my eyes closed pretty much the whole time he
13 raped me.

14 Q. Okay. So in 2003 did you go to the police or did your
15 mom go to the police?

16 A. I did.

17 Q. So in 2003 you were seventeen?

18 A. Eighteen.

19 Q. Sixteen?

20 A. Eighteen.

21 Q. Eighteen.

22 A. I just turned eighteen that summer.

23 Q. Okay. And sometime after that you said you wanted to
24 see your mom?

25 A. Yes.

- 1 Q. You went to see your mom?
- 2 A. Yes.
- 3 Q. Was Freddie there?
- 4 A. He was.
- 5 Q. Did you interact with Freddie?
- 6 A. I did.
- 7 Q. Okay. And how old are your children?
- 8 A. My oldest one is nine.
- 9 Q. Okay.
- 10 A. My middle is seven, and my youngest is five.
- 11 Q. After you said that Freddie did these things to you,
- 12 did he baby-sit for you?
- 13 A. Did he?
- 14 Q. Uh-huh.
- 15 A. No.
- 16 Q. Are you sure about that?
- 17 A. Yes.
- 18 Q. You continued to go to family outings or family
- 19 functions, did you not?
- 20 A. Yes, to see my family, yeah.
- 21 Q. Was Freddie at those functions?
- 22 A. Sometimes he was and sometimes he wasn't.
- 23 Q. Okay. If he was, did you interact with him?
- 24 A. I was civil and that was it.
- 25 Q. Pardon me?

1 A. I would be civil and I wouldn't have conversations with
2 him.

3 Q. I believe you said you never saw -- to your knowledge,
4 you never saw Freddie threaten your mom?

5 A. Threaten? When I think of threaten, I think of
6 threaten somebody's life, threaten somebody's well-being.

7 Q. Right.

8 A. So --

9 Q. And you never saw that?

10 A. Threaten, no.

11 Q. Or your brother?

12 A. No, not that I ever heard or saw.

13 Q. All right. So in terms of that, then Freddie never
14 hurt your mom physically?

15 A. I -- I can't say.

16 Q. Well, to your knowledge?

17 A. To my knowledge, no.

18 Q. Okay. How about your brother?

19 A. To my knowledge, no.

20 MR. DEJONG: One moment, please.

21 (Off the record).

22 (Back on the record).

23 BY MR. DEJONG:

24 Q. Now, at some point in time you talked to an agent from
25 the State Law Enforcement Division, is that correct?

1 A. Yes.

2 Q. Let me back up a little bit. I'm sorry.

3 In 2003, did you go to Clemson Police Department?

4 A. I did.

5 Q. Did you give a statement?

6 A. I did.

7 Q. A written one?

8 A. And a verbal.

9 Q. Do you know what happened to them?

10 A. They mysteriously disappeared, except for the written
11 statement finally surfaced.

12 Q. So the written statement is around someplace?

13 A. Yes.

14 Q. Okay. Now, at some point in time --

15 Well, you finally -- your brother gave you a phone
16 number. You called the phone number and who was on the
17 other end of the phone?

18 A. I -- I don't recall who was.

19 Q. Well, at some point in time did you contact SLED, State
20 Law Enforcement Division?

21 A. I believe that's who the number was for.

22 Q. Pardon?

23 A. I believe that might have been who the number was for.

24 Q. Okay.

25 A. I don't recall.

1 Q. And then --

2 A. I just called the number.

3 Q. You finally met with the SLED agent?

4 A. I did.

5 Q. And did you give a statement to SLED?

6 A. I did.

7 Q. When you met with the SLED agent, did you bring your
8 statement with you?

9 A. I did.

10 Q. Over what period of time did you write that statement?

11 A. A few weeks.

12 Q. Pardon?

13 A. A few weeks.

14 Q. Okay. And so it wasn't that you wrote -- sit down once
15 and just spontaneously wrote a statement, is that correct?

16 A. I -- I really feel like I must be misunderstanding what
17 you are asking.

18 Q. Okay. I asked you over what period of time did you
19 write the statement and you said, if I understood you
20 correctly, a few weeks?

21 A. Correct.

22 Q. So the statement that you gave wasn't written all at
23 one time?

24 A. No.

25 Q. Okay. And did you have any discussions with anyone

1 while you were writing that statement?

2 A. I had a few discussions with my mom about like what
3 year we moved in and things like that.

4 Q. So when did you finally get ahold of SLED, or whoever
5 was on the other end of the phone, to report this?

6 A. I believe it was April.

7 Q. When?

8 A. I believe it was April, maybe March. April of 2016.

9 Q. '16?

10 A. Yeah. Yes.

11 Q. When did you move out of the house?

12 A. Out of what house?

13 Q. Where Freddie and your mom lived.

14 A. In 2002.

15 Q. 2002.

16 Okay. So --

17 A. 2003.

18 Q. Between 2002 and 2000 -- well, other than the 2003 with
19 Clemson Police Department, but when that was over, you never
20 mentioned it again to anybody?

21 A. Yes, I did.

22 Q. Not to law enforcement?

23 A. No.

24 Q. Okay. And at that point in time you weren't even
25 living in the household, were you?

1 A. Whenever I made the -- whenever I contacted Clemson
2 Police Department?

3 Q. Yes, ma'am.

4 A. No, I was not living in the house.

5 Q. All right.

6 At some point in time, and I believe you testified to
7 this earlier, you told your mom you had chlamydia?

8 A. Yes.

9 Q. Okay. To your knowledge, did Freddie ever have
10 chlamydia?

11 A. I have no idea.

12 Q. Do you know if he was ever tested?

13 A. I have no idea.

14 Q. Do you know if your mom was ever tested?

15 A. She told me she wasn't tested.

16 Q. So in March or April of 2016 what suddenly motivated
17 you to call law enforcement then?

18 A. Finding out that Freddie was applying and had gotten
19 the job for a Anderson County sheriff's deputy.

20 Q. Was he working at that point in time as a deputy?

21 A. No, he had just gotten the job. He hadn't gone off to
22 the academy.

23 Q. Okay. So you apparently have some people that you know
24 in law enforcement as well, right?

25 A. I don't personally, no.

1 Q. All right.

2 Well, where did the information come to you that
3 Freddie was going to the Anderson County Sheriff's Office?

4 A. My brother told me, my older brother.

5 Q. Thank you, Ms. Minor

6 THE COURT: Redirect?

7 MS. OWEN: Just a few followup questions, Your
8 Honor.

9 REDIRECT EXAMINATION BY MS. OWEN:

10 Q. Minor when you moved here with your stepdad, what
11 was your last name?

12 A. Minor

13 Q. Is that your stepdad's last name?

14 A. Yes.

15 Q. Okay. So when you were eighteen, was that your last
16 name then?

17 A. Yes, it was.

18 Q. Are you now married?

19 A. I am.

20 Q. Okay. And your new last name is Minor

21 A. Yes.

22 Q. And when you were living with Freddie, you had a
23 bedroom and Dustin had a bedroom?

24 A. Yes.

25 Q. But Dustin was sometimes with your stepdad --

1 A. Yes.

2 Q. -- is that correct?

3 A. His father, yes.

4 Q. His father.

5 But he lived with you and his dad?

6 A. Correct.

7 Q. So he always had a bedroom at Freddie's house?

8 A. Yes, because he would sometimes stay with us for a week
9 and stay with his dad for a week, stay with his dad two
10 weeks, whatever he wanted to do, whatever helped his
11 schedule.

12 Q. And his bedroom was beside your bedroom?

13 A. Yes.

14 Q. Okay.

15 Just to follow up, the sexual assault that happened
16 when you were three, you and your mom didn't talk about that
17 much, is that correct?

18 A. No.

19 Q. But Freddie knew about that from your mother?

20 A. Yes.

21 Q. And Freddie asked you questions about that?

22 A. Yes.

23 Q. That wasn't something that you just went up to him one
24 day and said "guess what happened to me?"

25 A. Right. No, not at all.

1 Q. Okay. The morning of the first time that Freddie did
2 those things to you, he said he grabbed your hair and put
3 his penis in your mouth?

4 A. Yeah.

5 Q. Then he raped you?

6 A. Yes, ma'am.

7 Q. When you walked out of your room was your mom home?

8 A. No, she was not.

9 Q. Was anyone there?

10 A. No, they were not.

11 Q. Okay. And when you talked to law enforcement, they
12 asked you if there were any identifiable marks, scars,
13 anything like that. Were they asking about anything that
14 people could see if you wore shorts or a tank top?

15 MR. DEJONG: Your Honor --

16 THE COURT: All right. Yeah, sustained. You
17 can't ask her to speculate about that.

18 MR. DEJONG: Thank you, Your Honor.

19 BY MS. OWEN:

20 Q. What did they ask you?

21 I'm sorry, were there any identifiable marks on Freddie
22 that you could see -- or couldn't see, sorry, couldn't see
23 if he wasn't wearing -- or if he was wearing clothes?

24 That's a confusing question.

25 A. No, I understand.

1 No, even if there were, he is very, very hairy from his
2 chest all the way down, so it covered even the scar on his
3 body after awhile.

4 Q. But he did have scars, but those were scars other
5 people could see, is that correct?

6 A. That's correct, and I had been specifically asked about
7 or if others could not see.

8 Q. Minor eventually after you went to the police, after
9 about a week, you decided not to go forward, is that
10 correct?

11 A. Yes.

12 Q. And then you went to your mom's house?

13 A. (Shaking head yes).

14 Q. When you went there did Freddie say anything to you
15 that day?

16 A. He didn't -- he was on the front porch when me and my
17 fiance got there, as was my mom. My mom went in and I was
18 about to go in and he hugged me and he told me that I made a
19 smart decision.

20 Q. And then from then on you had to pretend like this
21 didn't happen?

22 A. Yes.

23 Q. Because --

24 A. If I wanted to see my mom.

25 Q. And no one believed you?

1 A. No.

2 Q. I believe you told us that he told you that no one
3 would believe you, is that right?

4 A. Yes.

5 Q. So did that happen?

6 A. That was exactly what happened.

7 MR. DEJONG: Your Honor, I object to that. That's
8 got to be purely speculative.

9 THE COURT: Okay. Well, you are getting also a
10 little outside of the scope of redirect, okay?

11 Go ahead.

12 MS. OWEN: Thank you, Your Honor.

13 BY MS. OWEN:

14 Q. And, Minor just one more question. In 2003, you
15 filed an incident report?

16 A. Yes.

17 Q. You gave a statement?

18 A. Yes.

19 Q. Have you seen what law enforcement has provided you?

20 A. Have I what?

21 Q. Seen what law enforcement from Clemson has given to
22 anyone since?

23 A. I'm sorry, I don't know what you mean.

24 Q. Do you know what they still have?

25 A. Oh.

1 Q. The Clemson Police Department, do you know what they
2 still have?

3 A. The only thing remaining is the typed statement of the
4 incident report that day.

5 Q. Okay. Thank you.

6 THE COURT: All right. Thank you. You can step
7 down.

8 All right, call your next witness.

9 MS. OWEN: Thank you, Your Honor.

10 The State would call Special Agent Skipper
11 Wallace.

12 SLED AGENT MELISSA SKIPPER WALLACE, having been
13 first duly sworn, testified as follows:

14 THE WITNESS: I do.

15 THE CLERK: State your name.

16 THE WITNESS: My name is Melissa Skipper Wallace.

17 DIRECT EXAMINATION BY MS. OWEN:

18 Q. What do you go by?

19 A. I go by Skipper.

20 Q. Skipper, where do you work?

21 A. I work for the South Carolina Law Enforcement Division,
22 commonly known as SLED.

23 Q. How long have you been there?

24 A. About thirteen and a half years.

25 Q. Tell the jury a little bit about your job.

1 A. I currently am assigned to the Investigative Services
2 Division at SLED. I'm in the Piedmont Region within
3 Investigative Services and that covers sixteen counties in
4 the Upstate. We investigate all types of crimes, anything
5 that's conflicted. Typically they are cases involving law
6 enforcement, or elected officials, or something like that.

7 Q. How did you get involved in this case?

8 A. Ms. Minor sent a request to our headquarters
9 department. It was filtered down to our region and my
10 captain assigned me to investigate.

11 Q. What did you do?

12 A. I made contact with Ms. Minor and scheduled an
13 interview with her and then I sat down and interviewed her
14 and got a statement.

15 Q. Do you know about what date that was?

16 A. If I can look back on my case file?

17 I interviewed Ms. Minor on March 14th, and I was
18 assigned the case on March 10th of 2016.

19 Q. When she came, did she already have a statement?

20 A. I met with her at the Williamston Police Department and
21 she did come with a partially prepared statement, yes.

22 Q. And then did you get a written statement from her?

23 A. I did.

24 Q. What did you do after that?

25 A. I went and I spoke with her mother, who was a potential

1 witness, and interviewed her later that afternoon.

2 Q. And based on that what else did you do?

3 A. Based on the information provided from Minor
4 mother, Ms. Tammy Truman, she signed a consent to search for
5 some counseling records that she and Mr. Towe had attended
6 in 2011.

7 Q. Do you remember the name of the counselor she saw or
8 they saw?

9 A. The counselor's name was Michelle Scott.

10 Q. And with those consents did you obtain some records?

11 A. I later obtained consent from Mr. Towe and those were
12 provided to Ms. Scott and I obtained a copy of her records.

13 Q. And after you talked to Tammy Truman -- that would be
14 Minor 's mom, correct?

15 A. Yes, ma'am.

16 Q. What did you do after that?

17 A. I scheduled an interview with Mr. Towe.

18 Q. What day did you speak to him?

19 A. I interviewed Mr. Towe on March 18th, 2016.

20 Q. Can you tell me a little bit about that?

21 A. It was me and another agent that worked for SLED at the
22 time. We interviewed Mr. Towe at the Clemson Police
23 Department.

24 Yes, that's correct. He signed a -- we provided him
25 his Miranda Warnings. He was not under arrest at that time,

1 but we wanted to be up front with him about what we were
2 dealing with and he -- I had a brief interview with him and
3 he provided a written statement as well.

4 Q. Can you explain to the jury what Miranda Warnings are?

5 A. Those are rights that we are required to provide
6 someone who has been either arrested or in custody and we
7 are going to question them about something they are the
8 suspect of.

9 In this case obviously I just stated that we did not
10 have any kind of arrest warrants for him and he was not in
11 custody, but we -- it's our policy to do that just so
12 everybody is clear.

13 Q. Okay. And was he under any duress at that time?

14 A. He did not appear to be, no.

15 Q. How long did you talk to him for?

16 A. The interview began at 10:15 in the morning and it
17 ended at 11:05, so roughly fifty minutes.

18 Q. And when you talked to Mr. Towe, did he provide any
19 information to you?

20 A. He just denied.

21 Q. That this had happened?

22 A. Correct.

23 Q. What did he say specifically?

24 A. Do you want me to read what was written in his
25 statement?

1 Q. Just tell us specifically what he said in regards to
2 that allegation.

3 Do you have a copy of the statement?

4 A. I do have a copy.

5 Q. So he acknowledged that something -- that a complaint
6 had been made in 2003?

7 A. Yes.

8 Q. Okay. And then he denied later on that anything ever
9 happened to Minor

10 A. Correct.

11 Q. That was his statement?

12 A. Yes.

13 Q. And after you talked to Mr. Towe what did you do next?

14 A. After I talked to Mr. Towe, I obtained the consent for
15 those counseling records from him and provided the consent
16 form from both him and Ms. Truman to Ms. Scott, the
17 counselor, so that I could obtain a copy of those counseling
18 records from 2011.

19 Q. Okay. And did you obtain a copy of the counseling
20 records?

21 A. I did.

22 Q. What did you do after that?

23 A. I also interviewed Minor 's brothers and attempted to
24 make contact with her -- I believe it was her first husband
25 and interviewed them. I think it was her ex-husband I never

1 made contact with, but I did interview both of her brothers.

2 Q. Okay. Going back to when you interviewed Minor did
3 she provide an address of where this took place?

4 A. She did.

5 Q. Where was that?

6 A. It was [REDACTED] in Clemson.

7 Q. And did she disclose the sexual assault to you?

8 A. She did.

9 Q. From what time period?

10 A. Roughly September of 2002, up until around July -- I'm
11 sorry, September of 2000, up until around July 2002, when
12 she moved out of the house.

13 Q. Okay. And did Tammy state that's where they lived as
14 well?

15 A. Yes.

16 Q. After you talked to Rick and Dustin, did Dustin
17 remember living at that home?

18 A. Yes.

19 Q. After you spoke to them, what did you do after that?

20 A. I reviewed the counseling records and put a report
21 together. It went through our normal review process in our
22 office.

23 Q. Were you ever able to obtain any of Mr. Towe's work
24 records?

25 A. No, ma'am.

1 Q. What about any records from when he was at the Anderson
2 County Sheriff's Department?

3 A. I have a copy of his records from the South Carolina
4 Criminal Justice Academy.

5 Q. Okay. And you were provided those?

6 A. Yes, from the Criminal Justice Academy.

7 Q. Okay. Skipper, after you obtained those records, did
8 you do anything else in this case?

9 A. Another agent in our office interviewed Mr. Towe's
10 mother and uncle.

11 Q. Did anything relevant come from that?

12 A. No, ma'am.

13 Q. Okay. When you interviewed Minor did you ask her
14 specifically about any identifiable marks?

15 A. I did.

16 Q. Was she able to provide any?

17 A. No.

18 Q. I'll show you what's been marked as State's Exhibit 2.
19 Can you tell me what that is?

20 A. State's Exhibit 2 is a copy of the consent to search
21 form signed by Ms. Truman.

22 Q. Okay. And on what date was that signed?

23 A. It was signed on March 31st, 2016.

24 Q. Okay. And that was for a release of records?

25 A. For the counseling records, yes, ma'am.

1 Q. Okay.

2 MS. OWEN: Your Honor, I would ask this be moved
3 in as State's Exhibit 2.

4 MR. DEJONG: Without objection, Your Honor.

5 THE COURT: Okay.

6 (Whereupon, State's Exhibit No. 2 was entered into
7 the record as evidence)

8 BY MS. OWEN:

9 Q. I'm going to show you what has been marked as State's
10 Exhibit 3. Can you identify that?

11 A. Yes, ma'am. This is an authorization for release of
12 records. This is the form that Mr. Towe signed.

13 Q. To release records from the counselor?

14 A. That's correct.

15 Q. Or any other records?

16 A. Yes, ma'am.

17 MS. OWEN: Your Honor, I would ask this be moved
18 in as State's Exhibit 3.

19 THE COURT: Any objection?

20 MR. DEJONG: No objection, Your Honor.

21 THE COURT: Okay.

22 (Whereupon, State's Exhibit No. 3 was entered into
23 the record as evidence)

24 BY MS. OWEN:

25 Q. I'm also going to show you what's been marked as

1 State's Exhibit 4. Can you identify that?

2 A. Yes, ma'am. State's Exhibit 4 is a copy of the Miranda
3 Rights form that Mr. Towe signed and that we reviewed with
4 him.

5 Q. Did he initial by all those?

6 A. He did, and there are two questions involved that he
7 indicated yes on.

8 Q. Okay.

9 MS. OWEN: I would ask that that be admitted as
10 State's Exhibit 4, Your Honor.

11 MR. DEJONG: Without objection, Your Honor.

12 THE COURT: Okay.

13 (Whereupon, State's Exhibit No. 4 was entered into
14 the record as evidence)

15 MR. DEJONG: I think we need to talk to the judge
16 about this.

17 MS. OWEN: Okay. May we approach?

18 THE COURT: Yup.

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

21 THE COURT: Mark it for identification only.

22 MS. OWEN: Thank you.

23 BY MS. OWEN:

24 Q. I'll show you what's been marked State's Exhibit 5 for
25 identification only. Skipper, can you tell us what that is?

1 A. State's Exhibit 5 is a copy of the counseling records
2 that Ms. Scott provided me.

3 Q. Okay. And the consent forms that were signed, that's
4 how you obtained these records?

5 A. That's correct.

6 Q. I'll show you what's been marked as State's Exhibit 6.
7 Can you identify those records?

8 A. Yes, State's Exhibit 6 is a copy of the training
9 records I received from the South Carolina Criminal Justice
10 Academy for Mr. Towe.

11 Q. What were they in reference to?

12 A. It contained his records of training that he received
13 while he was in law enforcement.

14 Q. Okay. What department was he trying to become law
15 enforcement in?

16 A. Anderson County Sheriff's Office. However, he was
17 currently working at the Anderson County detention center.

18 Q. Those are records for when he went to training to be a
19 deputy?

20 A. This is all for his jail certification.

21 Q. That's jail certification.

22 A. Yes, ma'am.

23 Q. I misunderstood.

24 Those were provided to you?

25 A. Yes, ma'am.

1 Q. Okay.

2 MS. OWEN: Your Honor, I move in State's
3 Exhibit 6.

4 MR. DEJONG: Without objection.

5 THE COURT: All right.

6 (Whereupon, State's Exhibit No. 6 was entered into
7 the record as evidence)

8 BY MS. OWEN:

9 Q. Skipper, after you gathered all this information, what
10 did you do?

11 A. Compiled a report and presented it to the solicitor's
12 office for their review.

13 Q. Okay. And at some point was Mr. Towe charged?

14 A. He was.

15 MS. OWEN: I have no further questions for this
16 witness, Your Honor.

17 THE COURT: Cross-examination.

18 MR. DEJONG: Thank you, Your Honor.

19 May it please the court?

20 THE COURT: Yeah.

21 CROSS EXAMINATION BY MR. DEJONG:

22 Q. So just to clarify one thing, Agent Wallace, you said
23 that you got records from the Criminal Justice Academy, I
24 think, is that correct?

25 A. Yes, sir.

1 Q. Okay. But that was as to training, not as to any other
2 records, right?

3 A. Correct.

4 Q. Okay. And those training records, which I think
5 perhaps were the last exhibit that Madam Solicitor offered,
6 that dealt with his certification or training as a jailer in
7 Anderson County?

8 A. That's my understanding, correct.

9 Q. Okay. Did you ever get any records from the South
10 Carolina Department of Corrections?

11 A. No, sir, I had no reason to.

12 Q. Pardon me?

13 A. I have no reason to.

14 Q. Did you not find out that he was employed at one point
15 in time by the South Carolina Department of Corrections?

16 A. Not while the investigation.

17 I knew that he at some point worked with corrections.
18 However, the only thing that was pertinent was the most
19 recent records while he was -- while this investigation was
20 going on.

21 Q. So I gather one of those documents shows some sort of
22 termination, is that correct?

23 A. Yes, that's correct.

24 Q. The termination was not for any misconduct, was it?

25 A. I don't know. I don't have access to his personnel

1 file.

2 Q. So the termination, whatever you have got there,
3 doesn't state that?

4 A. It's subject to -- do you want me to read it to you?

5 Q. No, I'm just asking you these questions. Does it show
6 what the termination was for?

7 My question is do you know whether or not there was any
8 misconduct involved in that termination?

9 A. According to this it said it was not involving
10 misconduct.

11 Q. Thank you, ma'am.

12 Now, we talk about -- excuse me.

13 You say you got a consent to get records. That's from
14 the counselor, is that correct?

15 A. Yes.

16 Q. Okay. And do you know whether or not Freddie ever
17 released his counselor to talk about his case?

18 A. I -- no, sir.

19 Q. Okay.

20 MR. DEJONG: One moment, please, Your Honor.

21 THE COURT: Okay.

22 (Off the record).

23 (Back on the record).

24 MR. DEJONG: Thank you, agent. Thank you, ma'am.

25 THE COURT: All right.

1 MS. OWEN: A few brief followup questions, Your
2 Honor.

3 THE COURT: All right.

4 REDIRECT EXAMINATION BY MS. OWEN:

5 Q. Skipper, whenever you talked to Mr. Towe, was he aware
6 that Tammy had told you that they had gone to counseling?

7 A. Yes.

8 Q. He was aware that you were going to ask for those
9 records?

10 A. Yes.

11 Q. And he signed a consent to give you those records?

12 A. It was a few days later, but yes.

13 Q. So the consent he signed, he was aware --

14 I'm going to actually just ask you to read what's been
15 marked as State's Exhibit 3 as to what he's consented to.

16 A. It says "authorization for release of records in order
17 to cooperate and assist the South Carolina Law Enforcement
18 Division while conducting a criminal investigation.

19 "I, Fredrick Harrison Towe, do hereby authorize any
20 military organization, doctors, insurance companies,
21 educational institutions, governmental agencies, banks and
22 credit agencies, former and present employers, and
23 individuals to furnish the South Carolina Law Enforcement
24 Division any or all available information regarding me
25 whether or not it's in their records. I hereby release them

1 from any civil or criminal liability whatsoever for issuing
2 same."

3 It's signed by Mr. Towe, dated 3-23-16, and it's sworn.

4 Q. Okay. And he was aware you were going to get those
5 records?

6 A. That's correct.

7 Q. He consented to that?

8 A. That's correct.

9 Q. Okay. And did he follow up with you after signing this
10 release on whether you had gotten the records?

11 A. I don't remember.

12 Q. Okay. Did he follow up with you throughout this
13 investigation on what was going on?

14 A. He did.

15 Q. Okay. He was aware you were getting the records?

16 A. Yes.

17 Q. And at the time of this investigation you obtained the
18 most recent Criminal Justice Academy records, is that
19 correct?

20 A. That's correct.

21 MS. OWEN: Nothing further.

22 THE COURT: All right. Thank you, ma'am. You can
23 step down.

24 THE WITNESS: Thank you, judge.

25 THE COURT: All right. Mr. Foreman, ladies and

1 gentlemen of the jury, we are going to take a short recess.
2 Please don't discuss the case. We will be back with you
3 shortly.

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

6 THE COURT: We'll be at ease.

7 (Whereupon, proceedings were recessed)

8 (Whereupon, proceedings were reconvened)

9 THE COURT: Ready?

10 MS. OWEN: Yes, Your Honor.

11 MR. DEJONG: Ready, Your Honor.

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

14 THE COURT: Okay. Call your next witness.

15 MS. OWEN: Thank you, Your Honor.

16 The State would call Sandra Williamson.

17 SANDRA WILLIAMSON, having been first duly sworn,
18 testified as follows:

19 THE WITNESS: Yes.

20 THE COURT: If you would, have a seat and state
21 your name for the record.

22 THE WITNESS: Sandra Williamson.

23 DIRECT EXAMINATION BY MS. OWEN:

24 Q. Ms. Williamson, could you tell the jury where you work?

25 A. Anderson County Sheriff's Office.

1 Q. How long have you been there?

2 A. Thirty years.

3 Q. What you do you do there?

4 A. I am certification compliance coordinator and training.

5 Q. What does that mean?

6 A. That means that I fill out paperwork, submit it to the
7 academy for registrations, for separations, for new hires,
8 and for mandatory renewal notices.

9 Q. How long have you been doing that?

10 A. Twelve years.

11 Q. You say that you submit the information. How do you
12 get that information?

13 A. From the person who we have hired.

14 Q. Do they come into your office and sit down and talk to
15 you?

16 A. Yes.

17 Q. And you go over the form that you have to fill out with
18 them?

19 A. I fill it out as I talk to them. I ask them the
20 questions and I fill it out, according to what they tell me.

21 Q. Okay. So all the information provided to you is from
22 the person that you are talking to at the time?

23 A. Yes.

24 Q. Okay. Ms. Williamson, I'm going to show you what's
25 been marked as State's Exhibit No. 6. Do you recognize

1 that?

2 A. This is not our paperwork. It doesn't look like our
3 paperwork, but it's got the answers, the same questions.

4 Q. The information -- would you flip through that? The
5 information provided in there, is that what would have been
6 provided to the Criminal Justice Academy?

7 MR. DEJONG: Your Honor --

8 THE COURT: Whoa, whoa, whoa.

9 MR. DEJONG: I'm going to --

10 THE COURT: She's not identified it.

11 MS. OWEN: I apologize.

12 MR. DEJONG: Well, not only that, she says it's
13 not their forms, so --

14 THE COURT: That's exactly right.

15 MR. DEJONG: So I don't know what we are talking
16 about here.

17 MS. OWEN: Okay.

18 This is the Criminal Justice Academy's paperwork.

19 BY MS. OWEN:

20 Q. Ms. Williamson, I'm going to ask you a few questions
21 unrelated to that.

22 A. I'm having a hard time hearing you. I don't hear well.

23 Q. That's okay. I apologize. I'll speak up.

24 Ms. Williamson, at some point did Fredrick Towe work at
25 the Anderson County Detention Center?

1 A. Yes.

2 Q. Okay. Did he provide information to you based on him
3 going to the Criminal Justice Academy?

4 A. Yes.

5 Q. Okay. Do you remember, based on your recollection of
6 the paperwork that you filled out, whether he told you he
7 was a veteran or not?

8 A. I don't believe he was. No, he was not a veteran.

9 Q. Okay.

10 MS. OWEN: I have no further questions. Thank
11 you.

12 THE WITNESS: Thank you.

13 THE COURT: Cross? Hang on a minute. Wait. Hold
14 on.

15 MR. DEJONG: She almost had it right, Your Honor.
16 I have no questions.

17 THE COURT: Now.

18 THE WITNESS: Thank you.

19 THE COURT: Yes, ma'am.

20 MR. DEJONG: No objection to her being excused,
21 Your Honor.

22 MS. OWEN: Thank you, Your Honor.

23 THE COURT: Okay.

24 MS. OWEN: Your Honor, the State would call Rick
25 Truman.

1 RICHARD TRUMAN, having been first duly sworn,
2 testified as follows:

3 THE WITNESS: Yes, sir.

4 THE CLERK: If you would have a seat and state
5 your name for the record, please.

6 THE WITNESS: Richard Truman.

7 DIRECT EXAMINATION BY MS. OWEN:

8 Q. Richard, do you go by Rick?

9 A. Yes, ma'am.

10 Q. Okay. Do you mind if I call you that?

11 A. Yes, ma'am.

12 Q. Rick, can you tell the jury a little bit about
13 yourself, where you are from, how old you are?

14 A. I believe I'm thirty-nine and I'm from Starr, South
15 Carolina, and I work for a towing company named Action
16 Towing. I have been there for the last twenty years.

17 Q. How long have you lived in Starr?

18 A. Twenty years.

19 Q. When did you move there? How old were you, do you
20 remember?

21 A. We built our house in '99, I believe.

22 Q. Okay.

23 A. So it's been a long time.

24 Q. And before you lived in South Carolina, where did you
25 live?

1 A. Ohio.

2 Q. Who did you move here with?

3 A. Moved here with my mom, my brother, my sister, and my
4 stepfather.

5 Q. Would you mind telling the jury who those people are,
6 their names?

7 A. Tammy Yorty, Dustin Yorty, Minor , and Duane
8 Yorty.

9 Q. When you moved here from Ohio, did you ever live with
10 Freddie Towe?

11 A. No.

12 Q. Rick, where were you living when they lived with
13 Freddie?

14 A. At the very beginning I lived in an apartment. I'm not
15 sure if they were living together yet. I'm not. I know
16 that maybe they were seeing each other, but I know at
17 some -- at some transition I had got married, built a house,
18 and then they had all moved in at his place in Clemson.

19 Q. Okay. Did you go over there very often?

20 A. Sometimes, when I could.

21 Q. Okay. Do you remember who was living there?

22 A. I believe it was my mom, sister, my brother, Freddie's
23 son Logan, and Freddie himself.

24 Q. Okay. Did Freddie's son Logan also live with his mom
25 sometimes?

1 A. I believe that they were back and forth. Sometimes he
2 would stay. We called her granny. And, yeah, back and
3 forth.

4 Q. Okay. And granny would be Freddie's mom?

5 A. Freddie's mother, yeah.

6 Q. Where did she live?

7 A. She lived right next door.

8 Q. Okay. Without telling anybody what was said, at some
9 point in 2003 did Minor come to your house, or did she
10 call you at her apartment?

11 A. I'm sorry?

12 Q. That's okay.

13 A. No, no, she -- yeah, called me to her apartment.

14 Q. Okay. And when you got there, did she disclose a
15 sexual assault to you?

16 A. Yes.

17 Q. What happened after that?

18 A. I called my mother. My mother came to the apartment.
19 We disclosed that to my mother and then me and my mom got in
20 her car and proceeded over to their house, and I believe my
21 sister and her current husband at the time followed not too
22 far behind us.

23 Q. Okay. And did you go to the police department with
24 your sister?

25 A. That day, yes.

1 Q. Was an incident report filled out?

2 A. Yes, it was very lengthy.

3 Q. Okay. At some time after that what did you find out
4 had happened?

5 A. Nothing happened. Absolutely nothing. Nothing ever
6 came of it. Nothing.

7 Q. Did you ever know why nothing happened?

8 A. I was told a couple different things. I was told that
9 maybe Freddie's affiliation with the police department --

10 MR. DEJONG: Your Honor, objection to what he's
11 told.

12 THE COURT: Yeah.

13 BY MS. OWEN:

14 Q. We can't say what other people said.

15 A. Okay. I was just -- well, I thought -- I really
16 don't -- I thought maybe it was just -- nothing ever came of
17 it.

18 Q. Okay. What was your relationship like with your family
19 after that? Did y'all spend a lot of time together?

20 A. I mean, I still tried to spend time with mom when I
21 could. You know, working a full-time job and all, trying to
22 get over there when I could, but, you know, we -- we worked
23 very different schedules, so it was very, very hard. Things
24 weren't always the same.

25 Q. Okay. What was your relationship like with Freddie?

1 A. I would say before then they were -- before that
2 incident they were okay. After that it was always some type
3 of eeriness, some type of pull-back. We weren't -- it was
4 never said that we were the closest.

5 Q. Were you under the impression that Freddie was in the
6 military?

7 A. Yes.

8 Q. Why?

9 A. Because he had said that he was in the Navy Seals when
10 he was dating -- when he first started dating my mother.

11 Q. Did you ever -- y'all do family holidays together?

12 A. No.

13 Q. What does that look like for your family?

14 A. What do you mean? Like for my family, or this family?

15 Q. This family, why don't y'all do holidays together?

16 A. Just work schedules. My mother and them were just
17 always working. It just never worked -- never worked out.
18 They would always -- mom would always be working and we
19 would always be doing stuff with my wife's family, or the
20 work -- well, I hate to keep restating, but, you know, the
21 way my mother works, she would always work, you know, a
22 couple days on, a couple days off, and just never worked out
23 to where we could do it on a holiday.

24 Q. Okay.

25 A. And, you know, the holidays were never really good to

1 us, as far as being able to do some something on the
2 holidays.

3 Q. Okay. What would -- do you remember where your mom
4 worked? She had multiple jobs, one job?

5 A. Multiple. She -- I remember her working for Superior
6 Dry Cleaners. Milliken. I believe that's where her and
7 Freddie had met. Med Shore. The -- I don't know if it was
8 the sheriff's department or the dispatch service. I don't
9 know if it was the same thing or not, Anderson County
10 Dispatch. She worked for home health. I don't know if that
11 was why they were together or not.

12 Q. She's had quite a few jobs over the years?

13 A. Yes.

14 Q. Has Freddie also had quite a few jobs that you are
15 aware of?

16 A. Yes.

17 Q. Okay. Rick, the day that Minor came or asked you to
18 come to her apartment, what was her demeanor like?

19 A. She was very, very, very upset, crying. Just hurt,
20 shattered.

21 Q. Okay. When this came back up again in 2016, did you
22 know that Minor had contacted SLED?

23 A. Yes.

24 Q. You did.

25 At some point has your mom and Freddie gotten divorced?

1 A. Yes.

2 Q. Did you help her move out of the house?

3 A. Yes.

4 Q. Could you tell me about that day?

5 A. That day she moved out?

6 Q. Yes.

7 A. Yes, me and my brother went over there with a cow
8 trailer and gathered up all her belongings in one trip.
9 Just didn't leave nothing behind and was able to get
10 everything out in one trip and moved her out.

11 Q. Do you remember if Freddie showed up there that day or
12 not?

13 A. Yes, he did.

14 Q. What was her demeanor like, your mother?

15 A. My mother, she was very scared.

16 Q. Do you know why she was scared?

17 A. Because he showed up in a county vehicle, and just
18 didn't know if -- what he was going to do.

19 Q. When you were around your mom, was she usually scared
20 of Freddie?

21 A. Very withdrew, withdrawn at times, yes.

22 Q. Could you tell the jury what you mean by that?

23 A. We are a very cut-up type people. We laugh, we joke,
24 we have fun. We make jokes about stupid things. I mean,
25 even -- even out there in the waiting room a minute ago my

1 brother was out there scratching his head just made us
2 laugh. That's just the type of people that we are. We make
3 stupid jokes about little things and my mom is the same way,
4 and it never stops and never -- it just never stops. It
5 could be in some of the serious moments. It could be in
6 some of the stupidest moments. That's probably one reason
7 why I can't look at him right now. My brother is sitting
8 over there, but, you know, sometimes whenever we all got
9 together or around all of us as a family, you know, I did
10 notice like how mom sometimes always withdrew from that and
11 how she just wasn't herself and -- that's just something
12 that I noticed.

13 Q. Okay. Rick, at any point in time did you ever see
14 anything happen between Minor and Freddie that was
15 unusual?

16 A. I don't think so.

17 Q. Okay.

18 MS. OWEN: I have no further questions. Thank
19 you.

20 THE COURT: Cross.

21 MR. DEJONG: Thank you, Your Honor.

22 May it please the court?

23 THE COURT: Yes.

24 CROSS EXAMINATION BY MR. DEJONG:

25 Q. So most of what you have been describing in terms of

1 Ms. Minor calling you, or whatever, that was in 2003, was
2 it not?

3 A. I believe, if that's what you said the date is.

4 Q. Okay. So that's when you say that you called your mom
5 over and all that stuff?

6 A. Yes, sir.

7 Q. Okay. And then you said after all of that, I gather
8 you are speaking of Ms. Minor. I don't know what her name
9 was at that point in time, but Ms. Minor reported it and
10 then nothing ever came of it, right?

11 A. Yes, sir.

12 Q. And what kind of -- how many cars did you say -- you
13 said Freddie came in a county car?

14 A. Whenever we were moving out of my mother's house
15 several years later, this was -- I don't know what year it
16 was. This was right around the divorce time, right before
17 they got a divorce, so whatever year that was. It was a
18 green Chevy -- Chevrolet Suburban from the Anderson County
19 Sheriff's Department.

20 Q. Okay. And did Freddie ever get out of the car?

21 A. No, sir.

22 Q. Okay. And how long did you say that car stayed there?

23 A. He pulled up long -- pulled up, stopped at the front
24 sidewalk and then drove off.

25 Q. And you were moving furniture and all that good stuff

1 right then?

2 A. Yes, sir.

3 Q. What time of day was it?

4 A. Honestly I don't know the time of the day. It was
5 daytime. Probably I will say afternoon.

6 Q. So basically this vehicle pulled up and left?

7 A. Pulled up, stopped for a minute -- for a minute and
8 left, yes, sir.

9 Q. And your mom worked for Anderson County dispatch?

10 A. She did at one time, yes, sir.

11 Q. Do you know how long she worked there?

12 A. No, sir.

13 Q. Was that before she and Freddie were divorced, or
14 after, or do you know?

15 A. They were still together at the time, because I believe
16 both of them worked there at the same time.

17 Q. Both of them worked at Anderson County at the same
18 time?

19 A. At the dispatch office at the same time, yes, sir.

20 Q. You said -- I couldn't quite understand what you were
21 saying. At one point in time answering Madam Solicitor's
22 questions you said there was some type of pull-back. Was
23 that pull-back on your part, or Freddie's part, or who was
24 involved in this pull-back?

25 A. The pull-back, what are you referring to?

1 Q. At some point when you were answering questions a few
2 moments ago, I didn't know if it was when -- I think you
3 were being asked about Freddie being at social family
4 functions or whatever?

5 A. Uh-huh.

6 Q. You said there was some kind of pull-back?

7 A. I believe the question was after the incident how was
8 our relationship. I said there was some pull-back after
9 that.

10 Q. On your part?

11 A. I felt like maybe on both parts.

12 Q. Did you ever hear Freddie tell your mom he was in the
13 military?

14 A. No, sir.

15 Q. So you don't know that? That's something I gather
16 someone shared with you somewhere along the line?

17 A. Yeah. Yes, sir.

18 Q. And when was that?

19 A. Whenever they were dating.

20 Q. But you never heard it yourself?

21 A. I believe I did, sir.

22 Q. When?

23 A. In conversation, because my mother, myself and Freddie
24 all worked at the same place.

25 Q. And where was that?

1 A. Milliken Industries.

2 Q. And either you did, either you didn't, you are not
3 sure?

4 A. Oh, no, I'm telling you, you know, I heard it. We all
5 lived -- my mother and I lived in the same apartment
6 complex. We all -- my mother, myself and Freddie all worked
7 at Milliken.

8 Q. I got that part.

9 A. So while my mother and Freddie were dating and we hung
10 out it came up in conversation.

11 Q. Thank you, sir.

12 THE COURT: Any redirect?

13 MS. OWEN: No, Your Honor.

14 MR. DEJONG: No objection to him being excused,
15 Your Honor.

16 THE COURT: Okay.

17 Call your next witness.

18 MS. OWEN: Okay, Your Honor, the State would call
19 Dustin Yorty.

20 DUSTIN YORTY, having been first duly sworn,
21 testified as follows:

22 THE WITNESS: Yes, sir.

23 THE CLERK: If you would have a seat and state
24 your name for the record, please.

25 THE WITNESS: Dustin Yorty.

1 DIRECT EXAMINATION BY MS. OWEN:

2 Q. How are you, Dustin?

3 A. Could be better.

4 Q. Okay. Dustin, can you tell the jury a little bit about
5 yourself, where you live, where you work, how old you are?

6 A. I'm twenty-eight. I live in Starr, South Carolina. I
7 work at Action Towing. I just got married a few years ago,
8 bought a house. That's about it.

9 Q. How long have you lived in Starr?

10 A. Three years.

11 Q. Where did you live before that?

12 A. Clemson.

13 Q. How long did you live in Clemson?

14 A. I moved to Clemson whenever I was nine and I just
15 didn't leave until I was in my mid-twenties.

16 Q. Okay. Are you from Ohio as well?

17 A. Yeah, my family moved down here when I was two.

18 Q. When you were two?

19 A. Yes.

20 Q. Who's your dad?

21 A. Duane Yorty.

22 Q. Does he still live in South Carolina?

23 A. Yes.

24 Q. And you moved down here with who?

25 A. I mean, my mom and my dad were still together at the

1 time, so -- I mean, I was two, so I imagine they brought me
2 down with them.

3 Q. Okay. And how long did you live with your parents
4 while they were together?

5 A. The whole time?

6 Q. How old were you when they separated?

7 A. Eight.

8 Q. You were eight. Okay.

9 At some point did Freddie come into your life?

10 A. Yeah, when my mom lived at Azalea Apartments and she
11 was working at Milliken, the first time I ever seen Freddie
12 was -- I was -- I was actually living with my dad at the
13 time and I went to mom's, the apartment, walked in and there
14 was Freddie and that was first time we ever met.

15 Q. Okay.

16 A. And then during that summer I was in transition. I was
17 moving in with my mom, so we all moved in with -- at
18 Freddie's house and that's whenever I started fourth grade
19 in Clemson.

20 Q. Do you remember that pretty well?

21 A. Oh, yeah.

22 Q. Do you know what your address was at Freddie's house?

23 A. At the time it was -- at the time it was [REDACTED]

24 [REDACTED] and later they changed the street number to [REDACTED].

25 Q. And how long did you live with Freddie?

1 A. I moved out right after graduation. I was nineteen. I
2 moved in when I was nine. Ten years.

3 Q. Can you describe for the jury what you remember the
4 layout of the house was when you lived there.

5 A. As soon as you walked into the front door, you got the
6 living room. If you look straight ahead and then it will go
7 into a dining room/kitchen combo. If you keep walking
8 forward, there is like a block where it's -- on the kitchen
9 side it has cabinets and then on the living room side there
10 is a closet. And if you turn right, you have got a hallway.
11 You have got two rooms on the right, a bathroom, and a room
12 on the left.

13 Q. Okay.

14 A. And Freddie's room was the last the one on the left.

15 Q. He shared that room with your mom?

16 A. Yes.

17 Q. Which room was yours?

18 A. At the time I was the first room on the right.

19 Q. And was Minor 's room the next one?

20 A. Yes.

21 Q. What separated your rooms?

22 A. Just a wall.

23 Q. Okay. Can you tell me what you remember about your
24 mom's job?

25 A. When we moved in in Clemson mom worked at Milliken and

1 she worked at a couple other plants after that. I think
2 Pamplin or GNC maybe. And for awhile she worked at Superior
3 Dry Cleaners. She worked at Hickory Point. Then I believe
4 Med Shore and then Central Dispatch.

5 Q. Was she always working the same shift?

6 A. Most of the time she was always working the same shift
7 as Freddie, yes.

8 Q. As Freddie?

9 A. Well, like for Med Shore, they were partners and
10 that's -- that's the biggest part that I remember, because I
11 was, you know, my teenage years, so I really remember that
12 very well.

13 At Hickory Point she worked different shifts, but
14 that's about all I recall.

15 Q. Okay. And Freddie had multiple jobs too, is that
16 right?

17 A. Oh, yeah. The one where I seen him the least was
18 whenever he worked at Perry. I imagine he was third shift,
19 so he was sleeping whenever I was home and at work whenever
20 I was awake, so there is a good span where I didn't get to
21 see him very much.

22 Q. Okay. What was your relationship with Freddie like
23 when you lived there?

24 A. At first it was -- it was great. He -- he got me into
25 scuba diving and -- and then just gradually went downhill

1 from there.

2 Q. How old were you when that happened?

3 A. I mean, we only lived with him for a couple of years.

4 I was just about ten or eleven and -- I don't know, the
5 relationship was just very one-sided. I felt like I was
6 always very annoying to him. Just out of nowhere he would
7 just treat me like I was the biggest burden that anybody
8 could ever be to him.

9 Q. When you left the house, did you go to your dad's?

10 A. Yes, usually every other weekend. Then during the
11 summers I would usually spend almost -- a good bit of summer
12 with my dad.

13 Q. Okay. When you were at your house, at Freddie's house,
14 did you ever notice anything unusual about Minor and
15 Freddie?

16 A. Yeah, the biggest thing I noticed was it was kind of
17 like out of nowhere. Anytime me and Minor would be in the
18 living room watching a movie, or whatever, and Freddie would
19 get up from -- because, you know, a lot of times he worked
20 third shift, so he would be sleeping during the day. He
21 would get up, come out and Minor would just take off. It
22 was like no matter where he was, she would make it so she
23 wasn't in the same room with him.

24 Q. Did you ever hear anything through the wall that
25 separated your rooms?

1 MR. DEJONG: Objection. Leading, Your Honor.

2 THE COURT: All right. Don't lead.

3 BY MS. OWEN:

4 Q. Did you ever notice anything else unusual in the house?

5 A. There was quite a few nights I remember hearing my
6 sister cry herself to sleep.

7 Q. Did you hear that through the wall?

8 A. Oh, yeah, definitely.

9 A few times I knocked on her door and tried to talk to
10 her and ask her what was wrong and she just, more or less,
11 told me not to worry about it and kind of put a -- put a
12 pretty big wall up, so eventually I just planned to leave it
13 alone.

14 Q. Dustin, at any point in time did Freddie ever tell you
15 he was in the military?

16 A. Yes.

17 Q. Often?

18 A. So, for one story, out of many, he was watching basic
19 training videos for the Navy Seals, and he even brought up
20 on Google Maps the block that he used to run around during
21 PT and stuff.

22 And I talked to him about one of the things that they
23 would have to do is during training was called wet and sandy
24 where they would have to go and do pushups during the tide
25 rolling in washing over their faces and carrying logs and

1 team-building exercises.

2 He had a Navy Seal coin, a golden neckless with an
3 eagle on it that he got from the Navy.

4 He told ROTC instructors that he was in the Navy Seals.

5 The reason why he wears glasses was because they were
6 doing a training exercise as a flash bang and it
7 malfunctioned and blew up in his face. That's what he had
8 explained to me and my ROTC instructors.

9 Q. Okay. Dustin, whenever Minor moved out in 2002 --

10 A. Uh-huh.

11 Q. -- a few months later did you know that anything was
12 going on?

13 A. I was -- I was kind of at a young age, so I was just
14 kind of pulled out of the situation. I had gone to my
15 dad's. Nobody really told me why and I just kind of lived
16 in the dark.

17 Q. Okay. You never had any idea what had happened?

18 A. Not at the time, no.

19 Q. Okay. When you were living with Freddie, do you
20 remember him having two German shepherds?

21 A. Yes, Rip and Bandit.

22 Q. What were they for?

23 A. Bandit was a -- she was trained, as far as I know,
24 mostly as a drug dog, but she could also do search and
25 rescue.

1 Rip, his main purpose was search and rescue.

2 Both of them were very obedient and both would attack
3 on command if told to.

4 Q. Dustin, were you afraid of Freddie?

5 A. Yes.

6 Q. What made you feel that way?

7 A. He was just very intimidating and just certain --
8 certain things about him. You know, being in the Navy Seals
9 and stuff, and just -- he just acted like he knew things and
10 the connections that he had with Clemson Police Department
11 and he just seemed to -- me for a young age, he gave me the
12 impression that he was a very untouchable person, that there
13 wasn't anything that he could get away with.

14 Q. Did you ever meet anybody that was in law enforcement
15 that he knew?

16 A. Yes, Dave Norris, Robbie Porter. I think Robbie was
17 his name. I know his last name was Porter. I might be
18 wrong on the first name, but there was a few of them with
19 the last name of Porter.

20 Q. Okay. Did he ever threaten anyone in your house?

21 A. Not -- it was more subliminal, if anything.

22 Q. No direct threats?

23 A. Me, I don't think so.

24 Q. Was your mom afraid of him?

25 A. Yes.

1 Q. How do you know that?

2 A. There was an incident that I was at.

3 Q. We are not going to --

4 A. Okay. But he was -- you know, they would -- if they
5 were in an argument or whatever, there would be one thing he
6 would say and she would just shut down.

7 Q. Okay. Dustin, the time -- the whole time that you
8 lived with Freddie and Minor and your mom, did you ever
9 actually see anything inappropriate?

10 A. The only thing that I could ever think of is just
11 the -- like we would be at Western Sizzler, or something.
12 It was one of our favorite restaurants and whenever he would
13 get up to go to the bar and stuff, that it was like every
14 single time he would put his hand on Minor 's shoulders and
15 stuff like that. You know, that's kind of weird, but I just
16 kind of brushed it off at the time. I didn't try to think
17 too much of it.

18 Q. But nothing else out of the ordinary?

19 A. No.

20 Q. Thank you.

21 MS. OWEN: I have no further questions.

22 THE COURT: Cross?

23 MR. DEJONG: Thank you, Your Honor.

24 May it please the court?

25

1 CROSS EXAMINATION BY MR. DEJONG:

2 Q. So how long --

3 Well, let's clear it up first. Your mom meets Freddie?

4 A. Correct.

5 Q. And ultimately -- well, do you know when she moved into
6 Freddie's house?

7 A. Like I said, at the time I was living with my dad, so I
8 don't know really how long they were dating. I just know
9 they both worked at Milliken and then --

10 Q. Well, that's my question. It's very hard to determine
11 from listening to you where you were living. Where were you
12 living?

13 A. I was -- I was living with my dad. At the time of them
14 getting together I was transitioning into moving in with
15 them.

16 Q. When did you move in with them?

17 A. Halfway through fourth grade. I finished fourth grade
18 at Morrison Elementary right down the road from their house
19 and I lived with them all the way until the end of seventh
20 grade. I stayed with my dad for eighth grade, and then
21 moved back in and finished up high school.

22 Q. Okay. When were you in seventh grade?

23 A. I was twelve, so which would be 2002.

24 Q. Okay. Well, you talked about Freddie and your mom
25 working, you said -- if I understood you correctly your mom

1 worked third shift?

2 A. It just depends on what job.

3 Q. Okay. But do you remember what shifts Freddie worked?

4 A. It also depends on what job.

5 Q. Okay.

6 A. He worked several different shifts.

7 Q. I believe you indicated Perry. When did -- Freddie
8 worked for?

9 A. Right, the prison.

10 Q. Okay.

11 A. He was -- he was a correctional officer.

12 Q. Okay. All right.

13 Do you know how long he worked there?

14 A. I can't recall that. I was very young.

15 Q. The dogs that you were talking about, you never had any
16 problem with the dogs in the home, did you?

17 A. No.

18 Q. Freddie never commanded the dogs to attack anybody at
19 home, did he?

20 A. Unless we had the sleeve on, but that was for training
21 purposes.

22 Q. Not in any mean way? If was for training purposes?

23 A. Correct.

24 Q. Now, you say --

25 Well, did you live with your grandmother too?

1 A. No.

2 Q. Okay.

3 A. My grandmother was in Ohio.

4 Q. I'm sorry. I got families mixed up. I apologize.

5 So how did this conversation of the military come up?

6 A. I don't really remember exactly how it came up
7 initially. I think I might have asked him something about
8 the coin, or whatever. There was several, several talks
9 about him being in the military. I would ask him about his
10 uniform or stuff. He told me it was up in the attic
11 somewhere. I went so far as to invite him to the Veteran's
12 Day ceremony at the high school because I was in ROTC.

13 Q. Did you ever see a uniform?

14 A. No.

15 Q. Other than what you say he told you, did you ever
16 see -- and the coin, did you ever see any other indication
17 of military?

18 A. The necklace that he had with the eagle on it he said
19 he had gotten it from a --

20 Q. Okay. Well, when you say you heard Minor crying, you
21 don't know what she was crying about, do you?

22 A. No, sir, she -- she wouldn't tell me.

23 Q. And how old was she when you heard her crying?

24 A. How old was she?

25 Q. Uh-huh.

1 A. How would was she?

2 Q. Yeah.

3 A. Minor would have been -- she was somewhere between
4 fourteen and sixteen. I'm not sure.

5 Q. Did she have a boyfriend?

6 A. Depends on which age.

7 Q. Fifteen?

8 A. I think maybe.

9 Q. Sixteen?

10 A. I don't remember if she was sixteen or seventeen, but
11 there was one; Bryant.

12 Q. Let's talk about -- your bedroom was next to Minor
13 bedroom?

14 A. Yes.

15 Q. And was there anything dividing them, your bedroom and
16 her bedroom?

17 A. Just the wall.

18 Q. There was a sliding glass -- was there a sliding glass
19 door in the house?

20 A. There was a sliding glass door. Like if you walk into
21 the front door, you can -- straight back through the --
22 through the living room on the other side of the dining room
23 there is a sliding glass door.

24 Directly -- like if you are standing in the front door,
25 assuming there wasn't anything in the way at the time, you

1 could see out the side of the sliding glass door.

2 Q. Are there wooden doors?

3 A. The sliding glass door? It was glass.

4 Q. What was in the frame?

5 A. I don't --

6 Q. Are there any sliding wooden doors in the house?

7 A. Sliding wooden doors?

8 Q. Yeah.

9 A. Other than closets and stuff?

10 Q. Anywhere.

11 A. Yeah, there was -- there was sliding wooden closet
12 doors.

13 Q. You say there may have been wooden sliding doors.
14 Where were they in relationship to the glass?

15 A. I'm having trouble hearing you.

16 Q. Do what?

17 A. I said I'm having a little trouble hearing you.

18 Q. Okay. The wooden sliding doors, where were they in
19 relationship to the glass sliding door?

20 A. The wooden sliding doors were in the bedrooms.

21 The sliding glass door was in the dining room.

22 Q. And where were they in relationship to the bedrooms,
23 the wooden sliding doors?

24 A. Her bedroom and -- her bedroom closet and my bedroom
25 closet I believe butted up against each other. So if you

1 walk into my room, it's -- the closet is on the left. If
2 you walk into her room, the closet was on the right.

3 Q. How large was those closets?

4 A. Just regular closets. I mean, I don't know how to
5 answer that.

6 Q. Were they double closets?

7 A. What do you mean by double closets?

8 Q. Well, did they have sliding doors on them?

9 A. Yes.

10 Q. Okay. Does it have one sliding door, two sliding
11 doors?

12 A. As far as I remember, one door slid and the other one
13 stayed in place. They might have both slid. I don't
14 remember.

15 Q. Okay.

16 MR. DEJONG: Thank you, sir.

17 THE COURT: Redirect?

18 MS. OWEN: No redirect, Your Honor.

19 THE COURT: Sir, you can step down. Thank you.

20 MR. DEJONG: No objection to him being excused,
21 Your Honor.

22 THE COURT: All right.

23 Let me see y'all up here.

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

1 THE COURT: All right, Mr. Foreman, ladies and
2 gentlemen of the jury, I understand the next witness may
3 take some time, so it's 4:30. We are going to break for the
4 evening. I would ask you all to be back at say 9:45 in the
5 morning.

6 You all remember the third thing I asked you to
7 do? You don't have to answer that. Don't talk about the
8 case. Human nature, you want to. Human nature, the people
9 that you are going to see, they are going to want to know.
10 You can't do it. You gave your word not to do it. And you
11 also gave your word not to mention this on social media. I
12 could do you all a favor and say not to get on social media
13 tonight. How about that?

14 You all have a good night. I'll see you tomorrow
15 morning. Thank you.

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

18 THE COURT: All right. Anything before we break?

19 MR. DEJONG: Yes, Your Honor.

20 I think we need to revisit Mr. Towe's living
21 arrangements for the night.

22 MS. OWEN: Your Honor, the State would request --

23 THE COURT: We don't -- his bond is extinguished,
24 so are going to take him into custody.

25 MR. DEJONG: I understand, Your Honor.

1

MS. OWEN: Thank you, Your Honor.

2

THE COURT: All right.

3

(Whereupon, proceedings were adjourned to December

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18, 2018).

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

3
4 THE STATE OF SOUTH)
CAROLINA)
5) TRANSCRIPT OF RECORD
6 -vs-) 2016-GS-39-02812
7) 2016-GS-39-02813
8 FREDRICK HARRISON TOWE,)
9) DECEMBER 18, 2018
10) PICKENS, SOUTH CAROLINA
11)
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(VOLUME II)

B E F O R E:

THE HONORABLE EDWARD W. MILLER, JUDGE. ; And a Jury.

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

MEGAN MORICLE OWEN, ASSISTANT SOLICITOR
ATTORNEY FOR THE STATE

JOHN DEJONG, PUBLIC DEFENDER
ATTORNEY FOR THE DEFENDANT

MICHAEL R. WATTS
CIRCUIT COURT REPORTER

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1 (PROCEEDINGS, DECEMBER 18, 2018)

2 THE COURT: It was brought to my attention
3 yesterday at the conclusion that the last -- one juror has
4 realized after she saw the last witness that she had taught
5 that witness' brother, or he had. He.

6 MS. OWEN: Would that be number 146, Your Honor,
7 Mr. Phelps?

8 THE COURT: Yes.

9 THE COURT: How do you know that?

10 MS. OWEN: The last witness told me that he
11 recognized him on the jury.

12 THE COURT: Okay.

13 MS. OWEN: We were -- I told John we were going to
14 address that the first thing this morning.

15 THE COURT: All right. You had something that you
16 wanted to say about it, or what?

17 MS. OWEN: Yes, Your Honor.

18 THE COURT: We are going to address it this
19 morning. Okay, go ahead.

20 MS. OWEN: It's my understanding that after
21 talking to Dustin Yorty, he was the last witness, that this
22 juror taught him welding. He hasn't spoken to him in three
23 years. They are Facebook friends, so they have not had any
24 communication in three years. The juror doesn't know
25 anything about this case and he has not had any contact with

1 him about it.

2 THE COURT: How does he know the jury doesn't know
3 anything about it?

4 MS. OWEN: That's my understanding from him that
5 he had never talked to him about this case, Your Honor.

6 THE COURT: Mr. DeJong?

7 MR. DEJONG: Well, Your Honor, I don't know
8 anything about the circumstances surrounding time frames or
9 whatever. I guess it's the gentleman that teaches at
10 Greenville Tech and I guess teaches welding, or is a welder.
11 I'm not sure which one. I'm just not really comfortable
12 with him being on the jury in light of the fact that he had
13 taught one of the witnesses, however long ago it was. I
14 would ask that one of the alternates be put in his place,
15 unless you want to voir dire him. That's fine.

16 THE COURT: Well, my understanding from what he
17 told the bailiff is that he did not recognize the names, but
18 he recognized the last witness and that's when it came to
19 his attention that he had this knowledge.

20 What's the State's position?

21 MS. OWEN: Your Honor, I just ask that he remain
22 on the jury, unless you would like to voir dire him and if
23 he has some sort of --

24 THE COURT: I'm definitely going to voir dire him.
25 It's just whether or not he's -- see how he answers the

1 questions.

2 So I'm going to excuse everyone from the courtroom
3 with the exception of the lawyers and the defendant and the
4 other court personnel. So I'll ask y'all to leave when I
5 speak to this juror, please.

6 I'm going to get you all to go so it's not an
7 intimidating -- thank you.

8 (Off the record).

9 (Back on the record)

10 THE COURT: Okay. Let's bring Mr. Phelps in.

11 (Whereupon, Juror Number 146 was brought into the
12 courtroom)

13 THE COURT: Come right there, Mr. Phelps. Right
14 here. You don't have to sit down.

15 JUROR NUMBER 146: All right.

16 THE COURT: I don't mean to single you out.

17 JUROR NUMBER 146: I understand.

18 THE COURT: Just tell me -- give me -- I have
19 heard from the bailiff what you told him, but tell me in
20 your own words.

21 JUROR NUMBER 146: I didn't realize the
22 connection, but he was a former student of mine. I teach
23 for Tri-County Tech. I run the welding department.

24 THE COURT: Okay.

25 JUROR NUMBER 146: I had him in classes in and out

1 for over two years.

2 THE COURT: Okay.

3 JUROR NUMBER 146: He was in our Associates Degree
4 program.

5 THE COURT: Okay.

6 JUROR NUMBER 146: So I knew him. I know nothing
7 of the circumstances or anything. I knew him personally,
8 but that's really all I know at this point.

9 THE COURT: Okay. How close are you?

10 JUROR NUMBER 146: Other -- since he's graduated
11 and that's been within the last five or six years, I can't
12 remember exactly.

13 THE COURT: Okay.

14 JUROR NUMBER 146: I have him on Facebook and I
15 see his posts, but most of his jokes are this or that, but
16 nothing personal.

17 THE COURT: You haven't seen anything on Facebook
18 about this?

19 JUROR NUMBER 146: No, sir. No, sir.

20 THE COURT: Well -- all right. Well, would the
21 fact that you -- and I understand you didn't realize this
22 when we did the general voir dire, is that right?

23 JUROR NUMBER 146: No.

24 THE COURT: Okay. Would the fact that you have
25 this relationship or had this relationship, would that

1 impair your ability to follow your oath and to base the
2 decision that you come to solely on the merits of the
3 evidence and the law as I give it to you?

4 JUROR NUMBER 146: I don't believe it should have
5 any bearing on it. I think I can be, you know, neutral and
6 look at the facts.

7 THE COURT: Okay. You wouldn't -- would you give
8 his testimony any more credibility or less credibility than
9 any other witness because you know him?

10 JUROR NUMBER 146: No.

11 THE COURT: Okay.

12 All right. Thanks. I'm sorry to single you out
13 like that.

14 JUROR NUMBER 146: I'm just --

15 THE COURT: I appreciate you telling us. Thank
16 you.

17 JUROR NUMBER 146: Yes, sir.

18 (Whereupon, Juror Number 146 returned to the jury
19 room).

20 THE COURT: All right. I'll be happy to hear from
21 you.

22 MS. OWEN: Your Honor, the States feels he can be
23 fair and impartial and the last contact he had with him was
24 five or six years ago.

25 THE COURT: Well, that's not what he said. He is

1 on social media.

2 MS. OWEN: Yes, he is a Facebook friend.

3 THE COURT: Yeah.

4 MR. DEJONG: Apparently, as I understand it, there
5 has been some contact between the juror and the witness,
6 Your Honor, and that makes --

7 THE COURT: Well, it the scourge of our society,
8 one of them, is Facebook, social media thing.

9 What he said was he has seen this guy's posts on
10 Facebook. While I'm not personally on it, I understand that
11 what happens is people can, like a -- in our day there would
12 be a bulletin board on the way into the library and he
13 posts -- he would tack things up on there. He said there
14 were jokes and things like that.

15 And I understand your trepidation, but he -- I
16 mean, I think he's answered the questions properly, and
17 absent any unearthing of any new information I would be
18 inclined -- I'm going to leave him on the jury, unless
19 something comes up that would change the circumstances.

20 MR. DEJONG: And I understand your ruling, Your
21 Honor, and I don't mean to be disrespectful. Please note my
22 exception for it.

23 THE COURT: We do.

24 MR. DEJONG: The other thing I would ask, now that
25 he's going to stay on the jury, is obviously he's been

1 pulled out here and I don't know what discussion there is
2 going to be with him with the rest of the jury panel about
3 this.

4 THE COURT: Well, I'm -- I will instruct the jury
5 as a whole and we will move forward. Okay?

6 MR. DEJONG: Thank you.

7 THE COURT: So go ahead and bring jury on out and
8 you can tell these people to come in, if they want to.

9 (The following takes place in the presence of the
10 jury panel)

11 THE COURT: All right. Ladies and gentlemen,
12 welcome back. I hope you all had a pleasant evening.

13 I did -- because of circumstances that arose, I
14 did voir dire one of your fellow jurors and to ensure that
15 the jury remains fair and impartial and bases their judgment
16 in this case solely on the evidence, the merits of the
17 evidence presented in this courtroom and on the law that I
18 will give you. So please don't question your fellow juror
19 or single him out in any way about -- he didn't do anything
20 inappropriate. It was something that came to light
21 yesterday, so don't -- it's unimportant, and we are all set
22 to go forward. Okay?

23 All right. Call your next witness.

24 MS. OWEN: Thank you, Your Honor.

25 The State would call Tammy Truman.

1 TAMMY TRUMAN, having been first duly sworn,
2 testified as follows:

3 THE WITNESS: Yes.

4 THE CLERK: If you would have a seat and state
5 your name for the record, please.

6 THE WITNESS: Tammy Truman.

7 DIRECT EXAMINATION BY MS. OWEN:

8 Q. How are you today, Tammy?

9 A. I'm fine.

10 Q. Tammy, can you tell the jury a little bit about
11 yourself, where you live, how old you are?

12 A. I'm fifty-eight and I live in Anderson County.

13 Q. How long have you lived there?

14 A. Five years..

15 Q. Are you currently employed?

16 A. I work at a cancer center.

17 Q. Okay. Prior to living in Anderson where did you live?

18 A. Clemson.

19 Q. Who did you live with there?

20 A. Freddie.

21 Q. How are you related to Freddie?

22 A. I'm his ex-wife.

23 Q. Okay. Can you tell the jury a little bit about how you
24 met Freddie?

25 A. I was working at Milliken and he got a job there and I

1 was his trainer.

2 Q. How long did y'all work there together?

3 A. Probably a little over a year. Maybe just at a year.

4 Q. When did your relationship with Freddie start?

5 A. In February of '99.

6 Q. Can you tell the jury about how your relationship
7 progressed?

8 A. We went on our first date in February. It was --
9 actually I think it was January, because when he asked me
10 out, I couldn't -- I couldn't afford to go out until after
11 Christmas, so it went over into '99, and we went out to
12 dinner and -- we dated a short time and the end of February,
13 beginning of March I moved in with him.

14 Q. Who all moved in with Freddie?

15 A. It was me, my daughter, and my son Dustin kind of
16 part-time.

17 Q. Dustin's dad was in Clemson as well?

18 A. He lived in Anderson. We have joint custody.

19 Q. After you moved in with Freddie, did y'all stay there?

20 A. No, I moved in -- I moved out in the end of March,
21 beginning of April that same year. We were only there about
22 a month, maybe a little more.

23 Q. What happened after that?

24 A. You mean why did I leave?

25 Q. Yes.

1 A. I wanted to give Freddie and his wife that he was
2 separated with a chance to repair their marriage and he had
3 interests in doing that, so I moved and got an apartment
4 and --

5 Q. What happened after that?

6 A. Things didn't work out between him and his wife and I
7 moved back in October, November of '99. I think it was
8 actually November.

9 Q. Okay. You moved back into Freddie's house with who?

10 A. It was me and my daughter, and, again, my son kind of
11 part-time. He didn't come to live with me full time until
12 that December.

13 Q. What was your name back then?

14 A. Tammy Yorty.

15 Q. And you moved back in full time approximately around
16 November of '99, do you think?

17 A. Yes.

18 Q. Can you describe what you remember Freddie's house
19 looking like on the inside, like the layout?

20 A. It was ranch style. You walked in the front door, you
21 were in the living room. And right off the living room was
22 the kitchen dining room combo. And then a hallway that went
23 down the rest of the house, with two bedrooms on the right
24 and a bathroom, and the master bedroom on the left.

25 Q. And the master bedroom you shared with Freddie?

1 A. Yes.

2 Q. Could you tell the jury a little bit about your
3 relationship with Freddie?

4 A. I thought it was a good relationship. In the beginning
5 we went through a lot. He -- he had an affair right before
6 I moved in the second time and he said the reason for that
7 was because we weren't committed, that I wasn't living there
8 or we weren't married or anything, so that's kind of why I
9 moved back, feeling like it would be, you know, just between
10 me and him.

11 Q. After you moved in, you said that you felt like your
12 relationship was a good relationship?

13 A. Yeah, I mean, we got married in 2001. I thought
14 everything was great between us.

15 Q. Can you tell the jury a little bit about your work
16 history during that time?

17 A. Well, I left Milliken and went to GNC and that's when
18 Freddie got burned at work and they wouldn't let me have the
19 day off for his surgery because we weren't married, so I
20 quit my job so I could, you know, be with him through the
21 surgery and everything.

22 And then I went to work for Pamplin, which was a
23 distribution, I can't even say it, warehouse for Christian
24 music stores across the U.S. and I filled orders that went
25 out there, and I worked there until December of 2000.

1 And then I went to work for Hickory Point, which I
2 worked there until after we were married in 2001.

3 And then a boss that I had from previous, Chuck
4 Bouknight, asked me to come and open a new dry cleaners for
5 him in Anderson, so I went and worked for him for about a
6 year before I got my job with Med Shore.

7 Q. So you had a lot of different jobs?

8 A. I did.

9 Q. What kind of shifts did you work?

10 A. At Milliken I worked swing shift, changed weekly, days,
11 afternoons, and midnights.

12 And GNC I worked straight days.

13 Pamplin I worked straight days, some weekends.

14 And Hickory Point, I started out at nights and then it
15 eventually toward the end came to straight day shift.

16 Q. What was Freddie's work employment during that time?

17 A. After he got burned in 2002, he was out of work for a
18 few months.

19 Then he went -- he worked at Hickory Point as a stocker
20 for awhile.

21 Then he got a job I want to say summer, end of summer,
22 beginning of fall with Perry Correctional and he worked day
23 shift there until they could send him to the academy. And
24 then he went to night shift, twelve hour shifts, so it would
25 vary what days he had off work.

1 And then when he got -- when he left Perry, it kind of
2 put him through his school to get his intermediate training
3 back for EMT and then he went to work for Med Shore in 2002.

4 Q. Did y'all work the same shift?

5 A. No. No.

6 Q. Were you often on different shifts?

7 A. Oh, yeah, it was absolutely, except for Milliken. We
8 did work the same shift.

9 Q. Did you see him at home a lot?

10 A. Up until the time he went to work at Perry, until the
11 academy, yeah, he was home a lot. And if he wasn't at home,
12 he was, you know, a lot of times at Hickory Point when I
13 worked night shift stocking the coolers, and he worked at
14 Subway for awhile.

15 Q. If you weren't home, would he be home with the kids?

16 A. A lot of the times he would. A lot of times Minor
17 was in charge of her little brother, but there were times
18 that they were also home alone.

19 Q. During those first couple of years when Minor was at
20 home with y'all, did she stay at the same school?

21 A. When we lived in Clemson she -- she was going to Daniel
22 and she went there until she turned sixteen. When she --
23 the December she turned sixteen, when she come out on
24 Christmas break she didn't go back to school. She then went
25 to alternative schooling.

1 Q. Do you know why that was?

2 A. Failing grades. Something about not being able to
3 carry over a credit from where I moved in and moved out and
4 she wasn't going to get to graduate and it was very
5 disappointing to her. She was going to have to take summer
6 courses and it was just something we couldn't afford.

7 Q. What was your relationship like with Minor back then?

8 A. I thought it was pretty good. We had a lot of fun
9 together. She would -- well, she got a job at Subway.
10 That's inside the Hickory Point. And other than, you know,
11 her teenage troubles that all kids give their mom, I thought
12 we had a good relationship.

13 Q. Did you ever notice anything unusual at your house
14 between Freddie and Minor

15 A. Well, my parents actually come to me and asked me if
16 there was --

17 Q. You can't say what those people said.

18 A. Okay. Unusual shower times that would make me
19 question, you know, why she was taking a shower at this
20 time. And I felt like there were times when I would come
21 into the house, if I got off an hour early or something that
22 suddenly by the time, you know, got through the front door,
23 I could hear her going in the bathroom and getting in the
24 shower. And Minor was -- she's usually either a nightly
25 or a morning person showerer, but then laying on the couch

1 together I thought was too close, but was guaranteed that
2 there was nothing going on.

3 Every time we watched movies together, especially scary
4 movies, she would always end up, you know, right between me
5 and Freddie. It was a little uncomfortable.

6 Q. When you first started dating Freddie, did he tell you
7 he was in the military?

8 A. He did. He told me he was a Navy Seal. It was I think
9 one of the things that attracted me to him.

10 Q. Can you tell me about the dogs he had when y'all moved
11 in?

12 A. He had two German shepherds. He said Bandit was a
13 retired drug dog that would sniff out drugs and Rip was a
14 search and rescue dog.

15 Q. Do you remember when Minor moved out?

16 A. I do.

17 Q. Who did she move in with?

18 A. She moved in with her boyfriend at the time, Chris
19 Bryant.

20 Q. Do you remember when she went to the Clemson Police
21 Department?

22 A. I do.

23 Q. Without saying what she said, were you called to her
24 house?

25 A. Yes.

1 Q. Was a sexual assault disclosed to you?

2 A. It was.

3 Q. What did you do after that?

4 A. I was angry. I got in my car. I believe Rick caught
5 me in the parking lot and rode with me and I drove him. I
6 was -- I was infuriated.

7 When I got to the house, police were surrounding our
8 house. I jumped out of my car, I went in the front door,
9 locked it, slammed it. Freddie was in the shower and I went
10 in there and confronted him about it.

11 Q. What happened after that?

12 A. We were all sent to the police station to make
13 statements.

14 Q. Did you believe Minor

15 A. At that time I don't think I believed anybody. I don't
16 think I believed anybody. I was -- I was a mess.

17 Q. Do you remember what you told Minor

18 A. I know I asked her a lot of questions and it took some
19 time, but I eventually told Heather that I was going to
20 stand by my husband's side, that I believed what he told me.

21 Q. Based on that conversation, what did she decide to do?

22 A. Drop the charges.

23 Q. How was your relationship with her after that?

24 A. It was hurt. I know she was angry with me and she
25 would call me, though, and check on me, but it was -- it

1 wasn't anything like it was. It took a long time.

2 Q. Do you remember when this was?

3 A. When?

4 Q. When she filed the report.

5 A. It was January 2003.

6 Q. Sometime after she filed the report did Minor call
7 you about an STD?

8 A. She did.

9 Q. Can you tell the jury about that?

10 A. She told me that she had chlamydia.

11 MR. DEJONG: Objection, Your Honor.

12 THE COURT: Yeah.

13 BY MS. OWEN:

14 Q. What did you do based on the conversation that you had
15 with your daughter?

16 A. I went to a doctor and got tested for STD's.

17 Q. What happened after that?

18 A. There was a -- there was a stipulation between me and
19 Freddie that the only way I was allowed to go to the doctor
20 was to tell the doctor that I had an affair and that he was
21 thinking about taking me back. And so that's what I told
22 the doctor and I was tested and the test came back negative.

23 The day the test results came back I was very confused
24 and upset, still not knowing who to believe, and Freddie
25 came home from work that day and I had just locked myself in

1 the office and was listening to music and playing on my
2 computer and he kicked in the bedroom door and came in there
3 and I -- I didn't say anything to him. He didn't know
4 really how the test results had come back and that's when he
5 just confessed everything to me.

6 Q. What did he confess?

7 A. He told me that sex between him and my daughter had
8 happened and he convinced me that it was all her fault, that
9 she is the one who started it, and I -- I -- I believed him
10 at the time. He just had a way of winning me over.

11 Q. Did he acknowledge that she was fifteen?

12 A. I really don't remember at that time.

13 Q. Did he tell you how it started?

14 A. He said that he went into -- well, he was trying to get
15 her up one morning and she wouldn't get up and he said that
16 he went in and used his knees against the side of her bed to
17 shake the bed and he said she come up out of the blankets
18 naked and pulled his shorts down and started giving him a
19 blow job.

20 Q. Did he admit they had sexual intercourse?

21 A. He did.

22 Q. Tammy, do you recall when this conversation with
23 Freddie took place?

24 A. It was in 2003, after I went to the doctor.

25 Q. What did you do with this information?

1 A. I made Freddie call his mom over and talk to his mom
2 and tell her the truth. And that's when they gave me the
3 time frame to go and have Minor -- tell Minor I was
4 standing by his side. They basically gave me twenty minutes
5 to go out to meet her and tell her and come back and if I
6 wasn't back, that they were going to go forward and getting
7 an attorney and everything.

8 Q. By this time your relationship -- was your relationship
9 with Freddie still good?

10 A. No, after that conversation our relationship wasn't
11 good.

12 Q. Can you tell the jury about that?

13 A. I -- I was devastated. I was devastated to hear the
14 truth. It was -- I didn't want to believe it. I didn't
15 want to believe him. I didn't want to believe her, the day
16 I went to talk to her, you know, just being told by him and
17 his mom that --

18 MR. DEJONG: Objection to what his mom said.

19 THE COURT: Yeah, you can't say what somebody else
20 said, ma'am.

21 THE WITNESS: Can I say what he said?

22 THE COURT: Yeah.

23 A. By being told by him how they would take my daughter
24 through the mud and basically said -- not basically. He
25 said that they would make her out to be the slut she really

1 is.

2 BY MS. OWEN:

3 Q. Did you ever go to law enforcement in that year?

4 A. Yeah, when she pressed the charges.

5 Q. In 2003 did you go to law enforcement?

6 A. After he confessed, no. No.

7 Q. Did you tell anyone?

8 A. I didn't. It was basically between just me and him and
9 his mom.

10 Q. How long did you stay married to him after that?

11 A. Ten years.

12 Q. What was your relationship like for those next ten
13 years?

14 A. Well, the next two years were really bad. Lots of
15 arguments and fights about Minor and then the affairs
16 started again and we ended up seeking marriage counseling.

17 Q. Do you remember when that was?

18 A. Beginning somewhere in the near beginning of the year
19 2011.

20 Q. Who did you see for marriage counseling?

21 A. Michelle Scott.

22 Q. Why did you go to see her?

23 A. Because he was having an affair.

24 Q. Do you recall how many times you saw her?

25 A. I would say three or four times. There was always an

1 excuse to put -- to reschedule or to put it off if things
2 didn't go well during counseling.

3 Q. What happened in the first session when you met with
4 Ms. Scott?

5 A. I know we talked for awhile and she gave me a book to
6 read, which I took the book home and read it and I can't
7 remember the name of the book.

8 Q. Was anything significant said to Ms. Scott?

9 A. Just about the affairs. He had just come out of one
10 affair with one girl and right into another affair with one
11 of the supervisors at the 911 center.

12 Q. Did you bring up what had happened with Minor

13 A. I think that may have been maybe the second session.

14 Q. Can you tell the jury a little bit about that?

15 A. We had had an argument on the way to marriage
16 counseling and Freddie didn't want a female marriage
17 counselor because he said he felt like we -- you know,
18 females were ganging up on him. And we were talking -- when
19 we got there we were talking about the affair and I know I
20 was yelling at him and I told -- I just looked at him and I
21 said "my god, Freddie, yes, with my daughter," and he just
22 kind of put his head down and said -- he said "I know. I
23 know," and tried to smooth it all over.

24 I don't remember -- I know I left the room at one time
25 and came back and I don't know if it was before or after

1 that that Michelle told Freddie that I had every biblical
2 reason to divorce him.

3 Q. Was that the first time that you had said that to
4 anyone?

5 A. Yeah, to anybody outside of our room, yes.

6 Q. What happened when you left?

7 A. He wasn't very happy. I was afraid to ride home with
8 him that day. As a matter of fact, that's when the
9 rescheduling started. Everything like that that we --

10 I think I may have gone back to her once or twice by
11 myself, but I know our -- it was May or June we were
12 supposed to go and I sent her an e-mail, you know, asking
13 for a reschedule, but we never -- never went back.

14 Q. What was your relationship like with Freddie after
15 that?

16 A. He was very, very loving and caring and wanted to
17 repair things, wanted to make the marriage work and I
18 believed him.

19 Q. At any point in your relationship were you afraid of
20 Freddie?

21 A. There were several times.

22 Q. What made you feel that way?

23 A. Just how he talked about how he was trained to walk
24 through the woods in dry leaves without being heard. And
25 pictures that he had and comments that he would make, he

1 could -- he could love you in one sentence and tear you down
2 in the second sentence.

3 We were at a restaurant one time and he made a comment
4 about my stepdaughter that was burned in a fire that sent me
5 straight out to my car. He would just cut me down with
6 words. Bad.

7 Q. Did he ever threaten you?

8 A. He always -- he always knew where to bury the bodies.
9 Always let me know that, you know, he was friends with the
10 coroner. Always made me feel intimidated by his police
11 officer friends.

12 There was -- the most intimidating one is that he could
13 shut me up with is "do you want to go diving," because we
14 did have an incident during one of the diving trips.

15 Q. Tammy, after you told Ms. Scott, blurted that statement
16 out, did you tell anyone else?

17 A. No. No. I was not to speak of it any more.

18 Q. Did you leave Freddie?

19 A. In 2013.

20 Q. Why?

21 A. Because I had quit my job to stay home and take care of
22 his mom and during that time my dad had died. And when I
23 went back to Ohio to see my mom, I found out he was having
24 another affair. And when I come home, again he was
25 confronted and, again, he wanted to work on the marriage,

1 but this time he wasn't going to quit seeing the other
2 woman.

3 Q. What did you do after that?

4 A. Called my boys, and Rick, he come got me, took me to
5 his house and I made arrangements to go back on a Saturday
6 and get my stuff. That was in September of 2013.

7 Q. Did you ever tell Minor that you knew what had been
8 going on?

9 A. I did in 2014.

10 Q. Did you know she was going to SLED with this
11 information?

12 A. No. I -- I tried to get a job at the hospital, AnMed
13 Hospital, and I'm not -- I'm not proud of not being a high
14 school graduate and I always lied on my applications and
15 said that I was and landed me some pretty good jobs where I
16 was able to make ends meet, and the hospital called my bluff
17 on it and when I -- me and Freddie were still talking at the
18 time and I told him about it and he told me that I was going
19 to jail, that when SLED found out that I had lied on an
20 application to get my NCIC certification, that I was going
21 to go to jail. And so I decided to just tell everybody what
22 I knew, because when I went to Anderson County Sheriff's
23 Office to tell them the truth about it, I had planned on
24 killing myself to keep me from going to jail. I was very
25 convinced I was going to jail. I told all of my kids.

1 I did go to the Clemson Police Department and I told
2 them that I didn't -- you know, I didn't want nothing done
3 about it, but I wanted somebody to know the truth, that the
4 accusations that she made were true.

5 And then I went to all three of the kids before I made
6 the phone call to Skipper's -- Sheriff Skipper's secretary.
7 I -- I called her. I told her the truth. She reassured me
8 I was not going to jail. She offered for me to go and get
9 my GED.

10 MR. DEJONG: Objection, Your Honor.

11 THE COURT: Yeah.

12 BY MS. OWEN:

13 Q. You can't say what she said.

14 A. Okay.

15 Q. So has Skipper contacted you prior to you contacting
16 her?

17 A. Her name was Jan Robinson. She was Sheriff Skipper's
18 secretary.

19 Q. Okay. Did you then meet with Skipper?

20 A. No.

21 Q. You never met with her?

22 A. Oh --

23 Q. Yes, Melissa Skipper.

24 A. In 2016.

25 Q. Did you give her a written statement?

1 A. I did.

2 Q. Did you sign a consent to search for your counseling
3 records with Ms. Michelle Scott?

4 A. I did.

5 Q. Tammy, why did you wait so long to come clean about
6 what you knew?

7 A. I was ashamed. Very ashamed.

8 Q. Why did you stay with Freddie?

9 A. Because I felt like it was my only choice.

10 Freddie always let me know that if I -- if I left, that
11 my life would be hell, as he put it, and he threatened to
12 tell my parents stuff about me. He -- he was very
13 intimidating with his words.

14 Q. I'm going to show you what's been marked State's
15 Exhibit No. 2. Do you recognize that?

16 A. I do.

17 Q. What is that?

18 A. It's a form that I signed for them to get the records
19 from our counseling.

20 Q. Did you ever talk to Ms. Scott and let her know that
21 you had signed that?

22 A. Yes. She did contact me and questioned that.

23 Q. I'll show you what's been marked as State's Exhibit 1.
24 Do you recognize that?

25 A. I do.

1 Q. What is that?

2 A. Our marriage license.

3 Q. How do you know that?

4 A. Because we applied for it and got it.

5 Q. Is that your signature?

6 A. It is.

7 Q. What was your name then?

8 A. I signed it Tammy Sue Yorty.

9 Q. And on what date was that license issued?

10 A. I don't know what date we got it. It says February
11 5th, 2001. We were married on the 9th.

12 Q. So you officially became Tammy Towe February 9th, 2001?

13 A. Tammy Towe.

14 Q. Towe? I apologize.

15 A. Yes.

16 MS. OWEN: Your Honor, I would ask this be moved
17 in as State's Exhibit 1.

18 THE COURT: Any objection?

19 MR. DEJONG: Without objection, Your Honor.

20 THE COURT: Okay.

21 (Whereupon, State's Exhibit No. 1 was entered into
22 the record as evidence).

23 BY MS. OWEN:

24 Q. Tammy, is there anything else that you would like this
25 jury to know about this case?

1 A. The hardest thing I ever did was tell my daughter that
2 I knew the truth after all those years, but our relationship
3 has only grown from that.

4 Q. Thank you.

5 MS. OWEN: I have no further questions, Your
6 Honor.

7 THE COURT: Cross?

8 MR. DEJONG: Thank you, Your Honor.

9 May it please the court?

10 THE COURT: Yes, sir.

11 CROSS EXAMINATION BY MR. DEJONG:

12 Q. So Ms. Truman -- you go by Truman now, is that correct?

13 A. Yes.

14 Q. You applied for a job and you blatantly lied on the
15 application, didn't you?

16 A. I did.

17 Q. Yes, ma'am.

18 And you lied on that application to get what you wanted
19 to get, didn't you?

20 A. I did.

21 Q. And Minor is your daughter?

22 A. She is.

23 Q. Right.

24 So by the way, did you get the job?

25 A. I did. Not the one at the hospital.

1 Q. I understand.

2 So there was more than one application that you had
3 lied on?

4 A. Yes, sir.

5 Q. Well, how many applications did you lie on?

6 A. Probably every one I ever filled out.

7 Q. Okay. So you are just a liar?

8 A. No.

9 Q. Okay.

10 Well, certainly with Minor you had problems?

11 A. Absolutely.

12 Q. At one point in time you talked about, at least alluded
13 to, teenage trouble?

14 A. Yes, sir.

15 Q. And Minor had teenage troubles?

16 A. She did.

17 Q. Without Freddie she had teenage trouble, didn't she?

18 A. Yes, sir.

19 Q. Tried to run away two times I think, didn't she?

20 A. Yes, sir.

21 Q. By the way, who -- when she was fifteen, who took care
22 of her medical needs? Did you do that?

23 A. Yes, sir.

24 Q. Okay. And at one point in time you and Freddie were
25 aware that she was going to run away, correct?

1 A. Yes.

2 Q. And you certainly had a hand in stopping that runaway,
3 didn't you?

4 A. Yes, sir.

5 Q. Did you want her to run away?

6 A. No.

7 Q. Okay. So did you and Freddie discuss stopping that
8 runaway?

9 A. Yes, sir.

10 Q. All right. Then it wasn't just Freddie involved in
11 stopping that runaway?

12 A. No, sir.

13 Q. How old was she when she tried to --

14 Well, do you remember how old she was the first time
15 she tried to run away?

16 A. First time she was fifteen, I believe.

17 Q. Okay. Do you remember what part of her fifteenth year
18 that would have been?

19 A. I know it was November, December'ish.

20 Q. Okay. And how about second time?

21 A. She was sixteen.

22 Q. Let me digress for just a moment. I believe you said
23 you talked with Agent Wallace with the State Law Enforcement
24 Division, is that correct?

25 A. Yes, sir.

1 Q. Melissa?

2 A. Yes, sir.

3 Q. Did you give a statement?

4 A. I did.

5 Q. And that was back in March the -- sorry, bear with me
6 just one second.

7 That was on March the 14th of 2016, correct?

8 A. Yes, sir.

9 Q. Now, that has been pushing three years ago, right?

10 A. Yes, sir.

11 Q. And would you agree with me that eighty percent or more
12 of what you have testified today is not in that statement?

13 A. Yes, sir.

14 Q. Okay. So you were asked to write a statement, right?

15 A. I was.

16 Q. Now your memory is better than it was on March the 14th
17 of 2016?

18 A. No.

19 Q. So you just didn't tell the truth to Agent Wallace
20 either?

21 A. I did tell the truth.

22 Q. Not all of it, according to you today.

23 A. Melissa come to my house and we sat and talked for
24 awhile. She asked me to write a statement.

25 Q. Yes, ma'am. I understand that.

1 What I'm saying what you testified to today, most of
2 that was not in your statement that you gave to Melissa,
3 right?

4 A. Yes, sir.

5 Q. Okay. Now, when we are talking about statements, were
6 you aware that Melissa was drafting this statement -- or not
7 Melissa. I beg your pardon. Sorry.

8 Were you aware that Minor was drafting some statement
9 to take to Melissa?

10 A. I just knew that Minor was meeting with her.

11 Q. Right.

12 A. I didn't know about a statement.

13 Q. You weren't aware of the fact that she wrote that
14 statement over several weeks?

15 A. No, sir.

16 Q. Did you ever talk to her about that statement?

17 A. No, sir.

18 Q. So you moved in with Freddie in early of '99?

19 A. Yes, sir.

20 Q. Okay. This gentleman has got to get down everything
21 that you say, ma'am. I'm not trying to be rude to you.

22 And then you moved out the middle of '99?

23 A. End of March, beginning of April.

24 Q. So you moved in the early part of '99, and then moved
25 out in March of '99?

- 1 A. Yes, I was only there for about a month or so.
- 2 Q. Okay. And then you moved back in in the fall of '99?
- 3 A. Yes.
- 4 Q. Now, when you moved back in the fall of '99, who all
- 5 moved back in with Freddie?
- 6 A. It was me, my daughter, and my youngest son part-time.
- 7 Q. Okay. And your daughter being Minor ?
- 8 A. Yes, sir.
- 9 Q. And your son being Dustin --
- 10 A. Yes, sir, Yorty.
- 11 Q. Yorty. Thank you, ma'am.
- 12 All right. Now, did Dustin live there full time?
- 13 A. Not until December.
- 14 Q. Of what year?
- 15 A. '99.
- 16 Q. Okay. After that he lived in that house full time
- 17 24/7, right?
- 18 A. Yes, sir.
- 19 Q. And how old was he at that point in time?
- 20 A. I'm doing the math.
- 21 Q. I'm sorry, ma'am?
- 22 A. I'm doing the math.
- 23 Q. Take your time.
- 24 A. Nine.
- 25 Q. Okay. And I believe you said there was times -- I

1 don't know, but when you used the word times, it's hard to
2 ask the question and get it in context, but you said there
3 were times, if I understood you correctly, that Minor took
4 care of Dustin, is that correct?

5 A. That's correct.

6 Q. All right. And how often, how many times would you say
7 that was in a week's time?

8 A. Maybe two or three times.

9 Q. And was Heather and Dustin both in school at that time?

10 A. Yes, sir.

11 Q. Did they leave for school at the same time?

12 A. No, sir.

13 Q. What time did they leave, if you know?

14 A. Dustin walked to school. We lived on the same road as
15 the school.

16 Q. So would Minor have left first?

17 A. Minor always left after because she rode to school
18 with her boyfriend. He drove her.

19 Q. So Dustin walked to school and Minor rode the bus to
20 school?

21 A. Either rode the bus or went with her boyfriend.

22 Q. I see.

23 Now, I don't want to go through the life's history of
24 employment, but in 1999 --

25 Let's just go back to where you moved back with

1 Freddie. In 1999, where were you working?

2 A. At Milliken.

3 Q. And where was Freddie working?

4 A. At Milliken.

5 Q. Okay. So did I understand you to say Freddie helped
6 you get that job?

7 A. No, sir.

8 Q. Okay.

9 A. I trained Freddie at that job.

10 Q. Okay. So you helped Freddie get the job?

11 A. No, sir, I didn't know Freddie until he got the job.

12 Q. Okay. I stand corrected.

13 Well, when you got the job at Milliken, did you lie on
14 that application?

15 A. Yes, sir.

16 Q. So you were at Milliken when you moved back in with
17 Freddie in '99. How long -- how much longer did you
18 continue to work at Milliken?

19 A. Until the beginning of the year 2000.

20 Q. All right.

21 And how long did Freddie continue to work at Milliken?

22 A. I want to say March of 2000, around that time when he
23 got hurt.

24 Q. All right. And when he got hurt, were you still there
25 at Milliken?

1 A. No, sir, I had already left.

2 Q. Okay. So if I understood you correctly earlier, you
3 said you quit Milliken to take care of Freddie, is that
4 correct?

5 A. No, sir.

6 Q. Okay. You were already out of work when Freddie got
7 hurt?

8 A. I was working at GNC when Freddie got hurt.

9 Q. Okay. Well, did you quit that job?

10 A. I quit that job when they wouldn't let me have the day
11 off to be with --

12 Q. What now?

13 A. I quit that job when they wouldn't let me have the day
14 off to be with him for surgery.

15 Q. Okay. So that was in early 2000?

16 A. Mid 2000.

17 Q. Mid 2000. Okay.

18 Where did you go to work after that?

19 A. Pamplin.

20 Q. I'm sorry?

21 A. Pamplin.

22 Q. Okay. So I'm a little hard of hearing. I got this fan
23 roaring back here.

24 What kind of work was that?

25 A. It was a Christian store distribution warehouse.

- 1 Q. Okay. How long did you work there?
- 2 A. I worked there until December.
- 3 Q. Of 2000?
- 4 A. Yes, sir.
- 5 Q. What hours did you work?
- 6 A. Eight to five. I mean, it was straight days.
- 7 Q. Okay. Full-time job?
- 8 A. Yes, sir.
- 9 Q. Where was Freddie working at that point in time?
- 10 A. I don't believe he was working at that time.
- 11 Q. All right. I believe you said at one point in time, if
- 12 I understood you correctly, Freddie went to the academy?
- 13 A. That was in 2001.
- 14 Q. And do you know -- when he -- when you say he went to
- 15 the academy in 2001, do you know what job that was for?
- 16 A. For Perry Correctional.
- 17 Q. Okay. And did he then go to work for Perry
- 18 Correctional, do you know?
- 19 A. He went to work for them before he went to the academy.
- 20 Q. Okay. So when he went to work for Perry Correctional,
- 21 what were his hours?
- 22 A. He worked day shift Monday through Friday until he
- 23 could go to the academy.
- 24 Q. Do you know what time he left for work?
- 25 A. No, sir, I don't remember.

1 Q. Okay. At some point in time you said, if I understood
2 you, you worked at Hickory Point?

3 A. Yes, sir.

4 Q. And Freddie worked at Hickory Point?

5 A. Part-time, yes, sir.

6 Q. And when was that?

7 A. 2000 and 2001.

8 Q. Okay. Was -- what exactly is Hickory Point?

9 A. It's a convenience store gas station.

10 Q. Okay. All right.

11 So when he did work, were your hours and his hours the
12 same?

13 A. No, sir.

14 Q. Tell me about that.

15 A. Sometimes he would go in and stock when I wasn't there
16 and a lot of times he would come in and stock when I was
17 there.

18 Q. Did he stock during the day or at night?

19 A. Usually at night.

20 Q. So these dogs, were they retired dogs? Were they pets?
21 What were they?

22 A. They were pets.

23 Q. Okay. They were family pets, right?

24 A. Yes, sir.

25 Q. Okay. There was never any indication that Freddie

1 wanted those dogs to hurt you or anybody else in the family,
2 was there?

3 A. Not -- no.

4 Q. Okay. Well, let's talk about this military thing a
5 little bit.

6 You say Freddie told you he was in the military?

7 A. He did.

8 Q. So you were married to him from 2001 up through 2013,
9 or '14?

10 A. I left him 2013. I believe we were divorced in '15.

11 Q. That's fine.

12 Well, between 2001 and 2013, how much, if any, military
13 memorabilia did you see around the house?

14 A. He -- he had stuff. I mean --

15 Q. What?

16 A. He had a coin. He had pictures. Nothing of him in a
17 uniform, no.

18 Q. Okay. Pictures of him and buddies?

19 A. No.

20 Q. Okay.

21 A. No.

22 Q. But he wasn't in uniform, was he?

23 A. No, sir.

24 Q. Are any of the other people in pictures in uniform?

25 A. No, sir.

1 Q. So that's really not indicative that he was in the
2 military, was he?

3 A. It was just pictures that he had that he would say was
4 in his military days.

5 Q. Okay. All right.

6 How about weapons? Did he have any weapons?

7 A. He had a nine-millimeter handgun.

8 Q. Okay.

9 A. And some kind of a shotgun, rifle, or a long gun.

10 Q. Where were they kept?

11 A. The shotgun was kept in the closet and the handgun was
12 either kept beside the bed or on him.

13 Q. Or beside the bed --

14 I'm not trying to get too personal, but I gather you
15 and Freddie shared a bedroom, right?

16 A. We did.

17 Q. And certainly you were aware or knew where the
18 nine-millimeter was, weren't you?

19 A. I was.

20 Q. Did it -- unless it was on him, as you said, is that
21 when he went out he would take the nine-millimeter?

22 A. Generally, yes.

23 Q. So otherwise it was in the bed, correct?

24 A. Yes, sir.

25 Q. Now, Minor moved out when?

1 A. In 2002.

2 Q. Do you remember what month?

3 A. I -- I really can't remember.

4 Q. Okay. Then sometime in 2003, was it Minor 's
5 apartment that you went to, or one of the boy's apartments,
6 do you remember?

7 A. It was Minor 's.

8 Q. It was Minor Okay.

9 She had been gone out of the house for quite some time,
10 hadn't she?

11 A. Three or four months.

12 Q. All right. And when all that was coming down, as I
13 recall your testimony, you said that you didn't believe her,
14 right?

15 A. I didn't believe anyone.

16 Q. Pardon me?

17 A. I didn't believe anyone.

18 Q. Well, you didn't believe her either, did you?

19 A. No, sir.

20 Q. So you had -- well, and her teenage troubles, part of
21 that teenage trouble you had a problem believing your
22 daughter, didn't you?

23 A. No, sir.

24 Q. Well, after 2003, then you stayed with Freddie for
25 about ten years?

1 A. Yes, sir.

2 Q. All right. And so somewhere in there you said -- you
3 said that Freddie made some sort of confession to you?

4 A. Yes, sir.

5 Q. That's in 2003?

6 A. Yes, sir.

7 Q. You are Minor's mother?

8 A. Yes.

9 Q. And you reported that to no one?

10 A. No, sir, I did not.

11 Q. So, now, eight years after 2003, you go to marriage
12 counseling, right?

13 A. Yes, sir.

14 Q. That has nothing to do with Minor

15 A. No, sir, it did not.

16 Q. And all of that was what you say was Freddie having
17 affairs and all that good stuff, that's why you went to
18 marriage counseling?

19 A. Yes, sir.

20 Q. Let me show you, Ms. Truman, what has been marked as
21 State's Exhibit No. 5. On the top it says Scott Counseling
22 Consulting, new client information. Now, is that your
23 signature on that document?

24 A. Yes, sir.

25 Q. I can't really read the date. Can you make it out?

1 A. It says January 21st, 2011.

2 Q. All right. Now, on that particular time was Freddie
3 with you?

4 A. I honestly do not know.

5 Q. Okay. Well, when you signed that were you in Ms.
6 Scott's office?

7 A. Yes, sir.

8 Q. And on this day did you talk to Ms. Scott?

9 A. I believe there was intake --

10 Q. Right.

11 A. -- questions.

12 Q. And that was between you and Ms. Scott, right?

13 A. Yes, sir.

14 Q. That information you gave to Ms. Scott came solely from
15 you, correct?

16 A. I don't know what the intake questions were.

17 Q. Well, did you talk about Freddie?

18 A. We did.

19 Q. Did you talk about Minor

20 A. Not at that time, not the very first time.

21 Q. How many times did y'all meet?

22 A. I believe possibly three or four.

23 Q. Okay. Now, what you have in your hand, and I don't
24 want to snatch it back if you are not through with it, but
25 what you have in your hand, looking at the first sheet, do

1 you know whether or not Freddie ever signed one of those?

2 A. I have no idea.

3 Q. Well, his signature is not on the one that yours is on,
4 is it?

5 A. No, sir.

6 Q. And, if I may, Ms. Truman, if you will look on that
7 document, coming down -- well, it's the sentence that ends,
8 result my fee and then it says "I also understand." Could
9 you read that for us, please, ma'am?

10 A. On the which page?

11 Q. First page, front page.

12 A. Yes, sir. Missing appointments.

13 Q. Right.

14 Now, the next sentence, it says "I also understand."
15 That's where I would ask you to start reading. Okay.

16 A. Yes, sir.

17 Q. Read it out loud, if you would, please, ma'am. I'm
18 sorry.

19 A. "I also understand information given and received
20 during sessions will be kept completely confidential, except
21 in these situations: If there is a risk of the client
22 harming self or others, or if a child or elderly person is
23 at risk of being harmed, or if records are court ordered."

24 Q. Okay. When you signed that, I ask you again --

25 Well, let me ask it a different way. Do you know if

1 Freddie was ever given a copy of that?

2 A. I have no idea.

3 Q. If you know. That's fine.

4 So I think, and correct me if I'm wrong, we agree that
5 that document was signed on January the 21st, right? Or did
6 we agree? I don't remember.

7 A. Yes, sir.

8 Q. Okay. I believe you said that Freddie never threatened
9 you, is that right?

10 A. No, he didn't.

11 Q. Pardon?

12 A. No.

13 Q. You didn't say that, or it's not right? I didn't ask
14 the question quite correctly.

15 Did Freddie ever threaten you?

16 A. Mentally?

17 Q. Uh-huh.

18 A. Yes.

19 Q. Physically did he ever threaten you, threaten you to do
20 you harm?

21 A. I don't know how to answer that.

22 Q. All right. Fair enough.

23 At one point in time you threw a glass at Freddie,
24 didn't you?

25 A. Yes, sir.

1 Q. All right. You were angry at him?

2 A. Yes, sir.

3 Q. And you weren't afraid of him then, were you?

4 A. I was very afraid of him after I threw the glass.

5 Q. You weren't afraid of him when you threw the glass,
6 were you?

7 A. No.

8 Q. After Minor left and you and Freddie were still
9 together, did y'all continue to --

10 well, did you and Minor go -- strike all that.

11 Did you and Freddie go to family gatherings?

12 A. Some.

13 Q. Was Minor at those family gatherings?

14 A. Some.

15 Q. Did she and Freddie talk?

16 A. They did.

17 Q. From what you could see, was it a cordial conversation?

18 A. Yes.

19 Q. Do you know if Freddie ever baby-sat for Minor
20 children?

21 A. No, sir.

22 Q. You don't know or he didn't?

23 A. He didn't.

24 Q. Okay. At one point in time I believe you and Freddie
25 did some diving, right?

1 A. Yes, sir.

2 Q. Do you recall at one point in time where you panicked
3 and Freddie had to pull you out?

4 A. No, sir.

5 Q. You don't remember that?

6 A. I remember it.

7 Q. In essence he saved your life?

8 A. No, sir.

9 Q. Tell me a little bit more about this coin, if you can,
10 please, Ms. Truman.

11 A. It was a coin that he said he got while he was in the
12 Navy and that somewhere along his life he was supposed to
13 pass on to someone else.

14 Q. Did you look at the coin?

15 A. Oh, I'm sure I did.

16 Q. Do you remember what, if anything, the coin had
17 engraved on it?

18 A. No, sir.

19 MR. DEJONG: One moment, please, Your Honor.

20 (Off the record).

21 (Back on the record).

22 MR. DEJONG: Thank you Ms. Truman.

23 THE COURT: Redirect?

24 MS. OWEN: Just briefly, Your Honor.

25 REDIRECT EXAMINATION BY MS. OWEN:

1 Q. Tammy, this is State's Exhibit 5. Could you flip to
2 the second page, please?

3 Did Freddie voluntarily go with you to counseling to
4 see Ms. Scott?

5 A. Yes, ma'am.

6 Q. And the paragraph -- or what you are looking at, can
7 you tell the jury what that is?

8 A. It's me e-mailing Michelle Scott asking for help.

9 Q. Somewhere in the middle of that page does it say "right
10 now"?

11 A. Yes.

12 Q. Can you read that line?

13 A. "Right now he says the only way our marriage is going
14 to work is with counseling and I agree with him."

15 Q. Is that in reference to Freddie?

16 A. Yes, ma'am.

17 Q. So he wanted to go to counseling with you?

18 A. Yes, ma'am.

19 Q. And he knew he was going and that was going to be a
20 voluntary thing for him to do?

21 A. Yes, ma'am.

22 Q. And then at counseling session was the first time you
23 ever told anybody that you know that he had had sex with
24 your daughter?

25 A. Yes.

1 Q. Has anything that you told this jury today been a lie?

2 A. No, ma'am.

3 Q. Thank you.

4 MS. OWEN: I have no further questions.

5 MR. DEJONG: Nothing on recross, Your Honor.

6 THE COURT: Thank you. You may stand down.

7 MR. DEJONG: No objection to her being excused,
8 Your Honor.

9 THE COURT: How long do you anticipate your next
10 witness will be?

11 MS. OWEN: Fairly significant, Your Honor.

12 THE COURT: Okay.

13 MS. OWEN: I would say about thirty minutes.

14 THE COURT: All right. It's 11:30. Why don't we
15 just take a short morning break.

16 Y'all don't discuss the case. We will get back
17 with you shortly. Thank you.

18 MS. OWEN: Thank you.

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

21 THE COURT: We will be at ease for a few minutes.

22 (Whereupon, proceedings were recessed)

23 (Whereupon, proceedings were reconvened)

24 MR. DEJONG: Madam Solicitor has graciously shared
25 with me that her next -- the next witness she will call is

1 Shauna Galloway Williams with the Julie Valentine Center.

2 THE COURT: Okay.

3 MR. DEJONG: I'm quite familiar with Ms. Galloway
4 Williams.

5 Normally, and I'm not trying to step on her toes
6 or anything, but normally she's going to testify about
7 delayed reporting, grooming, that type of thing, but Your
8 Honor, in this case, in particular, I cannot see that that
9 is anything either than bolstering the testimony of the
10 alleged victim or bolstering her credibility.

11 She has shared, she being the alleged victim, has
12 shared with this jury why she didn't report immediately and
13 went into great length on that.

14 As far as grooming goes, I don't really see that,
15 unless they want to say they talked about sex, I don't know.
16 But in any event, I don't see under Rule 702 anything that
17 she could add at this point in time to understand the
18 evidence to determine a fact in issue. It's all out there.
19 This is not what we are dealing with a young child. We are
20 not even dealing with an adolescent. We are dealing with I
21 believe a thirty-three year old woman that has testified
22 under oath and I don't see at this point in time the need
23 for any expertise and I would ask that she not be allowed to
24 testify, Your Honor.

25 THE COURT: Okay.

1 MS. OWEN: Thank you, Your Honor.

2 I know you are well aware of State v. Brown and
3 State v. Jones, but I just wanted to ask the court. We do
4 intend to call Shauna Galloway Williams. I think that would
5 assist the trier of fact in some information that they are
6 not well aware of.

7 I also believe that it would --

8 THE COURT: What is that?

9 MS. OWEN? Your Honor --

10 THE COURT: What is she going to testify to?

11 MS. OWEN? She's going to just -- she's going to
12 testify to delayed disclosure, recantation, non-offending
13 caregiver and how all of those dynamics result in whether
14 someone discloses, how the disclosure process works, and why
15 a non-offending caregiver would stay in a relationship, Your
16 Honor.

17 She knows nothing about the case. She's simply
18 here to assist the jury because they probably don't know
19 anything about -- or at least from what we know, based on
20 the voir dire, they don't have any relationship to sexual
21 abuse, or know anyone who has been abused, or know anyone
22 that's been accused of abuse. So she would simply be
23 assisting the trier of fact in what these dynamics are and
24 why people don't report, why they recant, why it takes so
25 long for disclosure, and essentially Ms. Tammy Truman

1 discussing the fact she's a non-offending caregiver, Your
2 Honor.

3 THE COURT: Well, do you want to --

4 MR. DEJONG: Yes, sir, very briefly, if I could,
5 Your Honor.

6 THE COURT: Yes.

7 MR. DEJONG: And then I'll sit down and shut up.

8 Everything Madam Solicitor has said, recanting,
9 all of that, this witness sit on the witness stand and
10 testified. So what can it be, other than bolstering either
11 her testimony or her credibility?

12 MS. OWEN: Your Honor, I believe that the courts
13 have upheld numerous times that someone coming in discussing
14 child abuse dynamics is not something a lay person would
15 know and that it would help to assist them in determining
16 believability, credibility, and understanding those dynamics
17 that go into child abuse. And the fact that this victim was
18 essentially fifteen when that happened, she's still a child.
19 She may be thirty something now, but it would help the jury
20 in understanding why I think played out the way that it did,
21 Your Honor.

22 THE COURT: Well, Mr. DeJong made a very good
23 point. At some point the scales -- there is a tipping point
24 and this is close, very close, so I would just caution you
25 to discuss with your witness to keep this on a brief side.

1 You know, there is a -- 403 comes into play on this.

2 MS. OWEN: I understand, Your Honor.

3 THE COURT: All right. Well, I'm going to at this
4 time overrule your objection.

5 MR. DEJONG: Thank you, Your Honor.

6 THE COURT: And I do caution the State to be
7 cognitive of the prejudicial impact of this testimony.
8 Okay?

9 MS. OWEN: Thank you, Your Honor.

10 THE COURT: Anything else.

11 MR. DEJONG: I'm sorry, just I think she's going
12 to be the next witness, just so the record is clear, I take
13 issue with Your Honor's ruling.

14 THE COURT: Yeah.

15 MR. DEJONG: Not to be disrespectful, but since
16 she's testifying next, I don't think I need to make another
17 objection.

18 THE COURT: No, you are protected on that with
19 respect to it.

20 Now, with respect to specifics, you have to be on
21 your toes, but with respect to --

22 MR. DEJONG: Yes, I understand.

23 THE COURT: Okay.

24 All right. Are you ready?

25 MS. OWEN: Yes, Your Honor.

1 THE COURT: Okay.

2 (The following takes place in the presence of the
3 jury panel.)

4 THE COURT: Okay. Call your next witness.

5 MS. OWEN: The State would call Shauna Galloway
6 Williams.

7 SHAUNA GALLOWAY WILLIAMS, having been first duly
8 sworn, testified as follows:

9 THE WITNESS: Yes, I do.

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

12 THE WITNESS: Shauna Galloway Williams.

13 DIRECT EXAMINATION BY MS. OWEN:

14 Q. How are you today?

15 A. I'm good. Thank you.

16 Q. Good.

17 Shauna, I would like for you to tell the jury a little
18 bit about yourself; where you work, how long you have been
19 there, and what you do.

20 A. I'm the executive director of the Julie Valentine
21 Center, which is the child abuse and sexual assault recovery
22 center that serves Greenville and Pickens County. I have
23 been executive director there for almost ten years.

24 I have worked with the center prior to that as their
25 clinical director, and prior to that as a forensic

1 interviewer.

2 And then previously worked at the Department of Mental
3 Health as an outpatient child and neglect therapist.

4 Q. What's your educational background?

5 A. I have a Bachelors Degree in Psychology from Winthrop
6 University and a Masters Degree in counseling from Clemson
7 University.

8 Q. Shauna, do you have any specialized training in
9 relation to what you do at the Julie Valentine Center?

10 A. Yes, in addition to my education, I'm also licensed as
11 a professional counselor in the State of South Carolina and
12 my area of specialization has primarily been in the
13 area of --

14 (Off the record).

15 (Back on the record).

16 A. My area of specialization is in the area of child abuse
17 and sexual assault or child maltreatment and sexual assault.
18 That's been the area that I have worked in and also the area
19 that most of my post-graduate training has been in as well.

20 Q. Do you have to do so many hours in order to be
21 qualified in that?

22 A. I do. We have to maintain so many continuing education
23 hours to maintain our license each year and I generally
24 obtain those continuing education hours in training
25 specifically related to child maltreatment and sexual

1 assault.

2 Q. Okay. How many years have you counseled individuals in
3 sexual abuse situations?

4 A. I have been working in the field of mental health
5 treatment for over twenty years, specifically working with
6 children and adults since 2000.

7 Q. Okay.

8 A. So that's eighteen years.

9 Q. Almost nineteen?

10 A. Yes.

11 Q. Okay. Do you provide any professional training
12 yourself?

13 A. I do. I am an adjunct faculty member at USC Upstate in
14 their undergraduate studies program, the child advocacy
15 studies program. I teach two courses, one on child
16 maltreatment and another on general violence in society.

17 I also am a faculty member for South Carolina Child
18 First, which is the training group that trains forensic
19 interviewers in the State of South Carolina.

20 I also provide training statewide literally and
21 nationally at the different conferences when called upon to
22 do that.

23 Q. Okay. What literature do you use to teach others on?

24 A. Well, I rely on peer review journals and information
25 that's updated regularly. I do have a textbook that I use

1 in my child maltreatment course that's written by one of
2 the -- or co-authored by one of the professors at USC
3 Upstate and also is based on my experience and under
4 training.

5 Q. Okay. And you present on these topics?

6 A. I do.

7 Q. Do you also participate in peer review?

8 A. I do.

9 Q. Can you explain to the jury what that is?

10 A. Quarterly -- at least quarterly I participate in peer
11 review, which means that I meet with other professionals in
12 the field of child maltreatment where we evaluate each
13 other's work and also review a relevant topic in the area.
14 So we may be reviewing a new piece of research or an article
15 that's been released in a peer review journal and commenting
16 on that, as well as evaluating each other's work in
17 assessing children specifically.

18 Q. Okay. Shauna, have you ever testified in court?

19 A. I have.

20 Q. How many times?

21 A. I have been qualified as an expert in General Sessions
22 over forty times.

23 Q. Okay. Shauna, do you know why you are here today?

24 A. Yes.

25 Q. Do you know anything about this case?

1 A. No.

2 Q. Do you know any of the parties in this case?

3 A. I do not.

4 Q. Have you read any incident reports or read any
5 statements?

6 A. I haven't.

7 Q. Have you had any contact with any person in this case
8 today?

9 A. No, other than you.

10 Q. Okay. Who subpoenaed you?

11 A. You did, the State.

12 Q. Okay.

13 MS. OWEN: Your Honor, at this time I would ask to
14 move for Ms. Shauna Galloway Williams be qualified as an
15 expert in child abuse counseling.

16 THE COURT: Any voir dire?

17 MR. DEJONG: No voir dire, just over my previous
18 objection.

19 THE COURT: Okay. So qualified.

20 BY MS. OWEN:

21 Q. Shauna, there are some studies and some information
22 that you have that I would like for you to explain to the
23 jury. Can you explain to the jury what delayed disclosure
24 means?

25 A. Yes. So delayed disclosure refers to --

1 Well, first of all, disclosure is what we refer to as
2 the time when a child or an adult shares information about a
3 possible abuse incident that they may have experienced.

4 Delayed disclosure refers to when an individual does
5 not disclose right away; so when they do not tell
6 immediately after the incident has occurred.

7 Q. Are there different types of disclosures?

8 A. Yes.

9 Q. Okay. What are the types?

10 A. Well, there are purposeful disclosures where a child or
11 an adult may purposefully make the decision to tell someone
12 about what's happened, and so they go to someone or write
13 something down or do something with the intent of telling.

14 There are accidental disclosures. Those would be
15 disclosure where someone might share a piece of information
16 or behavior or someone might observe something and ask a
17 question about it and the individual might then share
18 information. So their intent was not to deliberately or
19 intentionally share the disclosure information.

20 And we do refer to disclosure as a process. We don't
21 tend to think of disclosure of a one-time statement or a
22 one-time event. It is a process where, you know, someone
23 might share bits and pieces of information over time. There
24 are factors and dynamics that may influence the disclosure
25 throughout someone's life span, and so for those reasons we

1 refer to it as a process rather than an event.

2 Q. Can you explain to the jury what are some of the
3 factors that go into a delayed disclosure, why someone might
4 delay disclosure?

5 A. Sure. One of the most common reasons that someone
6 would delay a disclosure is fear, fear of what the
7 consequences might be to themselves, fear of the
8 consequences to the person that may have done this to them,
9 fear of the consequences to their family, fear of not being
10 believed.

11 The other -- one of the other main reasons is the
12 relationship to the alleged offender or the person that may
13 have done this to them. Many times individuals are abused
14 by someone they know, they love and they trust, and often
15 that relationship complicates whether or not they will
16 disclose.

17 Victims or individuals who have been abused may have
18 been threatened. They may have been told that if they tell,
19 something would happen to them or someone in their family
20 and sometimes when they tell, those things do happen.

21 With very young children they just may not have the
22 words to describe what's happened to them.

23 Children also may be embarrassed or ashamed about
24 what's happened to them. For many individuals talking about
25 sex in general is uncomfortable, embarrassing. Talking

1 about unwanted or nonconsensual sex or abuse on top of that
2 can be even more embarrassing and shameful..

3 Children may also feel responsible for what happened.
4 Sometimes children feel like they may have had something to
5 do with the incident that occurred. If their bodies
6 responded to the sexual stimulation or the sexual abuse,
7 they may have felt responsible in some way and may worry
8 that they themselves will get in trouble or that they have
9 done something wrong.

10 Q. What about the possibility of the abuser living in the
11 home?

12 A. So as I said before, many, many victims are -- they are
13 offenders or are people who they have relationships with and
14 that may be someone that's living in their household, maybe
15 someone that's living in their community, and so it may be
16 very difficult or uncomfortable for them to tell if that
17 person is in their immediate surrounding.

18 For some individuals not being around that person opens
19 up the door and opportunity to tell. For some individuals
20 not having to see that person may mean that they don't need
21 to tell because they don't fear having any threats or reason
22 to tell.

23 And for some having that person still in their life and
24 in their household is a continued threat and fear and might
25 inhibit them from sharing.

1 Q. Shauna, can you explain to the jury what the term
2 non-offending caregiver means?

3 A. So a non-offending caregiver would be a caregiver of a
4 child who has been abused that is not the abusing parent.
5 They would not be a parent who has committed the abuse.
6 They're a non-offending caregiver.

7 Q. In situations where there has been abuse and the
8 non-offending caregiver is made aware of abuse and they
9 don't believe, how does that impact their role in their
10 relationship between everyone in that situation?

11 A. So, you know, the initial response of many
12 non-offending caregivers, the initial response that they
13 have is a sense of disbelief. Some caregivers move beyond
14 that disbelief and become protective caregivers and respond
15 appropriate to their children, and some caregivers remain
16 non-protective and non-believing.

17 When a caregiver is in that state, it can negatively
18 impact their child. When a child has already delayed
19 disclosure or is sort of tentative about disclosing and
20 realizes that individuals don't believe them, that may cause
21 them to fall back on those fears that they had about telling
22 in the first place. Some children may take back their
23 statements. They may change their statements. Some
24 children --

25 We know that one of the most positive influences on a

1 child who has been abused is having someone who is believing
2 and supportive. And so on the flip side of that, having a
3 caregiver who is not believing and supportive can have a
4 negative impact on that child.

5 Q. And I know you stated a few things that could happen
6 potentially, but let's say, for example, that the victim is
7 removed, they are still a non-offending caregiver who
8 doesn't believe, would the victim then, in order to
9 maintain, have a relationship with those people?

10 A. So it's not uncommon for a victim to still have a
11 relationship and have contact with both the person that has
12 committed the offense and those who may be non-believing.
13 Again, these are individuals who are in relationships with
14 one another.

15 In situations of abuse, a child can still love the
16 person that has done this to them and both despise what they
17 have done to them, so they may continue to have a
18 relationship or have contact with them, which is one of
19 those dynamics that becomes sort of confusing when we are
20 looking from the outside in at a child abuse situation.

21 Q. And how can that impact a child-parent relationship
22 with a non-offending caregiver?

23 A. You know, you can imagine that it would be -- that
24 might be stressful for a child to be in that place where
25 they love and respect the caregiver, they love and respect,

1 you know, a family member and yet know that this person
2 doesn't believe and support them. And so it can create a
3 lot of tension and struggle and distress for all members of
4 the family.

5 Q. And you mentioned that sometimes kids will take back
6 their statements. Is there a specific term of that?

7 A. We refer to that as recantation.

8 Q. And that just means that someone takes back their
9 statements?

10 A. Yes, it can mean they take back their statement
11 completely. They might say that they, you know, made the
12 whole thing up. They might take back parts of their
13 statement or change parts of their statement, or they
14 might -- you know, it happens enough that it is really part
15 of the abuse dynamics in the disclosure process that we
16 discuss.

17 And the recantation can be influenced by some of those
18 same things that influence why a child might delay a
19 disclosure, that fear, threats. And, in particular, if some
20 of those fears and threats are realized after the child has
21 made the disclosure, they become at a much higher risk for
22 recantation later on.

23 Q. Thank you, Shauna.

24 I have no further questions. Please answer anything
25 that Mr. DeJong may have.

1 CROSS EXAMINATION BY MR. DEJONG:

2 Q. And sometimes, like all human beings, they lie, right?

3 A. So the question that sometimes --

4 Q. People lie?

5 A. Yes, people lie.

6 Q. And they lie about allegations like this?

7 A. Yes, people do lie. Adults lie. Children lie.

8 Children aren't necessarily sophisticated liars, though.

9 Q. Sophisticated enough to be believable sometimes, don't
10 they?

11 A. Oh, was that a question?

12 Q. Yes..

13 A. Are children sophisticated enough to be believable?

14 Q. Yes..

15 A. Well, what I mean by children not being sophisticated
16 liars is very often children can't anticipate or share
17 information about experiences that they have not actually
18 experienced or been told about.

19 They also can't generally anticipate the types of
20 questions or information that investigators or those
21 involved in the investigation of child abuse are going to be
22 asking them. And so very often they are not very good
23 liars, even if they have to lie. Then very often children
24 lie to keep themselves out of trouble.

25 And then the research, we tend to see only about two to

1 eight percent of false disclosures of child sexual abuse and
2 we see a much higher rate of false denials, meaning that we
3 have something to substantiate that abuse has occurred and a
4 child denies that it happened.

5 So, yes, children do lie, but not as often about these
6 types of situations.

7 Q. Is a twenty-two year old a child?

8 A. I'm sorry?

9 Q. Is a twenty-two year old a child?

10 A. No.

11 Q. Is a thirty-three year old a child?

12 A. No.

13 Q. Thank you, ma'am.

14 MR. DEJONG: No further questions.

15 THE COURT: All right. You can step down. Thank
16 you.

17 MS. OWEN: Thank you, Your Honor.

18 MR. DEJONG: No objection to her being excused,
19 Your Honor.

20 THE COURT: Okay.

21 All right, call your next witness.

22 MS. OWEN: Thank you, Your Honor.

23 The State would call Michelle Scott.

24 MICHELLE SCOTT, having been first duly sworn,
25 testified as follows:

1 THE WITNESS: Yes.

2 THE CLERK: If you would, have a seat and state
3 your name for the record, please.

4 THE WITNESS: I'm Michelle Scott.

5 DIRECT EXAMINATION BY MS. OWEN:

6 Q. Michelle, can you tell the jury a little bit about
7 yourself, where you live, what you do?

8 A. Okay. Sorry, I'm a little nervous.

9 I'm Michelle Scott. I live in Anderson, South
10 Carolina. I am a licensed clinical social worker. I have
11 done a lot of years of counseling and part-time private
12 practice, but also teach as an adjunct instructor for
13 multiple universities, actually, both Clemson and USC, which
14 most people laugh at, but -- and right now I see very few
15 clients. I have kind of moved out of my private practice,
16 but I do have a history of working at hospice and doing a
17 lot of marriage counseling as well.

18 Q. Okay. Can you tell the jury a little bit about your
19 educational background?

20 A. Okay. Yes.

21 Undergraduate at UNC Greensboro, and then a graduate
22 degree at the University of North Carolina. And then
23 clinically licensed for private practice. I used to be in
24 North Carolina and am now in South Carolina.

25 Q. How many hours do you have to get to become a licensed

1 therapist, or social worker, I'm sorry?

2 A. To be licensed clinically in private practice -- do you
3 mean after graduation, or --

4 Q. Yes.

5 A. Okay. Once you finish your Masters Degree, then there
6 is a two-year process of being clinically supervised. I
7 believe it's 2,000 hours now, I'm not a hundred percent, and
8 then pass a licensure exam. So it's a long process.

9 Q. Okay. And how long did you have a private practice
10 for?

11 A. I have had a small private practice off and on since
12 2001 in North Carolina, and then I practiced with some other
13 groups in the Clemson area, but always been a sole
14 proprietor myself, but sometimes I would see two clients a
15 week, sometimes up to ten, depending on the year.

16 Q. Okay. Were you contacted by Agent Skipper Wallace in
17 2016 in regards to a case?

18 A. Yes, I was.

19 Q. Okay. I'm going to show you a few things.

20 I'm going to show you what's been marked as State's
21 Exhibits 2. Are you able to identify that?

22 A. Yes, it was a release of information on a consent to
23 search signed by Tammy Truman.

24 Q. Okay. And do you remember under what premise you were
25 releasing those records?

1 A. Tell me what you mean by that.

2 Q. Did Agent Wallace contact you about releasing the
3 records?

4 A. Yes.

5 Q. And did she tell you what they were for?

6 A. An investigation that was going on.

7 Q. Okay. I'm going to show you what's been marked as
8 State's Exhibit 3. Do you recognize that?

9 A. Yes.

10 Q. What is that?

11 A. A release of information signed by Fredrick Towe.

12 Q. And were you provided those release forms?

13 A. Yes, I was.

14 Q. Who provided those to you?

15 A. Agent Wallace.

16 Q. Okay. So she provided those to you and acknowledged
17 that they were signed for the release of any information you
18 had in regards to counseling of Tammy Truman and Fredrick
19 Towe?

20 A. Yes, correct.

21 Q. Can you tell me what dates are on those?

22 A. 3-23-16 for Mr. Towe. 3-31-16 for Ms. Truman.

23 Q. Is there any expiration on those?

24 A. No, there is not.

25 Q. So based on those consent to searches and Investigator

1 Wallace, did you provide some information to her?

2 A. Yes, and I have.

3 Q. I show you what's been marked as State's Exhibit 5. Do
4 you recognize those?

5 A. I do.

6 Q. What is that?

7 A. Some clinical notes from what looks to be a session
8 with Tammy and Freddie.

9 Q. Okay. Can you tell the jury a little bit about what
10 your sessions looked like, what you do during the session?

11 A. So not specific to this case, just in general?

12 Q. Correct.

13 A. Clients contact me voluntarily. I often get clients
14 sent from churches. I provide counseling from a Christian
15 perspective, if clients want that, and then I meet with the
16 clients for approximately an hour. The first time is
17 usually just gathering a lot of information and trying to
18 help them set some goals. Many times, if they have come
19 through a church, they have already sort of decided what
20 they want to work on clinically before they come to my
21 office. Is that what you are asking me?

22 Q. Yes.

23 Do you take notes?

24 A. I do.

25 Q. How do you take notes?

1 A. I take notes as the person is speaking. So I'm jotting
2 down notes while they are talking, not always in complete
3 sentences.

4 Q. What do you have right there? Can you go through those
5 and identify each page?

6 A. Okay. The first page says "Scott Counseling and
7 Consulting new client information." So I typically have for
8 all my new clients to fill out and address just the basic
9 information.

10 And then at the bottom just letting them know that what
11 we are going to talk about is confidential, unless they have
12 provided consent for release, like they have in this case,
13 or it's court ordered, or in case there is some type of
14 danger that I perceive to someone, or self, or others.

15 Q. Okay. And what is the second page?

16 A. On here the second page is an e-mail that I -- it looks
17 like that I received and I kept as a clinical record from
18 Ms. Towe that she was requesting counseling.

19 And then a note at the bottom that looks like
20 appointment 1-21-11 at 10:15 a.m. So I'm having to rely on
21 my notes because it was eight years ago, but thinking that
22 that was just the time that we set an appointment for.

23 Q. And is your signature at the top?

24 A. Yes.

25 Q. Could you flip to the third page?

1 A. Yes.

2 Q. Do you recognize that?

3 A. Yes, a lot of my handwriting.

4 Q. What date is at the top of that page?

5 A. 1-21-11.

6 Q. So that would have been a day that you saw them for
7 counseling?

8 A. Uh-huh.

9 Q. How do you know that?

10 A. How do I know that I saw them that day?

11 Q. Yes.

12 A. Based on my notes, it has the date and it has both
13 their names at the top, and then I signed the bottom, and I
14 took notes as -- this appears to me the way I always take
15 notes in a session.

16 Q. I know the jury can't see this, but can you describe to
17 them how you take notes and what is on that paper?

18 A. Am I allowed to just turn it around and show them the
19 way it was?

20 Q. Sure.

21 A. It's a lot of just handwritten notes by column.

22 What was the question, I'm sorry?

23 Q. And are those notes -- how do you generate those, do
24 you know?

25 A. Often it's just I'm writing as the person is talking,

1 so it's hard for me to know exactly how I did this eight
2 years ago, almost eight years ago, but usually as I'm
3 listening I'm writing it down for myself.

4 Q. Did you write anything down on that date that has
5 anything to do with Mr. Towe having a relationship with Ms.
6 Truman's daughter?

7 A. I see a question that says in parenthesis -- do you
8 want me to read that?

9 Q. Yes.

10 A. "Her daughter @ --

11 MR. DEJONG: Your Honor, I'm going to object at
12 this point right here. Number one, her testimony was it
13 appears to be clinical notes that, you know, Freddie and
14 Tammy. I don't know if it is or not. I don't know who the
15 information giver is.

16 THE COURT: All right. Make sure it's not
17 speculation. You have got to authenticate it.

18 MS. OWEN: Thank you, Your Honor.

19 BY MS. OWEN:

20 Q. I'm going to back up.

21 Ms. Scott, were these records and file related to Tammy
22 Truman and Freddie Towe?

23 A. Yes.

24 Q. Did you keep those records?

25 A. I did.

1 Q. Did you provide those records to Agent Wallace?

2 A. Yes.

3 Q. Did you provide her everything that you had?

4 A. I did.

5 Q. Is that your handwriting?

6 A. Yes.

7 MS. OWEN: Your Honor, I would move to ask this be
8 moved in as State's Exhibit 5.

9 THE COURT: Any objection.

10 MR. DEJONG: No.

11 THE COURT: Okay. Go ahead.

12 (Whereupon, State's Exhibit No. 5 was entered into
13 the record as evidence).

14 BY MS. OWEN:

15 Q. Ms. Scott, back to what you took notes on.

16 What did you take a note on in reference to Mr. Towe
17 potential having a relationship with Ms. Truman's daughter?

18 A. The note reads "her and then DTR," which is an
19 abbreviation for daughter typically in my notes "@ 17 sex,"
20 and then a with, "w" and a slash for with Freddie". And
21 this is in parenthesis and a question mark by it.

22 And then below that "she claims rape" is written.

23 "Freddie says consensual" is written.

24 "It never went to court" is written.

25 That is all that was on there about -- and the

1 daughter's name or none of that is on here.

2 Q. Okay. And based on those notes and your conversation
3 with Tammy and Freddie, was it your understanding that that
4 had all been resolved?

5 A. Yes.

6 Q. Do you remember anything else regarding that
7 conversation?

8 A. No. I -- I don't know who the speaker was that I wrote
9 that from. I want to be clear. I don't remember anything
10 else. Was that your question?

11 Q. Yes.

12 And on the next page is there a date there?

13 A. Yes. 1-27-11.

14 Q. And would this have been another session, potentially?

15 A. Yes.

16 Q. Okay. And did you do any more investigative work into
17 this potential allegation?

18 A. I have very brief notes here. I don't recollect the
19 session, other than -- do you want me to read it, or --

20 Q. Sure.

21 A. It says "focus on boundaries and communications and
22 building trust.

23 "DSS no longer involved."

24 The plan to is to return PRN, which means as needed,
25 based on what the couple would decide.

1 So DSS no longer involved indicates -- I found that
2 information out somehow, but I don't recollect how.

3 Q. Other than the conversation that you had from the
4 previous session, which was dated 1-21-11, do you know
5 anything else about this case?

6 A. No.

7 Q. Thank you.

8 MS. OWEN: I have no further questions.

9 THE COURT: Cross?

10 MR. DEJONG: Thank you, Your Honor.

11 May it please the court?

12 CROSS EXAMINATION BY MR. DEJONG:

13 Q. So can you say with dead certain accuracy on 1-21 of
14 2011 you saw both Tammy Truman and Fredrick Towe?

15 A. I'm going by my notes --

16 Q. Uh-huh.

17 A. -- and I listed both of them on my notes. And my
18 history of taking notes, when I write both down, I have both
19 people there. Do I recall eight years ago for sure one
20 hundred percent, no, I do not.

21 Q. Okay. And there -- well, the only thing that really
22 indicates Freddie is at the top of the left-hand column --

23 We would agree there are two columns on that sheet of
24 paper, correct?

25 A. Uh-huh, yes.

1 Q. The only thing that would indicate that it says Tammy
2 and Freddie, right?

3 A. Yes, sir.

4 Q. Well, I am curious -- should I call you doctor? Do you
5 have a doctorate?

6 A. No, I'm not.

7 Q. I don't mean to offend you --

8 A. That's okay.

9 Q. -- but if you are a doctor, I want to call you doctor.

10 A. That's all right.

11 Q. I'm looking at --

12 I tell you what. Let me get my copy and I'll give you
13 that copy.

14 A. Okay.

15 Q. What has been marked State's Exhibit No. 5, that
16 purports to be an agreement that was signed by -- the copy
17 is very, very light. It's very difficult to see, but it
18 looks like Tammy -- I can't see if it's Truman or Towe. Can
19 you?

20 A. I see that.

21 Q. Pardon me?

22 A. I see that. Was there a question about it?

23 Q. Yes, ma'am.

24 So is that Tammy Towe or Tammy Truman that signed that?

25 A. It looks like Towe to me, based on what I can see.

1 Q. And can you see the date on it?

2 A. 1-21-11.

3 Q. Now, Ms. Towe apparently signed this. Do you have
4 anything similar to this signed by Fredrick Towe?

5 A. I do not. This was all the notes that I have.

6 Q. Okay. Now, you are familiar with HIPAA, is that
7 correct?

8 A. Yes.

9 Q. Okay. Are your records subject to HIPAA?

10 A. Yes.

11 Q. And help me out here. I can never remember what HIPAA
12 stands for. Health something?

13 A. You are going to put me on the spot now. I don't
14 remember, but -- privacy.

15 Q. Yes, ma'am. Privacy of your medical records, correct?

16 A. Absolutely.

17 Q. And you are subject to HIPAA?

18 A. Yes.

19 Q. All right. Now, being subject to HIPAA, is there not a
20 specific HIPAA release that needs to be used for you to
21 release records?

22 A. I'm not sure if I am required to have that signed at
23 the beginning of every assessment. That's a good question.
24 I do that as a reminder to my clients and I do explain
25 confidentiality to them.

1 Q. Okay.

2 Well, do you know if Fredrick Towe was ever given a
3 copy of this?

4 A. I can't recall what I did exactly in that session, but
5 I can tell you that ethical practice is extremely important
6 to me and I go over all confidentiality with all my clients.

7 Q. Did you discuss with Freddie about this part on this
8 release where you -- or not release. I guess contract, or
9 whatever, about confidentiality?

10 A. I -- I don't recall what all we talked about.

11 That is my typical practice is to go over
12 confidentiality.

13 Q. Well, at any rate, this says you are not going to
14 release anything unless a threat of harm to a child,
15 basically, correct?

16 A. Yes.

17 Q. Threat of harm to an individual or another individual,
18 adult, correct?

19 A. Yes.

20 Q. Or a court order?

21 A. Correct.

22 Q. Period?

23 A. Yes.

24 Q. Okay.

25 A. That's what the form says.

1 Q. Okay. So there is nothing in there about it's a
2 general signed release, is there?

3 A. In that statement there is not.

4 Q. All right. And so how many meetings did you have with
5 him?

6 A. I have records -- I'm basing it on what I have; two.

7 Q. Okay. It was on the 21st of January -- January the
8 21st and January the 29th I believe, is that correct?

9 A. 27th.

10 Q. 27th. I stand corrected.

11 A. Yes.

12 Q. Now, normally those -- those are rough notes, would you
13 agree with me on that?

14 A. Correct, yes.

15 Q. Is that your normal method of operation, just to have
16 rough notes?

17 A. I guess explain the question?

18 Q. Well, are those notes as a reminder for you when you
19 sit down and do something else, or is that the notes that
20 you just put in a patient's file?

21 A. I do put these in the file. Sometimes I will go back
22 and summarize things. I don't know if I wrote a summary
23 here. This is what I had in the file.

24 Q. Looking back -- I think you have it in your hand, those
25 rough notes --

1 A. Uh-huh.

2 Q. -- which I think is Exhibit No. 5, if I'm not mistaken?

3 A. Yes.

4 Q. That's it.

5 Well, under your licensing, there are certain
6 requirements for a therapist or a counselor, are there not?

7 A. Yes.

8 Q. That's not a very clear question, so let me ask you
9 this.

10 If it's reported to you that some minor is being
11 molested, do you not have a duty to report that?

12 A. I do.

13 Q. And in this case did you report that?

14 A. No, it was not reported to me.

15 Q. Okay. So the only thing that may have been reported to
16 you was something about daughter at seventeen, sex with
17 Freddie. That's what you have got written there, right?

18 A. Correct.

19 Q. And then a question mark?

20 A. Correct.

21 Q. And nothing else was disclosed to you by either Tammy
22 or Freddie?

23 A. Not that I recall.

24 Q. Okay. Well, if it had, it would be in your notes,
25 wouldn't it?

1 A. I -- that's my typical practice is to write down what
2 is told to me.

3 Q. Okay. Well, do you remember on the I believe you said
4 January the 27th, do you know how long that session lasted?

5 A. I do not. Typically my sessions last around an hour,
6 but I -- I don't have a notation of that.

7 Q. Well, if it was typically an hour, you took one, two,
8 three, four lines of notes, right?

9 A. Correct.

10 Q. Thank you, Ms. Scott.

11 A. Thank you.

12 THE COURT: Redirect?

13 MS. OWEN: Just briefly, Your Honor.

14 REDIRECT EXAMINATION BY MS. OWEN:

15 Q. Ms. Scott, were you provided consent to release any
16 records related to Tammy and Freddie?

17 A. Yes.

18 Q. Were they signed by both parties individually?

19 A. Yes.

20 Q. There is no expiration date on those?

21 A. Correct. The only reason they were released.

22 Q. Okay. And in your notes, on the 21st you wrote her
23 daughter at 17 sex with Freddie, question mark?

24 A. Correct.

25 Q. Thank you.

1 MS. OWEN: No further questions.

2 THE COURT: All right. Thank you. You can step
3 down.

4 MR. DEJONG: No objection to her being excused.

5 THE COURT: All right.

6 All right, call your next witness.

7 MS. OWEN: Thank you, Your Honor.

8 The State would call Chief Jimmy Dixon.

9 OFFICER JIMMY DIXON, having been first duly sworn,
10 testified as follows:

11 THE WITNESS: I do.

12 THE CLERK: If you would, have a seat and state
13 your name for the record, please.

14 THE WITNESS: Jimmy Dixon.

15 DIRECT EXAMINATION BY MS. OWEN:

16 Q. How are you today, Jimmy?

17 A. Good.

18 Q. Good.

19 Can you tell the jury a little bit about yourself,
20 where you work, how long you have been there?

21 A. Sure. Jimmy Dixon. Currently I'm the chief of police
22 with the City of Clemson Police Department. I have been
23 there since 1996. I was appointed chief of police in 2001,
24 and I have been in law enforcement since 1977.

25 Q. Okay. A long time?

1 A. Yes, ma'am.

2 Q. What are your duties as chief of police of Clemson?

3 A. Oversee the entire police department in the day-to-day
4 operations.

5 Q. As part of that are you custodian of records?

6 A. I am.

7 Q. Could you explain to the jury how you keep records?

8 A. Sure. We keep records, both digitally, as well as hard
9 copy. If it's an arrest record, we have to keep that for
10 seventy-five years. We have to keep twenty-five years of
11 those in hard copy on hand.

12 Q. Were you contacted at some point by Agent Wallace with
13 the SLED to retrieve some information that Clemson may have?

14 A. I was. She gave me a telephone call and told me that
15 they were looking into a sexual assault allegation. A day
16 or so later, maybe, they showed up at my office and
17 requested a copy of a report that we had taken previously.

18 Q. And did you give her a copy of that report?

19 A. I did.

20 Q. How did you know it was that report?

21 A. She gave me the name of the individuals that were
22 involved, as well as I think she had a case number. I can't
23 remember for sure.

24 Q. Okay. Do you remember who the complainant was on that
25 incident report that you provided?

1 A. Not without looking at it.

2 Q. Okay.

3 A. The complainant's name is Minor

4 Q. Okay. Is that the police report that you provided to
5 Agent Wallace?

6 A. It is.

7 Q. And what was the location for that?

8 A. The location that the incident occurred?

9 Q. Yes.

10 A. We originally responded to [REDACTED] in
11 Clemson, South Carolina.

12 Q. Okay. And did anyone else arrive at the police station
13 that's listed in the report with her?

14 A. Yes, there is a Richard C. Truman.

15 Q. Okay. And what date was that complaint filed?

16 A. January the 26th, 2003.

17 Q. What date was this case cleared?

18 A. February the 3rd, 2003.

19 Q. Is there any reason the case was cleared?

20 A. Yes, supplemental report from the investigator who was
21 assigned the case states that the victim was declining to
22 prosecute.

23 MR. DEJONG: Your Honor, I'm going to -- I'm going
24 to object to that.

25 THE COURT: What's your basis?

1 MR. DEJONG: I'm sorry, Your Honor?

2 THE COURT: The basis?

3 MR. DEJONG: He didn't take the report.

4 THE COURT: Yeah, is it in evidence?

5 MS. OWEN: It is not, Your Honor.

6 THE COURT: Well, then sustained.

7 MS. OWEN: Thank you, Your Honor.

8 Please strike that from the record.

9 BY MS. OWEN:

10 Q. Mr. Dixon, that case was cleared on what date, I'm
11 sorry?

12 A. It was cleared on February the 3rd, 2003.

13 MS. OWEN: I have no further questions.

14 Thank you.

15 THE COURT: You got any cross?

16 MR. DEJONG: No questions of this witness, Your
17 Honor.

18 THE COURT: All right. Thank you, sir. You may
19 stand down.

20 MR. DEJONG: No objection to him being excused.

21 MS. OWEN: Your Honor, may I approach just a brief
22 moment?

23 THE COURT: All right.

24 (Off the record).

25 (Back on the record)

1 MS. OWEN: Your Honor, at this time the State
2 rests.

3 THE COURT: All right. Ladies and gentlemen, it's
4 12:35. Probably a good time for a lunch break, so I'm going
5 to excuse you all for lunch and ask you to be back at 1:45.
6 That gives you an hour and ten minutes. Would that be good
7 enough, I hope?

8 All right. Don't discuss the case. We will see
9 you in an hour and ten minutes. Thank you.

10 (The following takes place outside the presence of
11 the jury panel)

12 THE COURT: All right. Any motions?

13 MR. DEJONG: At this point in time, Your Honor, on
14 behalf of Mr. Towe I would move for a directed verdict in
15 this case, in that there was no substantial credible
16 evidence from which a jury could find -- could come back
17 with a verdict of guilty, Your Honor.

18 THE COURT: No substantial credible -- did they
19 change the standard, Mr. DeJong?

20 MR. DEJONG: That's my standard, Your Honor.

21 THE COURT: All right. Well, I'm going to deny --

22 MR. DEJONG: Substantial --

23 THE COURT: You don't want me ruling on the facts,
24 Mr. DeJong, okay, so that's denied.

25 MR. DEJONG: Thank you.

1 THE COURT: All right. Mr. Towe, if you would
2 stand and raise your right hand.

3 FREDRICK HARRISON TOWE, having been first duly
4 sworn, testified as follows:

5 THE DEFENDANT: Yes.

6 THE COURT: All right. You can put your hand
7 down.

8 I want you to understand that you have an absolute
9 Constitutional Right to testify in your own defense.

10 You have an equal absolute Constitutional Right
11 not to testify and it cannot be held against you.

12 There are a lot of factors that go into whether or
13 not you testify and those are things that you need to
14 discuss and I'm sure that you have discussed with your
15 attorney.

16 At this time I would ask are there any impeachable
17 offenses?

18 MS. OWEN: There are not, Your Honor.

19 THE COURT: Okay. So do you -- and I always
20 recommend that a person in your shoes listens carefully to
21 the recommendations of their attorney.

22 I want you to know that the decision of whether
23 you testify or not is your Constitutional decision and you
24 need to make that decision. Have you had enough time to
25 discuss that with your attorney?

1 THE DEFENDANT: Yes.

2 THE COURT: Have you made a decision?

3 THE DEFENDANT: I have, sir. I will testify.

4 THE COURT: Okay. All right.

5 Well, we will --

6 Anything else before we break, from the defense?

7 MR. DEJONG: The only question I have, Your Honor,
8 and I'm jumping the gun a little bit, is on closing
9 arguments. I don't know if you remember the case, Butler
10 sticks in my mind. I realize I'm putting up a defense, but
11 my understanding is that they open, I come in, and then they
12 address any additional matter?

13 THE COURT: Yes.

14 MR. DEJONG: Just wanted to make sure.

15 THE COURT: Okay.

16 MR. DEJONG: Thank you.

17 THE COURT: And do y'all have any proposed jury
18 charges this morning? You need to think about that over
19 lunch and provide them to me.

20 All right. See you at quarter to one.

21 MS. OWEN: Thank you, Your Honor.

22 MR. DEJONG: Thank you, Your Honor.

23 (Whereupon, proceedings were recessed)

24 (Whereupon, proceedings were reconvened)

25 THE COURT: Ready?

1 MR. DEJONG: Ready for the defense, Your Honor.

2 THE COURT: All right.

3 MS. OWEN: Yes, Your Honor.

4 THE COURT: All right. You got any more than
5 this, or is that all you have?

6 MR. DEJONG: Yes.

7 THE COURT: Okay.

8 (The following takes place in the presence of the
9 jury panel).

10 THE COURT: All right.

11 MR. DEJONG: Your Honor, if it please the court,
12 defense would call Mr. Fredrick Harrison Towe to the stand.

13 Come around and be sworn, please, Freddie.

14 FREDRICK HARRISON TOWE, having been first duly
15 sworn, testified as follows:

16 THE WITNESS: Yes, sir.

17 THE CLERK: If you would, have a seat and state
18 your name for the record.

19 THE WITNESS: My name is Fredrick Harrison Towe.

20 DIRECT EXAMINATION BY MR. DEJONG:

21 Q. You go by Freddie?

22 A. I go by Freddie.

23 Q. Freddie, have you ever had sexual intercourse with
24 IMinor ?

25 A. No, sir, I have not.

- 1 Q. Have you ever had oral sex with Minor ?
- 2 A. No, sir, I have not.
- 3 Q. Have you ever had any sexual experiences of any kind
- 4 with her?
- 5 A. No, sir.
- 6 Q. How old are you, Mr. -- how old are you, Freddie?
- 7 A. I'm forty-nine.
- 8 Q. Where do you currently live?
- 9 A. Currently live in Gray Court, South Carolina.
- 10 Q. Okay. Are you married?
- 11 A. I am not.
- 12 Q. Do you have any children?
- 13 A. I do. I have two, a boy and a girl.
- 14 Q. What ages are they?
- 15 A. One I believe is twenty-four, and the other one I
- 16 believe is twenty-nine.
- 17 Q. Okay. Are you currently employed?
- 18 A. I am.
- 19 Q. Where are you working?
- 20 A. I work for Interplast Group in Gray Court.
- 21 Q. What kind of work is that?
- 22 A. We -- our particular plant makes the plastic wrappers
- 23 for food-type materials, like saran wrap around meats and
- 24 that.
- 25 Q. All right. Now, let me take you back a little bit.

1 Were you involved in a relationship with Tammy Yorty or
2 Tammy Truman?

3 A. I was.

4 Q. When did that relationship start?

5 A. It started roughly 1998, 1999'ish.

6 Q. All right.

7 Now, at some point in time did y'all ever live
8 together?

9 A. Yes, sir, we did.

10 Q. And, to the best of your recollection -- let me ask you
11 this.

12 At that point in time when you met -- we will call her
13 Ms. Truman, okay? When you met Ms. Truman, did you have a
14 home?

15 A. I did.

16 Q. Okay. And where was that home located?

17 A. At that time it was [REDACTED], Clemson, South
18 Carolina.

19 Q. All right. And so I believe you said she moved in,
20 correct?

21 A. Yes, sir.

22 Q. Did anybody move in with her?

23 A. It would have been her daughter Minor and part-time
24 her son Dustin.

25 Q. Okay. What do you mean part-time?

1 A. He would stay with us some and stay with his dad some
2 at that point.

3 Q. Okay. Did he have his own bedroom in the house?

4 A. He did, sir.

5 Q. Now, once they moved in, did they continue to live
6 there, or was there some break in that?

7 A. There was a break, sir.

8 Q. All right. Do you remember when the break was?

9 A. It probably would have been the end of March, the end
10 of April, of that year.

11 Q. Okay?

12 A. 1999.

13 Q. Okay. Now, subsequently did they move back in?

14 A. They did.

15 Q. And when was that?

16 A. It would have been toward the end of '99, probably
17 October, November'ish.

18 Q. Okay. Now, when you --

19 Well, where did you meet Ms. Truman?

20 A. We were both working at Milliken.

21 Q. Was she working there when you started working there,
22 or vice versa?

23 A. She was there when I got there.

24 Q. Okay. Now, how long did you work for Milliken?

25 A. Probably a little over a year. A year and six months,

1 or so.

2 Q. And did you have any kind of injury when you were
3 working at Milliken?

4 A. I did.

5 Q. Tell me about that.

6 A. The way my machine ran, there was a round sandpaper
7 type roll that pulled the cloth. The sander had an idler
8 roll about that with about a half an inch gap between the
9 two. It was common practice for us to sort of push on the
10 cloth as it ran in to make sure it was the same tightness as
11 the other side. When I reached up to do that, my hand
12 grabbed the sandpaper roll and was pulled into it, basically
13 resulting in third degree friction burns to -- from here
14 just below my elbow to about midway up my bicep.

15 Q. Did it leave a scar?

16 A. It did.

17 Q. Did you have to have any surgery?

18 A. I had to have skin graft surgery.

19 Q. Okay. Where did they graft the skin from?

20 A. It would have been from about my mid right thigh.

21 Q. Did that leave any kind of scar?

22 A. Yes, sir.

23 Q. For some period of time?

24 A. Yes, sir. It's still -- it's still discolored.

25 Q. Well, while we are on that subject, do you have any

1 other scars or anything on your body?

2 A. Yes, sir, I have currently several scars back. Then I
3 had a scar in the middle of my chest from running into a
4 barbed wire fence when I was a child.

5 I have a scar just below my right knee where I was in
6 traction for seventeen days.

7 Q. Are those scars visible?

8 A. Yes, sir.

9 Q. Okay. Now, once you were injured at Milliken, did you
10 go back to work there?

11 A. I don't believe so. I was out for quite some months
12 and there were promises on their side that they didn't
13 uphold so I found employment elsewhere.

14 Q. Okay. Let's talk a little bit.

15 Have you ever served in the military?

16 A. No, sir.

17 Q. Have you ever tried to convince anybody that you served
18 in the military?

19 A. No, sir.

20 Q. Did you tell Tammy Truman that you served in the
21 military?

22 A. No, sir.

23 Q. Any of her children?

24 A. No, sir.

25 Q. There has been some talk about some sort of medallion

1 or coin you wear or wore around your neck. Can you tell us
2 what that was?

3 A. I do not have a coin I would wear around my neck.

4 Q. Okay. Well, any other type coin?

5 A. I have got several challenge coins from different
6 places in the military from relatives that have been in the
7 military..

8 Q. Okay. But you never wore one of those?

9 A. No.

10 Q. Okay. Now, so you didn't go back to Milliken. Where
11 did you work next?

12 A. I believe from there I went to Hickory Point, which is
13 a gas station in Clemson.

14 Q. Did you work full time there?

15 A. I worked part-time for probably a few months and then I
16 came to the Subway in Piedmont, which is also in another
17 Exxon station. I worked there full time.

18 Q. All right. Well, let's stick with Hickory Point for
19 the moment.

20 A. Okay.

21 Q. When you went to Hickory Point, did Ms. Truman work at
22 Hickory Point?

23 A. She did.

24 Q. What hours did you work at Hickory Point?

25 A. Usually it was at night while she was there.

1 Sometimes, you know, once I got hired on, then there would
2 be nights that I would work that she didn't work, but
3 usually around her shift so we could be together.

4 Q. Okay. Now, between your terminating with Milliken and
5 starting Hickory Point, do you know how much time elapsed
6 there?

7 A. It was several months, either being out with surgery
8 and rehab and, you know, for that.

9 Q. So you went from Milliken to Hickory Point to the
10 Subway in Piedmont?

11 A. Yes, it was all connected. The same people ran both of
12 them.

13 Q. Oh, okay. All right. I'm with you.
14 How long did you work at Subway?

15 A. Probably a few months before I got my job back at EMS.

16 Q. Now, let's try to get some year time frame.

17 A. Oh, it was less than a year. It would have been in
18 2000 when I left there, I guess.

19 Q. What, when you left Hickory --

20 A. When I left Hickory Point/Subway.

21 Q. Okay. So kind of one in the same job?

22 A. Right.

23 Q. When you went to Subway what were your hours there?

24 A. It was straight days. Open, we usually had to be in
25 around eight and work until three or four.

1 Q. Did Ms. Truman work there when you worked there?

2 A. No, sir.

3 Q. Okay. So now you mentioned that you went back with
4 EMS. Where was that?

5 A. I went to Med Shore Ambulance Service stationed in
6 Greenville. It's based out of Anderson.

7 Q. Okay. When was it?

8 A. That would have been -- I take that back, sir. Let me
9 backtrack.

10 Q. Okay.

11 A. I missed a job in between.

12 Q. Okay.

13 A. I left Hickory Point and Subway and went to South
14 Carolina Department of Corrections.

15 Q. Okay.

16 A. And I started there September the 10th, 2001.

17 Q. All right.

18 Now, did you have to go get training anyplace for that?

19 A. Yes, sir, went to the South Carolina Department of
20 Corrections academy.

21 Q. Okay. Does the South Carolina -- I don't know quite
22 how to put it. The State of South Carolina, does it have
23 more than one academy --

24 A. Yes.

25 Q. -- I guess is what I am asking.

1 A. The Department of Corrections has their own academy,
2 where the law enforcement agencies typically go to the South
3 Carolina Criminal Justice Academy, just like the Highway
4 Patrol goes to their own academy.

5 Q. All right. So you went to the --

6 A. Department of Corrections.

7 Q. Department of Corrections academy?

8 A. Yes.

9 Q. How long of a program is that?

10 A. I don't remember exactly. It's either nine or twelve
11 weeks.

12 Q. Did you go to work for the Department of Corrections
13 before you went to the academy?

14 A. I did. I believe it was a few days -- or a few weeks
15 of orientation at Perry before my actual academy date came
16 up.

17 Q. What were your hours of work when you worked at Perry?

18 A. It would have been days. Usually had to be in at seven
19 and get off at around five.

20 Q. And --

21 A. That was their pre-service.

22 Q. And what year was that?

23 A. That would be in 2001.

24 Q. Okay. So in 2000 you basically worked at Milliken,
25 Hickory Point, and the third one we forgot about for a

1 moment?

2 A. The Hickory Point/Subway.

3 Q. Right. Okay.

4 Then you went to the Department of Corrections?

5 A. Then I went to the Department of Corrections.

6 Q. How long did you work for the Department of
7 Corrections?

8 A. Almost a year.

9 Q. Okay. How much time, just with you and the two
10 children, or any one child, did you spend by yourself at the
11 house?

12 A. Not very often. I mean, there were some times that --
13 that I would come in and -- I would usually walk in the
14 door, went straight to bed, because by the time I got off
15 shift, we worked twelve hour night shifts, so we may have
16 passed each other. You know, they may be there when I woke
17 up and getting ready to go to work, or something like that,
18 or occasionally on a day off.

19 Q. Okay. Now, we are describing 2001 now?

20 A. Yes.

21 Q. Okay. Let's go back to 2002 -- I mean --

22 A. 2000?

23 Q. 2000, yes, sir.

24 How much time, if any, did you spend just with the two
25 kids?

1 A. Not -- probably not a whole lot in spending time with
2 them. I mean, we kind of all had our own agenda. They were
3 in school and I would mess around with the computer, or play
4 with my dogs, or do training, or something.

5 Q. Let's talk about those dogs for a minute. Were those
6 retired dogs that you had?

7 A. The one that was patrolling narcotics dog was, yes.

8 Q. Was the other one still active?

9 A. Off and on.

10 Q. Okay. So were you the keeper of the dogs, so to speak?

11 A. Yes, they were mine. I had them from puppies.

12 Q. Did you ever threaten any family member with those
13 dogs?

14 A. Absolutely not.

15 Q. Did you ever threaten any family member in any way?

16 A. No, sir.

17 Q. So have you ever been treated for a sexually
18 transmitted disease?

19 A. No, sir.

20 Q. Ever been treated for chlamydia?

21 A. No, sir.

22 Q. Have you ever been diagnosed with it?

23 A. No, sir.

24 Q. So -- well --

25 Did you ultimately, you and Ms. Truman, ultimately get

1 married?

2 A. Yes, we did.

3 Q. And do you know when that was?

4 A. It would have been February the 9th, 1999 -- or, no,
5 February the 9th, 2001.

6 Q. And then ultimately when did --

7 Well, did you get divorced?

8 A. Yes, sir.

9 Q. When was that?

10 A. I forget the day, but it was in 2014.

11 Q. At some point in time did she come, I guess --

12 Well, at some point in time did she come to your home
13 to get her belongings?

14 A. Yes, sir.

15 Q. And who were you working for then?

16 A. I was working for Anderson County Emergency Medical
17 Services and Special Operations.

18 Q. Were you issued an Anderson County car?

19 A. I was issued one as needed.

20 Q. Okay. Do you recall the day that Ms. Truman moved out?

21 A. Yes, sir, I do.

22 Q. Were you around your house that day?

23 A. I was actually at a Clemson football game.

24 Q. Did you drive to your house during the day?

25 A. Not until after the game when I went home.

1 Q. Was there anyone there when you got there after the
2 game?

3 A. No, sir.

4 Q. After you left the game, did you drive a personal
5 vehicle, or was that a county vehicle?

6 A. It was a personal vehicle that I actually drove home.

7 Q. So the time that you lived there, part of that time Ms.
8 Minor lived in the house, correct?

9 A. Yes..

10 Q. Do you recall when she moved out?

11 A. That would have been probably early 2003.

12 Q. Okay. And --

13 A. Or maybe 2002. I forget when. It has been a few years
14 ago.

15 Q. Did you make any effort at that point in time to stop
16 her from moving out?

17 A. No. Not from moving out, no.

18 Q. Okay.

19 Now, were there other times that you had issues with
20 her and you did stop her from doing something?

21 A. Yes, there was one time she was going to run away with
22 her boyfriend.

23 Q. Okay. And were you instrumental in putting a stop to
24 that?

25 A. Her mother asked me if I could have somebody come and

1 stop it and I called some friends from the police
2 department.

3 Q. Let me ask you this, Freddie. Who was the
4 disciplinarian in the family?

5 A. Their mother.

6 Q. Did you get involved in that at all?

7 A. No, sir.

8 Q. Now, the house itself, let's get your description of
9 the house, okay?

10 A. Okay. It was a ranch style. You go through the front
11 door, you are in the living room.

12 On the opposite side of that living room there is a
13 closet. To the left of the closet is like an archway. You
14 go through that archway -- or if you go through that wall
15 looking to your right the hallway.

16 Through the archway is the dining room kitchen area,
17 which loops around the wall and comes back out into the
18 hallway.

19 Down the hallway you have got one bedroom on the right,
20 then a closet, a small linen closet. Then another bedroom.
21 A closet at the end of the hallway.

22 Coming down the left-hand side you have got a bathroom
23 straight across from the first bedroom, and I have a master
24 bedroom straight across from the second bedroom.

25 Q. Okay. The bedrooms themselves, did they have closets?

1 A. Yes, sir.

2 Q. And the bedrooms were next to each other. Did the
3 closets back up to the same wall?

4 A. Yes, sir. They were two sliding door walk-in type
5 closets that were each roughly five feet wide and about
6 three feet deep.

7 Q. Now, would that have been the wall between Dustin's
8 room and Minor room?

9 A. Yes, sir.

10 Q. And were there clothes in those closets normally?

11 A. Yes, sir.

12 Q. You said that you were working for Anderson County. We
13 know that you worked for the South Carolina Department of
14 Corrections.

15 A. Yes.

16 Q. Correct?

17 A. Yes.

18 Q. Okay. When did you work for the -- for Anderson
19 County?

20 A. Well, I initially went to work for Anderson County EMS
21 and Special Operations as a paramedic and that would have
22 been probably 2005, 2006 --

23 Q. Okay.

24 A. -- and continued to work there until 2015.

25 I also worked for the Anderson County Sheriff's

1 Department during that time.

2 Q. Okay. What did you do for Anderson County Sheriff's
3 Department?

4 A. I started out as a communications operator. I moved up
5 from there to what they call the CAD administrator, CAD NCIC
6 administrator, which tends to all the computers in the 911
7 center. From there I moved to dispatch -- or to detention
8 and eventually made it to deputy recruit is what they call
9 it.

10 Q. Explain for us a little bit what is a deputy recruit?

11 A. You become a deputy recruit approximately three weeks
12 before your academy date, where basically what they have
13 done is taken the things that most people fail the academy
14 on and go through three weeks before you go to the academy
15 to help try and improve the pass rate.

16 Q. What academy are you talking about now?

17 A. That would have been the South Carolina Criminal
18 Justice Academy.

19 Q. Okay. Did you ever make it to the Criminal Justice
20 Academy?

21 A. No, sir.

22 Q. What happened?

23 A. I was terminated from the sheriff's department.

24 Q. Were you terminated for any kind of misconduct?

25 A. No, sir.

1 Q. Well, when you --

2 So, if I understand you were kind of holding two jobs
3 with Anderson County? Is that what I understand?

4 A. Yes, sir.

5 Q. One with the sheriff's office?

6 A. One with the sheriff's office and one as a paramedic.

7 Q. What were your hours then?

8 A. Well, the -- it really kind of depends on when, what,
9 and where. As an NCIC CAD administrator I was Monday
10 through Friday, 8:30 to 5:00.

11 When I went in detention I was on rotating twelves,
12 where we would switch from days and nights every two weeks.

13 And then when I made deputy recruit, I would -- I was
14 on Monday through Friday 8:00 to 5:00.

15 Q. Okay. Was any of that that you have just described
16 between 2000 -- September through December of 2000 and
17 February of -- February of 2001 on, was any of that in
18 there?

19 A. No, that was last -- that would have been within four
20 years of 2015. 2011 to 2014, 2015.

21 Q. Well, when did you become a deputy recruit?

22 A. That would have been 2015.

23 Q. Okay. Have you ever worked for Clemson Police
24 Department?

25 A. No, sir.

1 Q. How long have you been wearing glasses, Freddie?

2 A. Since elementary school.

3 Q. Does it have anything to do with flash bang?

4 A. Probably didn't even know what a flash bang grenade was
5 when I was in elementary school.

6 Q. Were you aware of the allegations that were made in
7 Clemson in 2003?

8 A. I was made aware of them.

9 Q. Okay. And what finally happened to those allegations,
10 if you know?

11 A. To my knowledge, all I know is that I had been cleared
12 and charges were dropped.

13 Q. Okay. And, to your knowledge, was Ms. Truman aware of
14 those allegations as well?

15 A. Yes.

16 Q. Now, after that y'all continued to live together?

17 A. Yes.

18 Q. All right. You say that you were divorced in '14.
19 These allegations arose in '16, is that correct?

20 A. Yes.

21 Q. Okay. So these allegations, as I understand it, had
22 nothing as such to do with your divorce?

23 A. I believe they do, but that's my theory.

24 Q. Okay. All right.

25 Well, once in 2003, when that report was made, did you

1 continue to see Minor

2 A. She came -- I mean, it was for awhile that she didn't
3 come over, but eventually she started coming back around.

4 Q. What was your relationship with her then?

5 A. We were cordial.

6 Q. Okay.

7 A. My theory is she is a teenager. Teenagers do crazy
8 stuff and we went on.

9 Q. All right.

10 Now -- so at some point in time in 2011, I believe did
11 you go to marriage counseling?

12 A. We did.

13 Q. Who was the counselor?

14 A. Michelle Scott.

15 Q. Okay. How many times did you go?

16 A. I believe just twice.

17 Q. Okay. When you were there with Ms. Scott, did you ever
18 make any admissions that you had sexual intercourse, oral
19 intercourse, or anything else with Minor

20 A. No, sir.

21 Q. From your point of view, have you ever done anything
22 that would make any of those three people afraid of you?

23 A. No, sir. I have done nothing but try to protect anybody
24 that I have been with.

25 Q. Well, when you and Tammy were together, did y'all have

1 any hobbies?

2 A. We did, yes, sir.

3 Q. What were those?

4 A. We did some scuba diving together.

5 Q. Anything unusual happen when you were scuba diving?

6 A. Yes, sir. There was a time when we were up on Jocassee
7 and we was diving what they call the cemetery, because, of
8 course, it's a cemetery back in the 1800's. It was dressed
9 at about 130'ish, 135 feet. We made a dive on it. The
10 deepest she had been, but I -- being a dive master, even at
11 that time I was quite comfortable with letting her go as far
12 as she felt comfortable going. We worked our way to the
13 bottom. Everything was fine. Crystal clear visibility and
14 everything was great until she realized how deep we actually
15 were.

16 Q. And what happened?

17 A. At that point in time she panicked, began an
18 uncontrollable ascent, hand over hand on a descent line, at
19 which time I grabbed ahold of her gear to attempt to keep
20 her ascending too fast, which would have resulted in the
21 possibility of her getting decompression sickness.

22 Q. Were you able to hang onto her?

23 A. Yes, sir, I was. I maintained contact with her until
24 we reached fifteen feet, at which time I stopped to make an
25 emergency decompression stop abbreviated when it was at

1 three minutes, because my theory is I had another
2 accomplished diver on the surface, as well as her son
3 Dustin, you know, and being medically trained, if I got
4 decompression sickness, I wouldn't be able to tend to her.

5 Q. Do you recall when that was?

6 A. I do not.

7 Q. Okay. Would it have been before Minor left your
8 home, or after?

9 A. I believe it was after.

10 Q. Anything else you want to tell this jury, Freddie,
11 briefly?

12 A. The only thing I would say is that I am innocent. I
13 have never done anything against anyone's will, as far as
14 family. I mean, with EMS sometimes you have to do things
15 people don't like, but that's the only time I have ever done
16 anything against their will.

17 Q. Thank you, Freddie.

18 MR. DEJONG: The witness is with you, Madam
19 Solicitor.

20 THE COURT: Cross-examine.

21 MS. OWEN: Thank you.

22 CROSS EXAMINATION BY MS. OWEN:

23 Q. Freddie, you had a lot jobs over the years, right?

24 A. I have had a few.

25 Q. Have you ever been terminated?

1 A. I have.

2 Q. For what?

3 A. Well, the most recent time I was terminated from the
4 sheriff's department was during an election year and a lot
5 of people got let go during the election year. That's the
6 drawback of being at the leisure of the sheriff.

7 Q. Have you ever been terminated from AnMed?

8 A. I have never worked at AnMed.

9 Q. Did you work at Med Shore and Explorer, or Med Shore?

10 A. I have never worked at Med Shore and Explorer.

11 Q. Did you work at Med Shore?

12 A. I did.

13 Q. Were you terminated from there?

14 A. I was.

15 Q. For what?

16 A. For failure to complete paperwork on time.

17 Q. Where else have you been terminated from?

18 A. Pickens County EMS.

19 Q. For what?

20 A. Because I had my girlfriend at the time there after
21 hours.

22 Q. Freddie, you have had a lot of girlfriends, haven't
23 you?

24 A. I have.

25 Q. Have infidelity?

- 1 A. Yes.
- 2 Q. Known infidelities?
- 3 A. Yes.
- 4 Q. So you are not the most honest person?
- 5 A. Probably -- I mean, I would not answer that. I have
- 6 had girlfriends, but --
- 7 Q. And you have cheated on --
- 8 A. I never denied anybody that I had them.
- 9 Q. And you have cheated on people?
- 10 A. Yes.
- 11 Q. You wouldn't call that conniving?
- 12 A. I wouldn't call it conniving.
- 13 Q. Okay. Would you call it being deceitful?
- 14 A. Not necessarily.
- 15 Q. So cheating on someone and they don't know about it
- 16 isn't deceitful?
- 17 A. It depends upon the circumstances. To me being
- 18 deceitful is knowing that you are hiding. That's what you
- 19 are saying, yes.
- 20 Q. So you are a deceitful person?
- 21 A. I don't consider myself a deceitful person, no.
- 22 Q. And you have never been in the military, right?
- 23 A. No.
- 24 Q. Ma'am?
- 25 A. No, ma'am.

1 Q. Thanks.

2 And you want this jury to believe that all these people
3 got up here and testified that you had insinuated to them
4 that you were a Navy Seal and you could kill people and they
5 just made that up?

6 A. Yes, ma'am.

7 Q. None of that was true?

8 A. No, ma'am.

9 Q. Okay. Freddie, when you worked for Anderson, what kind
10 of county car did you sometimes get issued?

11 A. When I worked for EMS I have been issued Suburbans. I
12 have had Explorers, Expeditions, Tahoes.

13 Q. SUV's?

14 A. All of them have been SUV's.

15 Q. And you heard what Rick Truman said, that when you were
16 helping his mom move out, you showed up in an SUV?

17 A. I did hear him say that.

18 Q. And you deny that?

19 A. I do.

20 Q. And you denied anything ever happened with Minor when
21 she was fifteen?

22 A. Correct.

23 Q. Or for a few years while you were married to her
24 mother?

25 A. Correct.

1 Q. And you just chalked that up to being a teenager? They
2 do crazy things. Isn't that what you said?

3 A. I would say her allegations were something that a crazy
4 teenager would do maybe if you wanted to get even or to
5 cause her mother to want to divorce her stepfather.

6 Q. But she had already moved out. Why would she do that?

7 A. The comment had been made was to keep -- to get her
8 mother to divorce me.

9 Q. But she had already moved out.

10 A. That has nothing to do with her mother divorcing me.

11 Q. Okay, Freddie. And now all the sudden all these years
12 later it's because you divorced her mom? All the sudden she
13 just makes this up?

14 A. The timeline is kind of convenient to me, because two
15 months -- two years to the day her alimony ran out was the
16 day the initial report was made.

17 Q. It had nothing to do with the fact that you were
18 working for Anderson County and that she lived there?

19 A. I have been working for Anderson County Sheriff's
20 Department for four years.

21 Q. Yeah, let's back up to that.

22 What were your positions at Anderson County again?

23 A. They started out as dispatcher. I became NCIC
24 coordinator, or administrator. And went from there to
25 detention, and from there to regular group.

1 Q. When you were doing NCIC's, were you still married to
2 Tammy?

3 A. I believe so -- I don't think so, no.

4 Q. When you were working at 911?

5 A. Yes.

6 Q. And was she working at 911?

7 A. Yes.

8 Q. And you never threatened her in any way to threaten her
9 about losing her job?

10 A. No.

11 Q. Okay. Have you seen the Criminal Justice Academy
12 record?

13 A. The ones on me, yes.

14 Q. You have? Okay.

15 I'm going to show you what's been marked as State's
16 Exhibit 6. Those are the records that have been introduced,
17 and if you have already seen those, could you read for me
18 what they say your position was that you were at the
19 Criminal Justice Academy for?

20 A. It was Class II CO jailer, student.

21 Q. So jailer, not a deputy?

22 A. No, I hadn't gone to the academy as a deputy.

23 Q. And you weren't there for a deputy?

24 A. No.

25 Q. Just a jailer?

1 A. Correct.

2 Q. Freddie, you have heard a lot of talk about them saying
3 that you were in the military, but you do have a lot of
4 police friends, is that correct?

5 A. I do.

6 Q. No insinuation ever that you had been in the military?

7 A. No.

8 Q. You just happened to know people that you can call and
9 say "hey, can you come by my house and prevent something
10 happening?" Not 911, just a friend?

11 A. I mean, sure.

12 Q. And your house is fairly close to Clemson University,
13 isn't it?

14 A. Not too far. A couple miles.

15 Q. You said you got challenge coins from other family
16 members?

17 A. Family and friends, yes.

18 Q. You never showed those to anyone and said they were
19 yours?

20 A. I have -- I mean, lots of people have seen them, but I
21 have never said they were mine. They were mine as
22 ownership, but not earned by me.

23 Q. Okay. And, Freddie, you have had a lot of different
24 jobs. Tammy had a lot of different jobs. Y'all didn't
25 always work the same shift, did you?

1 A. No.

2 Q. And there was actually a few months where you said that
3 you were out?

4 A. Yeah.

5 Q. You didn't work at all?

6 A. Wasn't able to.

7 Q. So you would have been home with the kids?

8 A. I was home. It doesn't mean they were always there.

9 Q. Freddie, you didn't work, so clearly someone was there?

10 A. Not all the time. They had school. They went to a
11 friend's house.

12 Q. Other than when they were at school, is that correct?

13 A. Usually.

14 Q. If I wrote this down correctly, you said that you
15 worked twelve hour night shift and would be coming home in
16 the morning, is that correct?

17 A. It is.

18 Q. That's about the time that they would be getting up for
19 school.

20 A. I would get off at seven and they should be at school
21 by the time I got home.

22 Q. Except --

23 A. They were --

24 Q. Except for the fact Minor was in the alternative
25 school for at least a year, so her school was different,

1 wasn't it?

2 A. I guess.

3 Q. Freddie, you were home with her a lot, weren't you?

4 A. Not a lot.

5 Q. Freddie, you had sex with Minor Minor didn't you?

6 A. No.

7 Q. You just want this jury to believe she made this crazy
8 allegation up in 2003?

9 A. I know I didn't do it.

10 Q. You also know that you cheated on your wife a lot?

11 A. Yes.

12 Q. You had a lot --

13 A. Even though I'm not happy about it, but yes.

14 Q. A lot of infidelities, right?

15 A. I had a few.

16 Q. A lot of extramarital affairs?

17 A. (Shaking head yes).

18 MR. DEJONG: Your Honor, I believe that's been
19 asked and answered.

20 BY MS. OWEN:

21 Q. And there is a young teenage girl living in your home
22 who's attractive and her mom is working and you are not, you
23 want this jury to believe that you didn't have sex with her?

24 A. Yes. My thing isn't younger girls.

25 Q. Freddie, you said that anybody you have ever been with

1 you wanted to protect, is that right?

2 A. Yes.

3 Q. You didn't protect Minor did you?

4 A. From?

5 Q. Yourself.

6 A. I didn't do anything to Minor .

7 Q. Okay.

8 MS. OWEN: I have no further questions, Your
9 Honor.

10 THE COURT: Any redirect?

11 MR. DEJONG: No redirect.

12 Step down, please.

13 THE COURT: All right. Thank you. You can step
14 down.

15 MR. DEJONG: Defense rests, Your Honor.

16 THE COURT: All right.

17 Ladies and gentlemen, this is one of those times
18 that we need to have another legal discussion with the
19 attorneys. I'll get right back with you. Please don't
20 discuss the case.

21 (The following takes place outside the presence of
22 the jury panel)

23 THE COURT: All right. Any motions?

24 MR. DEJONG: I would just renew my motion for a
25 directed verdict, Your Honor.

1 THE COURT: Same ruling.

2 All right, anything?

3 MS. OWEN: No, Your Honor.

4 In regards to any jury charges, I believe the
5 standard jury charges on expert and circumstantial evidence.

6 THE COURT: I'm sorry, what?

7 MS. OWEN: When you asked about jury charges
8 earlier, I believe the standard charge on expert witnesses
9 and circumstantial evidence would be fine.

10 THE COURT: You got anything?

11 MR. DEJONG: I wish I did, but I don't.

12 THE COURT: Okay. All right.

13 Well, do you want a couple of minutes or -- let's
14 give them a couple of minutes.

15 MR. DEJONG: Thank you, Your Honor.

16 (Whereupon, proceedings were recessed).

17 (Whereupon, proceedings were reconvened).

18 THE COURT: Anything before we crank it up?

19 MR. DEJONG: I can't think of anything.

20 MS. OWEN: No, Your Honor.

21 THE COURT: Okay.

22 (The following takes place in the presence of the
23 jury panel.)

24 THE COURT: All right.

25 Ladies and gentlemen, if you remember the little

1 procedural road map I gave you with the five parts of the
2 trial? We have finished the first two parts of the trial,
3 so all of the evidence that's going to be presented in this
4 case is before you and we are now going to proceed to the
5 third part of the trial, which are the closing arguments of
6 the attorneys, so I ask you to pay close attention as they
7 advocate their positions to you.

8 All right.

9 MS. OWEN: Thank you, Your Honor.

10 Ladies and gentlemen, when I first spoke to you
11 yesterday it was brief. Today it's going to be a little
12 longer. I just wanted to apologize on the front end for
13 that.

14 I told you yesterday that it's my job to prove to
15 you beyond a reasonable doubt that Fredrick Towe, also known
16 as Freddie, had sexual intercourse with Minor when
17 she was fifteen years old and that continued on into 2002,
18 when she moved out of his home at aged eighteen --
19 seventeen. Her birthday is at the end of December, so
20 that's a little tricky.

21 Ladies and gentlemen, we are going to take a step
22 back to yesterday and I'll walk you through the important
23 parts of what we saw over the past two days. And I
24 appreciate that y'all have been here and been attentive. I
25 just want to make sure that I highlight what I thought was

1 important in this case.

2 I told you yesterday that everything that you are
3 going to hear was going to come from this witness stand.
4 All of you came in here with your own experiences, your own
5 life story. Y'all came in here with common sense, and I'm
6 going to ask you to apply that when you go back in that jury
7 room. You get to determine who was credible in this case
8 and who was not, and I want to walk through each of the
9 witnesses that testified and what they told you.

10 Skipper, I think there is a little confusion on
11 who Skipper was at some point, but this is Skipper Wallace.
12 She is our SLED agent in this case. Skipper gets a letter
13 in March of 2016, or a referral, saying that someone has
14 made a complaint against Mr. Towe. He's an Anderson County
15 deputy, or going to be, or a jailer. I'm not really clear
16 on what it was, but he was going to be working for Anderson
17 County in some capacity in law enforcement. So SLED gets
18 called to investigate, because it's a conflict, and she goes
19 out and talks to who is now Minor In 2003 she was
20 Minor , and on the indictments that were read earlier
21 in this case it said HY. That would have been short for
22 Minor and Minor They are the same person.
23 She goes and talks to Minor and she gets -- sorry,
24 let me rephrase that. She's made aware of the sexual
25 assault that occurred to Heather when she was fifteen until

1 seventeen.

2 From there Skipper interviews Tammy Truman. She
3 gets a statement from her, who is Minor

4 She then is able to talk to Dustin and Rick who,
5 are the brothers.

6 She then gets the Criminal Justice Academy
7 records.

8 Skipper was able to do what she could with this
9 case and she brought it altogether for us.

10 She also talked to Michelle Scott. Ms. Scott had
11 the consent to searches from Tammy and Freddie and got those
12 records.

13 Ladies and gentlemen, you heard from Minor
14 Minor first. You heard from her first because this is her
15 story. This is what happened to her. You got to see her
16 demeanor up there. You got to hear her tell you the most
17 embarrassing, hard to describe and hard to talk about things
18 that have ever happened to her, and she got up there and
19 told a room full of strangers.

20 She got up there and told you that she and her mom
21 and her brother Dustin and her brother Rick moved here from
22 Ohio. They lived in an apartment and her mom started
23 working at Milliken and she met Freddie. They move in with
24 Freddie and Freddie is married, so they move back out. And
25 then they move back in and then they stay, because Freddie

1 leaves his first wife and now is living with his new
2 girlfriend and her two kids.

3 She tells you that it's not a real father-daughter
4 relationship, but they are getting to know each other. They
5 clearly have a bedroom across from each other, as I think
6 everyone has described the layout of the house. She
7 acknowledges that she has talked to him about her past,
8 because her mom has made him aware of those things. She
9 says that she is trying to become more friendly with him,
10 because they lived together.

11 And then she tells you in September of 2000, she
12 knows she's at Daniel High School, she knows she's fifteen,
13 and one morning Freddie comes into her room to get her up
14 for school, starts putting his hand up her shirt. That's
15 how she wakes up, ladies and gentlemen. At fifteen the
16 mom's boyfriend with his hand up her shirt and she freezes
17 and she's trying to say no, and then he grabs her, she says,
18 by her hair and pulls his penis out and forces her to
19 perform oral sex on him. Then he rapes her. And rape in
20 her mind and rape as we should know it is vaginal penile
21 intercourse.

22 And you got to see her up there. That was not
23 easy for her to get up there and share with you. She was on
24 the verge of tears. She needed some water. She wasn't even
25 able to finish some of her sentences because that is a

1 difficult subject for her to talk about and tell a room full
2 of strangers, but she did it.

3 And then she told you that this continued on for
4 what seemed like every day. And she told you that Freddie
5 had been hurt at Milliken and he was out of work for awhile.
6 He acknowledges he was home for a few months.

7 And her mom and Freddie had a litany of jobs. A
8 lot of different employment places and a lot of different
9 hours.

10 And Dustin shares a bedroom wall with his sister,
11 but Dustin isn't there all the time and mom is not there all
12 the time, and Freddie is home alone with Minor and has
13 every opportunity to come in her room and rape her. And he
14 tells her "who is going to believe you? I'm ex-military. I
15 was a Navy Seal and I know where to hide the bodies and I
16 have a lot of cop friends. They are not going to believe
17 you."

18 She told you she tries to run away. Not just
19 once, but twice. He calls his cop friends and intervenes.

20 Ladies and gentlemen, Minor was sexually
21 assaulted by Fredrick Towe for over two years. From
22 September of 2000 to December of 2000 she was fifteen years
23 old. In 2000 -- on February 9th of 2001 he married her mom
24 and becomes her stepfather. So he's no longer mom's
25 boyfriend, but it's my stepdad and stepdad is raping

1 Minor

2 She told her her grades went down. She was trying
3 to spend as much time away from home as she could. She
4 ended up in an alternative school.

5 And finally when she's seventeen she moves out,
6 and mom and Freddie don't bring her back. They let her go.
7 She's finally old enough to be able to leave and get away
8 from him.

9 And then in January of 2003, January 26th to be
10 specific, she finally gets the courage to come forward. She
11 is no longer living at home with him. She's not under his
12 thumb. There is no more threats being made. She's not
13 there any more and she tells her boyfriend at the time what
14 had happened.

15 So then they call her brother, her older brother,
16 her older protective big brother, and he comes over and she
17 tells him what has happened. And then they call mom and mom
18 comes over and they explain the situation and mom leaves and
19 goes home. So Minor gets nervous and she calls the police
20 and she doesn't know what mom is going to do. And the
21 police are at her house when they get there at Tammy and
22 Freddie's. And they go on to the police station and file a
23 report. She goes and files her report and then what does
24 mom tell her? "I'm going to stand by his side. Sorry. I
25 don't believe you. And even if I don't or do, I'm going to

1 stay with him."

2 What Freddie told her is exactly what happened.
3 Her mom didn't believe her. Her mom is her support system.
4 Her mom and her brothers. Her stepdad Freddie has been
5 abusing her. Her other stepdad is really Dustin's dad, not
6 her actual father, so who does that leave her with? Her mom
7 and her two brothers. And if mom is staying with him, who
8 does that leave her with? Little brother Dustin is still
9 living with mom. And older brother is married and out of
10 the house. So she is on an island on her own and she has to
11 make a decision; am I going to go forward with this, with no
12 one believing me, or am I going to say it didn't happen and
13 wind up dropping the charges and I move on, because she
14 needs her family, and that's what she does. She files a
15 report on January 26th, 2003, and on February 4th of 2003
16 she calls and says "I don't want to do anything else."

17 Then she talks to her mom and her mom says "I'm
18 staying with him. I really don't believe you."

19 And she says "well, I really want to be in your
20 life and if I have to pretend like this never happened, I
21 will," and she does. She sucks it up. She goes to some
22 family functions, not a lot. She doesn't go over there a
23 lot and they don't talk a lot, but in order for her family
24 to stay a family she has to pretend like this never
25 happened. And she goes on for all these years holding on,

1 knowing that that was the truth, and ignoring the fact that
2 this happened so that she can have her mom in her life,
3 because her mom stayed married to Freddie.

4 And mom finally decides to leave Freddie in 2013.
5 And when she leaves him, she comes clean. And for a few
6 years no one does anything, but then Minor finds out --
7 she lives in Anderson County. And as you heard, her whole
8 family lives there at this point and she has got kids, her
9 husband. Her mother is there and her brothers and Freddie
10 is trying to become a deputy in her county. That is
11 terrifying.

12 You are asking yourselves why now? That's why
13 now. The person who sexually assaulted her and told her no
14 one would believe her may become somebody who could enforce
15 the rules and enforce the laws in her county. That is
16 terrifying and that is why now.

17 Ladies and gentlemen, you also heard from her
18 brother Rick. He said he moved out at eighteen. He was
19 married. He didn't go over there a lot. They worked
20 different hours, but the day his sister called him, she was
21 an emotional wreck in 2003. And he took her to the police
22 department and they filled out a statement and then nothing
23 ever came of it, and he didn't know why. He didn't know
24 what had happened, but nothing ever came of it.

25 He also told you that he helped his mom move out

1 of her house and that Freddie drove up in an SUV, which was
2 an Anderson County car. He didn't stop and get out and talk
3 to them, but he was there. What motive does he have to make
4 that up?

5 He also told you his mother was afraid of Freddie,
6 that she was a different person around him; that she didn't
7 cut up, she didn't say much. Her whole personality and
8 demeanor changed. Now, he never lived with them, so he
9 doesn't actually know what went on in their household. He
10 wasn't there, but he knows his mom and he knows how she was
11 with Freddie and without Freddie.

12 You also heard from Dustin. Dustin is the funny
13 younger brother. Dustin was nine when they moved in with
14 Freddie. He is significantly younger than everyone else.
15 Dustin shared a wall with his sister. There may have been
16 closets. I don't know the significance of the closets, but
17 there are closets. And he told you there was sometimes he
18 was with his mom and sometimes he was with his dad, but the
19 thing that stood out to him when he was little were that he
20 could sometimes hear Minor crying herself to sleep at
21 night through the wall and he would ask her what was wrong
22 and she would never say anything. And he also noticed that
23 when Freddie came into a room she would leave.

24 He also told you when all of this was going on, he
25 had no idea. He found out years later. No one told him

1 what had been said. No one told him what the allegations
2 were. He moved back in with his dad for a little bit and
3 then he came back home for high school, but really he didn't
4 know what had happened. I ask you what his motivation to
5 say any of that would be.

6 Ladies and gentlemen, Dustin and Rick both got up
7 there and told you that Fredrick Towe used to tell them he
8 was a Navy Seal. Why would they make that up? Navy Seal,
9 Army, big difference in a lot of things. Marines. There is
10 all kind of things, but everybody has the same story. He
11 said he was a Navy Seal. Rick says he told them that when
12 they first started working at Milliken because he, his mom,
13 and Fredrick, Rick, and Tammy all worked together at
14 Milliken and he used to say that to him when his mom and
15 Fredrick were just dating. They weren't even living
16 together at that point, but he was telling them he was a
17 Navy Seal.

18 He told Dustin he was a Navy Seal. Even showed
19 Dustin on line where he was stationed and different
20 exercises they did. Those are insinuations, ladies and
21 gentlemen "that I'm a Navy Seal. No one is going to believe
22 you, and I can do what I want." There are motivations
23 behind that. And as Dustin said, there were never any
24 actual threats and the word he used "but they were
25 subliminal." He was saying that the threats Freddie

1 insinuated weren't "I'm going to kill you, but I know where
2 the bodies are, or I know how to hide bodies, or I have done
3 things to people before." That in and of itself is a
4 threaten, even if it's not a direct threat.

5 Ladies and gentlemen, you also heard from Sandra
6 Williamson. It was very brief, but she said that she had
7 done some intake for Anderson County. She had been doing
8 that about twelve years and people are going to the academy,
9 that Fredrick Towe was going to the academy and that's how
10 she knew that was his name. He told her he wasn't a
11 veteran, how she put in the paperwork.

12 Ladies and gentlemen, you also heard from Tammy
13 Truman. Tammy moved here with her kids from Ohio. Tammy
14 met Freddie and Tammy moved in with Freddie, even though he
15 was married, and then she moved back out and then she moved
16 back in, so the start of their relationship wasn't great.
17 Clearly he's not the most committed person. And she stays
18 and she didn't say they had a good relationship, but they
19 are working at Milliken together until he gets hurt and he's
20 home for months without a job and she is supporting them.
21 And then they both have these various odd jobs; Hickory
22 Point, dry cleaners, Subway, AnMed, Med Shore. Quite a
23 litany of jobs. They are not working the same hours. They
24 are not always working at the same place. And she tells you
25 that she notices some odd things - people getting into the

1 shower as soon as she's getting home at odd hours, Freddie
2 and Minor laying on the couch too close. She doesn't do
3 anything. She doesn't stop it. She knows something is off
4 but she doesn't know what and she doesn't investigate.

5 Then her daughter, grades aren't that great, she
6 goes to an alternative school. She tells you she's run away
7 a couple of times. Freddie helped stop her one time. And
8 then she finally just moved out in 2002. She moves in with
9 her boyfriend and they stay gone and no one tries to bring
10 her back. She's an adult.

11 Then a few months later she gets a phone call to
12 come to Minor apartment and she is told that Freddie did
13 sexually assault Minor for over two years, prior to them
14 being married and while they were married. She goes home.
15 Freddie denies it and then she tells her daughter she
16 doesn't believe her.

17 Minor got up here and told you "I had
18 chlamydia." Ladies and gentlemen, that's not something that
19 people want to get on that witness stand and say. And she
20 says "I told my mom to go get yourself checked." And Tammy
21 goes to get checked. When Tammy comes home, she locks
22 herself in her computer room and Freddie comes home and
23 kicks in the door and she doesn't say anything, but he knows
24 she's been to the doctor. And based on whatever her facial
25 expression was he says "yes, we did have sex, but it was her

1 fault. I tried to get her up one morning and I was knocking
2 her bed with my knee and she wouldn't get up and then all
3 the sudden she flung the covers off and she's got no clothes
4 on and she starts sucking my penis." And he tells her that
5 they have sex a few times, but it's her daughter's fault.
6 And Tammy doesn't do anything. Tammy doesn't call the
7 police. She doesn't call her daughter and say "I'm so
8 sorry. You were telling the truth." She doesn't call her
9 boys. In fact, Freddie forces her into calling Minor and
10 telling her that she still believes him and they can either
11 all be one big happy family or no family at all.

12 And she got up there and she told you "I lied on
13 my job applications. I don't have a high school diploma. I
14 lived with him and I was in his home" and that was her
15 world.

16 And he told her that he was going to drag her
17 daughter through the mud if she told anybody. And he also
18 told her he was going to drag her through the mud and that
19 people wouldn't believe them or they would believe that she
20 knew all along and didn't do anything about it.

21 And what has Freddie told her since they met?
22 "I'm a Navy Seal. I know how to hide bodies. I know how to
23 walk on leaves without anyone knowing I'm coming." And what
24 is that insinuating, ladies and gentlemen? Not that "I'm
25 going to protect you, but I know where to put you."

1 So she keeps this secret for years and she tells
2 you "my relationship with Minor was terrible after that."
3 And she hangs onto that. And she got over there and said
4 "it's the worst thing I have ever done," and it is. It is a
5 betrayal. She doesn't tell anybody, but in 2011 she and
6 Freddie have gone through a litany of years together. So
7 from 2003, when the initial report was filed in 2011, that
8 is an eight-year span where she's not told anyone and he's
9 cheated on her and done things to her and threatened her and
10 they are finally at their wits end and they go to marriage
11 counseling and she tells Ms. Scott "he had sex with my
12 daughter."

13 Ladies and gentlemen, Ms. Scott may not have the
14 best memory about the records she took, but it is here in
15 black and white. She wrote down "her daughter at 17 sex
16 with Freddie. She claimed rape. Freddie said consensual.
17 Never went to court." In black and white seven years ago.

18 But she stays with him, and they continue on at
19 different jobs together; Med Shore, 911 dispatch. And
20 finally he's cheating on her again. In 2013 she has had
21 enough, stands up for herself and she leaves. She calls her
22 son and says "please come help me move out," and they go
23 move her out and she has not been back since.

24 And she finally comes clean. She tells Minor "I
25 have known." Well, they don't go to the police. They are

1 not out for blood, but when they find out that he is going
2 to be potentially a deputy in the county they live in,
3 Minor decides "now I have to do something," and now she
4 has support, and her mom is not under Freddie's thumb any
5 more. There is no more threats. There is no more
6 conversations about being in the Navy, or being a Seal, or
7 anything happening, because they all have left that home.

8 Ladies and gentlemen, you heard from Michelle
9 Scott. She says she saw them twice, she thinks. She
10 doesn't really remember them, but that's her paperwork and
11 that's what she turned over. They signed consents for her
12 to turn that paperwork over and we have it today.

13 Then you heard from Jimmy Dixon. There was a
14 police report filed in 2003, and he gave you a specific date
15 and it was Minor that was the complainant, and the
16 allegations were that this happened at [REDACTED] in
17 Clemson, South Carolina.

18 You also heard from Shauna Galloway Williams. She
19 told you she knows absolutely nothing about this case at
20 all. She doesn't know these people. She doesn't know their
21 names. She doesn't know the facts. She hasn't read any
22 incident reports. She hasn't read the statements, but she
23 can tell you about delayed disclosure and how that is common
24 in child abuse cases. She can tell you about the process of
25 disclosure and that it's not necessarily a one-time thing,

1. but it's ongoing.

2. She can also tell you about non-offending
3. caregivers; how there is delayed reporting until she was out
4. of the house and away from that situation. She finally was
5. able to come clean and tell somebody what had been going on,
6. because she no longer lived there and wouldn't have to be
7. under this thumb.

8. And Tammy is what we would call a non-offending
9. caregiver. She suspected something and when it was brought
10. to her attention that this was going on in her home, that
11. her daughter was being sexually assaulted by her husband,
12. she chose not to believe it. And she chose not to believe
13. it for quite a few reasons, but she was able to articulate
14. for you.

15. And Shauna was able to tell you that one of the
16. biggest factors in somebody continuing on in a disclosure is
17. if the person who is their parent or their support system
18. believes them. And she told you when that person doesn't,
19. there is a high likelihood of recantation, which means they
20. take that story back. And in this case Tammy is a
21. non-offending caregiver. She found out what had been going
22. on. She told her daughter she didn't believe her, and so
23. Minor in order to maintain her family relationship,
24. decided not to go forward and leave it alone.

25. Ladies and gentlemen, in this case there is not

1 technical evidence. There is not a rape kit. There is
2 nothing tangible I can give you except to what has been
3 presented already in paper documents. You have to decide
4 who is credible and what people's motivations are.

5 I ask you to think about people's demeanors, their
6 reaction, their answers.

7 Heather did not want to get up there and do that,
8 but she did it tearfully.

9 Her mother got up there and told you "I lied on my
10 job applications. I don't have a high school diploma," but
11 she's here to support her daughter and got up there and
12 acknowledged that she didn't believe her and she has held
13 onto that for a long time.

14 Let's talk about Freddie. Freddie gets up there
15 and has the same emotion through his entire testimony. He's
16 accused of rape in 2003, and "that's just crazy things that
17 kids do," and he really wants you to believe that. That
18 sounds like someone would say that about getting drunk at a
19 party, not accusing their stepdad of rape.

20 When asked about having sex with Minor he
21 didn't say "that's disgusting. I love her. I loved her.
22 She was my stepdaughter. I treat her like a father." He
23 said "younger girls aren't my thing."

24 And he got up there and told you "yeah, I cheat.
25 Yes, I lie. I have infidelities." And he's learned how to

1 manipulate people in that situation. He's learned how to
2 stare somebody in the face and say "I didn't do that,"
3 because he has done it so often.

4 There are two motivations for people to lie. They
5 are trying to get out of trouble and they have got a lot to
6 lose. Freddie is in a lot of trouble. Freddie does not
7 want to admit that he had sex with Minor Freddie got up
8 there and told you he had all these jobs, but he neglected
9 to mention he got fired from all of them. He's had a lot of
10 girlfriends. He's cheated on a lot of people. He doesn't
11 even balk at the accusation that Minor made, and he
12 continues to do family functions with her. He continues to
13 be around her.

14 Ladies and gentlemen, I ask you to think what his
15 motivations are in this case. He wants you to believe that
16 these four people right here got up there and concocted this
17 story. They got up there and they all said "he told us he
18 was a Navy Seal for years, that he insinuated things for
19 years." He wants you to believe that they all got together
20 and concocted this whole story against him because, A, when
21 she was eighteen she did crazy kid things or teenage things,
22 or, B, now because I had divorced her mom. In 2003, that
23 wasn't even a remote possibility. They weren't getting
24 divorced. Tammy thought the relationship was great. She
25 had no idea that things weren't great and she stood by her

1 man for ten more years.

2 Ladies and gentlemen, these people did not get up
3 here and concoct this story. This actually happened to
4 Minor . She moved in with Freddie and thought this
5 was going to be her stepdad, and before he even became her
6 stepdad, September of 2000 to 2015, he started raping her
7 and forcing her to perform oral sex on him and he would do
8 that to her in her own home. If you think it can't happen
9 when people are home, or in the split second think about
10 when you were in high school where people you knew, people
11 getting pregnant when they shouldn't, people making out in
12 the bathrooms at school, or under the bleachers, or doing
13 things at parents houses when they shouldn't be. It doesn't
14 take long.

15 Ladies and gentlemen, we have briefly talked about
16 what Freddie has been charged with. He's been charged with
17 criminal sexual conduct with a minor in the second degree.
18 The judge is going to charge you on the law, but as a
19 reminder from what I said yesterday, that means that Minor
20 was between fourteen and less than sixteen, and in this case
21 she was fifteen for all of about four months, from September
22 to December of 2000, and Freddie was in a place of custodial
23 familial authority over her, who coerced her. He was older
24 than her, and they -- where he forced her to have a sexual
25 relationship with him.

1 He's also charged with incest. Now, as I told you
2 yesterday, incest is when two family members, and that can
3 be a stepdaughter and a stepfather, have carnal intercourse.
4 Essentially have sex. And that went on from February of
5 2001, when he married her mother, until July of 2002, when
6 she finally moved out.

7 Ladies and gentlemen, I submit to you that
8 Fredrick Towe is guilty of criminal sexual conduct with a
9 minor in the second degree and incest, and I ask you when
10 you go back in that jury room to take your experiences and
11 your common sense and come back with a verdict of guilty.
12 Thank you.

13 THE COURT: All right. Mr. DeJong?

14 MR. DEJONG: Thank you, Your Honor.

15 May it please the court?

16 Madam Solicitor..

17 THE COURT: Yes.

18 MR. DEJONG: Mr. Foreman, ladies and gentlemen of
19 the jury, momentarily His Honor is going to give you the law
20 to apply in this case. One of the things he's going to talk
21 about is reasonable doubt and that is the law that you will
22 have to apply when you go back and begin your deliberations.

23 Before I get into reasonable doubt, I'm going to
24 ask you to give this case another test - a smell test.
25 Something does not smell right. This case, I would submit

1 to you, there is no evidence in this case, other than what
2 comes from family members.

3 Now, the solicitor would say, well, these notes
4 from the therapist, black and white. Well, the notes from
5 the therapist, you can read here. You are going to have it
6 back there with you. "Her daughter at 17, sex with
7 Freddie." Solicitor left out the question mark. There is a
8 question mark behind all of that. Nobody said, or I don't
9 think that, other than maybe family members, that Freddie
10 ever did this.

11 Now, reasonable doubt -- and, again, you take the
12 law from His Honor as he gives it. For heaven's sake, don't
13 take it from me, okay, but I think you are going to hear
14 something along the lines of a reasonable doubt is such a
15 doubt that causes a reasonable person to hesitate to act in
16 making decisions in their daily affairs, something like
17 that.

18 And then the judge I believe will charge you if
19 you are firmly convicted that the defendant is guilty, you
20 must find him guilty.

21 There is, however, a but there. The but is if you
22 believe that there is a real possibility that Freddie Towe
23 is not guilty, you must, under the law, under the oath you
24 took, you must find him not guilty.

25 Now, I'm not going to stand here and rehash all

1 the testimony. Y'all have been a very attentive jury, for
2 which I am deeply appreciative of. It's been a long day and
3 it's been a long afternoon.

4 One thing I do find fascinating is that the mother
5 of Minor says somewhere along the line that
6 Freddie admitted to her, where I don't believe he did, but
7 that's what she said, that he admitted to her that he had
8 sex with her daughter. What did she do with that
9 information? Nothing.

10 And by her own -- by the mother's own testimony
11 she talks about the troubled -- I don't remember exactly the
12 exact words, but troubled teenage years. There was no doubt
13 that she had troubled teenage years.

14 So at seventeen, I believe that was in 2003, she
15 makes the report to Clemson Police Department. And as
16 memory served me, and, again, you take what you heard from
17 the witness stand, I might misstate it, so you take it as
18 you remember it, I believe she had already moved out at that
19 point in time. She was no longer in the household of
20 Fredrick Towe, her mother, or anyone else, and that was
21 withdrawn. And then another thirteen years goes by and
22 there is never any mention of it.

23 What I'm asking you to do there, you give it the
24 smell test. She wasn't in the home. Freddie and momma
25 divorced -- well, actually I think momma said they separated

1 in 2013, and actually divorced in 2014, and yet still
2 nothing happens.

3 And the alleged victim in this case, Minor said
4 she was afraid of him. I don't remember exactly her
5 testimony. It's been a while ago, but as I recall, mother's
6 testimony Freddie never threatened them in any way, shape,
7 form, or fashion.

8 As a natural course of his work he would know law
9 enforcement officers. I don't think there is any question
10 about that. He worked for dispatch. He worked for Anderson
11 County. He never did go to the academy, the Criminal
12 Justice Academy. And he worked for Department of
13 Corrections for awhile.

14 So we talked a little bit, Agent Wallace here with
15 SLED, and I talked about this statement, and you will not
16 have the statement. The statement is not in evidence, but
17 here is why I suggest to you that I talked about this
18 statement that was given to Agent Wallace. Minor
19 said she wrote that statement over a period, as I recall,
20 of two years. I mean, excuse me, not two years. Several
21 weeks I believe is what she said. She said she talked to
22 her mother a time or two. The mother denies that she ever
23 talked to her about it, so you take that as you see it. But
24 the importance of that is it's not so much the statement, I
25 submit to you, is look at everything else in this case.

1 Then look at what happened in terms of this case coming to
2 court. It had to be based on that statement that it took
3 Minor several days, weeks, I don't remember what
4 she said, to write it. Not that she went in, sat down with
5 pen and paper and wrote this statement for Agent Wallace
6 while they were all sitting there. She had plenty of time
7 to think about what she was writing. So, again, you don't
8 have the statement. That's not the important thing. The
9 important thing is it took her that long to write the
10 statement. And I submit to you that's what got this whole
11 ball rolling.

12 And, again, there is no evidence in this case,
13 other than what comes from the family.

14 Now, I believe His Honor will charge you that
15 credibility of the witnesses is for you, the twelve of you.
16 You can believe all of what a witness says. You can believe
17 some of what a witness says. You can believe none of what a
18 witness says. That's up to you. But, again, I have asked
19 you to think in terms of the evidence you have heard, where
20 it came from about these allegations. It wasn't from the
21 therapist. It wasn't from Agent Wallace. She did her job.
22 She did an investigation. That's what she was supposed to
23 do. She can't make that determination. Let me see, I think
24 she was the only law enforcement officer that testified. I
25 could be wrong.

1 Two brothers testified. Again, the one brother,
2 as I recall, went to the Towe house in 2003, not beyond
3 that. The other brother, the youngest one, I believe that
4 was Dustin, testified that he lived there. Then he said he
5 lived there, there being with Freddie Towe and now Ms.
6 Truman and Minor.

7 Minor and Dustin had bedrooms that backed up to
8 each other. In other words, they shared a common wall, but
9 the fascinating thing about that is he said he heard Minor
10 crying. But, as I understood the testimony, between the two
11 bedrooms there was closets that went all the way across.
12 Not necessarily on each side. If there was a closet, there
13 was a buffer in between that room and Minor room and he
14 said he heard her crying. "You don't know what she was
15 crying to? Do you know?

16 "No.

17 "Did she have a boyfriend?

18 "Yeah, I think she did."

19 Well, I submit to you, ladies and gentlemen, there
20 can be a lot of reasons that a fifteen, sixteen year old
21 girl can cry when there is trouble.

22 Tried to run away. I think mom said that in her
23 opinion that didn't -- Freddie didn't have anything to do
24 with that. I don't recall. You take it again the way that
25 you heard it.

1 So when all of the dust clears, all these
2 allegations only come from family members. I would submit
3 to you that the family is here to support Minor
4 and that brings out a lot of their testimony.

5 Mother, by her own acknowledgement, is a liar.
6 She lied on every -- as I recall her testimony, lied on
7 every job application she ever made saying that she had a
8 high school diploma when she did not. That's a liar. She
9 admits that was a lie. So when do we decide she is telling
10 the truth? That's for you to decide, not me.

11 I could probably stand here and talk a whole lot
12 longer, but I'm not going to. You listened. You heard the
13 testimony.

14 Now you are about to hear the law and apply that
15 law to what you have heard. And I would suggest to you,
16 ladies and gentlemen, that once you hear the law and you
17 take that law to the jury room with you, then you can get
18 back there and honestly say, "State, you didn't pull that
19 cellophane wrap off of Freddie Towe. You have not proved
20 his guilt beyond a reasonable doubt."

21 When you get back to the jury room, each one of
22 you has a vote. It is your vote and not another juror's
23 vote. It's your vote and it's totally yours. I would
24 suggest that you should listen to your other jurors. That
25 is your vote and it cannot be taken away from you. That's

1 an individual vote. I would ask in a few minutes you get
2 back there and start deliberating, you look at this case as
3 a whole and say "no, there is a real possibility Freddie
4 Towe is not guilty of either charge" and ask you to bring
5 back a verdict of not guilty on both charges.

6 Thank you so much for your time.

7 THE COURT: All right.

8 MS. OWEN: Just briefly, Your Honor?

9 THE COURT: Yes.

10 MS. OWEN: Ladies and gentlemen, as Mr. DeJong
11 said, we don't often agree on a lot, but he made a couple of
12 statements that we do agree on.

13 I do want you to use the smell test. Use the
14 smell test to determine that Minor in 2003, wasn't lying
15 then.

16 Fast forward to 2016, when Freddie is going to
17 possibly become a deputy in her county and she has finally
18 decided "I'm coming forward. My mom supports me now. This
19 did happen and I don't want him as a law enforcement officer
20 in my county." That passes the smell test, ladies and
21 gentlemen.

22 He also told you that no evidence came from
23 anybody but the victim and their family. I would say there
24 is a few other things, but the majority of that is correct,
25 because these are crimes of secrecy. People don't openly

1 rape their stepdaughters in public, or on the couch in front
2 of other people, or in cars in public. That happened in
3 secret, usually by someone they know. In this case it was
4 Minor stepdad.

5 And I am going to ask you to take that cellophane
6 wrapper off Mr. Towe that John DeJong said is so tightly
7 wrapped around him and find him guilty.

8 Thank you.

9 (Whereupon, at 3:47 p.m., the court instructed the
10 jury panel)

11 THE COURT: All right, ladies and gentlemen of the
12 jury, during this trial you and I have had certain duties to
13 perform. And as the trial judge it's my responsibility to
14 preside over the trial of the case and to rule on the
15 admissibility of the evidence offered during the trial.

16 It's also my job to charge you the law applicable
17 to the case and it is your duty as jurors to accept and
18 apply the law as I now state it to you.

19 As I told you in my opening comments, if you think
20 you have any idea as to what the law is or what the law
21 ought to be and it disagrees with what I now tell you the
22 law is, you have sworn an oath to set aside your own opinion
23 and apply the law precisely as I state it to you.

24 I also remind you that in every case tried in this
25 court before a jury, a jury is the sole and exclusive judge

1 of the facts and a trial judge is not allowed to have an
2 opinion about the facts in the case. So please don't think
3 by anything I have said or done that I have such an opinion.
4 It's up to you all to determine that.

5 I instruct you again that the fact that the
6 defendant was arrested, charged, and indicted in the case is
7 not evidence of guilt, nor does it create any presumption or
8 inference of guilt, and I'll remind you that these documents
9 are simply the formal written instruments which contain the
10 charges made against this defendant and they allow this
11 court to wind its way through our system for disposition
12 here in court.

13 Now, the two indictments in this case allege two
14 different charges. The first is criminal sexual conduct
15 with a minor in the second degree, and the second indictment
16 is for incest.

17 I tell you that each indictment charges a separate
18 and distinct offense and you must decide each indictment
19 separately on the evidence and the law applicable to it,
20 uninfluenced by your decision as to the other indictment. A
21 defendant may be convicted or acquitted on any or all of the
22 offenses charged and you will be asked to write a separate
23 verdict of guilty or not guilty for each indictment.

24 Now, necessarily your job as jurors requires that
25 you determine the credibility or believability of the

1 witnesses who have testified, and it becomes your duty as
2 jurors to evaluate the evidence and determine which evidence
3 convinces you that it is true.

4 And in determining the believability of the
5 witnesses, you may believe one witness over several, or
6 several over one. You may believe a part of the testimony
7 of a witness and reject the remaining part. You may
8 believe the testimony of a witness in its entirety or you
9 may reject that same testimony in its entirety, and you may
10 consider whether the witness has an interest in the outcome
11 of the trial and whether the witness is prejudiced towards
12 either the State or the defendant and the opportunity for
13 the witness to have seen the matters and things about which
14 that witness has testified and the way the witness acts on
15 the witness stand or what we call a witness' demeanor.

16 The Rules of Evidence ordinarily do not permit
17 witnesses to testify to opinions or conclusions. However,
18 an exception to this rule exists for witnesses that we call
19 experts. So a witness who by education and experience has
20 become an expert in some art, science, or profession may
21 give an opinion as to the subject matter the witness has
22 been qualified as an expert in and may also give the reasons
23 for the opinion. And you should consider any expert opinion
24 given by a witness, and like all of the other evidence, give
25 it the weight that you think it deserves.

1 The defendant has pled not guilty to these
2 indictments and that plea puts the burden on the State to
3 prove the defendant guilty.

4 A person charged with committing a criminal
5 offense in South Carolina is never required to prove
6 themselves innocent. So I charge you that it is a cardinal
7 and a vital rule of our law that the defendant in a criminal
8 trial will always be presumed to be innocent of the crime
9 for which an indictment has issued, unless guilt has been
10 proven by evidence satisfying you of guilt beyond a
11 reasonable doubt.

12 And a reasonable doubt is the kind of doubt which
13 would cause a reasonable person to hesitate to act. And
14 reasonable doubt may arise from the evidence which is in the
15 case, or the lack or absence of evidence in the case, and
16 the jury must determine whether or not reasonable doubt
17 exists as to the guilt of this defendant.

18 Now, there are two types of evidence which are
19 generally presented during the trial; direct evidence and
20 circumstantial evidence.

21 Direct evidence directly proves the existence of a
22 fact and does not require deduction.

23 Circumstantial evidence is proof of a chain of
24 facts and circumstances indicating the existence of the main
25 fact.

1 Crimes may be proven by circumstantial evidence
2 and the law makes no distinction between the weight or value
3 to be given to either direct or circumstantial evidence.
4 However, to the extent the State relies on circumstantial
5 evidence, all of the circumstances must be consistent with
6 each other and when taken together point conclusively to the
7 guilt of the accused beyond a reasonable doubt.

8 If the circumstances merely portray the
9 defendant's behavior as suspicious, the proof has failed.

10 The State has the burden of proving the defendant
11 guilty beyond a reasonable doubt, and this burden rests with
12 the State, regardless of whether the State relies on direct
13 evidence, or circumstantial evidence, or some combination of
14 the two.

15 Now, the defendant is charged with second degree
16 criminal sexual conduct with a minor. The State must prove
17 beyond a reasonable doubt that the defendant engaged in a
18 sexual battery with the victim.

19 A sexual battery is defined as sexual intercourse,
20 cunnilingus, fellatio, anal intercourse, or any intrusion,
21 however slight, of any part of a person's body or of any
22 object into the genital or anal openings of another person's
23 body, except when the intrusion is accomplished for
24 medically recognized treatment or diagnostic purposes.

25 The State must then also prove beyond a reasonable

1 doubt that the victim was less than sixteen years old, but
2 at least fourteen years old, and that the defendant was
3 either in a position of familial, custodial, or official
4 authority to coerce the victim to submit, or that the
5 defendant was older than the victim.

6 The defendant is also charged with incest. The
7 State must prove beyond a reasonable doubt that the
8 defendant had sexual intercourse with certain types of
9 relatives. These relatives include the defendant's mother,
10 grandmother, daughter, granddaughter, stepmother, sister,
11 grandfather's wife, son's wife, grandson's wife, wife's
12 mother, wife's grandmother, wife's daughter, wife's
13 granddaughter, brother's daughter, sister's daughter
14 father's sister, or mother's sister.

15 Now, ladies and gentlemen, there are two possible
16 verdicts which you may find with respect to each indictment.
17 No importance in the order in which I state them. One has
18 to be stated first. They are guilty or not guilty.

19 I want to tell you that your verdict must be
20 unanimous. All twelve of you must agree on each separate
21 indictment, and each separate indictment stands or fails on
22 the merits of the evidence and the law which apply to it.

23 I want to tell you that your verdict cannot be
24 based on passion, prejudice, sympathy, emotion, or any other
25 consideration that is not in evidence in the case. You all

1 have no friends to reward. You have no enemies to punish.

2 Now, Mr. Foreman, I'm going to excuse you all back
3 to your jury room. I have prepared a verdict form which I
4 think is self-explanatory. When you have reached a
5 unanimous verdict with respect to each, indicate in the
6 appropriate place and please sign it. Indicate to the
7 bailiff and we will receive you back into the courtroom to
8 receive your verdict.

9 I'm going to excuse you all now, with the
10 exception of Ms. Wiggins and Mr. Callopi to your jury room
11 and ask you not to begin your deliberations just yet. I
12 need to ensure that I haven't misstated or omitted anything
13 in my instructions. But when the verdict form comes back to
14 you, along with the exhibits and the evidence in the case,
15 you may begin your deliberations. Okay? Thank you.

16 (Whereupon, at 3:56 p.m., the jury panel retired
17 to the jury room, awaiting instructions to begin
18 deliberations)

19 THE COURT: I made you all sit up here just as
20 qualified as those twelve. I knew it was going to go
21 overnight and you would be surprised how many times somebody
22 comes down with a bug or the flu or something and if we
23 didn't have you all to step in, then we would have to start
24 all over and redo the whole thing. So I always feel bad at
25 this point because I have asked you to perform this service

1 and then you don't get to finish the job. The law only
2 allows twelve. So I want to thank you for your service. I
3 hope you find it to be a rewarding experience. We couldn't
4 have gotten through this without you. And I'm not sure what
5 all is at in store for the rest of the week, except for you
6 two, because I'm going to excuse you both from service for
7 the rest of the week.

8 You can talk about the case with whoever you want
9 to, but if somebody bugs you about it and you don't like it,
10 you let us know about it, your Clerk of Court, and we will
11 put an end to that. Okay?

12 You all are free to go. Thank you so much.

13 (Whereupon, the alternate jurors were discharged)

14 THE COURT: Any exception or objection to the
15 charge, from the State?

16 MS. OWEN: No, Your Honor.

17 MR. DEJONG: None on behalf of Mr. Towe, Your
18 Honor.

19 THE COURT: All right. Here is the verdict form.
20 Give it to them and let them get going.

21 (Whereupon, at 4:00 p.m., the jury was instructed
22 to begin deliberations).

23 (Whereupon, proceedings were recessed, pending the
24 verdict of the jury panel).

25 (Whereupon, at 4:25 p.m., proceeding were

1 reconvened).

2 (Whereupon, at 4:26 p.m., the jury panel returned
3 to open court to report its verdict).

4 THE COURT: All right, Mr. Foreman, I understand
5 that you have reached a verdict?

6 JURY FOREMAN: Yes.

7 THE COURT: If you would please hand it to the
8 clerk.

9 All right, Mr. Clerk, if you would please publish.

10 THE CLERK: State of South Carolina versus
11 Fredrick Harrison, on Indictment 2016-GS-39-02812, the
12 charge is criminal sexual conduct with a minor in the second
13 degree, we, the jury, find the defendant guilty.

14 As to Indictment 2016-GS-39-02813, the charge of
15 incest, we, the jury, find the defendant guilty.

16 Is this your verdict and still your verdict, so
17 say you all by raising your right hand?

18 (Whereupon, all jurors raised their right hand)

19 THE CLERK: Thank you very much.

20 THE COURT: All right. Thank you.

21 All right. Anything further from the jury from
22 the defense?

23 MR. DEJONG: Nothing from the defense, Your Honor.

24 THE COURT: From the State?

25 MS. OWEN: Nothing, Your Honor.

1 THE COURT: All right. Mr. Foreman, ladies and
2 gentlemen of the jury, I want to thank you for your service.

3 I do need to get a couple of signatures out of
4 you, Mr. Foreman, before you leave, but I want to thank you
5 for your service and you all done your duty for the week.
6 I'm going to cut you loose. Everybody else is going to have
7 to call back after six tonight, I believe, but you all are
8 done. I want to thank you for your service. I hope that
9 you are going to find when you look back on this that you
10 find it to be a rewarding experience, and I will promise you
11 that you have done a great service for your fellow citizens
12 here in Pickens County.

13 You are now free to talk about it with whomever
14 you want to, but if somebody talks to you about it and they
15 bother you, you let Mr. Welborn know and we will take care
16 of that, because we are not going to have any juror be
17 intimidated or harassed for their service.

18 I thank you all for your service today. You can
19 go, stay, whatever you would like to do. Okay? Thank you.

20 (Whereupon, the jury panel was discharged)

21 THE COURT: All right. Come on around.

22 Do you have any jail days? I know we have got at
23 least one.

24 MS. OWEN: Your Honor, it's my understanding,
25 based on the file, it's just one jail day.

1 THE COURT: Does that sound correct? Last night?

2 MR. DEJONG: I honestly don't know at this point
3 in time, Your Honor.

4 THE COURT: All right. What do you want to tell
5 me?

6 MS. OWEN: Your Honor, this has been a long time
7 coming for this victim and she is unable to speak. She's so
8 emotional right now. I realize it's an older case, but no
9 less is it any less significant. I would ask for the max on
10 both offenses, Your Honor.

11 THE COURT: Second degree carries thirty?

12 MS. OWEN: Zero to twenty, Your Honor.

13 THE COURT: Twenty.

14 And incest carries what?

15 MS. OWEN: It's one to ten, I believe.

16 THE COURT: One to ten.

17 MS. OWEN: And it comes with registry.

18 THE COURT: Yeah. Well, I want to ask if she
19 wants to speak. We can wait and do the sentencing tomorrow,
20 if she wants? No, she says get it done.

21 Minor : Yes, sir.

22 THE COURT: All right. Okay.

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

25 Some of this you may have heard from the witness

1 stand. I apologize if I'm being redundant.

2 Mr. Towe is forty-nine years old, Your Honor.

3 I believe he's pretty much lived in this area all
4 of his life. He is not married now. He does have two
5 children that are grown.

6 You have heard his work history, Your Honor.

7 Educationally, he graduated high school. I
8 believe he had one year of college, if I'm not mistaken.

9 He has absolutely no prior record at all, Your
10 Honor. Really hasn't had any real glitch with law
11 enforcement. I will be candid with the court, he was
12 arrested earlier this year I believe on cruelty to children.

13 THE DEFENDANT: Animals.

14 MR. DEJONG: Animals. I'm sorry. Thank you for
15 correcting me.

16 So I would certainly beg for the mercy of the
17 court, Your Honor.

18 THE COURT: Well, what do you want to tell me?

19 THE DEFENDANT: Sir, I do not do well in jail. I
20 still stand by my not guilty plea. I understand and I
21 accept this jury. It's a jury of my peers.

22 I have lived by the system and fought for the
23 system my entire life.

24 THE COURT: I had you down to make a clean abreast
25 of it, if you want to.

1 THE DEFENDANT: You know, I have had some odd jobs
2 here and there, but really my career since 1986 has been
3 public safety. That career is gone.

4 I just -- when I was -- when I was first arrested
5 I spent thirty-one days in jail, most of it which was
6 administrative segregation because of my work history.

7 THE COURT: Well, you got to pay for this. You
8 can't be doing that to a young girl like this.

9 THE DEFENDANT: I'm not saying no punishment at
10 all. I'm just saying I would rather have mercy of the
11 court.

12 THE COURT: Well, I will give you ten years on
13 each of them. Run them concurrent.

14 Good luck.

15 MS. OWEN: Thank you, Your Honor.

16 MR. DEJONG: Thank you, Your Honor.

17 THE COURT: All right.

18 (END OF REQUESTED TRANSCRIPT OF RECORD)

19

20

21

22

23

24

25

CERTIFICATE

I, the undersigned, Michael R. Watts, Official Court Reporter for the Seventh Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete of Transcript Record of the proceedings had and the evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for Pickens County, South Carolina, on the 17th and 18th days of December, 2018.

I do further certify that I am neither of kin, counsel nor interest to any party hereto.

June 2, 2019

Michael R. Watts

Michael R. Watts
Circuit Court Reporter

WITNESSES

Melissa S. Wallace

SLED

7/26/2016

ARREST WARRANT NUMBER

2016A3910100825

ACTION OF GRAND JURY

~~TRUE BILL~~

NOV 20 2018

Beatrice Phillips
Foreperson of Grand Jury

VERDICT

Guilty

T. M.
Foreperson of Petit Jury
Date

12-18-18

AMENDED DOCKET NO. 2016-GS-39-2813

CLJ

The State of South Carolina

County of Pickens

COURT OF GENERAL SESSIONS

NOV 20 2018 TERM 2016

THE STATE

vs.

FREDRICK HARRISON TOWE

Amended Indictment for

0090

INCEST

VIOLATION § 16-15-0020

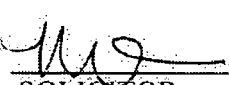
STATE OF SOUTH CAROLINA)
)
COUNTY OF PICKENS)

AMENDED INDICTMENT FOR
INCEST

At a Court of General Sessions, convened on **NOV 20 2018** the Grand Jurors of Pickens
County present upon their oath:

That FREDRICK HARRISON TOWE did in Pickens County, between the dates of February 9, 2001 and July,
2002, have carnal intercourse with H. Y. who is within the degree of relationship prohibited by §16-15-20 (1) or
(2). This is in violation of §16-15-20 of the South Carolina Code of Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


SOLICITOR

BAR #78892-100822

WITNESSES

Melissa S. Wallace

SLED

7/26/2016

ARREST WARRANT NUMBER
2016A3910100826

ACTION OF GRAND JURY

TRUE BILL
Date

NOV 20 2018

Foreperson of Grand Jury

VERDICT

Guilty

Foreperson of Petit Jury
DateAMENDED DOCKET NO. 2016-GS-39-2812
CLJ

The State of South Carolina

County of Pickens

COURT OF GENERAL SESSIONS

NOV 20 2018

TERM 2016

THE STATE

vs.

FREDRICK HARRISON TOWE

Amended Indictment for

0397

CRIMINAL SEXUAL CONDUCT WITH A MINOR
2ND DEGREE (14-16)

VIOLATION § 16-03-0655(C)

STATE OF SOUTH CAROLINA)

COUNTY OF PICKENS)

AMENDED INDICTMENT FOR
 CRIMINAL SEXUAL CONDUCT WITH A MINOR 2ND DEGREE
 (14-16)

At a Court of General Sessions, convened on

NOV 20 2018

the Grand Jurors of Pickens

County present upon their oath:

That FREDRICK HARRISON TOWE did in Pickens County, on or about between the dates of September 1, 2000 and December 30, 2000, engage in sexual battery with H.Y., who was at least fourteen years of age but who was less than sixteen years of age, and that he did so in a position of familial, custodial, or official authority to coerce the victim to submit, and/or he was older than the victim. This is in violation of § 16-3-655(B)(2) [formerly 16-3-655(3)] of the South Carolina Code of Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



SOLICITOR

BAR # 78892

COURT OF
STATE

Pickens

VS.

Fredrick Harrison Towe

AKA:

Race: WHITE Sex: M Age: 49

DOB: SS#:

Address:

City, State, Zip: Clemson, SC 29631

DL#: SID#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was
TO: Criminal Sexual Conduct, 2nd Degree With Minor

INDICTMENT/CASE#: 2016GS3902812

A/W#: 2016A3910100826

Date of Offense: 9/1/2000

S.C. Code § : 16-03-0655(B)(2)

CDR Code #: 0397

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

in violation of § 16-03-0655(B)(2) of the S.C. Code of Laws, bearing CDR Code # 0397

☐ NON-VIOLENT ☒ VIOLENT ☒ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)

The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

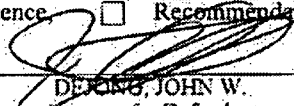
ATTEST: 

100822

Owen, Megan Moricle

SC Bar#

Defendant


DEONB, JOHN W.
Attorney for Defendant

01620

SC Bar#

WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 10 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____
months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation,
which are incorporated by reference.

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____

☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC.

☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic
Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP _____

Total: \$ _____ plus 20% fee: \$ _____ days/hours Public Service Employment

Payment Terms: _____

☐ Set by SCDPPPS _____

Recipient: _____

*Fine:		\$
§14-1-206 (Assessments 107.5 %)		\$
§14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100.00
§14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§56-1-286 (DUI Breath Test)	\$25	\$
Proviso (Public Def/Probation)	\$500	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§14-1-213 (Drug Court Surcharge)	\$150	\$
§50-21-114 (BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)		\$ 3.75

TOTAL \$ 128.75

Clerk of Court/ Deputy Clerk

Court Reporter: Michael W. Watts

SCCA/217, (04/2018)

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling: ☐

Random Drug/Alcohol testing ☐

Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel,
Proviso requires \$500 be paid to Clerk
during probation and shall be collected before
any other fees.

Presiding Judge

Judge Code: 2150

Sentence Date: 12-18-18

COUNTY OF Pickens
STATE VS.Fredrick Harrison Towe

AKA: _____

Race: WHITE Sex: M Age: 49

DOB: _____ SS#: _____

Address: _____

City, State, Zip: Clemson, SC 29631

DL#: _____ SID#: _____

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Sex / IncestINDICTMENT/CASE#: 2016GS3902813A/W#: 2016A3910100825Date of Offense: 9/1/2000S.C. Code § 16-15-0020CDR Code #: 0090

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADSin violation of § 16-15-0020 of the S.C. Code of Laws, bearing CDR Code # 0090☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☒ Mandatory GPS(CSC ☐ §17-25-45
w/minor 1st or Lewd Act)The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.ATTEST: [Signature] 100822 [Signature] 01620
Owen, Megan Moricle SC Bar# Defendant DEBORAH W. SC Bar#
Attorney for DefendantWHEREFORE, the Defendant is committed to the ☐ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 10 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____
months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation,
which are incorporated by reference.☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDoc.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic
Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP _____

Total: \$ _____ plus 20% fee: \$ _____ days/hours Public Service Employment

Payment Terms: _____

☐ Set by SCDPPPS _____

Recipient: _____

*Fine:	\$
§14-1-206 (Assessments 107.5 %)	\$
§14-1-211(A)(1) (Conv. Surcharge)	\$100 \$ 100.00
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§50-21-114(BUI Breath Test Fee)	\$50 \$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea \$
3% to County (if paid in installments)	\$ 3.75

TOTAL \$ 128.75

Clerk of Court/ Deputy Clerk: [Signature]Court Reporter: Michael Watts

SCCA/217 (04/2018)

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

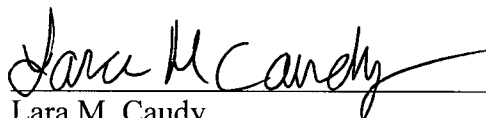
Other: _____

☐ Appointed PD or appointed other counsel,
Proviso requires \$500 be paid to Clerk
during probation and shall be collected before
any other fees.Presiding Judge: [Signature]Judge Code: 2130Sentence Date: 12/18/18

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



Lara M. Caudy
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 12th day of December, 2019.

RECEIVED
DEC 12 2019
SC Court of Appeals