

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

**APPEAL FROM CLARENDON COUNTY
Court of General Sessions**

The Honorable D. Craig Brown, Circuit Court Judge

**Appellate Case No. 2018-001493
Lower Court Case No. 16-GS-14-0161**

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SC Court of Appeals

THE STATE OF SOUTH CAROLINA,

RESPONDENT,

v.

JUSTIN BRADLEY CAMERON,

APPELLANT.

RECORD ON APPEAL

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STATE OF SOUTH CAROLINA)
COUNTY OF CLARENDON) COURT OF GENERAL SESSIONS

STATE OF SOUTH CAROLINA)

STATE,)

v.)

TRANSCRIPT OF RECORD
16-GS-14-0161

JUSTIN B. CAMERON,)

DEFENDANT.)

August 7-9, 2018
Manning, South Carolina

BEFORE :

THE HONORABLE D. CRAIG BROWN, JUDGE;
AND JURY

APPEARANCES:

KATARZYNA K. TIMMONS, ESQ.
CHRISTOPHER R. DURANT, ESQ..
Assistant Solicitor

TIMOTHY L. GRIFFITH, ESQ.
Attorney for Defendant

FRANCES B. RAY, RPR
Circuit Court Reporter

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1 (WHEREUPON, State Exhibits Nos. 1 and 2
2 were marked for identification only.)

3 MS. TIMMONS: Yes, Your Honor. This is
4 the State of South Carolina versus Justin Bradley
5 Cameron, indictment number 2016-GS-14-0161.
6 Mr. Cameron is charged with criminal sexual conduct
7 with a minor in the first degree.

8 THE COURT: You got the indictment,
9 please?

10 THE CLERK OF COURT: Yes, Your Honor.

11 THE COURT: All right, ladies and
12 gentlemen, the State has called the case of the
13 State of South Carolina versus Justin Bradley
14 Cameron. Mr. Cameron has been charged with the
15 offense of criminal sexual conduct with a minor in
16 the first degree. The indictment, ladies and
17 gentlemen, that I hold in my hands reads as follows:
18 That in Clarendon County, South Carolina, between
19 the dates of June 1st, 2015, and August 30th, 2015,
20 the defendant Justin Bradley Cameron, date of birth,
21 ~~XXXX~~ did commit a sexual battery upon a minor
22 who was less than 11 years of age, to wit: He
23 anally penetrated ~~Minor Victim~~ date of birth, _____
24 in violation of section 16-3-655, Code of Laws of
25 South Carolina.

1 apply the law to those facts and, thus, render a
2 verdict.

3 Now later in this case, ladies and
4 gentlemen, as I told you before, when you come back
5 in the morning I want you to select a foreperson,
6 and that foreperson, it will be their responsibility
7 to preside over the deliberations in the jury room.
8 It will be the foreperson's added duty to be the
9 jury spokesperson here in court. It will also be
10 the foreperson's responsibility to write the verdict
11 of the jury; but I will give further instructions to
12 the foreperson concerning their responsibilities at
13 the conclusion of the case.

14 Now in order to preserve everyone's rights
15 I will give the parties an opportunity to object to
16 anything that I have said to you all.

17 Any exception or objection to anything
18 that I have said to the jury from the State?

19 MS. TIMMONS: No, sir, Your Honor.

20 THE COURT: Defense counsel?

21 MR. GRIFFITH: No, Your Honor.

22 THE COURT: All right, ladies and
23 gentlemen, we are now going to begin the trial of
24 this case. The State is recognized for opening
25 statement.

1 Madam Solicitor.

2 MS. TIMMONS: Thank you. May it please
3 the Court, counsel.

4 THE COURT: Yes, ma'am.

5 MS. TIMMONS: Ladies and gentlemen of the
6 jury, good afternoon. This is the case about a
7 little boy Minor Victim who was sodomized by his uncle
8 the defendant, Justin Cameron. This incident
9 happened during the summer of 2015 in Turbeville
10 area of Clarendon County. Minor Victim and his mom,
11 Kelly, were spending a month in Turbeville during
12 that summer time. They were living at David
13 Flowers' house in Turbeville. The house is located
14 at XXXX XXXXX Street in Turbeville. During that
15 month, Victim' uncle, the defendant, he came over to
16 stay with them for a week. And when Victim' momma
17 wasn't home and Victim was alone in the bedroom, the
18 defendant went to his bedroom and anally penetrated
19 him. Minor Victim and his mom left Turbeville several
20 weeks later. Minor Victim started school in Rock Hill.
21 He was seven years at that time. Minor Victim was
22 born to a family that didn't care about his welfare.
23 He was a burden for them. He was an obstacle to
24 them. So he came to school dirty, he came to school
25 hungry.

1 So at the end of September school finally
2 called DSS and Minor Victim was placed in foster home.
3 The first day he arrived over there his foster
4 parents could smell odor of feces coming from him.
5 Victim couldn't hold his bowel movement, he couldn't
6 tell whenever he was going, so they took him to the
7 doctor because he had multiple accidents throughout
8 the day. Then they were sent to the hospital. And
9 in the hospital, Victim told his foster parents what
10 happened to him in Turbeville. That's when police
11 got involved. So it wasn't until October of 2015,
12 several months after the incident that the police
13 got involved.

14 Ladies and gentlemen, the defendant is
15 charged with criminal sexual conduct with a minor in
16 the first degree. What it means is that he's
17 accused of sexual battery upon a child that is less
18 than 11 years old. And sexual battery simply means
19 any penetration, any intrusion however slight, upon
20 the body of a child. And in this case we're talking
21 about anal penetration of a, well, back then it was
22 a 7 or 7 year old boy. In every criminal case the
23 State has the burden of proof. We have to prove to
24 you beyond a reasonable doubt each and every element
25 of the crime and -- well, sex crimes, especially sex

1 crimes against kids, are special kind of crimes.
2 Most of the time, by the time law enforcement gets
3 involved, it's several months or even several years
4 after the incident occurred. There are no physical
5 evidence because by the time there will not be any,
6 and -- well, crimes like that, crimes like that,
7 it's inherent in their nature that usually there are
8 no other witnesses to the crime other than the
9 victim and the perpetrator. In this case it's no
10 different. The law enforcement wasn't called until
11 several months after the incident. Victim is the
12 only witness to that crime. And because the State
13 has the burden of proof, the only way we can prove
14 that case is if Minor Victim comes here and testifies.

Minor Victim is now ten years old. He just
15 turned ten. He'll have to come here. He'll have to
16 take this stand, and he'll have to describe to you,
17 a group of strangers, what happened to him. He'll
18 have to face his accuser, and he'll have to tell
19 you -- and he'll have to tell it in front of him
20 what the defendant did to him.

21 You'll also hear from Phil Duncan. Phil
22 and Ann Dante were the people, their foster parents
23 of Victim. They're the ones that notified DSS and
24 law enforcement. Victim has since been adopted by

1 them. The adoption has been finalized in November
2 of 2017 so you'll hear from Phil and he's gonna tell
3 you how they, how Victim came into their care, how
4 he's doing now. They'll -- Victim will have their
5 support here. You will also hear from David Flowers
6 and his son MW 1. He's the one that owns the house
7 in Turbeville. He's the one that will tell you that
8 the defendant came and actually spent a week in
9 their house. And because -- well, the most
10 important witness and the only evidence that we have
11 in this case is the witness testimony. I ask you to
12 please listen carefully to all the witnesses.
13 Please pay attention. And I realize some of those,
14 some of the testimony, some of the facts that you
15 hear may be very upsetting, may be very disturbing,
16 and it will be very -- so I ask you please, please
17 pay attention 'cause this case is important not only
18 to the defendant, it's also important to Minor Victim.
19 Thank you.

20 THE COURT: Mr. Griffith.

21 MR. GRIFFITH: Thank you, Your Honor. May
22 it please the Court, counsel. Ladies and gentlemen,
23 thank you very much for being a part of the process.
24 You're the most important part. This is a case
25 about one person's word against another. The

1 defendant accused is not a perfect person, but he
2 very strongly denies the charges he's accused of;
3 and under our system of justice he is innocent until
4 proven guilty. We will present witnesses who all
5 belong to the church that he works at now up in Rock
6 Hill. He's worked, been working for that for all
7 the time since this incident was reported, and he
8 was working for them during the period of time that
9 he is accused of having committed a crime.

10 The State claims that this occurred
11 between June the 1st and August the 30th, a three
12 month period, so you know, we went out and found the
13 people that he was with all that time. He was
14 working at this church and there is a list of people
15 that are gonna be able to say he wasn't there, he
16 was up at the church. We have to account for the
17 whole three months because even though they say that
18 this occurred, my client did it, they don't know
19 when it happened because it wasn't reported as
20 something that occurred like, you know, a car
21 accident or a murder, it happens. It wasn't
22 something that was just immediately the police
23 called right away. And at the time this occurred
24 Mr. Cameron was 127 miles away, and we'll present
25 evidence to that.

1 He's accused by a child who is left alone
2 by his mother constantly. His mother had a problem
3 with drugs and would be out looking for drugs or
4 men; and while she was out, she'd just leave him by
5 himself. Sometimes there were neighbors. He'd show
6 up to school with no underwear because he didn't
7 have any clean underwear, dirty clothes, unfit. He
8 lived in a horrible condition. And you know,
9 that's, that in itself is a horrible thing to happen
10 to a child, but he was finally rescued from that
11 condition; but he didn't want to go back to that
12 condition. And the fact that he didn't want to go
13 back to that condition, he was aware that he was in
14 a foster position with that family. In other words,
15 that they were temporarily taking care of him while
16 they could figure out something to do with his
17 mother and perhaps getting back to his mother. He
18 knew that he could be taken back to his mother. He
19 didn't want to go back to his mother. He liked his
20 new home, his new parents, being fed everyday,
21 having clean clothes, toys, and a total change in
22 his life, and of course he wanted to keep that
23 condition. We'll show that during the time he was
24 concerned about being sent back to his mother, and
25 we'll show that many men were in and out of that

1 house where he was staying sometimes when his mother
2 was there and sometimes when she wasn't.

3 The medical history of the child will show
4 that through his life he's had problems with bowel
5 impacting all his life; but there's no evidence,
6 none, of any sexual abuse, none. And so we want you
7 to consider all the testimony that you hear and
8 weigh it out, and it's a matter of one against
9 another; but Mr. Cameron was a handy name to pull
10 out. He's the brother of the child's mother and so
11 he was someone that he could pick. Consider the
12 testimony, and if you have doubts about what the
13 State presents, then of course, my client Mr.
14 Cameron is entitled to be found innocent, not
15 guilty.

16 He and I have talked about the case and he
17 didn't want to accept anything less than to show
18 that he was innocent of this crime. The interest of
19 the State is to find people who will support their
20 position. Keeping that in mind, they'll produce no
21 witnesses that saw the events alleged. They will
22 not show any physical evidence because there isn't
23 any, that the event happened. And so we want you to
24 keep all those things in mind when you're making
25 your decision after the end of this case and thank

SW - F. MOORE - DIRECT

1 you, again, so much for being a part of our process.

2 THE COURT: Call your first witness
3 please.

4 MS. TIMMONS: Yes, Your Honor. The State
5 calls Fred Moore.

6 THE CLERK OF COURT: Raise your right
7 hand, place your left on the Bible, and repeat your
8 name please.

9 THE WITNESS: Fred Moore.

10 WHEREUPON,

11 **FRED MOORE,**

12 having been duly sworn by the Clerk of Court,
13 testified as follows:

14 **DIRECT EXAMINATION**

15 BY MR. GRIFFITH:

16 Q Could you please state your name for the record.

17 A Fred Moore.

18 Q Detective Moore?

19 A Well, Lieutenant Moore.

20 Q Lieutenant Moore, could you please tell us where
21 you work.

22 A I'm a lieutenant of the sex crime unit in York
23 County, South Carolina.

24 Q Okay. Where did you work on October of 2015?

25 A I was a detective, same division.

SW - F. MOORE - DIRECT

1 Q Okay. How long have you been working as a law
2 enforcement officer?

3 A I've been in law enforcement for 23 years, been
4 in the detective division for ten years.

5 Q Okay. And how did you became involved in this
6 case?

7 A We received, it was a report done, we received a
8 DSS referral and the DSS caseworker had set up a
9 forensic interview and asked me to attend, and
10 that's how I became involved in the case.

11 Q Okay. So did you speak with the victim, did you
12 ever talk to the victim?

13 A No.

14 Q Okay. Can you tell us or explain to us why you
15 didn't talk to the victim.

16 A Our general procedure for children between ages
17 of four and twelve for forensic interview is a
18 structured interview. We get information from
19 children who physically or sexually assaulted.
20 That's just our standard procedure. We go through
21 the child advocacy center. It's called Safe Passage
22 in our county in Rock Hill.

23 Q Okay. And did you, were you present during that
24 interview?

25 A Yes, I was with DSS and joined in the room

SW - F. MOORE - DIRECT

1 observing through a monitor.

2 Q Okay, so you were in the same room?

3 A No.

4 Q I'm gonna show you what's been marked as State's
5 Exhibit Number 1. Do you recognize it?

6 A It's a DVD of Minor Victim from the forensic
7 interview.

8 Q Okay. Did you get a chance to review it?

9 A I reviewed it shortly after the interview was
10 completed.

11 Q Okay. And based on your review on the, I guess,
12 interview, what did you decide to do?

13 A The information provided the assault occurred
14 outside of my jurisdiction in Turbeville, South
15 Carolina, so we put the case together and sent it to
16 the proper authorities to do their investigation.

17 Q And what were the proper authorities that you
18 sent them?

19 A Turbeville Police Department.

20 Q Okay, here in Clarendon County?

21 A Yes, ma'am.

22 Q Okay. Did you have any other involvement in that
23 case?

24 A No, ma'am.

25 Q Okay.

SW - F. MOORE - CROSS

1 MS. TIMMONS: Court's indulgence.

2 MS. TIMMONS: I don't have any further
3 questions. Please answer any questions that defense
4 attorney may have.

5 THE COURT: Cross-examination.

6 MR. GRIFFITH: Thank you.

7 CROSS-EXAMINATION

8 BY MR. GRIFFITH:

9 Q Investigator Moore?

10 A At the time Detective Moore, yes, sir.

11 Q Detective Moore. Okay, so, you said that you did
12 not speak to the victim yourself?

13 A That's correct.

14 Q And you did not go do any investigation yourself?

15 A We never interview a child between the ages of
16 four and twelve on a sexual assault. We do a
17 forensic interview, the Child Advocacy Center. It's
18 protocol in our county.

19 Q But you did not go out and do any investigation
20 at all yourself, did you?

21 A First thing we do is a forensic interview. And
22 when it was discovered it wasn't in our county, we
23 ended it there and wouldn't do anything further. We
24 wouldn't interfere with another agency's
25 investigation.

SW - F. MOORE - CROSS

1 Q Okay, so that was the answer to my question, no?

2 A No.

3 Q Okay, thank you. I have no further questions.

4 THE COURT: Any redirect?

5 MS. TIMMONS: No, sir, Your Honor.

6 THE COURT: Sir, you may step down. Thank
7 you.

8 MS. TIMMONS: And Your Honor, this is all
9 the witnesses we have, this is the only witness that
10 we have for today. The State will be ready to
11 resume tomorrow morning.

12 THE COURT: Ladies and gentlemen, that's
13 all you're gonna hear about this case today, all
14 right. I'm getting ready to send you home and ask
15 you to be back here at 1:30 in the morning. Do not
16 discuss this case. You heard me tell you that.
17 You'll get tired of hearing me say that. Don't
18 discuss the case and don't do any independent
19 investigation on your own. You're to decide it
20 based solely on the evidence and testimony presented
21 in this courtroom and nowhere else.

22 Now, let me go over a few things with you
23 real quick before I release you for the day just for
24 your planning purposes, okay. We typically run
25 court 9:30, start at 9 or 9:30. I'm gonna have you

1 be back at 9:30 in the morning we. Typically start
2 around 9:30 in the morning. We'll go for about an
3 hour-and-a-half, thereabouts, take a mid-morning
4 break, and we'll typically go into an hour,
5 hour-and-a-half, and break somewhere between 12 and
6 1 for lunch, okay. I don't sit up here, well, stop
7 there. We stop, typically take about an hour and
8 fifteen minutes, maybe an hour-and-a-half for lunch.
9 I will resume 2, 2:15, 2:30, in that time frame. I
10 will typically go again an hour-and-a-half or so,
11 break, hour-and-a-half or so, break, okay. I don't
12 sit up here as we proceed into the afternoon and as
13 soon as that clock starts to strike five, I won't
14 say, all right, we're stopping for the day, okay.
15 If there's a witness on the stand at 5:00 it will be
16 my intention to finish that witness for the day,
17 okay. Under very rare, very rare circumstances will
18 you be kept here beyond 6:00 at night. On the other
19 side of that coin, so to speak, if at 4:30 for
20 instance, I'm advised by the lawyers, judge, this
21 next witness may be lengthy; rather than taking the
22 risk of keeping you here beyond 6:00, I'll go ahead
23 and let you go for the day, okay. So it's just
24 going to kind of play it by ear as we go forward.
25 I'm just trying to give you an idea of how we

1 operate up here and with plaining purposes.

2 While you serve up here this week, I do
3 note to me right now it's kind of warm in here. A
4 lot of it's got to do with probably the fact that I
5 have an undershirt on, a dress shirt, a tie, and
6 this robe; it's part of my uniform, all right.
7 Tomorrow it's gonna be cooler in here if I've got
8 anything to do with it, all right. So I want you,
9 some of you may be cold natured, you might want to
10 bring a jacket because I want you to be comfortable.

11 When I went to college, I went to college
12 down in Charleston at the Citadel. When I was down
13 there we didn't have air conditioners, all right.
14 And I learned during the four years that I was down
15 there, if you were cold you could layer up; but if
16 you were hot, you couldn't take off but so much.
17 Now if you get hot in here I'm not gonna let you
18 take off but so much, all right, so let's -- if I
19 have anything to do it's gonna be cool in here,
20 okay. So please make sure you -- I want you to be
21 comfortable, okay. We don't have -- at least I
22 don't think the clerk's office has blankets back
23 there in case you get cool. You have to bring your
24 own, all right. But make sure that you bring a
25 jacket if you're cold natured.

1 As I told you, my initial charge to you as
2 you serve up here this week, Manning is a small
3 town. I grew up in Kingstree. It's a small town as
4 well, okay, which means you probably know some of
5 the parties involved and some of the stuff, parties
6 up here, okay. Do not have any conversation with
7 anybody who may be involved in this case. My
8 instruction to you is as you serve this week, number
9 one, stay to yourself as you come in and out the
10 courthouse; number two, with your fellow jurors,
11 okay. Innocent conversations, innocent
12 conversations could be misconstrued. So those are
13 my instructions to you. Again, don't do any
14 independent investigation on your own. You're to
15 decide this case based solely on the testimony and
16 evidence that's presented in this courtroom and
17 nowhere else.

18 Anything from the State before I release
19 the jury for the day?

20 MS. TIMMONS: No, sir, Your Honor.

21 THE COURT: Defense counsel?

22 MR. GRIFFITH: Nothing, Your Honor.

23 THE COURT: Please be back at 9:30
24 tomorrow morning. The bailiff will show you where
25 you need to come. Please make sure you're back here

1 by 9:30 in the morning, then we will start at that
2 time as promptly as possible. You all have a nice
3 evening. Thank you.

4 (WHEREUPON, the jury was removed from the
5 courtroom at 4:37 p.m.)

6 THE COURT: Before we break for the day I
7 want to put this on the record. During jury
8 selection it was brought to my attention to the
9 Court by Mr. Durant in the presence of defense
10 counsel, the fact that Mr. Durant knows Mr. Chris
11 Wilson, juror number 198 I believe it was. Is that
12 right, Mr. Durant?

13 MR. DURANT: That's right, Your Honor.
14 His father formerly was employed with my father on
15 the farm, family farm, and I worked with Mr. Wilson
16 a number of summers growing up as a child. It's
17 been 10 or 15 years since I've seen him. I just
18 wanted to make all the parties aware that I did have
19 that relationship with him.

20 THE COURT: And Mr. Griffith is certainly
21 aware of that, and it's my understanding he had no
22 objection. Is that right, Mr. Griffith?

23 MR. GRIFFITH: Your Honor, obviously Mr.
24 Durant has gotten a lot older; and since he looks so
25 much older, the other guy didn't even recognize him.

1 I don't have any objection, Your Honor.

2 THE COURT: Well, and my question to the
3 jury panel, and I asked a litany of questions, one
4 of which is certainly after the lawyers introduced
5 themselves, that is, is any member of the jury
6 related by blood -- which it's not here -- connected
7 by family by close personal, business, or social
8 relationship with any of the attorneys. All of,
9 none of those scenarios were applied here.

10 Mr. Durant as an officer of the Court has conveyed
11 to the Court he hasn't seen this gentleman ten plus
12 years. And the fact that you know someone, that in
13 and of itself does not disqualify a juror from
14 serving. Furthermore, the question was asked to the
15 entire panel whether or not the jury panel knew of
16 any reason, any reason whatsoever, why he or she
17 should not serve, with particular emphasis being
18 placed on their ability to be fair and impartial to
19 both the State and the Defense; and certainly no
20 juror, no juror to my recollection, and especially
21 Mr. Wilson, juror number 198, certainly did not
22 stand on that question. And Mr. Durant did not have
23 to disclose that fact at all. He said -- I don't
24 think he did under the rules; but as a matter of
25 precaution, as a matter of being open, straight

1 forward with everybody here, that's why he did so.

2 All right, anything further before we
3 break?

4 MR. GRIFFITH: Yes, Your Honor. If it
5 please the Court, Your Honor, I would ask that the
6 defendant's bond be continued through the trial so
7 that he could aid in his defense. He does wear a
8 leg monitor with the GPS. He's been out on bond
9 this entire three years while we were waiting, Your
10 Honor.

11 THE COURT: State's position?

12 MS. TIMMONS: Your Honor, well, the
13 defendant has been coming to all of his appearances;
14 however, this is such a serious offense. If found
15 guilty there's a lengthy prison, possibility of
16 lengthy prison time. I guess I will, I'll leave it
17 to Your Honor's discretion.

18 THE COURT: Well, I'm gonna let him out.
19 He's got electronic monitoring at home, or GPS
20 monitor on there.

21 And I will advise the defendant were it
22 not for that monitor I'd probably lock you up
23 tonight. I will tell you, Mr. Cameron, if you
24 choose not to return, that will not halt the trial
25 of your case. Your case will be tried in its

1 entirety. If that jury returns a verdict, I will
2 impose a sentence. That sentence will be sealed and
3 a bench warrant will be issued for your arrest and
4 you will be picked up at some point in time. And
5 you will be brought back before -- it probably will
6 not be me. I am not scheduled to be back here, but
7 you'll be brought back before some judge at which
8 time that sentence will be unsealed and imposed upon
9 you. You heard me instruct this jury to be back
10 here at 9:30 in the morning. You are likewise
11 instructed to be back here at 9:30 in the morning,
12 by 9:30 in the morning. That is at what time I
13 intend to proceed. I will not wait for you to
14 return. If you are not here at 9:30 and we are
15 ready to proceed, we will continue the trial of your
16 case and I'm gonna issue a bench warrant. In fact,
17 I'll issue a bench warrant for you at that time.
18 You understand?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Anything else?

21 MS. TIMMONS: No, sir, Your Honor.

22 MR. GRIFFITH: Nothing, Your Honor, thank
23 you.

24 THE COURT: 9:30 in the morning, thank
25 you.

1 (Court was adjourned for the day and
2 reconvened on August 8, 2018.)

3 (WHEREUPON, State Exhibit No. 4 was
4 marked for identification only.)

5 THE COURT: All right, I conveyed to the
6 attorneys earlier, which was conveyed to me
7 concerning one of our jurors, Mr. Carraway, who
8 evidently had an incident last night and is
9 currently on some medication as a result of such.
10 I'm gonna call Mr. Carraway out. I'm gonna have
11 him, bring him out, and question him over here at
12 side bar, I guess, find out exactly what medications
13 he's on. It's my initial inclination based upon
14 injuries I was told that he sustained last night
15 that I'll probably excuse him, and I'm gonna bring
16 him out and question before I do so, okay. If you
17 will bring Mr. Carraway out please.

18 (Juror Carraway was returned to the courtroom.)

19 THE COURT: This is juror number 23, Mr.
20 Carl Carraway. It's my understanding you had a
21 little accident last night; is that right?

22 THE JUROR: Yes, sir.

23 THE COURT: You got your left hand, a
24 couple of fingers bandaged up there.

25 THE JUROR: Yeah, I had a nail gun shot

1 through and broke my finger.

2 THE COURT: And it's my understanding ---

3 THE JUROR: Went to the emergency room
4 last night. They prescribed, you know, medication,
5 antibiotic medication.

6 THE COURT: What'd they put you on?

7 THE JUROR: Percocet. I haven't taken it
8 this morning 'cause I had to drive here, but...

9 THE COURT: All right, well, I'm gonna --
10 any objection to me excusing Mr. Carraway?

11 MR. GRIFFITH: No objection.

12 MS. TIMMONS: No, Your Honor.

13 THE COURT: I'm gonna excuse you, let you
14 go. I don't want you sitting up here with this in
15 the pain that you may be.

16 THE JUROR: Yeah, it's -- I'm, I wanted to
17 serve, but I didn't want to be up here impaired so.

18 THE COURT: I understand. I'm gonna
19 excuse you, let you go home and take care of that
20 finger. Hopefully you'll get better sooner, rather
21 than later.

22 THE JUROR: Yep, the things we do for deer
23 hunting.

24 (Juror was removed from the courtroom.)

25 THE COURT: All right. Pursuant to the

1 statute, Mr. Griffith, Ms. Timmons, both of the
2 names of the two alternates are placed in here. I'm
3 gonna pull one of them out. It's unlike civil court
4 where you just go in order. Ms. Coffey, juror
5 number 27, will be now in the place of Mr. Carraway.
6 She's your second, was the second alternate. She's
7 whose name's been pulled out here, all right.
8 Anything from the State before I bring the jury out?

9 MS. TIMMONS: Your Honor, we have a matter
10 of law to address about the forensic interview. We
11 would like to hear it now.

12 THE COURT: Were y'all talk-- is that what
13 you were talking about with me briefly in chambers a
14 minute ago?

15 MS. TIMMONS: Yes, Your Honor.

16 THE COURT: I told you that I wasn't
17 gonna, at least from my understanding, I told you I
18 was not gonna decide on it right now. We'll address
19 it when we get there.

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

21 THE COURT: I mean, as far as the child
22 laying the foundation, is that what your issue is or
23 has something changed?

24 MS. TIMMONS: Well, no, I guess the issue
25 was that we don't have a forensic interviewer

1 present ---

2 THE COURT: Right.

3 MS. TIMMONS: ---and would like to play
4 the forensic interview through the child.

5 THE COURT: Well, that's, I mean, I, Mr.
6 Griffith indicated in chambers that he objects to
7 that.

8 MR. GRIFFITH: I would object to that,
9 Your Honor, on the record at this time.

10 THE COURT: Quite frankly, it's an issue
11 that has not been presented to me before where the
12 interviewer was not here so I want to look at that.
13 It was just conveyed to me this morning that the
14 interviewer was not available and will not be here.

15 MS. TIMMONS: Your Honor, well, the
16 interviewer was supposed to be available, but ---

17 THE COURT: I understand, you told me in
18 chambers. And she called you and you talked to her.
19 She had a bad stomach virus, is in North Carolina
20 and couldn't be here. Right?

21 MS. TIMMONS: Yes, that's correct, Your
22 Honor.

23 THE COURT: Okay.

24 MS. TIMMONS: I guess the State's position
25 is that we would like to play it even, that she's

1 not a necessary witness to be allowed to play the
2 forensic interview.

3 THE COURT: Right. And I will look at
4 some law on that. Like I said, that's not been
5 something that's been presented to me before. I
6 know that ---

7 MR. GRIFFITH: Your Honor, on the record
8 we would just object in that we would expect that
9 she should be here to be qualified as an expert in
10 the interview process. We would object to the
11 introduction of the forensic interview without
12 having qualified her and having her qualified to lay
13 the groundwork for the introduction of that video.

14 THE COURT: Well, I'm gonna go back and
15 look at State v. Anderson; and from my recollection
16 and my notes of State v. Anderson, it says the
17 interviewer must be called to testify in-camera.
18 Interviewer must testify to establish the factors
19 set forth in 17-23-175(b), such as the training and
20 background, so I want to go back and look at State
21 v. Anderson. I don't have the cite right now, but I
22 want to look.

23 MR. GRIFFITH: Your Honor, under Anderson
24 the five criteria that would bring it in ---

25 THE COURT: Do you have a copy of the case

1 right there?

2 MR. GRIFFITH: I do, Your Honor. Under
3 that case we have no indication since she is not
4 able to come here and testify to that, whether the
5 statement would elicit, whether the interviewer has
6 been trained in conducting the interviews and
7 whether the State will represent the detail of
8 competence, we can look at the tape for that; but we
9 would object in that she is not here and cannot
10 swear to the authentication (sic), authentication, and
11 to her qualifications to conduct the interview.

12 THE COURT: Well, your objection is noted.
13 I told you, both of you in chambers, I will look at
14 it and I told you here in court since I took the
15 Bench.

16 MR. GRIFFITH: I just want to get it on
17 the record.

18 THE COURT: All right. Anything else?

19 MS. TIMMONS: No, sir, Your Honor.

20 THE COURT: All right, bring me the jury
21 please, sir.

22 MR. GRIFFITH: Do you want a copy of this,
23 to look at this?

24 THE COURT: I would like a copy, yes, sir.

25 (WHEREUPON, the jury was returned to the

1 courtroom at approximately 9:45 a.m., and
2 the following proceedings commenced in
3 open court.)

4 THE COURT: All right, we've got 13 of you
5 now, had 14, 13. I don't see anybody sitting in the
6 foreperson chair. I asked you all to pick a
7 foreperson before you came out this morning. Did
8 y'all do that? All right, I need you to go back to
9 the jury room and select your foreperson and put it
10 in writing and give it to the bailiff when you come
11 back out please.

12 MR. GRIFFITH: Your Honor.

13 THE COURT: Hold on a minute. Let me say
14 this, Ms. Coffey, you are now on this jury, all
15 right, so you can participate and you can be the
16 foreperson. Both of you go on back in there.
17 Ms. Coffey, you are now on this jury. You are no
18 longer an alternate.

19 JUROR COFFEY: Thank you.

20 (WHEREUPON, the jury was removed from the
21 courtroom and court was in recess.)

22 THE BAILIFF: They're ready, Your Honor.

23 (WHEREUPON, the jury was returned to the
24 courtroom at approximately 9:47 a.m., and
25 the following proceedings commenced in

1 open court.)

2 THE COURT: All right, now we got
3 everybody back in here. Mr. Wielicki?

4 THE FOREMAN: Wielicki, correct.

5 THE COURT: Juror number 195 is foreman.

6 I'm gonna make this, Madam Court Reporter,
7 a Court's exhibit.

8 (Court's Exhibit Number 1 was marked
9 and made a part of the record.)

10 THE COURT: You'll notice Mr. Carraway
11 initially seated on this jury is no longer here.
12 I've excused him due to injury he sustained last
13 night. I would ask that as we proceed with this
14 trial today and I excuse you tonight, nobody else go
15 to do deer stand stuff tonight. Ms. Coffey is now
16 part of this jury. She's no longer an alternate.
17 You may be questioning Ms. Talamini was the first
18 alternate, why Ms. Coffey is in there. This is how
19 the process works. In general sessions court when
20 we have to put an alternate, you utilize an
21 alternate. Both your names get put into a hat and
22 it gets -- I say hat, it wasn't a hat. We didn't
23 have a hat up here. Both your names are put on
24 separate pieces of paper and I drew your name out.

25 Ms. Coffey, I drew your name out. That's

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1 how it works. That's how you were put on the jury
2 as opposed to you actually selected as first
3 alternate. It's a little bit different in civil
4 court. In civil court you take them in the order.
5 In general sessions court it's done differently,
6 okay, so at this point we are going to continue the
7 trial of this case.

8 The State is so recognized. Call your
9 next witness please.

10 MS. TIMMONS: Yes, Your Honor. The State
11 calls David Flowers to the stand.

12 THE CLERK OF COURT: Step right here,
13 Mr. Flowers, please. I need you to raise your right
14 hand, place your left hand on the Bible, and repeat
15 your name please.

16 THE WITNESS: David Flowers.

17 WHEREUPON,

18 DAVID FLOWERS,
19 having been duly sworn by the Clerk, testified
20 as follows:

21 DIRECT EXAMINATION

22 BY MS. TIMMONS:

23 Q Mr. Flowers, can you state your name for the
24 record.

25 A My name is David Flowers.

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1 Q Mr. Flowers, can you tell us where do you work.

2 A I don't work now, I'm on disability.

3 Q Okay. Where did you work during the summertime?

4 A I was working for Progressive Home Builders.

5 Q Okay. What were you doing?

6 A We were building homes, clearing land, lots,
7 stuff like that.

8 Q Where do you live?

9 A I live in Turbeville, South Carolina, at XXXX
10 xxxxx Street.

11 Q Okay. And it's here in Clarendon County?

12 A Clarendon County, yes, ma'am.

13 Q I'm gonna show you what's been marked as State's
14 Exhibit Number 3.

15 A Yeah, that's where I stay.

16 MR. GRIFFITH: I've seen it. No
17 objection, Your Honor.

18 BY MS. TIMMONS:

19 Q So this is this house you reside in?

20 A Yes, ma'am.

21 Q Okay.

22 MS. TIMMONS: Your Honor, at this moment I
23 would like to move it into evidence.

24 THE COURT: What number is it?

25 MS. TIMMONS: State's Exhibit Number 3.

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1 THE COURT: Any objection?

2 MR. GRIFFITH: No objection, Your Honor.

3 THE COURT: Without objection, number 3 is
4 so admitted.

5 (WHEREUPON, State Exhibit No. 3 was
6 admitted into evidence.)

7 BY MS. TIMMONS:

8 Q How long have you been lived in that house?

9 A I would say around four, maybe five years.

10 Q Okay. Did this house, what color is that house?

11 A Yellow.

12 Q Okay. Is it, is this how this house looked like
13 during the summer of 2015?

14 A Yes, ma'am.

15 Q Okay. Who else lives with you at that house?

16 A Me and my two boys, Minor Witness 1 and Minor Witness
17 2.

18 Q Okay. And Minor Witness 1 goes by a different name?

19 A Minor Witness 1, they call him Minor Witness 1.

20 Q How old are they?

21 A Minor Witness 1 is 15 and Minor Witness 2 is 14.

22 Q Okay. And how big is your house?

23 A It's a two bedroom, one bath.

24 Q Okay. And some living room?

25 A And a living room and a kitchen.

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1 Q Okay. And what are the sleeping arrangements?

2 Where do you sleep with your boys?

3 A I have my room and my two boys, they actually
4 stay in a room together.

5 Q Okay. Did anybody else stay with you at that
6 house during the summer of 2015?

7 A Yes, ma'am. I had let a lady and her child move
8 in 'cause they had nowhere to go.

9 Q Okay. What is the lady's name?

10 A Kelly Cameron.

11 Q And who was her child?

12 A Victim. I'm assuming he went by *Mother's sir name*, I
13 don't know.

14 Q Okay. And do you remember how old was Victim or
15 do you have any idea?

16 A I want to say somewhere around six maybe, seven.

17 Q Okay, all right. And how long did they stay at
18 your house?

19 A They stayed approximately a month maybe.

20 Q Okay, do you know which month it was?

21 A I'm sorry?

22 Q Do you know was it June, July, August, do you
23 remember?

24 A It was in and around July of 2015.

25 Q I know what happened, it was several years ago,

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1 how do you remember that it was July 2015?

2 A Well, I was actually looking on my phone and
3 where she went -- right after she moved out I had
4 text her that she had packed up some of my kids'
5 belongings and that was in August around, I think I
6 want to say 15th or so. That was like three or four
7 days after she had left and so that would have
8 definitely put her around the last part of July
9 staying with us.

10 Q Okay. And you said that she didn't have any
11 place to stay, that's why you allowed her to?

12 A At that point she, when I met her a friend of
13 mine brought her to the house and asked if I could
14 help her out and she told me her situation. And she
15 was getting out of some kind of place in Florence,
16 and she had that little child with her and they had
17 nowhere to go; and I told her, yeah, I would give
18 her a place to stay. I talked with her for a little
19 while. And she had no driver's license, nowhere to
20 go, and I told her, I said, I would help you, you
21 know, and you get your driver's license and get on
22 your feet and find you a place to go.

23 Q Okay. Did she have any family in the Turbeville
24 area that you know of?

25 A Did she what now?

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1 Q Did she have any family living close by in
2 Turbeville area that you know of?

3 A No, I don't think she had any family on this end.
4 All her family is from Rock Hill.

5 Q Okay, all right. And so she stated that -- how
6 long she and her son were with you?

7 A I say somewhere around a month, 30 days.

8 (WHEREUPON, State Exhibit No. 5 was
9 marked for identification only.)

10 BY MS. TIMMONS:

11 Q I'm gonna show you what's been marked State's
12 Exhibit Number 5.

13 A Yes, ma'am.

14 Q Can you tell us what you see on that picture.

15 A I see Minor Victim and one of his friends.

16 Q Okay. And which one -- well, hold on to this a
17 second.

18 (Attorney Griffith confers with defendant.)

19 MR. GRIFFITH: Your Honor, I object to the
20 relevance of the picture of the boy. I object to
21 the use of it. It's unauthenticated. Your Honor,
22 we don't know who took the picture, we don't know
23 where it came from.

24 THE COURT: Can y'all approach over here.

25

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1 (WHEREUPON, counsel approached the
2 Bench for an off-the-record discussion.)

3 THE COURT: Objection overruled, so
4 admitted.

5 (WHEREUPON, State Exhibit No. 58 was
6 admitted into evidence.)

7 BY MS. TIMMONS:

8 Q I just want to state this picture is into
9 evidence. So Mr. Flowers, the picture, you
10 recognize one of those boys as Minor Victim?

11 A Yes.

12 Q The little boy that was staying with his mom at
13 your house?

14 A Yes.

15 Q Okay. And you stated earlier, I guess, your
16 house just had two bedrooms. What were the sleeping
17 arrangements?

18 A When I allowed Kelly and them to move in I asked
19 my boys, which my youngest boy had went to stay with
20 his aunt, it was during a summer break. And so that
21 actually left just me and my oldest boy, Kelly, and
22 Victim, so I had asked MW 1 to give his room up and
23 sleep on the couch and let Kelly and Minor Victim have
24 his room for the little while that they were going to be
25 there, and he agreed. So it was me in my room,

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1 Kelly and Victim in his room, and he was sleeping on
2 the couch.

3 Q Okay. And was Kelly working anywhere whenever
4 she stayed with you?

5 A Kelly got her a job about a week-and-a-half maybe
6 after she moved in.

7 Q Okay. And where was she working?

8 A She was working at a gentlemen's club in Florence
9 called the Trophy Club.

10 Q Okay, all right. During the time that they were
11 staying with you, was anybody else staying at your
12 house?

13 A At one point we went and picked her brother up
14 from Rock Hill, and he stayed approximately seven
15 days. Other than that, no one.

16 Q Okay. Do you see her brother here in the
17 courtroom today?

18 A Yes, ma'am.

19 Q Can you point to him?

20 A Justin (indicating).

21 MS. TIMMONS: Your Honor, let the record
22 reflect that Mr. Flowers pointed to the defendant.
23 Justin Cameron.

24 THE COURT: So noted.

25 BY MS. TIMMONS:

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1 Q Can you tell us how long did they stay at your
2 house?

3 A It was approximately seven days. I picked him up
4 I think it was on a Sunday; and if I'm not mistaken,
5 he left the following Monday, or not the following,
6 but one week later on a Monday or Tuesday.

7 Q Okay. And do you remember how long after he left
8 the house Kelly and Minor Victim moved out?

9 A I would say about two weeks.

10 Q Okay. It was just about, okay. You said that
11 you picked him up. Where was he living? Or where
12 did you pick him up from?

13 A I really don't know where we -- all I know is
14 they took -- she took me to a house and they were
15 all in the yard and then he came out and, you know,
16 we met him and he rode back to -- at that weekend we
17 were staying at Lake Wateree and ---

18 Q Okay. You say "we", who do you mean by "we"?

19 A Me, Kelly, and Minor Victim went to Rock Hill that
20 Sunday and picked him up.

21 Q Okay, let's go back a little bit. You said "We
22 went to Lake Wateree." Who went to Lake Wateree
23 with you?

24 A Me, and my son, Kelly and Victim had went to the
25 lake for the weekend.

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1 Q Okay. So you and both of your sons or just one
2 of your sons?

3 A Both of them.

4 Q Okay. That's Minor Witness 1 and others?

5 A Minor Witness 1 and them.

6 Q Okay. And what were you doing at Lake Wateree?

7 A We just went up there for the weekend. I was
8 actually my -- the guy that I work for lives on Lake
9 Wateree and he'd invited us up there for boating,
10 rafting, just for a weekend outing.

11 Q Okay. And so you got over there Friday,
12 Saturday, or you don't know?

13 A Went on Friday.

14 Q Okay. So the first night who was, who was with
15 you at Lake Wateree? Or do you remember who spent
16 like Friday night when you got there, who was
17 staying there?

18 A When we got there it was, it was me and both my
19 boys and Kelly and Minor Victim.

20 Q Okay. And you said that sometime during that
21 weekend ---

22 MR. GRIFFITH: Objection, Your Honor.
23 She's leading and she's asking questions.

24 THE COURT: Objection. State your
25 question again please.

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1 MS. TIMMONS: I was just, I guess,
2 repeating what the witness said that he and Kelly
3 went to pick up the defendant.

4 THE COURT: Go ahead.

5 BY MS. TIMMONS:

6 Q So you stated that sometime during that weekend
7 you and Kelly, and I guess Victim, when to pick up
8 the defendant.

9 A That Sunday.

10 Q Okay, so that Sunday. Where did you go to pick
11 him up?

12 A We went, we drove to Rock Hill. I don't actually
13 know the address or anything. She knew the area,
14 and you know, I guess he told her where he was and
15 she took me there.

16 Q Okay. And who was with you in the car when you
17 ---

18 A It was me and her and Minor Victim.

19 Q Okay. Where were your two other sons?

20 A They were left back at Wateree.

21 Q Okay. And do you know or do you remember who
22 else was in the house or where was the defendant
23 staying? Like, was it in an apartment, house?

24 A No, ma'am, it was a house that we picked him up
25 at.

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1 Q Okay. Do you remember what other people were at
2 the house?

3 A Just there were two other people there, but I did
4 not know them.

5 Q Okay. You know if they were male, female?

6 A I think it was a male and a female. I'm not
7 sure. They were about 150 feet away from me.

8 Q Okay.

9 A I never got out the car.

10 Q Okay. So when you picked up defendant where did
11 you go from there?

12 A We left there and drove to Kelly's father's
13 house.

14 Q Uh-huh.

15 A And they went in for a little while. And then
16 they returned back to the car, and when we left
17 there we drove back to Lake Wateree.

18 Q Okay. And did you spend the night at Lake
19 Wateree or went straight back to town?

20 A No, ma'am, we came back to Turbeville that
21 evening.

22 Q Okay. So how many people were in your car
23 whenever you're driving back?

24 A It was six.

25 Q Okay. And what car were you driving?

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1 A I had a 2002 Cadillac Coupe Deville.

2 Q So how did you manage to fit six people in the
3 car?

4 A I had, it was me and Justin and my son in the
5 front, and it was Kelly and MW 1 and Victim in the
6 back.

7 Q Okay. And how were you able to fit in three
8 people up front 'cause they're -- how were you able
9 to fit in three people in the front row of the car?

10 A It was a bench seat.

11 Q Okay. So you were able to ---

12 A Right, it was, you know, one long seat.

13 Q Okay. So straight from Lake Wateree you went to
14 Turbeville?

15 A Turbeville, yes, ma'am.

16 Q To your house in Turbeville?

17 A My house.

18 Q Who else then stayed at your house?

19 A At that point it was me, my oldest boy MW 1,
20 Kelly, Minor Victim, and Justin.

21 Q Okay. Where was MW 2?

22 A MW 2 was spending most of his summer with my
23 aunt, I mean my sister, which is his aunt.

24 Q So he just went with you to, I guess to Lake
25 Wateree for the weekend and then he went to your

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1 sister?

2 A Yes, ma'am.

3 Q And what were the sleeping arrangements then, or
4 what was the sleeping arrangement then?

5 A The sleeping arrangements then was Kelly and
6 Victim still had the bedroom. MW 1 slept on the
7 love seat and Justin slept on the couch.

8 Q Okay. And during the time that Justin was at
9 your house, was your other son MW 1, was he over
10 there the whole time or did he went to visit
11 somebody during that time?

12 A No ma'am, he left. I can't remember, it was two
13 to three, maybe four days, might have been just two
14 days, I can't remember exactly, it's been a while.
15 But he left and went to his grandmother's house for
16 a couple of days.

17 Q Okay. And do you remember, I know it was long
18 ago, do you remember when he came back was Justin
19 still there or?

20 A No, they had, I think they had already left.

21 Q Okay. Who? You said "they."

22 A No, I mean, yeah, Justin. Justin had already
23 left when MW 1 come back from his grandmother's.

24 Q Do you know who, did he drive himself back or did
25 somebody pick him up from Rock Hill, I mean, excuse

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1 me, from Turbeville?

2 A Kelly had a friend that she had met at work and
3 they carried him back.

4 Q Okay, all right. Was -- you remember if Victim
5 went with them to take him back, or was it just ---

6 A Minor Victim, yeah, he was with them, carry.

7 Q And then Kelly and Minor Victim came back or they
8 stayed?

9 A Yes.

10 Q Okay. So they stayed for two more weeks and then
11 they...

12 A Yes.

13 Q Okay.

14 MS. TIMMONS: Court's indulgence. I don't
15 have any questions at this time.

16 THE COURT: Cross-examination.

17 MR. GRIFFITH: Thank you. May it please
18 the Court, Your Honor.

19 CROSS-EXAMINATION

20 BY MR. GRIFFITH:

21 Q So Mr. Flowers, so you had a romantic
22 relationship with Kelly; is that correct?

23 A No, sir.

24 Q Were you always at the residence when Kelly was
25 there? Was she ever there by herself?

SW - D. FLOWERS - REDIRECT

1 A No, not always.

2 Q Where do you go?

3 A Work.

4 Q At that time and since then have you been
5 interviewed by the solicitor's office?

6 A Yes, sir.

7 Q How many times?

8 A Once.

9 Q She also had a discussion with you not long ago
10 about this trial; didn't she?

11 A Yes.

12 Q That was to remind you about what you needed to
13 remember; isn't that correct?

14 A No, sir.

15 Q I have no further questions.

16 THE COURT: Any redirect?

17 MS. TIMMONS: Yes, Your Honor.

18 REDIRECT EXAMINATION

19 BY MS. TIMMONS:

20 Q Mr. Flowers, did I ever tell you what to tell the
21 Court?

22 A No, ma'am.

23 Q Okay. Do you -- I forgot to ask you earlier,
24 when Kelly was, when Kelly and Justin were at your
25 house, do you remember if Kelly was at home every

SW - D. FLOWERS - REDIRECT

1 single day or every single night?

2 A No, she was not.

3 Q Okay. Did her job require her to stay away from
4 home at nights?

5 A No. Her job, her hours were usually from like
6 five in the afternoon till two or three in the
7 morning.

8 Q Okay. And do you know if she was coming to,
9 well, to your house straight away from work or?

10 A Well, I mean, I was watching over her child while
11 she was, while she was at work, and she pretty much
12 came home every night. There was only one night
13 that she didn't come home, and I, you know, I said
14 something to her about it 'cause I had to go to work
15 the next day so I couldn't go to work because of
16 that.

17 Q Okay. So there was that one night, did it occur
18 when Justin was staying at your house?

19 A Yeah.

20 Q Okay. No further questions.

21 THE COURT: Mr. Griffith, any redirect?

22 MR. GRIFFITH: No redirect, Your Honor.

23 THE COURT: Sir, you may step down. Thank
24 you.

25 Call your next witness.

1 MS. TIMMONS: Could we ask for probably a
2 five, ten minute recess to see that my victim
3 arrived. My next witness will be the victim.

4 THE COURT: All right, ladies and
5 gentlemen, I'm gonna ask you to step to the jury
6 room. Do not discuss the case. I'll get you back
7 out here as quickly as possible.

8 (WHEREUPON, the jury was removed from the
9 courtroom at 10:14 a.m.)

10 THE COURT: We'll stand at ease a couple
11 or a few minutes.

12 (WHEREUPON, a recess was taken from the
13 proceedings.)

14 THE COURT: All right, before we get
15 started there was an issue concerning the video,
16 forensic interview of the minor child in this case.
17 Pursuant to my reading of section 17-23-175, South
18 Carolina Code of Laws, as well as my reading of
19 State v. Anderson 413 SC 212, I am not gonna allow
20 the State to introduce that video through the child,
21 and here's why. Under State v. Anderson it reads as
22 follows: The statute requires that the interviewer
23 be called to testify in-camera, all right. That
24 in-camera interview is a necessity under
25 17-23-175(a), that in-camera hearing is required

1 under the statute. And you're asking, the State is
2 asking me to skip that requirement of the statute
3 and jump straight to (b) without considering
4 subsection (a). That's what the law requires, okay.
5 So, it's my job to do what the law requires, that's
6 my reading of the statute, that's my reading of
7 Anderson. And it further goes on to say that that
8 in-camera testimony is a necessity and that
9 interviewer must, must testify, to establish the
10 factors set forth in 17-23-175(b). That's what
11 Anderson says. Well, once the Court hears the
12 testimony of that interviewer and establishes the
13 fact there's a (b), if the court determines that it
14 has those or possesses the particularized guarantees
15 of trustworthiness, then that interviewer takes the
16 stand, simply testifies to lay the foundation.
17 That's what the law requires; that's my reading of
18 the law. And therefore, I'm not gonna allow the
19 State to introduce that videotape 'cause I don't
20 think it's authorized and allowed under the law
21 pursuant to my reading, so that's my ruling.

22 MS. TIMMONS: Thank you, Your Honor.

23 THE COURT: All right, State ready to
24 proceed?

25 MS. TIMMONS: Yes, Your Honor.

1 THE COURT: One thing that, I noticed the
2 minor child is in the courtroom right now. During
3 the course, and I told you all 'cause I looked at
4 the whole video yesterday; and when I looked at the
5 video yesterday I told both of you, Ms. Timmons as
6 well as Mr. Griffith, there were, in the initial
7 part of the interview there were some statements to
8 this child that, by the interviewer, that under
9 pursuant to State v. Cromer, Anderson, White,
10 precluded certain statements by this interviewer to
11 the child about truth: You know why you're here,
12 you're to tell the truth, etc. Cromer prevents that
13 in certain statements, all right.

14 The other problem that I had during the
15 course of that interview that I watched, the minor
16 child references the fact that the defendant was
17 just released from prison, all right. And I told
18 the State that that's not under the rules. I think
19 that's more prejudicial than probative, all right,
20 which is not admissible. And I'm assuming, I don't
21 want and what I'm getting at is, I don't want that
22 child to testify about in here because it's improper
23 under our rules. We're, as to my reading of it
24 that's my conclusion because it is certainly more
25 prejudicial to the defendant than probative. And

1 I'm assuming -- the child is in the courtroom right
2 now -- but I'm assuming, Ms. Timmons, you've had
3 that discussion with the child.

4 MS. TIMMONS: Right, yes, Your Honor.

5 THE COURT: What Mr. Durant appears to be
6 doing it now. I want it to be clear on that because
7 that's improper under our rules to, before this
8 jury, okay. If you hadn't had that discussion with
9 the minor child, it needs to be done before this
10 jury comes in here. Under certain circumstances
11 under our rules it may be admissible, all right, but
12 in this case, I do not believe it's admissible and
13 I'm not gonna allow it. It would certainly be
14 grounds for a mistrial.

15 MS. TIMMONS: I understand, Your Honor.
16 Judge, just to clarify, is it okay for the State to
17 ask the child during his testimony, do you know the
18 difference between the truth and lie?

19 THE COURT: Well, and that leads into
20 something else, you know.

21 MR. GRIFFITH: I was gonna object, Your
22 Honor, in that he had not been found competent to
23 testify. I would object to this.

24 THE COURT: That's a hearing that under
25 the rules, under the law, may necessitate us having

1 a hearing with this child on the stand outside the
2 presence of that jury to determine whether or not I
3 believe he knows the difference between telling the
4 truth and telling a lie because he's not an adult,
5 all right.

6 MS. TIMMONS: Yes, sir.

7 THE COURT: So pursuant to your
8 objection -- Mr. Durant, did you want to say
9 something?

10 MR. DURANT: I was just gonna say we're
11 prepared to proffer that testimony now.

12 THE COURT: I, well, I think it's
13 appropriate under the rules, all right. So if you'd
14 call the child to the stand please, if you would.

15 MS. TIMMONS: The State calls Minor Victim
16 to the stand.

17 THE CLERK OF COURT: Can you raise your
18 right hand for me and put your left hand on the
19 Bible. State your name for us please.

20 THE WITNESS: Minor Victim.

21 WHEREUPON,

22 **MINOR VICTIM,**

23 having been duly sworn by the Clerk, testified
24 as follows:

25 **DIRECT EXAMINATION**

SW - M. DANTE - PROFFER

- 1 BY MS. TIMMONS:
- 2 Q Minor Victim, can you state your name for the record.
- 3 A Minor Victim.
- 4 Q Okay. And how old are you?
- 5 A I am, I just turned ten.
- 6 Q And when is your birthday?
- 7 A July 25th.
- 8 Q Okay. Do you know what year you were born?
- 9 A 2008.
- 10 Q Okay. What grade are you in now?
- 11 A I'm going into fifth.
- 12 Q Okay. Why are you going to school, or where were
- 13 you going to school?
- 14 A I was going to school at Wartford (ph) Park and
- 15 then before I went to Davenport (ph) for second
- 16 grade and then I came here and now I'm going to Gold
- 17 Hill for third and fourth and now I'm going to
- 18 Florida so I am in school there.
- 19 Q So where do you live or where?
- 20 A Tega Cay (ph).
- 21 Q And so I guess you're in the process of moving?
- 22 A Yeah.
- 23 Q Where are you moving?
- 24 A Florida, Sarasota.
- 25 Q Okay. And who's moving with you?

SW - M. DANTE - PROFFER

1 A My three sisters, my brother, my dad, my mom and
2 me, everyone.

3 Q And how old are your sisters and your brother?

4 A My oldest sister isn't coming, sorry. My oldest
5 sister isn't coming, she's 17. My medium sister,
6 the second oldest is 16, or 15. And then my third
7 sister, the youngest sister, is 14. She's about to
8 turn 14 soon.

9 Q Okay.

10 A My brother is 12.

11 Q Okay. So you're the baby in the family?

12 A Yeah.

13 Q So you get spoiled, okay. What grades were you
14 making at school?

15 THE COURT: Ms. Timmons, I don't want, I
16 didn't mean to stop you, but what you're asking the
17 child right now is not relevant to the competency of
18 whether or not he knows the difference between right
19 and wrong, telling the truth and telling a lie.
20 That's the only issue we need to deal with right
21 now, okay.

22 MS. TIMMONS: Yes, Your Honor.

23 BY MS. TIMMONS:

24 Q Okay, Minor Victim, do you know the difference between
25 truth and a lie?

SW - M. DANTE - PROFFER

1 A Yes.

2 Q Okay. What is, what is the truth and what is a
3 lie?

4 A For example, if there was a cookie on the table
5 and my dad told me not to eat it and I ate it, and
6 he asked me did you eat the cookie; and if I say no,
7 I did not eat the cookie, that's lieing, so I did
8 really actually eat the cookie. But if I did eat
9 the cookie and he asked me and I say, yes, then that
10 would be the truth.

11 Q Okay. And is it right or wrong to lie?

12 A It's wrong.

13 Q Okay.

14 MS. TIMMONS: Your Honor, at this moment
15 the State would ask you to find the victim
16 competent.

17 THE COURT: Mr. Griffith, do you have any
18 questions you want to ask?

19 MR. GRIFFITH: No, Your Honor.

20 THE COURT: All right, let me ask you
21 this, you gave a pretty darn good example of truth
22 and a lie, all right. If I told you you had a red
23 shirt on, would that be a truth or a lie?

24 THE WITNESS: That would be a lie.

25 THE COURT: All right. If I told you the

1 sky was blue outside today, would that be a truth or
2 a lie?

3 THE WITNESS: That would be a truth.

4 THE COURT: All right. If I told you Ms.
5 Timmons had a red dress on when, in fact, she's got
6 a black dress on, would that be a truth or lie?

7 THE WITNESS: Lie.

8 THE COURT: All right.

9 MR. GRIFFITH: Your Honor, I would ask
10 just one question if it please the Court.

11 THE COURT: Well, you can, I'm questioning
12 right now, Mr. Griffith, I'll come back to you.

13 MR. GRIFFITH: All right.

14 THE COURT: Do you understand, youngman,
15 that you can get in a lot of trouble for telling a
16 lie?

17 THE WITNESS: Yes.

18 THE COURT: Do you understand that you
19 could get in a lot of trouble especially for telling
20 a lie in this courtroom?

21 THE WITNESS: Yes.

22 THE COURT: All right. Do you understand
23 it's important you tell the truth in here?

24 THE WITNESS: Yes.

25 THE COURT: All right, Mr. Griffith.

1 **CROSS-EXAMINATION**

2 BY MR. GRIFFITH:

3 Q I just wanted to ask one question. Sometimes you
4 may not be able to tell the truth because it might
5 hurt somebody's feelings. Is it ever okay to lie?

6 A No, it's not okay to lie.

7 THE COURT: Okay.

8 MR. GRIFFITH: Those are the only
9 questions.

10 THE COURT: All right, based upon the
11 testimony from this young man and based upon the
12 answers elicited from him during questioning by Ms.
13 Timmons, myself, and Mr. Griffith, I think this
14 child certainly understands the difference between
15 telling the truth and telling a lie. I find that
16 that he is competent to testify in front of this
17 jury. All right, now, what we're going to do at
18 this time is, Mr. Cameron, I'm gonna let you step
19 down off that seat and you're gonna go back and have
20 a seat behind Mr. Durant.

21 Mr. Durant, do you have something?

22 MR. DURANT: No, sir, Your Honor, I was
23 motioning for...

24 THE COURT: You can have a seat. What's
25 gonna happen is that jury is gonna come back out and

1 they're gonna call you back up here to testify and
2 they're gonna swear you in just like they did a
3 minute ago, okay, and that jury does not know what
4 we just did here and they're not gonna know. But
5 you're gonna get sworn in and come take this seat
6 and you're gonna be subject to being questioned by
7 the State and then by Mr. Griffith, okay.

8 THE WITNESS: Okay.

9 THE COURT: You can have a seat.

10 Yes, ma'am.

11 MS. TIMMONS: Judge, just to clarify,
12 would it be improper for me to ask Victim in front
13 of the jury if he knows the difference between truth
14 and lie?

15 THE COURT: You can ask him that in front
16 of the jury. It's my requirement in necessity under
17 the law to make that initial determination, okay,
18 and that's what we just did. That's what we
19 conducted this hearing for just now.

20 All right, bring me the jury please.

21 (WHEREUPON, the jury was returned to the
22 courtroom at approximately 11:00 a.m.,
23 and the following proceedings commenced
24 in open court.)

25 THE COURT: All right, we have all the

SW - M. DANTE - DIRECT

1 jurors back in the courtroom. Ladies and gentlemen,
2 I want to apologize to you. I always have good
3 intentions when I send a jury out and tell you it's
4 gonna be 10 minutes. That's what our intentions
5 are, okay. There was a legal issue that I needed to
6 look at, that I needed to look at. It took a little
7 bit longer, that was on me. I wanted to look at a
8 legal issue and found, research it before, and I've
9 done so. We're now ready to proceed at this time.

10 The State is recognized. Call your next
11 witness please.

12 MS. TIMMONS: The State calls Minor Victim
13 to the stand.

14 THE CLERK OF COURT: Raise your right
15 hand, place your left hand on the Bible. Repeat
16 your name.

17 THE WITNESS: Minor Victim.
18 WHEREUPON,

19 **MINOR VICTIM,**
20 having been duly sworn by the Clerk, testified
21 as follows:

22 **DIRECT EXAMINATION**

23 BY MS. TIMMONS:

24 Q Could you tell us again, what's your name?

25 A Minor Victim.

SW - M. DANTE - DIRECT

- 1 Q Okay. What's your lastname?
2 A Minor Victim.
3 Q Okay. How old areyou?
4 A I just turned ten.
5 Q Okay. Do you know the difference between truth
6 and a lie?
7 A Yes.
8 Q Okay. Can you tell us what it is.
9 A Yeah. For example, if there was a cookie on the
10 table and my dad said do not eat the cookie and then
11 I said okay. He came back the next day, the cookie
12 was gone. He asked me did you eat the cookie. And
13 if I did I would say no, I didn't eat the cookie,
14 that's a lie. But if I said, yes, I did eat the
15 cookie, that would be the truth.
16 Q Okay. And is it okay to lie?
17 A No.
18 Q Is it ever okay to lie?
19 A No.
20 Q Okay. So Victim, when is your birthday?
21 A July 25th.
22 Q And what is the year, what year?
23 A 2008.
24 Q Okay. What grade are you in now?
25 A I'm going into fifth.

SW - M. DANTE - DIRECT

- 1 Q Okay. So you're on your summer vacation now?
- 2 A Yeah.
- 3 Q Okay. Almost over?
- 4 A Yeah.
- 5 Q Are you excited about it or?
- 6 A I'm kind of, but I mean, yeah, to make new
- 7 friends in Florida and stuff; but I am sad 'cause
- 8 I'm gonna miss all my friends that I had here.
- 9 Q Okay. So are you moving to Florida?
- 10 A Yes.
- 11 Q Okay. That's where you're gonna start new
- 12 school?
- 13 A Yes.
- 14 Q Okay. Where were you living before that?
- 15 A In Tega Cay.
- 16 Q Okay. And did you drive here this morning?
- 17 A Yes.
- 18 Q Who was with you?
- 19 A My dad, my brother, and me.
- 20 Q Okay. And where were you driving from?
- 21 A Our house in Tega Cay.
- 22 Q Do you know where you're gonna go after you're
- 23 done here?
- 24 A We're gonna go eat lunch and then my dad said
- 25 we're just gonna go for it, like get a hotel and

SW - M. DANTE - DIRECT

1 stuff, so we might get there like at 12 or
2 something.

3 Q Get where at 12?

4 A In Sarasota, Florida, at the house.

5 Q Okay. Is that where the rest of your family is?

6 A Yes.

7 Q Okay. Can you tell us, I guess, how many
8 brothers and sisters you have?

9 A I have one brother, three sisters, and, yeah.

10 Q Okay. How old are they?

11 A My brother is 12. My sister, my younger sister
12 is 13, almost 14. Lillie, the oldest sister, is 17,
13 but she's not coming with us to Florida. Rose is
14 15.

15 Q Why isn't Lillie coming with you to Florida?

16 A 'Cause she still needs to finish her college, I
17 mean, not college, high school, 'cause she has one
18 more year.

19 Q Okay. And how long have you been living with
20 Dantes?

21 A Almost four years four, four or three years.

22 Q So it's your new family?

23 A Uh-huh.

24 Q Okay. Did I talk to you before you came here?

25 A Yes.

SW - M. DANTE - DIRECT

- 1 Q Okay. Did I told you I guess what to tell?
- 2 A Yes.
- 3 Q Okay, what did I tell you to tell?
- 4 A You told me to tell about what happened.
- 5 Q Okay. Did I told you exactly what to say or what
- 6 was most the important I told you to tell?
- 7 A That what happened and tell the truth.
- 8 Q Okay. Prior to living with Dantes who were you
- 9 living with?
- 10 A Like, whenever I wasn't living with the Dantes?
- 11 Q That's right.
- 12 A At first I was living with my grandma Sherry
- 13 until she passed away, and then my mom.
- 14 Q Okay.
- 15 A We went to like different houses and stuff and
- 16 then, and then I went with the Dantes.
- 17 Q Okay. You mentioned your mom that, I guess,
- 18 first mom. What's her name?
- 19 A Kelly.
- 20 Q Okay. And where did you say you lived with her?
- 21 A With my grandma?
- 22 Q Uh-huh.
- 23 A Or my mom? Oh, my grandma. I lived in this
- 24 house, it was, it's a house and like kind of a
- 25 neighborhood thing. It was a lot of houses. And

SW - M. DANTE - DIRECT

1 then with my mom I lived a few different places.

2 Q Okay. Do you know what those places were?

3 A One of the places was kind of like a shacky place
4 that had two floors. It was one floor, there was
5 another floor. I lived, yeah, I lived in that. And
6 then I lived in a house -- well, I didn't live in a
7 house, I just, we stayed for like maybe two weeks.

8 Q I'm gonna show you what's been marked as State's
9 Exhibit 3.

10 A I remember that.

11 Q Do you recognize that house?

12 A Yeah.

13 Q So did you ever stayed at that house?

14 A Yes.

15 Q Okay. Who else was, do you know whose house it
16 was?

17 A It was Mr. David's.

18 Q Do you see him in the courtroom today?

19 A Yes.

20 Q Okay, do you -- can you point out to him?

21 A He's the one in the teal shirt behind my dad
22 (indicating).

23 MS. TIMMONS: Okay. Let the record
24 reflect that the victim pointed out to Mr. David
25 Flowers.

SW - M. DANTE - DIRECT

1 BY MS. TIMMONS:

2 Q Do you remember how long you stayed at that
3 house?

4 A About two weeks.

5 Q Okay. Do you know who else was staying at the
6 house?

7 A My mom, my uncle, and Mr. David, and MW 1 and me.

8 Q Okay. And you mentioned your uncle. Who is your
9 uncle?

10 A He's Uncle Justin.

11 Q Okay. Do you see him in the courtroom today?

12 A Yes.

13 Q Can you point to him?

14 A (Indicating.) Over there.

15 Q Okay.

16 MS. TIMMONS: Your Honor, let the record
17 reflect that Minor Victim pointed to the defendant.

18 THE COURT: So noted.

19 BY MS. TIMMONS:

20 Q Do you remember how big that house was?

21 A It wasn't like, it wasn't too big. It was kind
22 of like a smaller, not like a really nice house. It
23 was nice. It just wasn't, like, too big.

24 Q Do you remember how many bedrooms?

25 A I think there was two bedrooms, one living room,

SW - M. DANTE - DIRECT

1 and a kitchen.

2 Q Okay. And I guess, let me go back a little bit.

3 Do you remember when were you staying at that house,
4 what time of the year it was?

5 A No, no, I don't remember what time of the year it
6 was.

7 Q Okay. Were you going to school then or were you
8 ---

9 A It was on summer vacation.

10 Q Okay. Do you remember what grade were you about
11 to start?

12 A I think I was about to start first.

13 Q Okay.

14 A Yeah.

15 Q And was it the only time that you were staying at
16 that house during that summer?

17 A Yes, that's the only time I stayed at the house,
18 one time.

19 Q Okay. And you said that house is a two bedroom?

20 A Yes.

21 Q Do you know, do you remember where were you
22 sleeping?

23 A I was sleeping in MW 1's room.

24 Q And who's Minor Witness 1?

25 A He was Mr. David's son.

SW - M. DANTE - DIRECT

1 Q Okay. Was he your age? Do you remember?

2 A No. No, he was actually older so I was like, I
3 was younger.

4 Q Okay. And do you remember -- so you were staying
5 in MW 1's room. Was anybody else staying over there
6 with you?

7 A In the room?

8 Q Yes, I mean, yes.

9 A My uncle.

10 Q Whenever your uncle was staying with you in that
11 room was anybody else in the room?

12 A No.

13 Q Okay. Do you remember there was anybody else in
14 the house?

15 A Mr. David was in his room and then MW 1 was in
16 the room with Mr. David.

17 Q Okay. Where was your mom, do you know?

18 A She was at work.

19 Q Okay. When your uncle was with you in your room
20 do you remember what time of the day it was?

21 A It was nighttime.

22 Q Okay. Do you remember whether the lights were on
23 or off?

24 A They were off.

25 Q Okay. Did your uncle touch you in a way that ---

SW - M. DANTE - DIRECT

1 MR. GRIFFITH: Objection, Your Honor,
2 that's leading the witness.

3 THE COURT: Objection, sustained.

4 BY MS. TIMMONS:

5 Q What did your uncle do to you?

6 A He stuck his thing up my butt.

7 Q When you say "his thing," what do you mean by
8 that?

9 A His private part.

10 Q Okay. And did he do anything else?

11 A He also put it in my mouth.

12 Q Okay. Do you, do you remember how long it
13 lasted?

14 A Like five minutes.

15 Q Okay. Did he tell you anything while ---

16 A He said he would buy me a Ninja turtle which I
17 loved those when I was little.

18 Q Okay. Do you know if he left the room right
19 after it happened?

20 A No, I don't remember.

21 Q Okay. Do you remember what were you wearing?

22 A I was wearing clothes and like, kind of, it was
23 my normal.

24 Q Okay. And I know it's very uncomfortable for you
25 to talk about it, but we have an obligation to prove

SW - M. DANTE - DIRECT

1 and so I have to ask these questions. When you said
2 he stuck his thing in your butt, did he put it
3 inside you?

4 MR. GRIFFITH: Objection, Your Honor,
5 she's continuing to lead the witness.

6 THE COURT: I'll allow that question.
7 Overruled.

8 THE WITNESS: Yes.

9 BY MS. TIMMONS:

10 Q Okay. Do you remember how it felt?

11 A It felt weird.

12 Q Okay. Did anybody did anything like that to you
13 before or after?

14 A No.

15 Q Okay. Did your uncle did anything like that to
16 you before and after?

17 A No.

18 Q And the uncle that did it to you, is here in the
19 courtroom, right?

20 A Yes.

21 Q Can you point to him again?

22 A (Indicating.)

23 MS. TIMMONS: Your Honor, let the record
24 reflect the defendant.

25 THE COURT: Sonoted for the record.

SW - Victim - DIRECT

1 BY MS. TIMMONS:

2 Q Did you tell anybody about it?

3 A I told MW 1. Then he told his dad and then my
4 dad, I mean, Mr. David told my mom.

5 Q Okay. Are you sure about it?

6 A Or it might have been the other way around. I
7 can't remember, but I know I did tell MW 1, but then
8 he might have told my mom and then my mom just told
9 Mr. David.

10 Q Okay. Do you remember if your -- how long after
11 this happened, I mean, do you remember when your
12 uncle left after that happened?

13 A Maybe like, oh, a day later.

14 Q Okay. Have you seen him afterwards after that
15 happened?

16 A No.

17 Q Okay. After, I mean, when that happened did, did
18 you had to talk to the police about it or?

19 A No.

20 MR. GRIFFITH: Objection, Your Honor
21 questions are leading.

22 THE COURT: Objection, I'll allow the
23 question. Go ahead.

24 MS. TIMMONS: Okay. Court's indulgence.

25 BY MS. TIMMONS:

SW - M. DANTE - DIRECT

1 Q Was your Uncle Justin staying with you, whenever
2 you were staying at that house was he spending every
3 night in the bedroom with you?

4 A No.

5 Q So this was the only time?

6 A Yeah.

7 Q Do you remember right after it happened did he
8 stay in the bedroom with you or?

9 A After the thing happened?

10 Q Yes.

11 A No.

12 Q He left, you don't remember?

13 A No.

14 Q Okay. Was your Uncle Justin spending -- the
15 whole time you were in that house was your Uncle
16 Justin over there, or he was over there for the
17 part?

18 A He was over there half of the time. We stayed
19 for two weeks. He was over there for like a week.

20 Q Okay. Do you know how he came to that house or?

21 A No.

22 Q Okay. After you left that David's house where
23 did you go?

24 A I can't remember. I went to Myrtle Beach I
25 think. Yeah, I went to Myrtle Beach after and then

SW - M. DANTE - DIRECT

1 after that I don't know where.

2 Q And who did you went to Myrtle Beach with?

3 A My mom.

4 Q Okay.

5 A And I can't remember if Mr. David came or not,
6 but I don't think he did. I think it was just me
7 and my mom.

8 Q Okay. And after that summer was over wheredid
9 you started school?

10 A I can't remember the name of it.

11 Q Do you remember the time?

12 A No.

13 Q Okay. Can you tell us a little bit about how was
14 life with your momma like, how was it to live with.

15 A It was, she was mean to me a lot.

16 Q Can you tell us how?

17 A She put soap in my mouth as I said a bad word and
18 then she used to like beat me with a belt and stuff.

19 Q Uh-huh. When you started school did you have
20 clean clothes to wear?

21 A No. I had like, her -- before that I used to
22 went to school, but then the second time I wore like
23 the same clothes every day.

24 Q Okay. Do you remember when you came to live with
25 Dantes?

SW - M. DANTE - DIRECT

- 1 A The date?
- 2 Q No, no, just...
- 3 A Yeah.
- 4 Q Okay. Well, do you remember the date or?
- 5 A No.
- 6 Q Okay. Do you remember why?
- 7 A Because my mom, we were living this, like I said,
- 8 earlier the shack thing, we were living in that.
- 9 And then she left me for a while and then I was
- 10 talking to the nurses, kids kept making fun of me
- 11 'cause I had, like, I smelled bad and had, like, the
- 12 same clothes. Then the nurses and staff talked to
- 13 me, and then after that the cops took me to the
- 14 shack place and then my -- and then the DSS people
- 15 came and then I went in the car and then we went,
- 16 and then my mom now, she drove and then she took me.
- 17 Q Okay. And how was the, do you remember your
- 18 first few days at the Dante's house?
- 19 A I was, I think I just turned 7, but I can't
- 20 remember, but I was 7.
- 21 Q Uh-huh. Do you remember how it was with them?
- 22 A It was fun.
- 23 Q Okay. Do you remember them taking you to see the
- 24 doctor or?
- 25 A Yes.

SW - M. DANTE - DIRECT

1 Q Okay. Do you know why they had to take you?

2 A 'Cause I had problems in my stomach, like, I
3 never went to poop for a long time so it got hard in
4 there and then I had to go and then it all came out
5 'cause it was like a big ball of just...

6 MS. TIMMONS: Court's indulgence.

7 BY MS. TIMMONS:

8 Q Do you remember or did you tell your new parents
9 what happened to you?

10 A I told my mom whenever we went to the hospital
11 because it was like the second day I came here; and
12 then I told her whenever we went to the hospital,
13 like, whenever we were in the room I told her.

14 Q Okay. And do you know what she, what happened
15 next?

16 A Not exactly, but I know she did tell my dad
17 whenever we got back two or three days after we went
18 to the doctor, I mean, the hospital; then she came
19 back and told my dad.

20 Q Okay. Did you remember telling your dad too?

21 A No, I think my mom just did 'cause I just got
22 back and then she went in his room, I mean, their
23 room, and they were talking.

24 Q Okay. And did you have to talk to anybody else
25 about that?

SW - M. DANTE - DIRECT

1 A I had to talk to a lot of DSS, well, not DSS, but
2 like, the people that, like the DSS places. I had
3 to talk to them.

4 Q Okay. And what did you have -- well, without
5 telling the details, did you have to tell them ---

6 A Uh-huh.

7 Q ---what happened?

8 A Yeah.

9 Q Okay.

10 A And then they asked me some other stuff that,
11 like, how old was I when it happened and stuff.

12 Q Okay. So you're living now with Dantes, right?

13 A Yes.

14 Q You're staying for good, right?

15 A Yes.

16 Q And that's your mom and new dad and your family?

17 A Yes.

18 Q Okay. Are you excited about starting school?

19 A I mean, I kind of am 'cause going to Florida I'll
20 make new friends, but I'm also sad to go to Florida
21 'cause I have a lot of friends in Tega Cay in my
22 neighborhood I like a lot so I'm just going to miss
23 them.

24 Q Okay. This is just to clarify. The events that
25 you told us that happened in the yellow house in

SW - M. DANTE - CROSS

1 Turbeville, they happened the summer before you came
2 to live with Victim's Adoptive Parents?

3 A I can't remember.

4 Q Okay, all right. I don't have any further
5 questions at this point.

6 THE COURT: All right. Cross-examination.

7 MR. GRIFFITH: Thank you, Your Honor.

8 CROSS-EXAMINATION

9 BY MR. GRIFFITH:

10 Q Minor Victim.

11 A Yes.

12 Q Thank you for being here and testifying for us
13 today and we appreciate it. And actually very happy
14 you're living with *Adoptive Parents*, you're doing good
15 there?

16 A Yeah.

17 Q And you're safe there. You won't ever have to go
18 back to where you were before.

19 A Yes.

20 Q And I'm saying that 'cause I'm gonna ask you some
21 things about what was before and you won't ever have
22 to go back there. It was bad before; wasn't it?

23 A Uh-huh.

24 Q And you would go to school dirty; wouldn't you?

25 A (No verbal response.)

SW - M. DANTE - CROSS

1 THE COURT: Hold on a minute. I see
2 you're shaking your head yes, but I need a yes or no
3 so it's clear for my record, okay.

4 THE WITNESS: Okay. Yes.

5 BY MR. GRIFFITH:

6 Q I'm sorry, I should have said that. You just
7 have to answer with a voice. And when you first
8 went to live with the Dantes you didn't really know
9 what to think, did you, about whether you were going
10 back or not?

11 A No.

12 Q Okay. And so before you came to live with the
13 Dantes that was -- you would never want to go back
14 to living like that, would you?

15 A No.

16 Q And so Mr. David testified -- you weren't here
17 when he did -- but he said that you would live with
18 them from about mid July until sometime August. Do
19 you think that's correct, or do you remember that?

20 A I don't remember that.

21 Q Okay. But you said you were on summer vacation?

22 A Yes.

23 Q Okay. And you stayed there a few weeks. Did you
24 say a few weeks ---

25 A Yes.

SW - M. DANTE - CROSS

1 Q ---or two weeks?

2 A I said two weeks.

3 Q Okay, two weeks, thank you. And Mr. David also
4 told us that your uncle slept on the couch; is that
5 true?

6 A He did for some nights. He slept on the couch,
7 but then whenever they were asleep he came in my
8 room. He slept on the couch for, like, whenever he
9 was here he stayed for like a week so he slept on
10 the couch for, like, most of the days and then he
11 came in my room.

12 Q Let me see what I've got here. You ever watch,
13 you ever use a computer now?

14 A Yes.

15 Q You used to use a computer even then; didn't you?
16 Now you use a computer or a phone?

17 A I did see a phone when I was little; but I never
18 used it 'cause I didn't, I mean, I, yeah, I didn't
19 actually have a phone, I just saw a phone.

20 Q But other people you knew had phones?

21 A Yes.

22 Q And now and then you take a look at them, right?

23 A Yes.

24 Q Did you ever like pull up a YouTube video and
25 look at it?

SW - M. DANTE - CROSS

1 A Sometimes on the computer I do. I just like to
2 watch a cartoon called Barfield. I just watch it.

3 Q But back before you went to Dantes sometimes you
4 might see a YouTube video with your friends or
5 something like that; is that correct?

6 A No.

7 Q Now you were saying that you told the story about
8 the cookie on the table, and that's a real good
9 example. That's a good one to remember the rest of
10 your life. But let's say your sister came in and
11 I'm sure your sister is all very pretty, but if
12 she -- what if she was ugly and she asked you if she
13 was pretty, would you say yes you're pretty or ---

14 MS. TIMMONS: Your Honor ---

15 MR. GRIFFITH: ---or you're ugly?

16 THE COURT: Let him finish his question
17 please.

18 THE WITNESS: I'd say yes because I would 19 --

20 THE COURT: Hold on a minute. Hold on a
21 minute.

22 MS. TIMMONS: Let the judge ---

23 THE COURT: Finish your question.

24 BY MR. GRIFFITH:

25 Q Would you tell her she was pretty or would you

SW - M. DANTE - CROSS

1 say, no, you're ugly?

2 A I'd tell her ---

3 THE COURT: All right, hold on a minute.
4 Do you have an objection, ma'am?

5 MS. TIMMONS: Yes, Your Honor, I have an
6 objection. It's irrelevant.

7 THE COURT: Objection overruled. Young
8 man, you may answer the question, okay.

9 THE WITNESS: Okay. I would say yes,
10 she's pretty, because I wouldn't want to hurt her
11 feelings.

12 BY MR. GRIFFITH:

13 Q Exactly, so would I, and most men would as you
14 grow up. But, okay. I don't have any other
15 questions for you. Thank you verymuch.

16 A You're welcome.

17 THE COURT: Any redirect?

18 MS. TIMMONS: No, Your Honor.

19 THE COURT: Young man, you may step down.
20 Thank you.

21 THE WITNESS: You're welcome.

22 THE COURT: Call your next witness please.

23 MS. TIMMONS: The State calls Phil Dante.

24 THE CLERK OF COURT: Raise your right
25 hand, place your left hand on the Bible, repeat

SW - P. DANTE - DIRECT

1 your name please.

2 THE WITNESS: Phil Dante.

3 WHEREUPON,

4 **PHIL DANTE,**

5 having been duly sworn by the Clerk, testified
6 as follows:.

7 MR. GRIFFITH: May it please the Court,
8 Your Honor, may we approach just briefly.

9 THE COURT: Yes.

10 (WHEREUPON, counsel approached the
11 Bench for an off-the-record discussion.)

12 **DIRECT EXAMINATION**

13 BY MS. TIMMONS:

14 Q Could you please state your name for the record
15 and spell it for ---

16 A Yes, it's Phil Dante, D-A-N-T-E.

17 Q Mr. Dante, could you tell us where you work.

18 A I run Sabbath Fellowship Christian Athletes, and
19 I'm transitioning my job to Florida and I'll be
20 working with another ministry called Young Life.

21 Q Okay. And where did you work in 2015?

22 A I was also on staff with Fellowship Christian
23 Athletes. I was also small groups pastor at Steele
24 Creek Church of Charlotte.

25 Q How long you been doing it?

SW - P. DANTE - DIRECT

1 A I've been doing ministry for the last 25 years,
2 and I've been on staff with FCA for three of those
3 years.

4 Q How did you first meet Victim, or when did you
5 first meet Minor Victim?

6 A My wife and I had been foster parents for the
7 last eight or nine years. We've had several boys
8 and girls to come to our home, and we actually were
9 at a point where we were committed to four other
10 children. It was just hard for me whenever they had
11 to leave even though we were helping those kids at
12 that time. We were taking a break and just not
13 gonna have anymore kids for a while. Then we had
14 DSS called us and asked if we could just have Victim
15 come for a weekend, and they had a place for him to
16 go on Monday so we decided that we would allow him
17 to come.

18 Q Okay. How old was Minor Victim then?

19 A I believe he just turned seven years old. And
20 yeah, again, we just planned having him there for
21 the weekend, we didn't want to get too attached so.

22 Q And why was he, I guess, placed in your care for
23 that weekend?

24 A So we have, we always try to bring kids in that
25 we've kind of previewed because we don't want our

SW - P. DANTE - DIRECT

1 children to be over, you know, overly effected so;
2 to be honest, for us we were just, like I said,
3 taking a break but. He was brought in just because
4 they said he was severely neglected. They didn't
5 tell us too much of what had happened to him, which
6 is typically the case since he wasn't going to be
7 staying with us long term.

8 Q So when he first came to live with you there was
9 no allegations of sexual abuse?

10 A No, no, we just knew it was, had just been
11 neglect. He had been left alone and his teachers
12 were noticing he was wearing the same clothes every
13 day and the kids were making fun of him 'cause he
14 smelled bad and he didn't have -- the nurse checked
15 him out, he didn't have any underwear on. He kept
16 having accidents so.

17 Q Okay.

18 A When they asked him about that, you know, he said
19 his mom hadn't been home with him and he was left
20 alone for several days.

21 Q Okay. And when he arrived at your house what was
22 his, what condition was he in?

23 A He had, you know, they had cleaned him up at DSS,
24 but he had, like, Levis on him. He was, you know,
25 he literally went to the bathroom in his pants

SW - P. DANTE - DIRECT

1 probably every 30 minutes and; but other than that,
2 you could tell he was just a sweet, sweet boy.

3 Q Okay. Did you or your wife had to take him to
4 seek any medical care?

5 A Yeah. So again, DSS didn't know, they just
6 thought he didn't know how to go to the bathroom
7 yet. But you know, realizing he was just basically
8 leaking, we ended up being encouraged to take him to
9 the emergency room and they admitted him into the
10 hospital because he basically hadn't gone to the
11 bathroom in, you know, he couldn't remember the last
12 time.

13 Q Okay. And how long has he, did he have to stay
14 at the hospital?

15 A So what turned from a weekend of just having him
16 there, my wife ended up staying at the hospital. He
17 had to stay for two nights and ultimately he had a
18 condition where -- we didn't know what kind of abuse
19 had happened to him, but you know, he just was not
20 going to go number two and so they had to do all
21 kinds of different enemas and things. It took him
22 two days to get it all out it was so backed up.

23 Q Okay. Did Minor Victim, I guess, this is a yes or no
24 question. Did Minor Victim told you about the incident?

25 MR. GRIFFITH: Objection, Your Honor, to

SW - P. DANTE - DIRECT

1 hearsay.

2 THE COURT: Hold on a minute, let her
3 finish the question, and then if you have an
4 objection, you can object.

5 State your question please.

6 BY MS. TIMMONS:

7 Q Did Victim told you about the incident that
8 happened between him and his uncle?

9 MR. GRIFFITH: Objection to hearsay, Your
10 Honor.

11 THE COURT: I'll allow you to answer
12 whether or not he said anything, but I will not
13 allow you to go into what was said. It's a yes or
14 no answer.

15 THE WITNESS: Yes.

16 BY MS. TIMMONS:

17 Q Okay. And did he told you about, did he told you
18 where it happened?

19 A Yes.

20 Q Okay. Where did it happen?

21 A He said he was staying with his mother ---

22 MR. GRIFFITH objection.

23 THE COURT: Hold on a minute.

24 MR. GRIFFITH: He's now testifying as to
25 what Minor Victimsaid.

SW - P. DANTE - DIRECT

1 THE COURT: No, he's not. He's testifying
2 as to time and place which I believe are allowed
3 under the statute, are allowed under the rules.
4 You're not allowed to testify as to what he told
5 you, other than time and place ---

6 THE WITNESS: Okay.

7 THE COURT: ---as provided under our
8 rules.

9 THE WITNESS: Uh-huh.

10 BY MS. TIMMONS:

11 Q So you're telling us, did he tell you, I guess,
12 where did it happen?

13 A Yes.

14 Q He said the place where it happened?

15 A He was staying with his mother at David's house
16 and that they were there for two weeks.

17 Q Okay. And did he tell you when were they staying
18 at that house, I mean ---

19 A I believe he mentioned it was in the summer. He
20 was out of school.

21 Q Okay. Since then is his medical condition good,
22 taken care of?

23 A He still has a problem with consistency, but he's
24 done a lot better than he had done. They said that
25 it's probably from some sort of trauma that caused

SW - P. DANTE - DIRECT

1 him to get that backed up.

2 MR. GRIFFITH: Objection, Your Honor.

3 THE COURT: Objection sustained.

4 BY MS. TIMMONS:

5 Q After Victim mentioned the incident between him
6 and his uncle, what did you and your wife do with
7 that knowledge?

8 A We talked to DSS about it and then they had an
9 investigator speak with him and then made contact
10 with the police.

11 Q Okay. Did Minor Victim had to talk to anyone about
12 that?

13 A Yeah, he -- DSS had a investigator, I believe,
14 that spoke with him about it at length.

15 Q Okay. I guess this was the first time, I think,
16 police was involved?

17 A Yes.

18 Q Okay. Can you tell us, I guess, what month it
19 was? Do you remember what month it was?

20 A The month that he came to live with us was in
21 October.

22 Q And he was close -- the police got involved
23 during the same month?

24 A Yeah, that's that week.

25 Q Okay.

SW - P. DANTE - DIRECT

1 A Yes, ma'am.

2 Q Okay. And I guess Victim came initially just to
3 spend a weekend with you guys?

4 A Yes, ma'am.

5 MR. GRIFFITH: Objection, Your Honor.
6 She's speculating now what they believed -- she's
7 asking ---

8 THE COURT: Hold on a minute. State your
9 grounds for your objection please.

10 MR. GRIFFITH: She's asking him to
11 speculate as to what ---

12 THE COURT: Do you know the answer? You
13 can't speculate. Do you know the answer? You can
14 answer the question.

15 THE WITNESS: Yes, sir. Yes, it was just
16 supposed to be for the weekend. Then on Monday they
17 had a place to put him.

18 BY MS. TIMMONS:

19 Q Do you remember what year it was?

20 A It was three years ago so. I have to do the
21 math. 2015.

22 Q Minor Victim is still with you?

23 A Yes.

24 Q Has he been adopted?

25 A Yes, after two years we were able to adopt him.

SW - P. DANTE - DIRECT

1 His mother never came to visit him. That was the
2 reason why he was adopted.

3 Q Okay. When you first, I guess when he first come
4 into your care did you and your wife consider
5 adopting him at that time or?

6 A No, ma'am, no, we did not consider adopting him
7 at that time. Usually though, well, they train you
8 that they're always trying to reunite them with the
9 family and so his mom was given a chance. It's
10 supposed to take a year that they're given
11 opportunities to meet with their child to start
12 doing classes and things, but she never showed up,
13 and that giving her another year she still never
14 showed up. That's why they initially said, you
15 know, by the time she comes around he's gonna be an
16 adult so they said that we can go ahead and go
17 forward with trying to adopt him.

18 Q And is the adoption final?

19 A The adoption was finalized six months ago, yes.

20 Q Okay. And during the time or during the time
21 that Victim came to stay with you until now, has his
22 mother tried to make any contact?

23 A No. She -- we've reached out to her. She's been
24 in prison so we've had to get her information, but
25 just to let her know where Victim is and that he's

SW - P. DANTE - DIRECT

1 in a good place.

2 Q Okay. And your wife is not here today?

3 A No.

4 Q Okay, can you tell us where she is.

5 A Yes. My job is changing so we're in transition
6 with the summer. Florida school start a week
7 earlier which is upsetting for our kids; but we
8 have, she had to go because our court was, I think,
9 the court date was supposed to be a week before
10 this, it got changed so. She really wanted to be
11 here. She's actually better with dates than I am;
12 but anyway, she's there enrolling our kids in school
13 or else they wouldn't be able to be enrolled so
14 she's with my daughters. And then my son, and my
15 other son and I going after court case today. Like
16 I said, I will try to make it tonight, but we'll
17 see.

18 Q So she'll get everything set up and ---

19 A Yes.

20 Q ---that's why. Did Minor Victim, I guess, after he
21 came to your care did he attend any counseling?

22 A Yes. So, for the things that happened with his
23 mom he was going to counseling, as well as the
24 things that they shared about what was going on with
25 him and his uncle.

SW - P. DANTE - CROSS

1 Q Okay. Has he completed the counseling?

2 A He did, but they said with the type of trauma he
3 went through, that as a child he dealt with it the
4 best he could; but it will be lifelong, that he to
5 keep coming and, you know, depending on where he was
6 at as far as his willingness to ---

7 MR. GRIFFITH: Objection, hearsay.

8 THE COURT: Objection sustained.

9 MS. TIMMONS: Court's indulgence.

10 THE COURT: Uh-huh.

11 MS. TIMMONS: Please answer any questions
12 that Defense may have.

13 **CROSS-EXAMINATION**

14 BY MR. GRIFFITH:

15 Q Mr. Dante, thank you very much for being a foster
16 parent, that's not an easy thing.

17 A Thank you.

18 Q I just have to say thank you to people who take
19 on that responsibility, but. So Victim has since
20 that time been a pretty happy kid, correct?

21 A He actually was a really happy kid when he came.
22 He definitely had some things that had, you know, he
23 had a hard past, but he was pretty resilient
24 compared to a lot of foster kids that we've had.

25 Q Okay. I have no further questions.

SW - MW 1 - DIRECT

1 THE COURT: Any redirect?

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

3 THE COURT: Sir, you may step down. Thank
4 you.

5 THE WITNESS: Thank you, sir.

6 THE COURT: Call your next witness.

7 MS. TIMMONS: Your Honor, the State calls
8 MW 1 to the stand. Your Honor, we would ask that
9 Mr. Phil Dante and Minor Victim be excused.

10 THE COURT: Any objection from defense
11 counsel?

12 MR. GRIFFITH: No objection to them being
13 excused.

14 THE COURT: sir, you're free to go. Thank
15 you for being here.

16 THE CLERK OF COURT: Raise your hand,
17 place your left hand on the Bible, repeat your name
18 please.

19 THE WITNESS: Minor Witness 1.
20 WHEREUPON,

21 MINOR WITNESS 1,
22 having been duly sworn by the Clerk, testified
23 as follows:

24 DIRECT EXAMINATION

25 BY MS. TIMMONS:

SW - MW 1 - DIRECT

- 1 Q Hey, how are you?
- 2 A Good.
- 3 Q Can you please state your name for the record.
- 4 A Minor Witness 1.
- 5 Q Okay. MW 1, and I guess you go by MW 1.
- 6 A Yes, ma'am.
- 7 Q Minor Witness 1, where do you live?
- 8 A Turbeville, South Carolina.
- 9 Q Okay, what's the address?
- 10 A XXXX XXXX Street.
- 11 Q Okay. I show, I'm gonna show you what's been
- 12 marked as State's Exhibit Number 3.
- 13 A Yes, ma'am, that's where I live.
- 14 Q Okay. So that's your house?
- 15 A Yes, ma'am.
- 16 Q How long have you lived at that house?
- 17 A Four-and-a-half, almost five years.
- 18 Q Okay. Who else lives with you in that house?
- 19 A My dad and my brother.
- 20 Q Okay. And did anybody else ever live at that
- 21 house while you were there?
- 22 A No, ma'am, just me and my brother. Occasionally
- 23 my mom would stay a weekend, but that's, that was
- 24 it.
- 25 Q Did anybody else visit?

SW - MW 1 - DIRECT

1 A While she was staying there or just while we were
2 living there?

3 Q While you were living there?

4 A No, ma'am.

5 Q Okay. Did you ever met Minor Victim, now
6 Minor Victim?

7 A Yes, ma'am.

8 Q When did you meet him?

9 A I met him, it was when we was at the lake, Lake
10 Wateree or -- no, my bad, I'm sorry. It was one day
11 I think in July my dad, you know, called me and
12 said, you know, I'm helping this woman and her son
13 out. I said, okay. And I think it might have been
14 a Friday, but it was like a week before I met Victim
15 and I got along with him good.

16 Q Okay. How old was he then, do you remember?

17 A I think about five or six maybe.

18 Q Okay. Do you remember what year it was?

19 A 2015.

20 Q Okay. How, why do you remember it?

21 A Because I remember during that time period me and
22 Justin, we was talking about a game I wanted to get
23 and it was coming out that year and so I remember
24 it.

25 Q So you said Minor Victim spent -- do you remember how

SW - MW 1 - DIRECT

- 1 long he lived with you in that house?
- 2 A It could have been three weeks to a month.
- 3 Q Okay. Who else was staying at that house then?
- 4 A Justin.
- 5 Q Okay, and who else?
- 6 A His mother, her -- Kelly, Minor Victim, and Justin.
- 7 Q Okay. And what were the sleeping arrangements?
- 8 A I gave my room to Minor Victim and Kelly. I had no
- 9 problem with that so I slept on the loveseat in the
- 10 living room, and my dad slept in his room and Justin
- 11 slept in the living room on the couch.
- 12 Q Okay. Was Justin there the whole time that Kelly
- 13 and Minor Victim were over there?
- 14 A Only about a week, maybe eight days maybe 'cause
- 15 I think he stayed one or two days.
- 16 Q Okay. And you mentioned earlier you went to Lake
- 17 Wateree?
- 18 A Uh-huh.
- 19 Q Who did you go to Lake Wateree with?
- 20 A My dad and my brother. MW 2, and Kelly and
- 21 Minor Victim.
- 22 Q Do you remember how long did you stay at Lake
- 23 Wateree?
- 24 A Maybe, I think it was about three days, just the
- 25 weekend.

SW - MW 1 - DIRECT

1 Q Okay. When you went over there from Turbeville
2 was Justin with you then?

3 A Uh-huh, we picked him up, I think, like the day
4 after we got to the late so I think maybe a
5 Saturday.

6 Q Uh-huh. Did you went with your dad to pick him
7 up?

8 A Huh-uh. I stayed, me and my brother, we stayed
9 at the apartment that we were in.

10 Q Okay. And do you remember Justin spend the night
11 at Lake Wateree?

12 A Yes, ma'am, it was that Saturday night and then
13 the next day we went home.

14 Q Okay, so who went home the next day?

15 A Our, my dad, my brother, Kelly, Justin, me, and
16 Minor Victim.

17 Q Okay. And how long did Justin stay?

18 A About a week.

19 Q Okay, and where was he sleeping?

20 A In the living room on the couch.

21 Q Okay. Were you over there the whole time Justin
22 was over there?

23 A Most of the time except for two days.

24 Q Okay. Where were you then?

25 A I was at my grandmas.

SW - MW 1 - DIRECT

1 Q Okay, where does your grandma live?

2 A She lives in Cades, South Carolina.

3 Q Okay. And when you and Justin and I guess Victim
4 were together, what were you doing during the day?

5 A Most of the time I left Victim on the Xbox; but
6 the time he wasn't on it, me and Justin, we played
7 it or we just talked.

8 Q Okay. And when you came back from your grandma's
9 house was Justin there?

10 A No, ma'am, he left.

11 Q Okay.

12 MS. TIMMONS: And Your Honor, may we
13 approach?

14 (WHEREUPON, counsel approached the
15 Bench for an off-the-record discussion.)

16 THE COURT: Ladies and gentlemen of the
17 jury, I'm gonna ask you to step to the jury room.
18 Do not discuss the case. I'll get you to go back
19 out as quickly as possible.

20 (WHEREUPON, the jury was removed from the
21 courtroom at 11:50 a.m.)

22 THE COURT: Yes, ma'am, Ms. Timmons.

23 MS. TIMMONS: Your Honor, I guess the next
24 question, I guess the State will be relying on rule
25 801, prior consistent statement. My next question

1 for this witness would be did Victim disclose any
2 incident that happened between Victim and the
3 defendant, and I believe the witness answer would be
4 that Victim told him the defendant made him perform
5 oral sex. And I realize that normally the State is
6 only limited to time and place, however, the
7 Defense, I guess, implied that victim may have
8 fabricated his story just to stay with his new
9 adopted family. And under rule 801 the State would
10 be allowed to, I guess, introduce the prior
11 consistent statement prior to reason for fabrication
12 happening, which in this case when the victim
13 disclosed that information to MW 1 he --
14 well, negate that Dante family was even in the
15 picture.

16 MR. DURANT: Your Honor, that's
17 801(d) (1) (b) that Ms. Timmons is speak, is
18 referencing. That this was consistent with the
19 declarant's testimony, will be the child's testimony
20 as offered to rebut an express or implied charge
21 against the declarant of recent fabrication or
22 improper influence or motive. As Ms. Timmons
23 mentioned at side bar, the State's position would be
24 that Mr. Griffith opened that door in his opening
25 statement when he told the jury that the declarant,

1 the child/victim, had fabricated his story,
2 suggested he had fabricated this story once he had
3 moved in with the Dantes and became engrained to
4 that environment, decided he wanted to stay there,
5 and the reason that he made this up was so that he
6 could stay with the Dantes. The State's position is
7 now we got a witness that would say that the victim
8 told him about this hap-- this event before he ever
9 met the Dantes. And so it's offered to rebut that
10 charge that the story was fabricated so that he
11 could stay with the Dantes, stay with his foster
12 parents.

13 MR. GRIFFITH: Your Honor, I would
14 reiterate that the opening statement is not
15 testimony and that Your Honor told the jury that it
16 was not testimony. Your Honor ---

17 THE COURT: Hold on just a minute, hold on
18 just a minute. Defendant's objection is sustained.
19 I don't think that leads specifically, applies to
20 what he's talking about. He's not the declarant
21 who's charged with recently fabricating this story.
22 I'm gonna sustain defendant's objection. Anything
23 before I bring the jury back out?

24 MS. TIMMONS: No, sir. I guess just to
25 clarify, I'll be able to ask this witness just like

1 I asked the prior witness, could you tell, did the
2 victim tell you about, or did Victim tell you about
3 the incident that happened between him and ---

4 MR. GRIFFITH: That would be hearsay.

5 MR. DURANT: Limited time and place.

6 MS. TIMMONS: Yes. Yes, Your Honor.

7 MR. GRIFFITH: In what form is that not
8 hearsay?

9 THE COURT: Hold on a minute.

10 MR. GRIFFITH: "Did he tell," that's
11 hearsay. And Your Honor, in prior testimony I
12 believe some of that testimony was improper, and I
13 worry more or less ---

14 THE COURT: Which part? Which part?

15 MR. GRIFFITH: Well, at one point he --
16 the last witness was talking about, well, the things
17 that happened between him and his uncle, in some of
18 the words that he was saying were still implying
19 that he got the information from Minor Victim certain
20 things; and so, I want to be in abundance of
21 caution, in not bringing in any hearsay that would
22 prejudice the jury in that he's already testified as
23 to when they lived there and whether or not they
24 were there, where they were sleeping.

25 THE COURT: All right. Under State v.

1 Simmons, State v. Simmons, the primary method of
2 providing corroborating testimony regarding an
3 alleged sexual assault is through the rule of
4 allowing evidence in criminal sexual conduct cases,
5 the victim complained of a sexual assault which rule
6 limits the testimony to the time and place of the
7 assault or assaults and considered it to
8 non-hearsay; and any other details or particulars,
9 including the perpetrator's identity, are generally
10 considered hearsay and must be excluded unless they
11 fall within exception. The identity is excluded of
12 the perpetrator. The time and place under the rule
13 is allowed.

14 MR. GRIFFITH: He could say ---

15 THE COURT: That's it. That's it.

16 MR. GRIFFITH: He could say that ---

17 THE COURT: Learned of the incident that
18 occurred ---

19 MR. GRIFFITH: Learned of the incident,
20 period.

21 THE COURT: ---while he was there, and he
22 was there during this period of time and this
23 occurred and it was at this house, period. That's
24 my reading of the rule, my reading of the rule. I
25 may be wrong; I don't think I am. I think that's

SW - MW 1 - DIRECT

1 what the rule allows and requires, okay, and that's
2 my ruling. Anything else?

3 MS. TIMMONS: No, sir, Your Honor.

4 MR. DURANT: Thank you, Your Honor.

5 THE COURT: Bring the jury please, sir.

6 You understand what I said, young man?

7 THE WITNESS: Yes, sir.

8 THE COURT: All right.

9 (WHEREUPON, the jury was returned to the
10 courtroom at approximately 11:57 a.m.,
11 and the following proceedings commenced
12 in open court.)

13 THE COURT: You may proceed.

14 BY MS. TIMMONS:

15 Q MW 1, now this is a yes and no question.

16 When you came back from your grandmother's house did
17 Minor Victim told you about the incident?

18 A Yes, ma'am.

19 Q Okay. And did he tell you where did it happen?

20 A No, ma'am.

21 Q Okay. Did he tell you when did it happen?

22 A No, ma'am.

23 Q Okay. Did you told anybody about this?

24 A I told Minor Victim's mother, Kelly.

25 Q Okay. I don't have any questions at this time.

SW - MW 1 - CROSS

1 THE COURT: Cross-examination.

2 CROSS-EXAMINATION

3 BY MR. GRIFFITH:

4 Q MW 1, thank you for testifying. Your dad
5 testified that Kelly said or stayed about middle of
6 July to, like, somewhere in August; is that correct?

7 A Yes, ma'am -- yes, sir. Yes, sir.

8 Q And you're saying as well?

9 A Yes, sir.

10 Q Okay. And that -- you're saying that Victim
11 played with your Xbox. Do you, did you have a
12 computer?

13 A Well, I had my dad's computer, but I mean, I
14 didn't.

15 Q And yeah, you guys got on a computer together
16 sometimes; is that correct?

17 A Me and Justin did.

18 Q You watched YouTube videos now and then?

19 A Yes, sir.

20 Q Okay. And so, during this period of time your
21 father was living in the house; wasn't he?

22 A Yes, sir.

23 Q You were living in the house; isn't that correct?

24 A Yes, sir.

25 Q Your brother was living in the house; isn't that

SW - MW 1 - REDIRECT

1 correct?

2 A Yes, sir.

3 Q Did your sister live in the house at any time
4 during that time?

5 A No, sir.

6 Q And so you're saying that during that period of
7 time that the defendant stayed there sometime; is
8 that correct?

9 A For a week, yes, sir.

10 MR. GRIFFITH: I have no further
11 questions.

12 THE COURT: Any redirect?

13 MS. TIMMONS: Yes, Your Honor.

14 REDIRECT EXAMINATION

15 BY MS. TIMMONS:

16 Q Just to clarify, whenever you went to stay with
17 your grandma for a day or two was Justin there?

18 A At my grandmother or?

19 Q No, no.

20 A Yes, ma'am, she -- he was in Turbeville.

21 Q Okay. And when you came back the next day or two
22 days later he was gone?

23 A Yes, ma'am.

24 Q Okay. I don't have any further questions.

25 THE COURT: Mr. Griffith, anything else?

SW - MW 2 - DIRECT

1 MR. GRIFFITH: Nothing, Your Honor.

2 THE COURT: Young man, you may step down.

3 Thank you.

4 Call your next witness please.

5 MS. TIMMONS: Your Honor, the State calls
6 Minor Witness 2 to the stand.

7 THE CLERK OF COURT: Raise your right
8 hand, place your left hand on the Bible and repeat
9 your name please.

10 THE WITNESS: Minor Witness 2.

11 WHEREUPON,

12 **MINOR WITNESS 2,**
13 having been duly sworn by the Clerk, testified
14 as follows:

15 **DIRECT EXAMINATION**

16 BY MS. TIMMONS:

17 Q Hey, could you state your name for the record.

18 A Minor Witness 2.

19 Q Where do you live?

20 A Where do I live?

21 Q Yes.

22 A With my dad and brother in Turbeville.

23 Q Okay, what's the address?

24 A XXXX XXXX Street.

25 Q Okay. I'm gonna show you what's been marked as

SW - MW 2- DIRECT

- 1 State's Exhibit Number 3. Do you recognize that?
- 2 A Yes, ma'am.
- 3 Q Is that the house that you were living in?
- 4 A Yes, ma'am.
- 5 Q Okay. How long have you been living at that
- 6 house?
- 7 A For about four or five years.
- 8 Q Okay. And who lives at that house?
- 9 A My dad and my brother.
- 10 Q Okay. Did anybody else live at that house?
- 11 A When the incident happened or ---
- 12 Q During the summer of 2015.
- 13 A Did they live there or?
- 14 Q Yes.
- 15 A Yeah, Minor Victim and Kelly, and Justin when they
- 16 stayed there.
- 17 Q Okay. Did you go with, I guess with your dad,
- 18 your brother and Kelly and Minor Victim, to the Lake
- 19 Wateree?
- 20 A Yes, ma'am.
- 21 Q Okay. And how long did you stay over there?
- 22 A About a weekend.
- 23 Q Okay. Was Justin, whenever you left Turbeville
- 24 to went to Lake Wateree was Justin with you then?
- 25 A When we went back to the house?

SW - MW 2 - DIRECT

1 Q No, when you first went to Lake Wateree.

2 A No, he came Saturday I think.

3 Q Okay. And then did he drive back with you to
4 Turbeville, you and the rest of your family?

5 A Yes, ma'am.

6 Q Okay, so who was in the car?

7 A My dad, my brother, me, Victim, and Kelly, and
8 Justin.

9 Q Okay. And so he, so Justin spent the night at
10 Lake Wateree?

11 A Yes, ma'am.

12 Q Okay. And from there you guys went to
13 Turbeville?

14 A Yes, ma'am.

15 Q Okay. Did you stay at your house while Justin
16 was there or did you go somewhere else?

17 A I went to my aunt's house.

18 Q Okay. And how long did you stay at your aunt's
19 house?

20 A I think for the rest of the summer.

21 Q Okay. I don't have any questions at this time.

22 MR. GRIFFITH: I have no questions, Your
23 Honor.

24 THE COURT: Young man, you may step down.
25 Thank you.

SW - D. JONES - DIRECT

1 Can the lawyers approach for a minute.

2 (WHEREUPON, counsel approached the

3 Bench for an off-the-record discussion.)

4 THE COURT: Call your next witness please.

5 MS. TIMMONS: The State calls David Jones
6 to the stand.

7 THE CLERK OF COURT: Raise your right
8 hand, place your left hand on the Bible, repeat your
9 name please.

10 THE WITNESS: David Jones.

11 DIRECT EXAMINATION

12 BY MS. TIMMONS:

13 Q Would you please state your name for the record.

14 A David Jones.

15 Q Could you tell us where you work?

16 A I'm chief of police for the town of Turbeville.

17 Q Okay. How long have you been working as a law
18 enforcement officer?

19 A I was certified in '97. Prior to that I was a
20 dispatcher with the Clarendon County Sheriff's
21 Office in 1990.

22 Q Okay. How did you become involved in this case?

23 A May I refer to my notes for dates and times?

24 THE COURT: Yes, sir.

25 THE WITNESS: Thank you, sir. Back in

SW - D. JONES - DIRECT

1 October 26, 2015, I received a packet through the
2 U.S. mail service from Investigator Freddie Moore of
3 the York County Sheriff's Office. In it contained
4 documents that outlined criminal sexual conduct case
5 that occurred within our jurisdiction. We initiated
6 investigation based on that information.

7 BY MS. TIMMONS:

8 Q And based on that information you made arrest?

9 A Yes, ma'am. We were able to identify the
10 defendant, a Justin Cameron, as being a suspect in
11 the incident and obtained a warrant from Judge
12 Coleman. We put him in the National Computer
13 System, NCIC, and notified York County that we had
14 an active warrant for his arrest for the case. He
15 was subsequently arrested, I think, in April of 2016
16 and myself and ---

17 Q I guess that -- let me stop you---

18 A I'm sorry.

19 Q ---just in case. I'm gonna show you what's been
20 marked as State's Exhibit Number 1, excuse me,
21 Number 2.

22 (Attorneys confer.)

23 BY MS. TIMMONS:

24 Q Could you please tell us what it is.

25 A It's a Department of Motor Vehicles driver's

SW - D. JONES - DIRECT

1 record photo, driver's information of the defendant
2 Justin Cameron. It's got all his particular
3 information on there. I had one similar to this
4 when I initiated my investigation; however, the
5 picture was a lot younger, maybe when he had his
6 permit or his first driver's license. The
7 information is current.

8 MS. TIMMONS: Your Honor, at this point
9 the State would like to introduce it into evidence.

10 MR. GRIFFITH: Without objection, Your
11 Honor.

12 THE COURT: Can I see it?

13 THE WITNESS: Yes, sir, I'm sorry.

14 THE COURT: Without objection, so
15 admitted.

16 (WHEREUPON, State Exhibit No. 2 was
17 admitted into evidence.)

18 BY MS. TIMMONS:

19 Q Chief Jones, could you tell us what's the date of
20 birth for the defendant?

21 A November 4th of 1994.

22 Q Okay. And I guess whenever you received, I
23 guess, this call about alleged crime being committed
24 and you investigated, how did you obtain the
25 warrant?

SW - D. JONES - DIRECT

1 A Through our investigation and documentation that
2 we had there, identified the suspect Mr. Cameron
3 sitting over there as being the individual. We
4 prepared a warrant, presented it to Judge Coleman,
5 and she found probable cause.

6 Q And what was the information that you put on the
7 warrant?

8 A The incident date range based on what we had
9 there was no way to narrow it down to a particular
10 point date and time. We had a range of when we knew
11 that Kelly, Cameron, and Justin resided with
12 Mr. Flowers in Turbeville at the address there at
13 the house.

14 Q Okay. And what other information did you put?
15 Did you put any, I guess, bio information of the
16 defendant on the warrant?

17 A Yes, ma'am. We put his name, date of birth,
18 driver's license number was available. I believe
19 his height and weight was available off the driver's
20 information, as well as his date of birth on the
21 warrant.

22 Q Okay. And I guess once you obtained a warrant
23 what did you do next?

24 A When we obtained a warrant I notified the
25 Clarendon County Communication system, the process

SW - D. JONES - DIRECT

1 we go through to have him put in the NCIC computer
2 system. That's the National Crime Information
3 Communication System that's controlled by the FBI.
4 It goes nationwide and it basically let's everybody
5 know there's an active warrant for his arrest. We
6 then have him send a telecommunications message to
7 Detective Moore with the York County Sheriff's
8 Office as we knew that Mr. Cameron was residing in
9 York County at that time, maybe we get an alert
10 there was active warrant for him. And throughout
11 the midst of that, I believe it was April, was when
12 the officers were able to arrest him and place him
13 in custody, and they notified us to pick him up and
14 serve the warrant.

15 Q And thus, defendant is here?

16 A Yes, ma'am, him sitting right over there. He's a
17 little bit older as we all are, but that's him,
18 Justin Cameron.

19 Q Okay. So you received information about this
20 incident, you received it -- when did you receive
21 it, October?

22 A Yes, ma'am. I believe the packet in the mail was
23 dated -- October 26 was when I got it. It's dated a
24 few days earlier on the postmark, but yes, ma'am,
25 October 25th, excuse me, 26th of '15.

SW - D. JONES - DIRECT

1 Q Okay, as part of your investigation did you try
2 to collect any physical evidence?

3 A No, ma'am. Due to the time range when the
4 incident occurred and when we received it, it was
5 outside the realm of being able to collect anything.
6 They had left the location in Turbeville and were
7 all back in Rock Hill. The length of time was
8 unable to allow us to obtain any physical evidence,
9 ma'am, yes.

10 Q The house we were referring to, XXXX Street

11 ---

12 A What's that, ma'am?

13 Q The house that, I guess, we're referring today,
14 XXXX XXXXX Street?

15 A Yes, ma'am.

16 Q And where is it located?

17 A That's located in the middle of Turbeville within
18 my jurisdiction.

19 Q And is it in Clarendon County?

20 A Yes, ma'am, it is.

21 Q Okay. I guess no more questions.

22 A Thank you.

23 THE COURT: Cross-examination.

24 MR. GRIFFITH: Thank you, your Honor.

25 CROSS-EXAMINATION

SW - D. JONES - CROSS

1 BY MS. TIMMONS:

2 Q Officer Jones, or Investigator Jones?

3 A That's fine, yes, sir, either one.

4 Q You said you established the date range and that
5 you came up with a date range from -- can you tell
6 us the date range?

7 A The main date on the actual warrant itself, I
8 only got my incident report at this time.

9 Q Well, you say it was during the summer of 2015?

10 A Yes, sir. Miss Cameron was incarcerated in SCDC
11 and was released and she went to Hope Home in
12 Florence; and she was evicted or ejected from that
13 location and that was the date that we had in our
14 investigation. From there she went to stay with the
15 Flowers' until Mr. Flowers indicated when she left
16 so that's the date range that we came up with.

17 Q So Mr. Flowers indicated that she was there from
18 mid July till about mid August, would you say that's
19 in that range?

20 A I believe the range was the end of June until
21 some point in August.

22 Q End of June, okay. And so when the bench warrant
23 was issued you knew for a fact that he was a
24 resident in York County at that time; isn't that
25 correct?

SW - D. JONES - CROSS

1 A I'm sorry, sir?

2 Q That he was, Mr. Cameron was a resident in York
3 County at that time; is that correct?

4 A Based on his driver's record indicated that he
5 had a Rock Hill address where he actually was a
6 resident of. I mean, he stayed in Turbeville for a
7 period of time so he was a resident of Turbeville
8 during that particular point in time. He just
9 didn't change his driver's licenses.

10 Q Okay. And so you say you found no physical
11 evidence at all that ---

12 A That's correct, unable to find any physical
13 evidence due to the time frame that we had there.

14 Q Okay.

15 MR. GRIFFITH: I have no further
16 questions.

17 THE COURT: Any redirect?

18 MS. TIMMONS: No, sir.

19 THE COURT: Sir, you may step down. If
20 you will hand that to my court reporter please.

21 Call your next witness.

22 MS. TIMMONS: Your Honor, I guess, the
23 State's not ---

24 THE COURT: Ma'am?

25 MS. TIMMONS: We have, our next witness

1 is scheduled to come over at 2:00.

2 THE COURT: All right. Ladies and
3 gentlemen, I'm gonna let you go to lunch at this
4 point. Do not, do not discuss the case at all.
5 Please be back at 2:00. We'll resume the trial as
6 promptly at that time as possible. Hope you have a
7 nice lunch. I'll see you at 2.

8 (WHEREUPON, the jury was removed from the
9 courtroom at 12:18 p.m.)

10 THE COURT: Anything before we break for
11 lunch?

12 MR. GRIFFITH: Nothing, Your Honor.

13 (Whereupon, a lunch break was taken.)

14 THE COURT: All right, is the State ready
15 to proceed?

16 MS. TIMMONS: Yes, Your Honor.

17 THE COURT: Defense counsel?

18 MR. GRIFFITH: We are, Your Honor.

19 THE COURT: Sir?

20 MR. GRIFFITH: We are ready to proceed,
21 Your Honor, but there's a matter of qualifying an
22 expert witness that we would want ---

23 THE COURT: Go ahead.

24 MS. TIMMONS: Judge, can we proffer her
25 testimony?

1 THE COURT: Ma'am?

2 MS. TIMMONS: Could we proffer her
3 testimony?

4 THE COURT: Yeah, I mean, it's kind of
5 frustrating from my standpoint. I mean, I've been
6 here before. Y'all have tried cases in front of me
7 before. I like to know the issues that we got to
8 deal with so that we can deal with them upfront.
9 I've had jury here and told them to come back at 2.
10 It's 2:00. And I mean, I'm told at side bar at
11 whatever time it was right before we broke for
12 lunch, well, if I got a blind expert. Okay, I mean,
13 I kind of figured out what it was under State v.
14 Jones; but I mean, this is something we could have
15 dealt with earlier. I mean, I don't know how long
16 you -- I think Mr. Griffith is exactly right. It's
17 something we need to proffer and I need to hear
18 before we just put this individual on the stand in
19 front of the jury and try to do it so let's proffer
20 her testimony.

21 MS. TIMMONS: Yes, sir, thank you. The
22 State calls Megan Munson to the stand.

23 THE CLERK OF COURT: Raise your right hand
24 and place your left hand on the Bible. Repeat your
25 name please.

SW - M. MUNSON - PROFFER

1 THE WITNESS: Megan Munson.

2 WHEREUPON,

3 MEGAN MUNSON,

4 having been duly sworn by the Clerk, testified
5 as follows:

6 P R O F F E R R E D E X A M I N A T I O N

7 BY MS. TIMMONS:

8 Q Could you please state your name for the record.

9 A Megan Munson.

10 Q Could you tell us about, I guess, your
11 background, your training, where did you go to
12 school.

13 A I went to school at Francis Marion University. I
14 received my bachelor's degree in sociology there and
15 then also my graduate degree in clinical psychology.

16 Q Okay. And where are you currently employed?

17 A I'm employed at the CareHouse of the Pee Dee.

18 Q And how long have you been employed over there?

19 A I've worked with the CareHouse for five years.

20 Q Okay. And what specific types of services do you
21 provide?

22 A I'm a forensic interviewer and a therapist.

23 Q Okay. Have you attended any courses, seminars,
24 or other training in child abuse, sexual assault?

25 A Yes. That's part of the licensure requirements

SW - M. MUNSON - PROFFER

1 in order to retain my license and I've attended
2 several.

3 Q Could you list some of them.

4 A Yes. May I refer to my resume to look those
5 over? And I'm trained in multiple different types
6 of therapy. I'm trained in trama that's common
7 behavioral therapy and completed a learning program
8 in that, training alternatives for family, cognitive
9 behavioral therapy. I've also trained in
10 parent/child interaction, therapy review on that as
11 well. I'm certified as a clinical trauma, certified
12 clinical trauma professional. And I'm also trained
13 in child and adult relationship enhancement as a
14 facilitator. And then currently I'm completing a
15 collaborative on child and family traumatic stress
16 intervention that I do regularly continue to attend
17 conferences and trainings in various things related
18 to child abuse. Most recently I attended the Crimes
19 Against Kids in Florida by their state, child
20 advocacy agency. That I completed online trainings
21 through MUSC for child focus primary behavioral
22 therapy, along with traumatic grief training.

23 I've attended experiential training on
24 corroborating evidence for testimony and child abuse
25 cases. I completed the training in order to be able

SW - M. MUNSON - PROFFER

1 to get my certified clinical trauma professional
2 certification. I've attended the Domestic Violence
3 and Sexual Assault training by the South Carolina
4 Attorney General's office, and I went to the 22nd
5 annual symposium on child abuse and neglect in 2016.
6 I have participated nearly every year in statewide
7 forensic interview peer review by the South Carolina
8 network of Children's Advocacy Center to which those
9 topics are related to child abuse and data and
10 studies relating to that review that and then most
11 recent techniques. I attended therapy adults
12 training.

13 Q Are you -- I'm sorry.

14 A The Charleston Child Trauma Conference of 2017,
15 and then regularly attend the Project Fest trainings
16 every year, which are also focused on some of the
17 most recent issues related to child abuse.

18 Q Okay. Are you a member of any professional
19 organizations? Do you do any speaking on Minor Witness
20 lments?

21 A So, I'm a member of the International Association
22 of Child Professionals, and then I'm also a member
23 of American Counseling Association. For the past
24 couple of years I've been invited to Francis Marion
25 University to speak to the graduate program of trauma
focus cognitive behavioral therapy so I presented

SW - M. MUNSON - DIRECT

1 on that there.

2 Q What's the, I guess, can you give us an estimate
3 of the number of patients or kids that you see in
4 your practice.

5 A For therapy or forensic interview?

6 Q Therapy and forensic interview.

7 A So, forensic interviews, right now I have
8 interviewed approximately 415 children; and as far
9 as therapy, I maintain a case load of about anywhere
10 from 20 to 25 children, not including an adult
11 parenting, therapeutic parenting group that I lead.

12 Q And are your opinions supported peer review,
13 professional journals, and read publications?

14 A Yes, they are.

15 Q Okay.

16 MS. TIMMONS: And Judge, I guess at this
17 time we, the State would ask to offer Ms. Munson as
18 an expert in the field of child abuse disclosure.

19 THE COURT: Mr. Griffith?

20 MR. GRIFFITH: A couple of questions.

21 **C R O S S - E X A M I N A T I O N**

22 BY MR. GRIFFITH:

23 Q How many total hours or years of training
24 specifically in child abuse cases?

25 A I'm not sure I understand the question.

1 Q Okay. How many times have you testified in
2 court?

3 A I believe I testified approximately four or five
4 times.

5 Q Okay. And I don't question your education and
6 all that kind of stuff. One of the things I
7 question, though, is the probative value that we're
8 gonna get compared to the prejudicial value. What
9 are you going to testify about?

10 THE COURT: Well, hold on, and that's
11 gonna, I want to hear, we're just dealing with
12 regards to her ---

13 MR. GRIFFITH: As an expert.

14 THE COURT: ---education, experience, and
15 qualification as an expert right now.

16 MR. GRIFFITH: Okay.

17 BY MR. GRIFFITH:

18 Q Ms. Timmons, so ---

19 THE COURT: Hold on. Ms. Timmons is going
20 to proffer after I hear from you on any questions,
21 the testimony that she intends to proffer before
22 this jury, and I'll give you a chance to
23 cross-examine her and I'll make a decision from
24 there, okay.

25 MR. GRIFFITH: Thank you, Your Honor. I

1 actually have no objection to your experience and
2 expertise.

3 THE COURT: Well, do you have any
4 objection to her being qualified as expert in the
5 field of child abuse?

6 MR. GRIFFITH: I have no objection to her
7 being qualified, Your Honor.

8 THE COURT: Let me ask you this, ma'am.
9 Is it, ma'am, or is it doctor?

10 THE WITNESS: Ma'am.

11 THE COURT: So would you rather me refer
12 to you as Ms. Munson or Doctor Munson?

13 THE WITNESS: I'm not -- I don't have a
14 doctorate, sir.

15 THE COURT: You're not a doctor?

16 THE WITNESS: No, sir.

17 THE COURT: Okay. You indicated you've
18 been qualified four or five, or that you testified
19 four or five times in court.

20 THE WITNESS: Correct.

21 THE COURT: Is that state or federal
22 court, or do you know the difference?

23 THE WITNESS: I do know the difference.
24 This was state and family court.

25 THE COURT: Okay. In South Carolina?

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1 THE WITNESS: Yes, sir.

2 THE COURT: And you, when you testified in
3 family court or state court were you qualified as an
4 expert then?

5 THE WITNESS: No, sir.

6 THE COURT: You were not?

7 THE WITNESS: No, sir.

8 THE COURT: All right. Have you ever been
9 qualified as an expert before this court of law?

10 THE WITNESS: No, sir.

11 THE COURT: Okay. Now, ask your
12 questions, Ms. Timmons, as far as what you want her
13 to testify to.

14 BY MS. TIMMONS:

15 Q Ms. Munson, have you met with the victim or
16 interviewed the minor victim in this case?

17 A No, ma'am.

18 Q Okay. Did you have a chance to review any
19 incident reports or statements associated with this
20 case?

21 A No, I did not.

22 Q So your only knowledge about this case comes from
23 your discussion with my office?

24 A Yes.

25 Q Okay. Could you tell us what is meant by the

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1 term delayed disclosure, or partial disclosure.

2 A Yes, ma'am. Delayed disclosure is when a child
3 experiences a crime, is witness to a crime, and does
4 not disclose at the time or close to the time of the
5 event.

6 Q And what is meant by the term of partial
7 disclosure?

8 A So partial disclosure means that a child may not
9 initially disclose all the information that is
10 related to the event. Upon their first disclosure
11 and so over time they begin to disclose more
12 information at different times.

13 Q Okay. And in your training and experience, how
14 common is delayed or partial disclosure among
15 victims of child sexual abuse?

16 A It's very common and has occurred in most of the
17 cases that I've worked with.

18 Q And in your training and experience what factors
19 commonly play a role in child or partial disclosure?

20 A So there's multiple factors, including whether
21 they have supported family member or caregiver, the
22 relationship to the perpetrator, their safety, their
23 access to safety. Sometimes there's protective
24 factors for the perpetrator, their fear, guilt,
25 shame. There's, like I said, there's, the list just

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1 goes on as to the reasons why children will delay a
2 disclosure.

3 Q Okay. And based on your training and experience
4 is delayed disclosure consistent or inconsistent
5 with the history of sexual abuse?

6 A It is consistent that most sexual abuse
7 disclosures are not immediately disclosed.

8 Q Okay. And what factors may encourage a child to
9 reveal sexual abuse to an adult?

10 A So, some of the factors may be when that child
11 feels as though they're in a safe environment, if
12 they have, if they've disclosed and a person that
13 it's disclosed to gets them help or that the
14 supported environment is very important safety. Any
15 kind of predictability that a child can have related
16 to their future, not having that fear of consequence
17 for disclosing. It continues to go on.

18 Q And do children necessarily disclose all the
19 facts of past abuse, or is it common for them to
20 disclose parts of it?

21 A It is common. That's how come it does have that
22 term associated with it with the partial disclosure
23 because they can gradually disclose more and more
24 information.

25 Q Okay. And how does child development may affect

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1 disclosure?

2 A So, multiple different things as far as
3 environmental factors do have an effect on that as
4 far as their age. Assuming that they are a typical
5 toddler, that their cognition and behaviors are
6 different than an older child, that you are looking
7 at different thinking styles in terms of how a child
8 processes information. And what I mean by that is
9 that, you know, the younger more concrete thinking
10 that they have. That black and white thinking where
11 they aren't that level, where they're developing
12 that abstract thought to be able to, be able to
13 process, you know, things the way that an older
14 child would.

15 Q Okay. And in your training and experience, I
16 guess are victims, are child victims of sexual
17 abuse, are they more likely to tell and another
18 child or friend rather than telling an adult?

19 A Yes, that, it is most common for a child to
20 disclose to a peer or somebody that is not related.

21 Q Okay. And would it be unusual for a child that
22 has been a victim of sexual abuse to not resist
23 physically or not to try to alert, I guess, other
24 people?

25 A It is common for a child not to resist, that

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1 there's multiple factors. Again, that goes into
2 that too. In my experience most of the children
3 that I have worked with as far as therapy-wise or
4 even during the interview don't try to get help.

5 Q And can you tell us why?

6 A So some of those reasons can be because of
7 threats, fear, that sometimes they don't understand
8 what is happening to them and they don't understand
9 that what's happening to them may be wrong. That
10 from their perspective especially developmentally,
11 they feel like they're being compliant from what an
12 adult is telling them and so that has a big factor,
13 especially when children are conditioned to, you
14 know, take instruction from adults and do as they
15 are told.

16 Q And can you tell us something about grooming.
17 How common is grooming, I guess, I mean, perpetrator
18 and the victim, and what is it?

19 A Grooming is very prominent because typically, you
20 know, cases of sexual abuse that the perpetrator
21 wants a compliant victim. If they have access to a
22 that child they want to be able to maintain that
23 access and that level of trust; and so they'll use
24 different grooming tactics because, you know, they
25 don't want that child to tell, they want this to be.

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1 a positive experience for the child so that they're
2 less likely to report, you know, any abuse or...

3 Q Okay.

4 MS. TIMMONS: That's all the questions I
5 have for this witness.

6 THE COURT: Mr. Griffith.

7 CROSS-EXAMINATION

8 BY MR. GRIFFITH:

9 Q Specifically about this case, you absolutely know
10 nothing about this child?

11 A No, sir.

12 Q Have you seen the video?

13 A No, sir.

14 Q Okay. Forensic video, you haven't seen it?

15 A I wasn't aware that there was a video.

16 Q And do you know any of the circumstances of this
17 case or at all that you would be -- did she brief
18 you on the specifics of the evidence of the case?

19 A That, the specifics aren't included because the
20 information that my expert would bring could
21 possibly, it wouldn't be ---

22 Q May be prejudiced by that knowledge, right? You
23 may be prejudiced in your opinion if you had that
24 knowledge; is that what you're saying?

25 A Not necessarily. Like I said, I just, you know,

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1 in terms of what I was asked is just to be able to
2 give the information relevant to child abuse.

3 Q So if a child, if there was no delay in a child
4 telling somebody that this happened, then your
5 testimony isn't about that, is it? It's about if
6 there's a delay, are we correct? Am I correct in
7 assuming that?

8 A I'm not sure I understand the question.

9 Q Okay. Your testimony will be why a child would
10 delay reporting; is that correct?

11 A We've talked, the questions that were just asked
12 me were about doing disclosure and multiple other
13 things.

14 Q Yeah, right. Okay.

15 MR. GRIFFITH: And I have no questions for
16 her, Your Honor. No more questions for you. Thank
17 you very much.

18 BY MR. GRIFFITH:

19 Q Oh, you had interviewed 450 children in 20, 25?

20 A 415.

21 Q Four hun-- oh, 15, I'm sorry, that's a lot.
22 You're moving right along, you're gonna do great.
23 Thank you for coming.

24 THE COURT: Any other questions from the
25 State?

1 MR. GRIFFITH: I do -- oh, sorry.

2 THE COURT: Hold on.

3 MS. TIMMONS: No, sir, Your Honor.

4 THE COURT: Ms. Munson, you may step down
5 at this time, okay.

6 THE WITNESS: Thank you, Your Honor.

7 MR. GRIFFITH: At this time I would object
8 to this witness being brought in to testify. First
9 of all, it's irrelevant to this case. She offers no
10 information about the situation that we're in. This
11 young man allegedly did report the incident right
12 away; there was not a delayed reporting. Secondly,
13 Your Honor, I would argue that it's more prejudicial
14 than probative. I don't think in this case that
15 there's, that the jury is wondering why he didn't
16 report it right away. I just, there's nothing to
17 indicate in anything that brought in like that; and
18 her being up there offers credence to the State's
19 case, it gives the State a little more, okay, I have
20 an expert, you know. And we do know that even
21 though juries are to give no extra weight to an
22 expert based on what a judge tells them, we know
23 they did and so it's written in the case law. But
24 Your Honor, so I would argue that it would be more
25 prejudicial than probative. I cannot see the

1 relevance or the benefit to the finders of fact for
2 this to be brought in.

3 THE COURT: Ms. Timmons.

4 MS. TIMMONS: Sir, I guess the State
5 believes that expert testimony would educate the
6 jury about, I guess, the dynamics of disclosure of
7 sex abuse and children. In this case, and since the
8 child told his friend, however, I guess there was a
9 delay before to law enforcement.

10 THE COURT: It wasn't a delayed report by
11 the child though.

12 MS. TIMMONS: No, no. I'm saying to law
13 enforcement there was child told...

14 THE COURT: The testimony was the child
15 told another peer who in turn told his dad and in
16 turn told the mother; and what the mother did with
17 that, I don't know there's been any testimony other
18 than at some point law enforcement was called in in
19 Rock Hill. Where I'm struggling with here is
20 exactly what Mr. Griffith has raised here, the
21 relevance of Ms. Munson testifying on delayed
22 reporting. That's not, it doesn't appear to me,
23 unless I'm just missing something here, when the
24 child did not delay reporting. What does the jury
25 need to hear Ms. Munson testify about the dynamics

1 witness out of the box for the State was the officer
2 from Rock Hill, months after the allegations, and
3 this officer in turn contacted Turbeville who opened
4 a file who signed a new warrant. So the further
5 testimony or lack thereof because of the rules which
6 limit to time and place I believe, what I think, I
7 think would open the door to this delayed reporting
8 issue.

9 MR. GRIFFITH: Open the door to what, Your
10 Honor?

11 THE COURT: Delayed reporting issue. I
12 think it does open that door, and I think it does
13 make it relevant because nothing was done initially
14 so there could be an argument he didn't say anything
15 because of limited testimony of these witnesses and
16 it certainly could be an argument from you in
17 closing or otherwise that nobody knew -- he says he
18 told them, nothing was done, and he didn't report
19 till months later and that's when it was reported
20 and that's when something was done. And your theory
21 or your thoughts from the outset have been, whether
22 it was at side bar over there, before I ever looked
23 at the video in this case, was he didn't tell
24 anybody till he got to this house and this is where
25 he wanted to stay because he didn't want to go back

1 into that situation.

2 MR. GRIFFITH: If it please the Court,
3 Your Honor.

4 THE COURT: Yeah, I'm still hearing from
5 you, I'm just going into ---

6 MR. GRIFFITH: Your Honor, part of the
7 argument on our side, Your Honor, is that this
8 didn't happen.

9 THE COURT: I get that.

10 MR. GRIFFITH: And so the fact that it
11 later was reported and then went right to the police
12 immediately ---

13 THE COURT: Right.

14 MR. GRIFFITH: The fact that he testified
15 that it went to a parent immediately -- and by the
16 way, his mother was charged with child neglect and
17 abuse or something like that, I believe, later but
18 ---

19 THE COURT: Right.

20 MR. GRIFFITH: ---because of those
21 circumstances, among others. And then, but Your
22 Honor, I still think and I will just submit an
23 objection that it is more prejudicial than
24 probative. I don't think -- I think that the jury
25 needs to decide whether it really happened or

1 whether it happened later and they've gotten
2 evidence. Of course we'll ask for a directed
3 verdict basically. At this point, Your Honor, I
4 just don't think that it would be relevant enough
5 that it would be too prejudicial. My argument
6 mostly is prejudice ---

7 THE COURT: All right.

8 MR. GRIFFITH: ---based on the fact that
9 she's an expert, with quotes around it, because they
10 gave a lot of weight to experts.

11 THE COURT: Anything else, Ms. Timmons?

12 MS. TIMMONS: Your Honor, I guess I would
13 also like to add to Mr. Durant's, that there's also
14 testimony from my witness regarding grooming
15 regarding with why the victim didn't resist. I
16 think it's very important for the jury to understand
17 'cause I think any layperson will think why doesn't
18 he scream, why didn't he run, why didn't he resist.
19 And I think the jury needs to be educated that, I
20 guess, this type of abuse against children just,
21 that children act differently than, I guess, a
22 reasonable grownup would.

23 THE COURT: All right. I want to look at
24 Jones a little more closely and I'll let you know.
25 My inclination is, I'll tell you, to allow it, has

1 turned to relevancy based upon your county officer
2 initially testifying and Mr. Griffith's position to
3 be, or his thoughts on it were this kid didn't
4 disclose it till he got there and then went to stay
5 there, didn't want to come back. I'll look at Jones
6 again real quick.

7 (WHEREUPON, a recess was taken from the
8 proceedings.)

9 THE COURT: All right. Over Defendant's
10 objection I'm gonna allow the testimony. I'm gonna
11 listen to qualifications of this lady again,
12 Ms. Munson, subject to -- defendant's objection is
13 noted for the record.

14 All right, bring the jury please.

15 (WHEREUPON, the jury was returned to the
16 courtroom at 2:40 p.m., and the following
17 proceedings commenced in open court.)

18 THE COURT: All right, ladies and
19 gentlemen, sorry to keep y'all back there waiting.
20 I know probably some of you saw me, when I cut y'all
21 loose for lunch y'all probably saw me leave about
22 the same time and y'all have probably been sitting
23 back there about 40 minutes saying, what in world
24 are they doing. One thing about our judicial system
25 in this state, in circuit court judges travel all

1 over the state and this just happens to be my week
2 in Manning. Before yesterday I knew about as much
3 as y'all did about this case, okay, and during the
4 course of a trial different issues come up, okay,
5 unforeseen issues I'm not aware of. It happens in
6 every trial. But we've been out here dealing with
7 something since 2:00 and not mean to have you all
8 back here, make you all wait extended period of
9 time. In fact, one of my biggest pet peeve, so to
10 speak, is making a jury wait, okay. I apologize for
11 that. I just want to let you know, back there
12 waiting, it's not because we aren't doing something,
13 okay. It's something that had to be dealt with
14 outside of your presence, and I'm trying to make the
15 right call for everything that goes on so I
16 apologize for you all having to wait. At this time
17 we're gonna continue the trial in this case.

18 The State is recognized to call your next
19 witness.

20 MS. TIMMONS: The State calls Megan
21 Munson.

22 WHEREUPON,

23 **MEGAN MUNSON,**

24 having been duly sworn by the Clerk, testified
25 as follows:

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DIRECT EXAMINATION

BY MS. TIMMONS:

Q Okay. Could you tell us about your training and education.

A I have a bachelors degree from Francis Marion University in sociology, and I have my Master's degree from Francis Marion University in clinical psychology and then I participated in multiple other trainings related to forensic interviewing and therapy.

Q Okay. Where are you currently employed?

A I'm employed at the CareHouse of the Pee Dee.

Q Okay. What services do you provide over there?

A I'm a therapist and a forensic interviewer.

Q Okay. And could you tell us, estimate how many patients have you seen, have you seen in Florence?

A As a forensic interviewer I have interviewed approximately 415 children and as a therapist I maintain a caseload of approximately 28 or 25 children at a time, not including the group I lead as a therapeutic parenting group.

Q Okay. Are you a member of any professional organizations, do you make speaking engagements?

A Yes, I'm a member of the American Trauma Association and also International Association of

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1 Trauma Professionals, and that every year I've been
2 invited, for the past couple of years I've been
3 invited to Francis Marion University to speak to the
4 graduates about trauma focus cognitive behavioral
5 therapy.

6 Q Have you attended any courses, seminars, or other
7 training related to child abuse?

8 A Yes, I have.

9 Q Can you?

10 A Can I look at my resume please?

11 THE COURT: Yes.

12 THE WITNESS: So, the trainings that I
13 have done as far as therapy that I have, I'm a
14 certified clinical trauma professional and so I had
15 to complete the training for that. I'm a certified
16 trauma focus cognitive behavioral therapist and I'm a
17 parent/child interaction therapist; that I have,
18 also provide alternatives for families, cognitive
19 behavioral therapy; that I'm a facilitator for
20 child/adult relationship enhancement; and that
21 currently I am in a learning collaborative for child
22 and family traumatic stress intervention as far as
23 the therapies that I do that I provide and completed
24 training for. But I've also attended other
25 trainings relating to child abuse including the MUSC

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1 trainings for child focus cognitive behavioral
2 therapy and also traumatic grief that I completed
3 the Child First South Carolina forensic interviewing
4 training.

5 I attended the experiential training for
6 corroborating evidence and testifying in court for
7 child abuse cases through the South Carolina
8 referral Children's Advocacy Centers. I've
9 completed the ten core competencies of trauma, PTSD,
10 grief, and loss which is necessary to give one
11 certification for the certified clinical trama.

12 Q Okay.

13 A I have also recent, most recently attended a
14 Florida network of Child Advocacy Center and Crimes
15 Against Kids Child Abuse seminar in Palm Branch.
16 I'm going to the 22nd International Collection
17 Symposium on child abuse and neglect. And I've
18 attended the statewide forensic interviews since
19 I've been forensic interviewing.

20 THE COURT: Speak up.

21 THE WITNESS: Oh, sure. That I've
22 attended the domestic violence and sexual assault
23 training provided by the South Carolina Office of
24 Attorney General. That I've attended the Project
25 Best every year since I've started providing trama

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1 and cognitive behavioral therapy, and I've attended
2 the Charleston Child Trauma conference related to
3 some of the most recent issues regarding child
4 abuse.

5 BY MS. TIMMONS:

6 Q Okay. And are your opinions supported by peer
7 review, professional journals, and trade
8 publications?

9 A Yes, ma'am.

10 Q Okay.

11 MS. TIMMONS: And Your Honor, at this time
12 the State wants to offer Ms. Munson as an expert in
13 the field of child disclosure.

14 THE COURT: Can the lawyers approach up
15 here for a second.

16 (WHEREUPON, counsel approached the
17 Bench for an off-the-record discussion.)

18 THE COURT: All right, Ms. Timmons, she's
19 being offered as an expert in what, I'm sorry?

20 MS. TIMMONS: In child abuse.

21 THE COURT: Any objections from Defense
22 counsel?

23 MR. GRIFFITH: Your Honor, I think that
24 she's ---

25 THE COURT: Any questions you want to ask

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1 this witness?

2 MR. GRIFFITH: I do.

3 THE COURT: All right, go ahead, as it
4 relates to qualification only at this point, okay.

5 VOIR DIRE EXAMINATION

6 BY MR. GRIFFITH:

7 Q How many cases of child abuse have you been a
8 witness in?

9 A Approx-- I've been subpoenaed multiple times, but
10 I've been a witness in approximately four or five.

11 Q Were those child abuse criminal cases?

12 A I believe two of them were.

13 Q Were the others family law?

14 A Correct.

15 Q Did any of them have to do with sexual abuse?

16 A Yes, sir.

17 Q Approximately what percentage of your cases that
18 you have had interviewed or provide therapy for are
19 child abuse cases?

20 A Most of the children that I see in therapy or in
21 interviewing are victims of child abuse.

22 Q What percentage of that is child sexual abuse?

23 A I would say that a majority of my case load is
24 child sexual abuse.

25 Q Did you say a majority?

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1 A Correct.

2 Q Would you say your expertise was in sociology or
3 child abuse?

4 A I would say that my expertise lies more in
5 sociol-- or excuse me, in child abuse. I'm sorry,
6 I'm confused with that question.

7 Q And why would you say that?

8 A Because I've had more experience working with
9 child abuse victims than in my, in my, attaining my
10 degree in sociology.

11 MR. GRIFFITH: No further questions, Your
12 Honor.

13 THE COURT: All right. Any objection to
14 her being qualified as an expert in child abuse?

15 MR. GRIFFITH: I object to her being
16 qualified as an expert in she's wanting to qualify
17 her in child abuse.

18 THE COURT: She said child abuse, that's
19 what she said.

20 MR. GRIFFITH: I cannot object to child
21 abuse, Your Honor.

22 THE COURT: All right, ladies and
23 gentlemen, this witness has been or is going to be
24 qualified as an expert in the field of child abuse.
25 Let me give you a brief instruction real quick.

1 Normally a person cannot give opinion testimony.
2 Normally when a person testifies they must testify
3 as to either what they saw, heard, or sense by smell
4 or something of that nature. However, there is an
5 exception under our rules when someone is qualified
6 because of education or experience. When done so,
7 they are permitted, they are permitted to give
8 opinion testimony in certain areas if the Court
9 qualifies them to do so. This witness is being
10 testified, or excuse me, being qualified in the area
11 of child abuse to give opinion testimony in that
12 area. That does not mean, that does not mean that
13 you must accept the opinion. It is evidence for you
14 to use in any way that you see fit and give it the
15 weight and credibility that you believe is
16 appropriate.

17 All right, Ms. Timmons.

18 MS. TIMMONS: Thank you.

19 MR. GRIFFITH: Your Honor, I would object
20 to this testimony as being irrelevant to this case
21 and more prejudicial than probative.

22 THE COURT: Objection so noted for the
23 record, overruled at this stage.

24 BY MS. TIMMONS:

25 Q Ms. Munson, have you met the victim or

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1 interviewed the victim in this case?

2 A No, ma'am.

3 Q Did you have any chance to review any incident
4 reports or statements associated with this case?

5 A No, ma'am.

6 Q So your only knowledge about this case comes from
7 discussion with the Solicitor's Office?

8 A Correct.

9 Q Could you tell the jury, I guess, what is
10 referred to as the term of delayed reporting.

11 A Delayed reporting or delayed disclosure occurs
12 when a child does not immediately disclose an
13 incident of abuse.

14 Q Okay. And can you tell us what factors commonly
15 play a role in a child's delayed reporting to an
16 adult.

17 A Several factors can affect delayed reporting
18 including a supportive environment, safety, parental
19 support, relationship to the perpetrator, fear,
20 shame, guilt, and threats that the children
21 experience during abuse, their environment, their
22 parental relationship to the family.

23 Q So when those, I guess, factors are presented,
24 the kids are less likely to report right away to an
25 adult?

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1 A Correct.

2 Q Okay. And in your training and experience how
3 common is it in cases of child sexual abuse?

4 A It's most common for a child to not disclose
5 immediately or to delay the disclosure.

6 Q So it's consistent with the sexual abuse, I
7 guess, child not reporting right away to an adult,
8 it's consistent with sexual abuse?

9 A Correct.

10 Q Okay. And what factors can encourage a child to
11 finally report to an adult that the child was a
12 victim of sexual abuse?

13 A Factors that can contribute to a disclosure can
14 be that the child feels as though that they're safe,
15 that they're in supportive environment with
16 supportive caregivers; that they're away from the
17 perpetrator, away from any potential family
18 influence if the family is not supportive, that
19 they're in a safe environment. There's, the list
20 goes on.

21 Q Okay. So would it be unusual for a child that
22 has been a victim of sexual assault to fully
23 disclose to an adult once they are fully removed
24 from, I guess, their previous environment?

25 A It is not uncommon for them to disclose partly.

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1 Q Okay. And so, I guess, is it consistent with
2 sexual abuse or how likely are victims of sexual
3 abuse are likely they are to disclose to their
4 friend or peer rather than to an adult and, I guess,
5 what factors would encourage them?

6 A That most often a child will disclose to a peer,
7 especially depending on their age and developmental
8 level. It's common, and I found in practice that
9 they do typically disclose to people other than
10 caregivers that they may perceive as people that
11 they can trust, people that they can get support
12 from.

13 Q And can you tell us, I guess, explain to the jury
14 what is meant by the term of grooming in this type
15 of cases and how likely it is to occur in sexual
16 abuse cases?

17 A So, the term grooming is typically what a
18 perpetrator in child sexual abuse behavior that
19 they'll enMinor Witness 1 in to help that child become
20 more
21 compliant during instances of abuse; and the reason
22 is, is because there is a lot of effort put into
23 having access to that child and maintain the
24 family's trust and so forth to have access to a
25 child. So in order to maintain it so they want to
create, they want to make this a positive experience

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1 for the child. In terms of gifts, sometimes they'll
2 take them to activities. They may give them money.
3 They may spend time with them; that they want to
4 build a level of intimacy and trust with that child,
5 including sometimes some type of grooming as well.

6 Q Would it be, I guess, consistent with sexual
7 abuse for the perpetrator to offer something in
8 exchange for sexual abuse?

9 A It is common, and that is part of grooming to
10 create that positive re-enforcement for engaging in
11 that behavior that the perpetrator would be trying
12 to have the child enMinor Witness 1 in.

13 Q Okay. And in your training and experience how
14 likely are the children, victims of sexual abuse,
15 how likely they are to submit to the perpetrator and
16 abuse?

17 A I'm sorry.

18 Q How likely they are to submit to the?

19 A So, as far as likelihood of a child submitting,
20 especially after grooming behaviors, that can vary,
21 but is most common ---

22 Q Is it common or consistent with sexual abuse for
23 kids to scream, fight, or is it uncommon?

24 A It's more common for a child to comply with
25 sexual abuse as opposed to screaming or fighting.

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1 Several considerations are that children are
2 conditioned in order to listen to people of
3 authority and will include relatives, family
4 members, adults, things of that nature, so children
5 are going to be more likely to do as they're being
6 told. They don't always know that what's happening
7 to them is not appropriate. They don't always
8 realize that it, you know, it is a crime and this is
9 something they need for help and may not be educated
10 on in how to keep their bodies safe, which is
11 unfortunately extremely common also. So, and they
12 don't always know what's happening to them is wrong,
13 and so they have to necessarily, depending on the
14 developmental age, be able to formulate those
15 thoughts or emotions that would typically relate to
16 abuse because they haven't had that background, that
17 education, or that support to know what's happening
18 is wrong.

19 Q Okay. So the perpetrator, I guess is the male
20 dominant figure present in the victim's life, the
21 victim is less likely to submit, I mean, is more
22 likely to submit to the abuse?

23 A Especially when a child is familiar with, knows,
24 or has a relationship with the perpetrator that they
25 will be more compliant because it adds additional

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1 components like, you know, potentially affection for
2 this person, not wanting them to get in trouble,
3 that they don't want any strain or anything as far
4 as the family is related to them and multiple other
5 factors.

6 Q Okay, thank you. I don't have any questions at
7 this time.

8 THE COURT: Mr. Griffith.

9 MR. GRIFFITH: Thank you, Your Honor.

10 CROSS-EXAMINATION

11 BY MR. GRIFFITH:

12 Q Ms. Munson, you don't know anything about this
13 case, do you?

14 A No, sir.

15 Q You don't know how any of that would apply to
16 this child or this case at all, do you?

17 A Well, typically through my training and my
18 history as far as ---

19 Q Let me rephrase that. About this particular case
20 you know nothing; isn't that correct?

21 A Correct.

22 Q Okay. I have no further questions.

23 THE COURT: Any redirect?

24 MS. TIMMONS: No, sir, Your Honor.

25 THE COURT: Ms. Munson, you may step down.

1 thank you.

2 Call your next witness.

3 MS. TIMMONS: Your Honor, we would ask
4 that Ms. Munson be excused.

5 THE COURT: Any objection to ---

6 MR. GRIFFITH: No objection, Your Honor.

7 THE COURT: Ma'am, you are free to go.
8 You have no further responsibility here. Have a
9 nice day.

10 THE WITNESS: Thank you.

11 MS. TIMMONS: Judge, at this time the
12 State rests.

13 THE COURT: Can the lawyers approach a
14 minute please.

15 (WHEREUPON, counsel approached the
16 Bench for an off-the-record discussion.)

17 THE COURT: All right, ladies and
18 gentlemen, the State has rested its case, the
19 State's rested its case. There are some matters of
20 law that we need to take up outside of your
21 presence, okay. It's 3:00 in the afternoon. I'm
22 not exactly sure how long these matters will be for
23 me to deal with, so rather than keep you all back
24 there I'm gonna let you go home for the balance of
25 the day. I know I told you 4:30 I might let you go.

1 We're way ahead of 4:30, okay, but y'all sat back
2 there, been very patient today, waited, and I
3 appreciate that. I'm gonna let you go the balance
4 of the day, and I'm gonna ask that you'll be back
5 tomorrow morning at 9:30, 9:30, and we'll finish
6 this case. I have all intentions of finishing this
7 case tomorrow. Do not discuss this case with
8 anyone, with anyone, family, friends, whomever.
9 Don't discuss it with anyone. As I said, from the
10 outset, you are to decide this case based solely
11 upon the evidence presented in this case and the
12 testimony from this witness stand. You all have a
13 wonderful evening. I'll see you tomorrow morning at
14 9:30.

15 (WHEREUPON, the jury was removed from the
16 courtroom at 3:08 p.m.)

17 THE COURT: All right, Mr. Griffith, you
18 have any motions, sir?

19 MR. GRIFFITH: Your Honor, we would ask
20 for a directed verdict in that the State has not
21 proven their case. They have not proven the
22 elements of the case, the time and place, nor the
23 facts, the other elements that they would have to be
24 presented in order to prove that he's guilty at this
25 time.

1 THE COURT: Anything in response from the
2 State?

3 MS. TIMMONS: Yes, Your Honor. There was
4 the testimony presented to show, I guess, to show
5 the defendant was present in Turbeville, that he was
6 present over this, during the summer time of 2015,
7 and the victim testified that there was sexual
8 battery committed.

9 THE COURT: All right, I do believe
10 there's sufficient evidence in the record that would
11 warrant this case going to the jury. There's been
12 direct testimony from the child itself as to facts
13 and circumstances giving rise to the defendant's
14 arrest, charge, and indictment in this case. The
15 Court is not here to weigh evidence, it's not here
16 to weigh evidence. It's viewing the evidence in a
17 light most favorable to the State it would
18 necessitate law, necessitates and requires the case
19 go to the jury; but your objection is so noted for
20 the record. Your objection is so noted for the
21 record.

22 MR. GRIFFITH: Thank you, Your Honor.

23 THE COURT: All right, at this time I'm
24 going to advise the defendant concerning his right
25 to testify.

1 Mr. Cameron, if you'd stand please, sir.
2 Raise your right hand.

3 Madam Clerk, would you swear him please.
4 WHEREUPON,

5 **JUSTIN CAMERON,**
6 having been duly sworn by the Clerk of Court,
7 testified as follows:

8 THE COURT: All right, sir, you're Justin
9 Cameron?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: All right, at this time I'm
12 going to explain to you certain of your rights. If
13 you do not understand anything I say, please let me
14 know. If you want me to explain anything in more
15 detail, please let me know as well. You understand
16 that, sir?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: All right, we've now reached
19 the stage of the trial where you may present your
20 defense. You have a right to claim the protections
21 given to you by the Fifth Amendment of the United
22 States Constitution which states in part that no
23 person, no person shall be compelled in any case, in
24 any criminal case to be a witness against himself.
25 This means that you cannot be required to testify in

1 this case. You have the right to testify on your
2 own behalf; however, no one can make you testify.
3 This is a personal right and no one can waive this
4 right except you. If you decide to testify you will
5 be subject to the same rules that govern other
6 witnesses, and you may be examined and
7 cross-examined on any relevant issue in this case.
8 In addition, if you have any convictions involving
9 dishonesty or false statement or for crimes
10 punishable by imprisonment for more than a year and
11 this court determines the probative value of
12 admitting this evidence outweighs its prejudicial
13 effect to you, the prosecutor will be allowed to
14 introduce your record to attack your credibility.
15 If you decide to testify, this decision on your part
16 must be freely, voluntarily, and intelligently made
17 with the knowledge of the protections given to you
18 by the Fifth Amendment and the consequences of your
19 decision to testify.

20 If you decide not to testify I will
21 instruct the jurors that they cannot, that they
22 cannot give the fact that you did not testify any
23 consideration whatsoever and that there is to be
24 absolutely -- I want you to look at me when I'm
25 talking to you.

1 THE DEFENDANT: I apologize.

2 THE COURT: I want to make sure you listen
3 to me. That there is to be absolutely no prejudice
4 to you because you did not testify. Now it's left
5 entirely up to you whether or not you testified.
6 You may talk with your attorney, your family, your
7 friends, or anyone; but the ultimate decision as to
8 whether or not you testify rests with you. You
9 understand what I've explained to you?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Do you have any questions
12 about what I've explained to you?

13 THE DEFENDANT: No, sir.

14 THE COURT: All right. What I'm going to
15 do is I want, typically ask at this point whether or
16 not you want to testify. I'm not gonna ask you that
17 right now. I'm gonna let, I'm gonna give you the
18 overnight to talk with your lawyer, your family, or
19 whomever you so desire and reconvene in the morning
20 and I'm gonna ask you that question, whether or not
21 you intend to testify. You understand?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: And again, I want you to
24 clearly understand it's up to you, it's your
25 decision. You understand that?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: You have any questions you
3 want to ask me?

4 THE DEFENDANT: No, sir.

5 THE COURT: Okay, you may be seated.

6 THE DEFENDANT: Thank you, sir.

7 MR. GRIFFITH: Your Honor, one matter that
8 we might go ahead and address today before we argue
9 about it tomorrow. I will be calling a witness.
10 Her name is Ms. Milsaps. Ms. Milsaps, who is
11 present here actually, inquired and received a
12 letter from the office of sheriff of York County
13 Detention Center and the -- I have a letter, copy of
14 the letter here. I will give one to her. I intend
15 to present this as evidence, Your Honor. It is
16 written to Ms. Milsaps, addressed to her, and she
17 received it in the mail and so we could address the
18 admissibility of this now.

19 THE COURT: Can I see it please.

20 MR. GRIFFITH: Sure.

21 (Pause.)

22 THE COURT: Go ahead, Mr. Griffith.

23 MR. GRIFFITH: The reason I would admit
24 this, Your Honor, is to show a certain period of
25 time, of course, when he would not be available to,

1 and among other evidence that I have which is
2 certainly admissible testimony that this would show;
3 however, it does point out that he had been in jail,
4 but he were willing to put that before. Otherwise,
5 I would have to put them on the stand. I would be
6 forced to put him on the stand and bring his whole
7 record showing this period of time where as this is
8 a letter to Ms. Milsaps from the sheriff and it
9 would open the door.

10 THE COURT: Well, it's ---

11 MR. GRIFFITH: But it narrows it down.

12 THE COURT: Ms. Timmons?

13 MS. TIMMONS: Your Honor, the State would
14 not object to the letter being introduced.

15 THE COURT: You would not object?

16 MS. TIMMONS: No, sir, Your Honor.

17 THE COURT: Okay.

18 MR. GRIFFITH: Okay, we're good.

19 THE COURT: Then that clears that up.

20 MS. TIMMONS: Judge, I guess one more
21 matter that probably is gonna come up. Mr. Cameron
22 was convicted of receiving stolen goods, value two
23 to ten thousand dollars and the conviction happened
24 on September 5th, 2014 -- no, excuse me, he pled
25 guilty on December 2, end of 2014. I believe that's

1 how he came to know his witnesses, alibi witnesses.

2 MR. GRIFFITH: She's gonna testify as to
3 the entire incident, how they met, etc., Your Honor.

4 THE COURT: How he met whom?

5 MR. GRIFFITH: The people he's with now,
6 the people, the witnesses who are gonna testify as
7 to his whereabouts, but I think that's a matter for
8 just to be brought in.

9 MS. TIMMONS: So I ---

10 THE COURT: Let me ask this, have y'all
11 talked about this?

12 MR. GRIFFITH: Yes. We sent her notice of
13 alibi?

14 THE COURT: No, all right, let me finish
15 my thought process here, okay. I understand you
16 sent notice of alibi, but have y'all talked about
17 that, Ms. Timmons? This bringing up right now as
18 far as why he was there, isn't that what you were
19 saying, Ms. Timmons?

20 MS. TIMMONS: I mean, the only reason I'm
21 bringing it up now is because if he's gonna present
22 a defense, one of the witnesses they mentioned
23 something that he was on probation or was doing
24 community service with them. So I guess if that
25 thing comes up, the State would just ask to be

1 allowed to use it.

2 MR. GRIFFITH: He's on -- he's in defense
3 of his life, his minor convictions, it's gonna come
4 in because, yeah, this is how ---

5 THE COURT: It's gonna come in because
6 you're gonna assume I'm letting it in or because you
7 ---

8 MR. GRIFFITH: I mean, we are unafraid of
9 it coming in.

10 THE COURT: Let me finish my question,
11 Mr. -- is it coming in because you're assuming I'm
12 gonna let it in, or is it coming in because it's
13 your intention to not, to allow it to come in
14 because you think it fits within the realm of your
15 defense?

16 MR. GRIFFITH: This one in particular,
17 Your Honor, fits within the realm of any defense.
18 Any others ---

19 THE COURT: That's not what I'm asking,
20 okay. She's consented to this letter coming in
21 un-objected to; but what she's talking about now is,
22 that you bringing any individuals in, these pastors,
23 etc., that it's her intention to bring out why he
24 was there. And my understanding is, the reason he
25 was there because he was on probation for receiving

1 stolen goods.

2 MR. GRIFFITH: I didn't get---

3 THE COURT: And that's why he knows these
4 people, why they were helping him, and etc., okay.
5 My question to you is, pursuant to what Ms. Timmons
6 has said here, do you, you're assuming that's coming
7 in and when I say "that" I mean why he was on
8 probation.

9 MR. GRIFFITH: Well, I'm gonna object to
10 it, Your Honor, because that's what I, I would
11 object to anything further than just what we
12 present. If she wants to bring anything else in
13 I'll object to it, then the Court can rule on
14 whether or not it comes in, whether they, the court
15 believes that's opened the door or not.

16 THE COURT: Ms. Timmons, anything else?

17 MS. TIMMONS: No, sir, Your Honor.

18 THE COURT: It's your intention you're
19 going to ask him why he was there?

20 MS. TIMMONS: Yes, Your Honor. I mean, I
21 don't, I think it's gonna come up that defendant was
22 on probation.

23 THE COURT: Well, I mean, are you going to
24 bring it up? Is that you want you want to do?

25 MS. TIMMONS: I guess Defense is going to

1 bring it up. How else ---

2 THE COURT: That's kind of a double edge
3 sword here. You know, if he's on probation, for all
4 that jury knows he could have been on probation for
5 criminal sexual conduct. He could have been on
6 probation for attempted murder or whatever it may
7 be. And I mean, if it comes up and you're leaving
8 this jury to speculate to the worst for the
9 defendant ---

10 MR. GRIFFITH: Your Honor, I don't believe
11 I'm gonna have to bring that up under this one
12 letter that says he was in jail for a period of time
13 to account for his whereabouts, to account for his
14 whereabouts during that time. I can't think of any
15 other ---

16 THE COURT: This is what I'm gonna do,
17 okay. I'm not sure, just in my initial, I'll think
18 about it. I'm not sure of the relevancy why he was
19 on probation or why he was on probation, okay, not
20 sure. Now if the defendant takes the stand and you
21 believe that this particular offense goes to his
22 credibility that you think it ought to be admissible
23 for that, then we'll talk about that. I don't know
24 if receiving stolen goods falls within that purview,
25 but I'll look at it.

1 MR. GRIFFITH: Of course, Your Honor, if
2 he were to take the stand he would be open to being
3 questioned about his criminal activities, etc.,
4 dealing with this dishonesty, etc. The fact that he
5 was incarcerated for receiving stolen goods, that's
6 what he was incarcerated for, burglary.

7 THE COURT: Quite frankly, if I'm
8 representing Mr. Cameron and I bring out, as his
9 lawyer, he's on probation, I don't want a jury to
10 speculate as to what it is; but I'll leave that up
11 to y'all.

12 MR. DURANT: Judge, would you consider
13 having a conversation with us in chambers about this
14 issue?

15 THE COURT: Yeah.

16 MR. GRIFFITH: He was never on probation.

17 THE DEFENDANT: I was, but it was...

18 (Attorney confers with defendant.)

19 (WHEREUPON, a recess was taken from the
20 proceedings.)

21 THE COURT: Mr. Cameron, if you'd stand
22 please. Yesterday before we broke I advised you of
23 certain of your rights and your right to testify in
24 the trial of your case. I told you that I would
25 give you the overnight to talk to whomever you so

1 desired. And I also told you that the ultimate
2 decision of whether or not you testified, the
3 ultimate decision would be your decision. You
4 remember that?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Have you had an opportunity to
7 think about, talk to whomever you so desired and
8 make a decision here today?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: And do you wish to testify in
11 the trial of your case?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Now I want to -- and I told
14 your lawyer back in chambers I was gonna ask him if
15 he objected to me doing this and he indicated that
16 he did not. You're currently charged and on trial
17 for criminal sexual conduct in the first degree
18 which carries a mandatory minimum of 25 years up to
19 life. The State has offered you to plead to assault
20 and battery first degree which carries up to ten.
21 Criminal sexual conduct in the first degree is a
22 most serious offense under South Carolina which
23 falls under the two strike rule, which it means if
24 you get a conviction subsequent or another most
25 serious offense, that's automatically the State's

1 notice of their intent to seek life. It's automatic
2 life without parole.

3 In addition, it is a no parole offense.
4 Criminal sexual conduct conviction in the first
5 degree is a no parole offense, which means you will
6 do day-for-day assuming I give you the minimum
7 sentence if you were convicted. It is a mandatory
8 sex offender registry.

9 In addition, what the State has offered
10 you is not a serious offense, it's not a most
11 serious offense. It's not a no parole offense. In
12 other words, my understanding the law as it relates
13 to assault and battery first degree is that you will
14 be eligible for parole after one third of whatever
15 sentence imposed. I've been told that you've done a
16 year-and-a-half in the county jail. And assuming
17 for argument sake I gave you ten years on that if
18 you pled guilty, you would probably be home in a
19 year-and-a-half, okay. It is certainly your right
20 to proceed to trial and you have every right; but I
21 want to be, for my benefit, abundantly clear and
22 certain that you understand what you're doing here.
23 As a judge and as a prior lawyer before becoming a
24 judge, I've spent a lot of time in the courtroom and
25 I've seen many witnesses take the witness stand.

1 And I've seen many kids take the witness stand in
2 these types of cases, and I will tell you, it's up
3 to the jury what they do. They're the finders of
4 fact. But I will just tell you, in my experience
5 the child in this case was as good a witness as I've
6 ever seen, whether it be an adult or a child.
7 Again, it's up to the jury whomever they believe,
8 okay. If you want to go forward, that is your
9 decision and you have every right to; but I want you
10 to, I want to be certain that you fully understand
11 what's going on here and that you -- and there's no
12 question in my mind about your competency, okay.
13 The only thing as a judge that pains me in doing
14 this job are bad decisions that people make all the
15 time that have dire, severe, terrible consequences.
16 I want to be certain that you're sure, comfort to
17 me, that you know what you're doing here, all right.

18 Mr. Griffith.

19 MR. GRIFFITH: Your Honor, I would like
20 just a moment after you have discussed that to
21 consult with my client just for a moment.

22 THE COURT: And the law is clear, if
23 you're convicted of this charge of what you're on
24 trial for right now, I have to give you, I have to
25 give you a minimum 25 years. I have no, no

1 discretion in that, none. How old are you, Mr.
2 Cameron?

3 THE DEFENDANT: Twenty-three.

4 THE COURT: That's more the timethan
5 you've been on this earth so. I don't want you for
6 one instant to think -- because this is not my
7 intention -- I don't want you for an instant to
8 think that me as a judge is trying to put any
9 pressure. You do what you want to do, okay, and I
10 want you to. But I want to be confident that you
11 understand what's going on here, I want you to be, I
12 want to be confident of that. I'm certain your
13 lawyer has explained that to you, but I want to be
14 confident of that if he has left anything out. You
15 understand?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Okay. I'm gonna stand down
18 just a second. If you want to talk to him you
19 certainly may, and we're gonna bring this jury out.
20 We're gonna proceed with the trial of this case and
21 we'll go from there.

22 MR. GRIFFITH: Thank you, Your Honor.
23 Just five minutes.

24 THE COURT: Okay.

25 (WHEREUPON, a recess was taken from the

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1 proceedings.)

2 THE COURT: It's my understanding,
3 Mr. Cameron, you've spoken with your lawyer. It's
4 your desire to proceed with trial; is that right?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: All right, let's go.

7 MR. GRIFFITH: He's also decided he would
8 testify, Your Honor.

9 THE COURT: Okay, and I think he indicated
10 that earlier. Thank you for making that clear.

11 (WHEREUPON, the jury was returned to the
12 courtroom at approximately 9:55 a.m., and
13 the following proceedings commenced in
14 open court.)

15 THE COURT: Good morning, ladies and
16 gentlemen, I hope you had a nice evening last night
17 and ready to proceed here today. We broke for the
18 afternoon yesterday and the State had rested its
19 case. At this time the Defense is going to proceed
20 with their case, all right.

21 So at this time, Defense counsel, you're
22 recognized, call your first witness please.

23 MR. GRIFFITH: Thank you, Your Honor. The
24 Defense calls Ms. Shirley Milsaps.

25 THE COURT: Ma'am, if you'd come around to

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1 be sworn please.

2 THE CLERK OF COURT: Raise your right
3 hand, place your left hand on the Bible. Repeat
4 your name please.

5 THE WITNESS: Shirley Milsaps.

6 WHEREUPON,

7 **SHIRLEY MILSAPS,**

8 having been duly sworn by the Clerk of Court,
9 testified as follows:

10 THE COURT: Yes, sir.

11 **DIRECT EXAMINATION**

12 BY MR. GRIFFITH:

13 Q Please state your name.

14 A Shirley Milsaps.

15 Q And where do you live, Ms. Milsaps?

16 A 627 Pine Ridge Street, Rock Hill, South Carolina.

17 Q Okay. And how long have you known the defendant?

18 A A little over three years.

19 Q So since before the allegation of this crime; is
20 that correct?

21 A Yes.

22 Q And could you explain to us -- you can be as
23 detailed as you like -- how you came to know this
24 individual.

25 A In 2014 Justin Cameron came to our food pantry to

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1 get food for his grandmother and himself. The
2 director at that time, because Justin did not have a
3 current picture ID, turned him away and gave him
4 nothing. Later that night Justin came back and
5 broke into the food pantry and took what he needed.
6 When we became aware of the whole situation, the
7 director of the food pantry, the guidelines was
8 changed that if someone comes they will not be
9 given, that they will be given something, they would
10 not be turned away. Calvin decided not to press
11 charges at that time. Later, however, Justin came
12 back and broke into the church. He was, had to
13 serve time for that and he was incarcerated. When
14 he was released he was, he came to the church to do
15 his community service there. That's how I became,
16 you know, acquainted with him.

17 Q So he became acquainted through, with your church
18 through he was hungry, and broke in and then he
19 broke in another time and went to jail?

20 A Yeah.

21 Q And came back to do community service at your
22 church ---

23 A Yes, sir.

24 Q ---is what you stated?

25 A Yes, sir.

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1 Q Okay. Do you have any idea when that was that he
2 started that community service?

3 A It was the middle of 2015.

4 Q Middle of ---

5 A Well, I would say March, February, March, April.

6 Q Okay. And how long did he stay with you?

7 A When you say "stay," when Justin was coming to
8 church service we didn't know that he was homeless
9 at the time. He was staying in abandoned houses,
10 staying in the woods. So after that we became aware
11 and we were going to try to help him, you know,
12 improve his life, turn him around, even give him
13 opportunities that he never had. So then therefore,
14 we put him into a motel which our church, a couple
15 of Sunday school classes paid for, myself, and the
16 church.

17 Q And so he was -- would you say that from the time
18 he began working doing his community service that
19 you saw him every day?

20 A Basically every day.

21 Q And this was in Rock Hill, correct?

22 A This is in Rock Hill, South Carolina.

23 Q What is your function at the church?

24 A Administrative assistant.

25 Q You're what?

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1 A Administrative assistant.

2 Q Okay, administrative assistant. And so how would
3 you know he was there every day?

4 A Because I took him food, talked to him. I picked
5 him up at the motel, brought him to the church, took
6 him back.

7 Q Okay. So you picked him up in the morning and
8 took him back in the evening?

9 A Yes.

10 Q What time would you pick him up in the morning?

11 A Somewhere around 10:30. I was at the church
12 about 10:30 till about 8, 8:30.

13 Q 8:30 at night?

14 A Uh-huh.

15 Q Then you take him back to where he was staying?

16 A Yes, sir.

17 Q And would you say that he was present doing this
18 from at least the middle of June?

19 MS. TIMMONS: Objection, leading question.

20 THE COURT: Objection sustained.

21 BY MR. GRIFFITH:

22 Q So could you give us a timeframe as to when he --
23 you told us he started maybe April.

24 A Well, this was community service that Justin,
25 although he did 30 hours of community service, he

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1 did more. He came back because he didn't really, we
2 found out he didn't really have anywhere to go so
3 basically he was coming to the church. He did more
4 community service hours than was required.

5 Q So he ended up finishing his community service,
6 is that what you're saying?

7 A Yes.

8 Q Did he continue to come to church after that?

9 A He did.

10 Q Did you continue to pick him up and take him
11 back?

12 A I did.

13 Q And when did you stop doing that?

14 A When he was incarcerated.

15 Q And you know when he was incarcerated?

16 A July 17th.

17 Q I'm gonna show you a letter. I've already shown
18 it to counsel. Let me ask you if you can identify
19 this for me.

20 A Yes, sir.

21 Q And what is that? I mean, just tell me generally
22 where it came from.

23 A It's an official incarceration letter from the
24 Moss Justice Center in Rock Hill, South Carolina,
25 stating that Justin Cameron ---

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1 Q Wait, I just wanted you to identify it for now.

2 A Oh, okay.

3 Q Let me have it back.

4 A Okay.

5 MR. GRIFFITH: And Your Honor, I would
6 introduce this as Defense Exhibit 1.

7 THE COURT: Any objection?

8 MS. TIMMONS: No, sir, Your Honor.

9 THE COURT: Without objection, so
10 admitted.

11 (WHEREUPON, Defense Exhibit No. 1
12 was marked for identification and
13 admitted into evidence.)

14 BY MR. GRIFFITH:

15 Q I'll give it back to you now. Now how is it you
16 came by that letter?

17 A We knew where Justin was in Rock Hill, South
18 Carolina, so we knew he -- what did, on this day he
19 broke in to his grandmother's house that had been
20 abandoned and foreclosed on which was against the
21 law and he was arrested and was incar-- he was taken
22 that day.

23 Q Okay, so how did you get this letter?

24 A When I found out the time on Justin's warrant
25 that said he was in Turbeville, South Carolina, it

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1 brought into question. I said, well, how could he
2 have been there during that time 'cause we knew that
3 he was put in jail mid July through September 28th.

4 Q So you heard the testimony about when he was
5 staying in Turbeville?

6 A Yes, sir.

7 Q You recall the dates that they mentioned?

8 A Yes, sir, mid July.

9 Q Mid July to?

10 A They said mid July through a couple of weeks,
11 August the 5th.

12 MS. TIMMONS: Your Honor, objection,
13 pitting witnesses. I think the jury got the chance
14 to hear.

15 MR. GRIFFITH: Okay.

16 THE COURT: Overruled, you can answer the
17 question.

18 BY MR. GRIFFITH:

19 Q So you recall those witnesses said it was mid
20 July to the first of August somewhere, a couple of
21 weeks?

22 A Yes, sir.

23 Q And what period of time does that say that he was
24 incarcerated?

25 A He was incarcerated July the 17th through

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1 September the 28th which is a month and 23 days
2 after the accused time on this warrant.

3 Q And you're -- just give us your opinion. Could
4 he have possibly been somewhere else?

5 MS. TIMMONS: Objection ---

6 THE WITNESS: No, sir.

7 THE COURT: Hold on a minute.

8 MR. GRIFFITH: I'm asking for an opinion.

9 THE COURT: Hold on a minute.

10 THE WITNESS: My opinion ---

11 THE COURT: Ma'am, hold on, hold on. When
12 an objection is made you can't answer till I rule on
13 it, okay.

14 State your grounds for your objection
15 please.

16 MS. TIMMONS: Your Honor, Defense is
17 asking for an opinion from the lay witness.

18 THE COURT: State your question again
19 please.

20 BY MR. GRIFFITH:

21 Q In your opinion could he possibly have been two
22 places at one time?

23 A No, sir.

24 THE COURT: I'll allow that.

25

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1 BY MR. GRIFFITH:

2 Q If there's an objection, please don't answer it
3 until after the Judge has ruled on it. But what was
4 your answer, ma'am?

5 A What was the question?

6 Q In your opinion could he have been in two places
7 at one time?

8 A No, sir.

9 Q Tell us again when he was in jail.

10 A He was incarcerated mid July through
11 September 28th, 2015.

12 Q Okay. In your capacity working -- let me take
13 that back and I'll give it to her, thank you. In
14 your capacity working for the church, are you
15 acquainted with other people who work there?

16 A Yes, sir.

17 Q And so you can tell us that you saw him in Rock
18 Hill every day; is that correct?

19 A Yes, sir.

20 Q Until he was incarcerated on July 27th; ---

21 A Yes, sir.

22 Q ---is that correct? Did you start paying him for
23 working at the church?

24 A I did.

25 Q So he was employed?

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1 A Well, employed like under the table. He wasn't
2 like a check from the church. I would give him cash
3 money.

4 Q Okay. Were you authorized to do that, or was it
5 your own money?

6 A It was my, well -- my money.

7 Q Okay. Has he been coming to that church ever
8 since? Has he been coming to that church ever
9 since?

10 A Yes, sir, since he was released.

11 Q Since he was released in September?

12 A Yes.

13 Q What would you say his life is like now compared
14 to what it was?

15 A It's like a hundred percent turnaround.

16 MR. DURANT: Objection, Your Honor.

17 THE COURT: State your -- I'm sorry, state
18 your question again.

19 Don't answer the question till I rule on
20 it.

21 State your question again please.

22 MR. GRIFFITH: What would you say his life
23 is like now compared to what it was.

24 MR. DURANT: Object on relevancy and based
25 on rule 403, Your Honor. That's provoking emotional

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1 response from the jury.

2 THE COURT: Objection sustained.

3 BY MR. GRIFFITH:

4 Q Would you say he's a good member of your church?

5 A Yes, sir.

6 Q Does he attend regularly?

7 A Yes, sir.

8 Q Does he work?

9 A Presently he is working on getting his GED. We
10 have two tutors that works with him on, and he's in
11 the process of getting his GED.

12 Q Do you know if he has a girlfriend?

13 A He does not.

14 Q Do you know if he had a girlfriend?

15 A He, to my knowledge he did not.

16 Q Okay, I have no further questions. Please answer
17 the questions that...

18 THE COURT: Before you start cany'all
19 come over for just a second.

20 (WHEREUPON, counsel approached the
21 Bench for an off-the-record discussion.)

22 THE COURT: Cross-examination. You may
23 proceed.

24 CROSS-EXAMINATION

25 BY MS. TIMMONS:

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1 Q Ms. Milsaps, you first became aware of those
2 accusations sometime in the middle of 2016; is that
3 correct?

4 A Which accusations?

5 Q Of criminal sexual conduct.

6 A We became aware when he was arrested.

7 Q Okay. So it was middle of 2016, or you're not
8 sure?

9 A It's '15 I think. The warrant was issued in two
10 thousand-- okay. He was arrested, we got him into a
11 drug alcohol rehab facility in Winston Salem, our
12 church did.

13 Q Okay. But when -- did you first became aware of
14 those accusations in the middle of 2016?

15 A Let me get my dates straight.

16 Q Okay.

17 A Yes.

18 Q So prior to that you had no idea?

19 A No.

20 Q Okay. So for almost a year you had no idea that
21 Justin had been accused of something like that?

22 A That's correct.

23 Q Okay. And you stated that you had known Justin
24 for almost three years and you first met ---

25 THE COURT: Hold on a minute, ma'am.

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1 Ma'am, I need a verbal response. I see you shaking
2 your head.

3 THE WITNESS: She was still talking.

4 THE COURT: Go ahead.

5 BY MS. TIMMONS:

6 Q And you first met him, I guess, after he broke
7 into your church?

8 A That's correct.

9 Q Twice.

10 A That's correct.

11 Q Okay. And he had to do community service because
12 of that?

13 A Yes, ma'am.

14 Q And you said you saw him daily. You saw him
15 daily?

16 A Yes.

17 Q Okay. And I have -- you have been coming to
18 court every single day?

19 A Yes.

20 Q Okay. And I guess your husband is here with you?

21 A Yes.

22 Q And Justin is here with you?

23 A Yes.

24 Q And Justin was coming with you?

25 A Yes.

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1 Q Okay. So you have been -- do you live in Rock
2 Hill?

3 A Yes.

4 Q Okay. So you have been driving every single day
5 from Rock Hill?

6 A No, ma'am, we've been, we have a hotel room.

7 Q Okay, so you rented a hotel room. And just one
8 room?

9 A Two.

10 Q Two rooms. And you're paying for that room, for
11 those two rooms?

12 A Yes.

13 Q And Justin is not paying for those rooms?

14 A No.

15 Q Okay. And Justin, you treat Justin as a member
16 of the family, right?

17 A I would say basically. What do you mean by
18 member of the family?

19 Q Member of the family. You treat him as a member
20 of your family.

21 A Well, a young man that the church is helping turn
22 his life around.

23 Q Okay. Are there other young men in your church
24 that are doing community service?

25 A No, ma'am.

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1 Q Are there other young men that are coming to
2 church?

3 A Yes.

4 Q Are there other young men that are coming, I
5 guess, to use the food pantry?

6 A Yes.

7 Q Are there other men that, I guess, your church
8 and you are helping to turn their life around?

9 A Not at the present.

10 Q Okay. But there were other young men then or
11 other people that you and your church are helping?

12 A We have the community service people that come
13 and do and we help them as needed.

14 Q Okay. And you help other people too if they come
15 and are needed?

16 A That's correct.

17 Q So Justin, according to you Justin is just, you
18 treat him like that. He's, you know, just somebody
19 that you're helping?

20 A Right, the church is helping.

21 Q Okay. Do you have a Facebook account?

22 A I do.

23 Q I'm gonna show you just for I.D. purposes what's
24 been marked as State's Exhibit No. 6.

25 (WHEREUPON, State Exhibit No. 6

1 was marked for identification only.)

2 BY MS. TIMMONS:

3 Q And can you take a look at it?

4 A Yes.

5 (WHEREUPON, State Exhibits Nos. 7 through
6 11 were marked for identification only.)

7 THE COURT: Ladies and gentlemen, go ahead
8 and take...

9 (Juror was removed from the courtroom.)

10 THE COURT: I'm gonna ask that all of them
11 step to the jury room for just a minute. Don't
12 discuss the case. I'll get you back out here in
13 just a second.

14 (WHEREUPON, the jury was removed from the
15 courtroom at 10:15 a.m.)

16 THE COURT: I'm gonna allow the witness to
17 step down. Do not discuss your testimony right now,
18 okay.

19 Let me tell everybody out here what's
20 going on. That particular juror has asthma, has
21 asthma, and she had left her medicine at home. Law
22 enforcement went to her home and got her medicine
23 this morning, and she's having some difficulty so
24 they're taking that medicine in to her.

25 I want you to go in there and get law

1 enforcement out of there. The door is open to the
2 jury room and get them out of there. You, allow you
3 to remain in there.

4 THE CLERK OF COURT: Okay, let me see how
5 she's doing, okay.

6 (WHEREUPON, a recess was taken from the
7 proceedings and State Exhibit No. 12
8 was marked for identification only.)

9 THE COURT: Mr. Griffith, have you had the
10 opportunity to look at that?

11 MR. GRIFFITH: I have, Your Honor.

12 THE COURT: State has ---

13 MR. GRIFFITH: I would object on
14 relevance.

15 THE COURT: Can I see them?

16 MR. GRIFFITH: Sure.

17 THE COURT: What numbers have they been
18 marked as?

19 MS. TIMMONS: Just for the record I
20 have -- I don't intend to introduce it into
21 evidence.

22 THE COURT REPORTER: 6 through 12, Judge.

23 (Pause.)

24 THE COURT: All right. State's Exhibit 6
25 through 11 have been marked for identification

1 purposes. Mr. Griffith has indicated there's an
2 objection as such on the grounds of relevance; is
3 that right?

4 MR. GRIFFITH: Yes, Your Honor.

5 THE COURT: What's the State's position on
6 that?

7 MS. TIMMONS: Your Honor, the State's
8 position, we want to just present it to the witness
9 to show bias.

10 THE COURT: Over the Defendant's objection
11 I think it is relevant to show bias, overruled, so
12 I'm gonna allow it.

13 MR. GRIFFITH: Okay. Your objection is
14 noted. Now with regards to State's Number 12,
15 what's your intention on that, Madam Solicitor?

16 MS. TIMMONS: Your Honor, it's also,
17 again, just for ID purposes.

18 THE COURT: I mean, is it something you're
19 gonna question this witness about?

20 MS. TIMMONS: Yes, Your Honor. This is
21 Ms. Milsaps' statement.

22 THE COURT: I mean, why is the -- is it
23 necessary that this notice of alibi be attached to
24 it?

25 MS. TIMMONS: No, no, it's just, I guess

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1 just ---

2 THE COURT: The second page maybe, but I
3 don't know that page one of this needs to be marked
4 for identification.

5 MS. TIMMONS: Your Honor, I guess my
6 intention was to, I guess, just question or ---

7 THE COURT: I mean, that's Mr. Griffith's
8 notice to you all of alibi.

9 MS. TIMMONS: Yes, Your Honor, and the ---

10 THE COURT: And the attached -- and that
11 was attached to his notice ---

12 MS. TIMMONS: Yes, Your Honor.

13 THE COURT: ---for y'all's benefit, I get
14 that.

15 MS. TIMMONS: Yes, sir.

16 THE COURT: But as far as, and I don't
17 know if you intend to introduce any of this or
18 you're gonna introduce ---

19 MS. TIMMONS: I don't intend to introduce
20 any of those.

21 THE COURT: Okay. All right, hand that
22 back please. She certainly, possibly be questioned
23 on. Anything before I bring the jury back out from
24 Defense counsel?

25 MR. GRIFFITH: Nothing, Your Honor.

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1 THE COURT: Anything from the State?

2 MR. DURANT: No, sir.

3 MS. TIMMONS: No, sir, Your Honor.

4 THE COURT: Ms. Milsaps, would you come
5 back up please, ma'am.

6 (Witness resumes seat on the witness stand.)

7 THE COURT: All right, bring me the jury
8 please.

9 (WHEREUPON, the jury was returned to the
10 courtroom at approximately 10:26 p.m.,
11 and the following proceedings commenced
12 in open court.)

13 THE COURT: All right, we got all the
14 jurors back in here ready to proceed. At this time
15 the State is recognized. You may continue your
16 cross-examination.

17 BY MS. TIMMONS:

18 Q When we left out, Ms. Milsaps, I handed to you
19 what's been marked as State's Exhibit Number 6. Is
20 this your profile picture?

21 A Yes, it is.

22 Q Is this your Facebook account?

23 A It is.

24 Q Okay. I guess before I continue, do you have any
25 kids?

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- 1 A I have a daughter and a granddaughter.
- 2 Q Okay. How old is your daughter?
- 3 A She's 40.
- 4 Q Okay, and what's her name?
- 5 A Candace.
- 6 Q Okay. And how old is your
- 7 A She's, will be 13 in December.
- 8 Q And what's her name?
- 9 A Witness's Granddaughter.
- 10 Q Okay. And can you tell me from the picture is
- 11 this your house?
- 12 A This is our house and this was at Christmas and
- 13 it's three Christmas stockings.
- 14 Q Okay, three Christmas stockings. I see one for
- 15 you?
- 16 A Yes.
- 17 Q One for your husband?
- 18 A Yes.
- 19 Q And one for Justin?
- 20 A Yes.
- 21 Q Okay. There was none for your granddaughter?
- 22 A They don't live with us.
- 23 Q Okay. And so none for your daughter as well?
- 24 A They don't live with us.
- 25 Q But there was one for just some young man from

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1 the church that you helped?

2 A Right.

3 Q Okay. I'm going to show you what's been marked
4 as State's Exhibit Number 7. Again, is this your
5 profile picture?

6 A It is. It's Christmas time.

7 Q Okay. And who, is this Justin on that picture?

8 A It is.

9 Q Is he opening Christmas presents?

10 A Basically, under the tree.

11 Q Okay, at your house?

12 A Yes.

13 Q Okay. And again, there's no, your daughter is
14 not over there, your granddaughter is not over
15 there?

16 A No.

17 Q Okay, thank you. I guess, I'm gonna show you
18 what's been marked as State's Exhibit Number 8.

19 A Okay. This is my granddaughter's birthday.

20 Q And can you tell us who else is on that picture?

21 A My granddaughter and Justin.

22 Q Okay. They're together on that picture?

23 A Yes.

24 Q Okay. Were there any more young men or other
25 people from the church that you helped on that

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- 1 picture?
- 2 A No.
- 3 Q Okay. Were they invited?
- 4 A No.
- 5 Q Okay. Again, I'm gonna show you what's been
- 6 marked as State's Exhibit Number 9. Is this your
- 7 Facebook account?
- 8 A Yes, it is.
- 9 Q Is the picture that you put on Facebook?
- 10 A It is.
- 11 Q And can you tell us, can you tell the jury again
- 12 what's on that picture?
- 13 A Justin's 23rd birthday.
- 14 Q Okay. Do you have any other pictures of any
- 15 other church people that come to church?
- 16 A Not in this one.
- 17 Q Okay, thank you. I'm gonna, again, show you
- 18 what's been marked as State's Exhibit Number 10. Is
- 19 that your Facebook account?
- 20 A It is.
- 21 Q Can you tell us again who's on that picture?
- 22 A It's Justin.
- 23 Q Is he sitting in front of your house?
- 24 A He's sitting in front of his apartment.
- 25 Q Okay. Giving out Christmas treats, I mean---

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1 A Halloween.

2 Q ---Halloween treats?

3 A Yes.

4 Q Yes. And I'm gonna show you what's been marked
5 as State's Exhibit Number 11. Is this your Facebook
6 account?

7 A It is.

8 Q Can you tell us who's on that picture?

9 A Justin.

10 Q What is he doing?

11 A He's just setting there. We went to a movie.

12 Q Okay. Who went to the movie? You?

13 A My family.

14 Q Okay. So who was it, was it your husband and
15 Justin?

16 A Yes.

17 Q So Justin is part of your family?

18 A Well, Justin is a part of our family basically
19 because he was homeless and had nowhere to go, never
20 had a family. He's had a rough home life, mother
21 didn't give anything, didn't care about him, more
22 concerned about ---

23 Q I'm sure in your, I guess, in your work 'cause
24 you work at the church you guys have a food pantry.
25 You see a lot of homeless people.

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1 A We do.

2 Q Okay. Yet, they're not on Facebook, right?

3 A This particular one ---

4 Q I mean, their pictures are not on Facebook.

5 A This particular one, we're helping him 'cause he
6 broke into our church were helping him turn his
7 life around, that there's more to life.

8 Q And you stated that Justin just recently got a
9 driver's license, right?

10 A He did.

11 Q Prior to that he didn't have a driver's license?

12 A No, ma'am.

13 Q And you stated that after he broke in to your
14 church numerous times he was doing community
15 service?

16 A Yes.

17 Q And you were the one to pick him up?

18 A Yes.

19 Q From his apartment or?

20 A Hotel.

21 Q Okay, from hotel. And you were taking him to the
22 church?

23 A Yes.

24 Q And then you were taking him back to his
25 apartment?

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- 1 A Yes.
- 2 Q And you have been doing it every single day?
- 3 A Yes.
- 4 Q Because he didn't have a driver's license?
- 5 A That's correct.
- 6 Q He didn't have a car?
- 7 A That's correct.
- 8 Q So the only way he can get to church is if you
- 9 took him there?
- 10 A Yes.
- 11 Q Okay. I'm gonna show you what's been marked as
- 12 just for I.D. purposes as State's Exhibit Number 12.
- 13 Can you look at it?
- 14 A Yes.
- 15 Q Okay. And it's -- were you the one to prepare
- 16 that document?
- 17 A Yes.
- 18 Q Okay. And it's titled Recollection of Justin
- 19 whereabouts for June 26th through July 17th.
- 20 A Correct.
- 21 Q Okay. You were the one to prepare it?
- 22 A Yes.
- 23 Q Okay. Did anybody help you with preparing it?
- 24 A No.
- 25 Q Okay. And you come up with the date of July 17th

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1 because that's when Justin was arrested for another
2 burglary?

3 A It was the timeframe when there's a warrant
4 documenting.

5 Q Okay. But July 17th you come up with that date
6 because that's when he was arrested ---

7 A Yes.

8 Q ---for another burglary?

9 A That's correct.

10 Q And it's titled Recollection?

11 A Yes.

12 Q Do you -- so you had to make, you had, I guess
13 you had to -- did you use any ledger to come up with
14 that date, I mean, come up with those dates?

15 A No.

16 Q Okay. Did you use calendar?

17 A Yes.

18 Q Okay. And what do you have in your calendar?
19 What information do you have on your calendar?

20 A Basically picking him up.

21 Q Okay. So every day in your calendar you have
22 listed, I picked Justin up?

23 A Yes.

24 Q Do you have that calendar here with you?

25 A I do not. I didn't know I needed it.

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1 Q Okay. When was that document prepared?

2 A When I send it down to the lawyer.

3 Q Okay. Well, that document -- look at it. It's
4 dated April 6th, 2017. Is that correct?

5 A Now, no, this wasn't the timeline that I
6 prepared. April the 6th, 2016, is when he was ---

7 Q No, no, the date, I guess from the first page.
8 Is it April 6th, 2017?

9 A It's when I submitted it to Mr. Griffith.

10 Q Okay. So you submitted all those dates almost
11 two years after the incident so almost two years
12 after the incident without looking at any ledger,
13 you come up with those exact dates and exact times?

14 A Yes.

15 Q Okay. And you stated that every single day you
16 were picking up Justin from his apartment and taking
17 him to church?

18 A Yes.

19 Q Okay. How old is Justin?

20 A 23.

21 Q Okay. How old are you?

22 A 67.

23 Q Oh, I'm, yeah. So every single day you were,
24 Justin, I guess, was spending time with you?

25 A Yes.

DW - S. MILSAPS - DIRECT

1 Q And just conveniently on July 17th you didn't
2 pick him up from church?

3 A That's correct.

4 Q I mean, you didn't pick him up from his
5 apartment?

6 A Right.

7 Q And you stated that he came to church that day?

8 A He called.

9 Q Okay. And you stated that he came to church that
10 day?

11 A He called. He was meeting a friend. I didn't
12 pick him up 'cause he said a friend was coming to
13 take.

14 Q Okay.

15 A But he did come and I gave him ten dollars.

16 Q Okay. so then it was that one day, one day, in
17 two years that you know him, that he, that you
18 didn't pick him up?

19 A (No verbal response.)

20 THE COURT: Is that a yes?

21 THE WITNESS: Yes.

22 BY MS. TIMMONS:

23 Q So you ---

24 A When you say two years, it was like two weeks.

25 Q Ma'am, your statement here today is based solely

DW - S. MILSAPS - REDIRECT

1 on your recollection.

2 A June 26th through July 16th.

3 Q It's based solely on your recollection?

4 A Yes.

5 Q Okay. So, and there's no ledger, no calendar,
6 nothing that you brought here today?

7 A That's correct.

8 Q Something that would very important to this case?

9 A This is my statement here.

10 Q Okay.

11 MS. TIMMONS: Court's indulgence.

12 THE COURT: Yes, ma'am.

13 BY MS. TIMMONS:

14 Q Ms. Milsaps, again, the information in that
15 statement were based solely on your recollection?

16 A It's, yes, it's what I did.

17 Q Okay. So no ledger, no calendar, was ever
18 produced to confirm?

19 A When I was asked to do a timeline this is what I
20 compiled and emailed to Mr. Griffith.

21 Q But you never produced any calendar?

22 A I wasn't asked for one.

23 Q You never thought about bringing it over?

24 A No, I did not.

25 Q And you were very closely, I guess, monitoring

DW - S. MILSAPS - REDIRECT

1 that case;---

2 A Yes.

3 Q ---is that correct? Okay.

4 MS. TIMMONS: I don't have anymore
5 questions at this time.

6 THE COURT: Ma'am, hold on.

7 Any redirect?

8 MR. GRIFFITH: Redirect, Your Honor.

9 THE COURT: He gets to ask you some more
10 questions if he wants, Ms. Milsaps.

11 **REDIRECT EXAMINATION**

12 BY MR. GRIFFITH:

13 Q Ms. Milsaps, counsel stated that you didn't have
14 a calendar with you, but you stated that you looked
15 at a calendar when you created that timeline.

16 A That is correct.

17 Q So you had written on a calendar that you picked
18 him up?

19 A Yes.

20 Q But you don't have it with you?

21 A That's correct.

22 Q But that's okay. so you just didn't pull it out
23 of thin air?

24 A No, sir.

25 Q And July 16th you got a letter that stated he was

DW - S. MILSAPS - REDIRECT

1 arrested, in jail July 16th, correct?

2 A We got word that he had been arrested on
3 July 17th.

4 Q I mean 17th, I'm sorry. And so that's why you
5 didn't pick him up that day?

6 A That's correct.

7 Q No other questions.

8 THE COURT: Any re-cross?

9 MS. TIMMONS: No, sir, Your Honor.

10 THE COURT: Hold on.

11 MR. GRIFFITH: I'm sorry, Your Honor, I
12 left something out I want to ask.

13 THE COURT: Sir?

14 MR. GRIFFITH: One more redirect, Your
15 Honor, I'm sorry, Your Honor.

16 THE COURT: Go ahead.

17 MR. GRIFFITH: All right.

18 BY MR. GRIFFITH:

19 Q You folks took him into your home?

20 A We did.

21 Q He was homeless?

22 A That's correct. The church was basically helping
23 him to turn his life around and show him that there
24 was a better way, that he didn't have to live on the
25 streets and continue to be a hoodlum. Be an asset

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1 instead of a liability to society.

2 Q And your church is a Christian organization?

3 A Yes, sir.

4 Q And that's kind of Christian thing to do?

5 A Yes, sir.

6 Q There was nothing between you and Justin or
7 anything?

8 A Oh, no, no. My husband has been with us
9 constantly.

10 Q So it's more like a, she said, you treated him
11 like family.

12 A Well, to give him a family he never had, to show
13 him the love and support that he could have from our
14 church and individuals as well.

15 Q You were very kind to him; is that correct?

16 A Yes.

17 Q Trying to help him?

18 A Yes, sir.

19 MR. GRIFFITH: No questions.

20 THE COURT: All right, Ms. Timmons.

21 MS. TIMMONS: Yes, sir.

22 RECROSSEXAMINATION

23 BY MS. TIMMONS:

24 Q Ms. Milsaps, that calendar that you just talked
25 about, did you show it to Mr. Griffith?

DW - T. LAWSON - DIRECT

1 A I did not.

2 Q Did you show it to anybody?

3 A I did not.

4 Q Did you thought about bringing it over here?

5 A I did not.

6 Q So that calendar that you're talking about nobody
7 has ever seen?

8 A No.

9 Q All right, thank you.

10 THE COURT: All right. You may step down
11 now, Ms. Milsaps.

12 Call your next witness please.

13 MR. GRIFFITH: Your Honor, Defense calls
14 Reverend Tony Lawson.

15 THE COURT: Ladies and gentlemen, as he's
16 coming up there let me just say this to you real
17 quick. During the course of Ms. Milsaps' testimony
18 there were several items that were marked for
19 identification purposes. I believe it was 6 through
20 12.

21 Is that right, Madam Court Reporter?

22 THE COURT REPORTER: Yes, sir.

23 THE COURT: Those items have not been
24 introduced into evidence. They're not introduced.
25 When the case is given to you all, when you go back

DW - T. LAWSON - DIRECT

1 there and they're not going back there with you. I
2 just want you to be clear on that before we go any
3 further at this point. It isn't unusual for a jury
4 to ask can we see these items they were talking
5 about? They hadn't been introduced into evidence,
6 it's not in evidence.

7 All right, you may continue.

8 THE CLERK OF COURT: Raise your right
9 hand, place your left on the Bible, and repeat your
10 name please.

11 THE WITNESS: Tony Lawson.

12 WHEREUPON,

13 TONY LAWSON,

14 having been duly sworn by the Clerk, testified
15 as follows:

16 DIRECT EXAMINATION

17 BY MR. GRIFFITH:

18 Q Please state your name for the record.

19 A Tony Lawson.

20 Q Can you tell us where you live.

21 A I live in Rock Hill, XXXX XXXXXXXX (ph) Drive.

22 Q How long have you been there?

23 A I been in Rock Hill for like almost 15 years.

24 Q Okay. And what do you do in Rock Hill?

25 A I'm associate pastor right now at Sisk Memorial

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1 Baptist Church in Fort Mill.

2 Q And how long have you been in that capacity?

3 A I have been in that capacity, I've been there
4 almost two years.

5 Q And before that?

6 A Before that I was an associate pastor at Calvary
7 Baptist Church in Rock Hill for almost, well, about
8 13 years.

9 Q And during that time did you spend time at the
10 church?

11 A Yes, sir, I did.

12 Q As well as other duties?

13 A Yes, sir, I have a lot of outside duties in the
14 church.

15 Q Like what?

16 A I visit shut-ins, go to hospitals, nursing homes,
17 and minister to families and such.

18 Q Okay. And from the time, during the time you
19 were going to that church from, say, mid June to
20 middle of July, did you go there during that time?

21 A Yes, sir.

22 Q And how often do you think you went there?

23 A Normally I was there Monday mornings through
24 Thursday afternoons, sometimes in and out on
25 Fridays. I was in and out most, most every day of

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1 the week. And of course I was there on Sundays, you
2 know, pastors always work.

3 Q And did you keep a calendar of where you were
4 during that time like on your phone or something?

5 A Well, I would put, like, names on my notes in my
6 phone as I did visits so I could keep up with who I
7 had visited that day.

8 Q Okay. But did you keep notes as to what days you
9 were at the church, or was that a regular schedule?

10 A It just, it was, it just depended on what was
11 going on. It wasn't a regular type schedule. I
12 could, some days I wouldn't have a hospital, some
13 days there wouldn't be anybody in the hospital, and
14 I wouldn't, I would just stay at the church and do
15 work on the computer or answer emails and such.

16 Q And when you would go to the church during the
17 period of, say, June till the middle of July, did
18 you ever see Justin Cameron there?

19 A Yes, sir, I did.

20 Q What was he doing there?

21 A Little odd jobs, picking up moving stuff that we
22 needed moved and little cleanup jobs, stuff like
23 that.

24 Q You see him pretty often?

25 A Once in a while during that time I remember, I do

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1 remember seeing him.

2 Q But you, and you want to fill in the gap? You
3 can't say that you saw him every day?

4 A I cannot say that I saw him every day.

5 Q But on the days you were there ---

6 A I knew he was there. I would say he ---

7 Q How do you know he was there?

8 A ---would pass me in the hall. And when I'd come
9 in I'd see notices that somebody be there. He was
10 still moving stuff so.

11 Q Okay. I have no further questions.

12 THE COURT: Cross-examination.

13 CROSS-EXAMINATION

14 BY MS. TIMMONS:

15 Q How are you?

16 A Well.

17 Q So you stated that you have been, I guess, in the
18 church pretty much every day unless your duties,
19 unless you have to be in the hospital or visit other
20 people?

21 A I would go to the hospital and come back to the
22 church.

23 Q Okay.

24 A I wouldn't stay at the hospital all day. It just
25 depended on what the surgery was or make a few

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1 visits to nursing homes such as that. I wouldn't,
2 normally I would always come back to the church
3 before I would go home.

4 Q Okay. And you saw defendant once in a while?

5 A Well, during that time I saw him a lot 'cause I
6 remembered him breaking into the church and the food
7 panty as well.

8 Q When he did he break into the church? Do you
9 know when did he broke into the church?

10 A When he broke into the church?

11 Q Yes, sir.

12 A It was sometime during that summer. I remember
13 that summer that that had happened.

14 Q Okay. So you have seen him that summer when he
15 broke into the church? I mean, after he broke into
16 the church?

17 A After he broke into the church? I remember,
18 vaguely remember seeing him.

19 Q Okay. And he broke into the church summer of
20 2014, right?

21 A Was it 2014?

22 Q Yes, sir.

23 A Well, I can't remember the exact day on his
24 break-in, but I remember that happened. I remember
25 'cause I came to the church and it had been broken

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1 into.

2 Q Okay, thank you.

3 THE COURT: Any redirect?

4 MR. GRIFFITH: No redirect, Your Honor.

5 THE COURT: Sir, you may step down, thank
6 you.

7 Next witness.

8 MR. GRIFFITH: Defense calls Michael
9 Polson, Reverend Michael Polson.

10 THE COURT: Sir, if you'd come around to
11 be sworn please.

12 THE CLERK OF COURT: Raise your right
13 hand, place your left hand on the Bible, repeat your
14 name please.

15 THE WITNESS: Michael Polson.

16 DIRECT EXAMINATION

17 BY MR. GRIFFITH:

18 Q Would you state your name for the record, sir.

19 A Michael Polson.

20 Q Where do you live, sir?

21 A XXXX XXXX XXXXXXXX Drive in Hendersonville, I
22 mean, Rock Hill, South Carolina.

23 Q Okay. And how long have you lived there?

24 A I've lived there for, I'd say we're going on
25 three years in all at that address. I've been in

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1 Rock Hill for eight years.

2 Q Rock Hill. And have you ever attended the
3 Baptist church there?

4 A Calvary, yes, sir, I'm on staff there as a
5 pastor.

6 Q Okay. And how long have you been in that
7 capacity?

8 A Eight years.

9 Q Okay. And during part of the summer of 2015 you
10 were on vacation?

11 A Yes, sir.

12 Q And I believe you told me it was -- when were you
13 on vacation, do you remember?

14 A It was on vacation the week of the 4th. We
15 always take a Saturday to a Saturday.

16 Q Was that around the 27th?

17 A Yes, sir.

18 Q And then you went, did you go on a mission trip
19 after that?

20 A I went to, took our students to Panama City on a
21 student trip, yes, sir.

22 Q But the rest of the time during that summer you
23 were at the church, correct?

24 A Yes, sir.

25 Q And do you recall when you returned from your

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1 vacation?

2 A I returned on that Sunday after the 4th.

3 Q Oh, after the 4th? So the Sunday, the 5th?

4 A Yes, sir.

5 Q So then do you recall when you left for Panama?

6 A Yes, sir. I was gone, I was there at the church
7 the next week after vacation; and then the next week
8 after that I was going to Panama, I think, it was
9 through a weekend.

10 Q Okay. And so from the 5th to the 9th you were
11 there at the church?

12 A Yes, sir.

13 Q Every day?

14 A Most likely, yeah, every day in and out.

15 Q Did you ever see Justin Cameron there?

16 A Yes, sir.

17 Q Did you see him every day during that time?

18 A During that time if I was at the office and he
19 was there, yes, because we knew that Justin was
20 there. We enjoyed -- so yes.

21 Q So you knew he was there?

22 A Yes, sir.

23 Q And was the church involved in trying to help
24 him?

25 A Yes, sir.

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1 Q Okay. So it wasn't just Ms. Milsaps; is that
2 right?

3 A No.

4 Q You wouldn't lie for him?

5 A What's that?

6 Q You wouldn't lie for him, would you?

7 A No, sir.

8 MR. GRIFFITH: I have no further
9 questions.

10 THE COURT: Cross-examination.

11 **CROSS-EXAMINATION**

12 BY MS. TIMMONS:

13 Q Hello, how are you?

14 A Good.

15 Q Mr. Polson, I guess let me get it clear. You
16 went on vacation, or you always go on vacation the
17 week of July 4th?

18 A Yes, sir.

19 Q And you take a whole week off?

20 A Yes, ma'am, I'm sorry. Sorry, say that again.

21 Q That's okay. And you always take a whole week
22 off?

23 A Yes, ma'am.

24 Q And you said that you came back to the office?

25 A Yes, ma'am.

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1 Q And ---

2 A It would have been that Monday.

3 Q Okay. And then you went on a mission trip?

4 A A student trip, yes, ma'am.

5 Q Where did you go?

6 A To Panama City.

7 Q Okay. Wow, that's good.

8 A What's that?

9 Q How long had you been there? I mean, how long
10 did you stay there?

11 A That was -- the best of my recollection it was a
12 six day trip.

13 Q Okay.

14 A Yes, ma'am.

15 Q Who else went over there with you?

16 A It's our students and some student leaders.

17 Q Okay, all right. And you stated, I guess, if you
18 were in the office and Justin was in the office you
19 would see him?

20 A Yes, sir.

21 Q Okay.

22 MS. TIMMONS: No more questions.

23 THE COURT: Any redirect?

24 MR. GRIFFITH: Redirect, Your Honor.

25 THE COURT: Go ahead.

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1 REDIRECT EXAMINATION

2 BY MR. GRIFFITH:

3 Q What you said was if you were in your office you
4 knew Justin was around there?

5 A Yes, sir.

6 Q Okay.

7 MR. GRIFFITH: No other questions.

8 THE COURT: Any recross?

9 MS. TIMMONS: No, sir, Your Honor.

10 THE COURT: Sir, you may step down, thank
11 you.

12 MR. GRIFFITH: Your Honor, the State [sic]
13 would call Justin Cameron. I mean, I'm sorry, the
14 Defense would call Justin Cameron.

15 THE CLERK OF COURT: Raise your right
16 hand, place your left hand on the Bible, repeat your
17 name please.

18 THE WITNESS: Justin Cameron.

19 WHEREUPON,

20 **JUSTIN CAMERON,**

21 having been duly sworn by the Clerk of Court,
22 testified as follows:

23 MR. GRIFFITH: May it please the Court,
24 Your Honor.

25 THE COURT: Yes, sir.

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DIRECT EXAMINATION

1 BY MR. GRIFFITH:

2 Q Please state your name for the record.

3 A Justin Cameron.

4 Q Where do you currently live?

5 A XXX XXXX XXXXXX Street, Rock Hill, South
6 Carolina.

7 Q How long have you been there?

8 A I'd say roughly about 15, 16 months.

9 Q Okay. And Justin, have you ever been homeless?

10 A Yes, sir.

11 Q What period of time would you say that you were
12 homeless? Do you remember any kind of date range?

13 A Well, it was more than once. I mean, I'd say
14 roughly each time probably six months to a year
15 maybe. That was when I was in Charlotte, but that
16 was beforehand. But this time I say, I roughly
17 don't remember on this time. I was in a tent so, I
18 mean, when you're homeless you really don't pay
19 attention to days because there's not much
20 excitement. You don't have nothing really to, so no
21 recollection.

22 Q You remember breaking into a church?

23 A I do.

24 Q More than once?

25

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1 A Yes, sir.

2 Q Were you put on probation for that?

3 A I was.

4 Q What was part of your probation?

5 A Part of my probation was doing community service
6 and paying fees.

7 Q And where did you do your community service?

8 A At Calvary Baptist Church.

9 Q And is that where you met the Milsaps?

10 A Yes, sir.

11 Q And pastor?

12 A Yes, sir.

13 Q Where were you from July 17th of 2015 to the end
14 of September of 2017?

15 A If I remember right I was behind a locked door
16 when I was in jail so.

17 Q What were you in jail for at that time?

18 A Presently breaking into the church, sir.

19 Q So you don't have a perfect record; is that
20 correct?

21 A No, sir.

22 Q At one time during our conversations you were
23 telling me that you had a girlfriend. Was that in
24 Rock Hill?

25 A I wouldn't say girlfriend. I'd put it in a

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1 different distinction. I would say a friend that's
2 a girl.

3 Q So you see her often?

4 A Yeah.

5 Q But during the period of time that you were
6 incarcerated it would not have been possible for you
7 to go to Turbeville, would it?

8 A Correct.

9 Q And the witnesses stated that you stayed in
10 Turbeville from mid July till the 1st of August. Do
11 you recall them saying that?

12 A Correct.

13 Q That would be impossible; wouldn't it? In your
14 opinion would that be impossible?

15 A No, it's not opinion, it's correct.

16 Q But before that time, before the month of June to
17 the middle of July when you were incarcerated, where
18 were you and what were you doing?

19 A Community service. And then after I finished
20 community service doing extra whatever I could do to
21 show that I felt sorry for breaking in to Calvary
22 Baptist Church so, working at Calvary Baptist Church
23 basically trying to show that I was remorseful for
24 what I did.

25 Q Did you attend church there?

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- 1 A I did.
- 2 Q Did you work there every day?
- 3 A Yes, sir.
- 4 Q Was there ever a time during that time that you
- 5 went to Turbeville?
- 6 A No, sir.
- 7 Q Do you have a driver's license now?
- 8 A I do.
- 9 Q When did you get that driver's license?
- 10 A I believe it was the beginning of last year.
- 11 Q Did you have a driver's license before that?
- 12 A No, sir.
- 13 Q Did you own a car before that?
- 14 A No, sir.
- 15 Q You do have a sister?
- 16 A I do.
- 17 Q And that is Kelly Cameron, right?
- 18 A Yes, sir.
- 19 Q Did you ever have much communication with her son
- 20 Minor Victim?
- 21 A I would say not a lot because me being homeless
- 22 and me having nowhere to stay, he would stay with
- 23 other relatives or family that would take care of
- 24 him so I did not.
- 25 Q And so you were arrested -- when were you

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1 arrested for this charge, do you recall?

2 A This one?

3 Q Yeah.

4 A I don't remember personally. It's been a long
5 time.

6 Q Okay. What else can you tell us about any
7 communication with your nephew?

8 A Other than this right here I haven't communicated
9 or seen my nephew in years.

10 Q Does he have any other uncles?

11 A He did.

12 Q Are there other people that he refers to as his
13 uncles?

14 A He does.

15 Q Why is that?

16 A Because I -- my opinion or do you want facts?

17 Q Well, give your opinion.

18 A My opinion ---

19 MS. TIMMONS: Your Honor, objection.

20 THE COURT: Grounds?

21 MS. TIMMONS: The witness, we would like
22 facts, Your Honor. The witness can only testify to
23 what he has seen or observed.

24 THE COURT: Objection sustained, we don't
25 want you to speculate.

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1 BY MR. GRIFFITH:

2 Q Tell me the facts then.

3 A The facts is, this is facts I know 'cause I've
4 read and I've researched. Most kids---

5 MS. TIMMONS: Your Honor, objection.

6 Again, this is ---

7 THE COURT: Objection sustained.

8 BY MR. GRIFFITH:

9 Q Okay, let's move on. But he does refer to other
10 people as uncles?

11 A He does.

12 MR. GRIFFITH: I have no further
13 questions.

14 THE COURT: Cross-examination.

15 CROSS-EXAMINATION

16 BY MS. TIMMONS:

17 Q Mr. Cameron, Kelly Cameron is your sister, right?

18 A Yes, ma'am.

19 Q And Minor Victim is her son

20 A Yes, ma'am.

21 Q So he's your nephew, right?

22 A Yes, ma'am.

23 Q And he refers to you as his uncle?

24 A Yes ma'am

25 Q Okay. He calls you Uncle Justin, right?

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1 A Uncle. That's all he's ever called me.

2 Q Okay. How old are you?

3 A 23.

4 Q Okay. And you just got your driver's license,
5 right?

6 A Yes, ma'am.

7 Q Where do you work?

8 A Me? Presently I'm unemployed.

9 Q Okay. And you first, I guess, met Ms. Milsaps in
10 2014, right?

11 A I don't think it was 2014. It was around
12 probably at the end of 2014, beginning of 2015.

13 Q Okay, this was when you were arrested for
14 burglary?

15 A Yes.

16 Q Okay. One of many burglaries, okay. And you
17 said that you were doing community service at that
18 church?

19 A Yes, ma'am.

20 Q And after probation was over you were still
21 working at that church?

22 A Yes, ma'am.

23 Q To show them how remorseful you are---

24 A Yes, ma'am.

25 Q ---and I guess that you're doing good?

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1 A Yes, ma'am.

2 Q Okay, that you turned your life around?

3 A I did.

4 Q You did? And then you broke into another home,
5 right?

6 A Yes, ma'am.

7 Q Okay. So you have been accused of and convicted
8 of crimes of dishonesty?

9 A Correct.

10 Q Okay. When did you decided to become an honest
11 man?

12 A There's a difference between an honest man and a
13 man learning how to be honest.

14 Q Okay. Are you still learning?

15 A I am.

16 Q Okay.

17 MS. TIMMONS: Court's indulgence. I don't
18 have anymore questions.

19 THE COURT: Redirect.

20 MR. GRIFFITH: Redirect, Your Honor.

21 **REDIRECT EXAMINATION**

22 BY MR. GRIFFITH:

23 Q Mr. Cameron, the State mentioned you broke into
24 another home and the church. Whose home was that?

25 A My grandmother's.

1 Q Does she still live there?

2 A No.

3 Q What had happened?

4 A She passed away.

5 Q Why did you break in home?

6 A 'Cause I was sad and wanted to have some kind of
7 memory of her so basically I broke down on the floor
8 and cried when I broke into it.

9 MR. GRIFFITH: I have no further
10 questions.

11 THE COURT: Any recross?

12 MS. TIMMONS: No, sir, Your Honor.

13 THE COURT: Sir, you may step down, thank
14 you.

15 MR. GRIFFITH: At this time, Your Honor,
16 the Defense rests.

17 THE COURT: All right. Can y'all
18 approach.

19 (WHEREUPON, counsel approached the
20 Bench for an off-the-record discussion.)

21 THE COURT: All right. Ladies and
22 gentlemen, the Defense has rested its case which
23 means at this point you all have heard all the
24 testimony you're gonna hear in this case, all right.
25 What I'm going to do at this point, I'm gonna let

1 you go to lunch, give you an early lunch, okay.
2 There are some things, matters of law that I need to
3 take up so I'm gonna handle that right now. I'm
4 gonna let you all go to lunch and I'm gonna ask that
5 you be back at 1:00, be back at 1:00, and we will
6 resume at that time. The only thing that remains in
7 this case, ladies and gentlemen, are arguments by
8 counsel and my charge on the law, then the case is
9 going to be given to you all to make a decision on,
10 okay.

11 As I've said from the outset, don't
12 discuss the case with anyone. Do not do any
13 independent investigation on your own. You're to
14 decide this case based upon the testimony, the
15 evidence introduced during the course of this trial,
16 all right. Y'all have a nice lunch, see you back at
17 1:00.

18 (WHEREUPON, the jury was removed from the
19 courtroom at 11:09 a.m.)

20 THE COURT: All right. Any motions at
21 this time from Defense counsel?

22 MR. GRIFFITH: Your Honor, I move for a
23 directed verdict.

24 THE COURT: Well, I'm gonna note you're
25 simply renewing your prior motions.

1 MR. GRIFFITH: Yes, your Honor.

2 THE COURT: It's noted for the record that
3 defendant has renewed all prior motions and
4 objections. The Court's rulings remain the same. I
5 think it's certainly, viewing the evidence in a
6 light most favorable to the State, there is
7 sufficient evidence to warrant this case going to
8 the jury; and therefore, with regards to Defendant's
9 motion for directed verdict, it is hereby denied.

10 MR. GRIFFITH: Thank you, Your Honor.

11 THE COURT: It is so noted for the record.
12 Now, anyone of you all have any requests to jury
13 charge, charges? I've got, we've got a charge I'm
14 putting together now that the clerk has worked on.

15 MS. TIMMONS: No, sir. I guess the State
16 is not asking for anything out of the ordinary.

17 MR. GRIFFITH: We have no changes. I
18 haven't seen that charge, but I've seen it before.

19 THE COURT: Let me see here. I'll go
20 through and hit the highlights of it with you all.
21 I'll certainly include duties of judge and jury,
22 charge, arrest, and indictment not evidence,
23 presumption of innocence, reasonable doubt, direct
24 and circumstantial evidence, intent, criminal
25 intent. All right, prior record of defendant, I'm

1 gonna tweak that a little here. I've tweaked the
2 prior record of the defendant charge here to read as
3 follows: "You've heard evidence that the defendant
4 was arrested and convicted of a crime other than the
5 one for which the defendant is now on trial. This
6 evidence may be considered by you, if you conclude
7 it's true, only as it relates to defendant's claim
8 of alibi and in deciding whether the defendant's
9 testimony is believable and for no other purpose.
10 You must not consider the defendant's prior record
11 as any evidence of the defendant's guilt of the
12 charge we are trying today." Any objection from the
13 State on that?

14 MS. TIMMONS: No, sir, Your Honor.

15 THE COURT: Defense?

16 MR. GRIFFITH: No objection, Your Honor.

17 THE COURT: I also have a charge in here
18 as it relates to testimony of children. Y'all need
19 to read that, or you...

20 MS. TIMMONS: Your Honor, could you read
21 it?

22 THE COURT: Yeah.

23 MS. TIMMONS: Please.

24 THE COURT: "During this trial you heard
25 testimony from a child. Where a witness is a child

1 you must determine, as with any witness, whether
2 that testimony is believable. In deciding
3 believability you may consider not only matters that
4 I have already discussed with you, which earlier in
5 the charge it's on bias, prejudice, those elements;
6 but you also may consider the age of the child, the
7 child's ability to observe and remember facts, the
8 child's ability to understand and answer questions.
9 Because young children may not fully understand what
10 is happening here, it is up to you to decide whether
11 the child understood the seriousness of appearing as
12 a witness at this criminal trial, whether the child
13 understood the questions, whether the child has a
14 good memory, and whether the child understands the
15 difference between lying and telling the truth. In
16 addition, young children may be influenced by the
17 way the questions were asked. It is up to you to
18 decide if the child understood the questions asked."

19 MS. TIMMONS: No objection, Your Honor.

20 MR. GRIFFITH: No objection, Your Honor.

21 THE COURT: All right. Next, expert
22 witness charge which is, in essence, the same charge
23 I gave the jury pertaining to qualification of an
24 expert, a little bit more in depth, but nothing.
25 I'll be glad to read it to y'all. If you want to

1 hear it; I'll be happy to read it to you.

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

3 MR. GRIFFITH: No, Your Honor.

4 THE COURT: All right. Finally, criminal
5 sexual conduct first degree. The defendant is
6 charged with criminal sexual conduct in the first
7 degree. The first element which states, which the
8 State must prove beyond a reasonable doubt is that a
9 defendant engaged in a sexual battery with the
10 victim. A sexual battery is sexual intercourse,
11 cunnilingus, fellatio, and intercourse, or any
12 intrusion, however slight, of any part of a person's
13 body or of any object into the genital or anal
14 openings of another person's body except when the
15 intrusion is accomplished for medically recognized
16 treatment or diagnostic purposes. If you find the
17 State has not shown beyond a reasonable doubt that
18 that sexual battery occurred, you would stop
19 deliberating and your verdict would have to be not
20 guilty. If you find that a sexual battery did
21 occur, you must then decide whether the State has
22 proven beyond a reasonable doubt -- bear with me
23 just a second.

24 Can I see the indictment please, Madam
25 Clerk.

1 State must prove beyond a reasonable doubt that the
2 victim was less than 14 years old at the time of the
3 sexual battery. Consent, willingness, indifference,
4 or ignorance on the part of the minor, if any, as to
5 what was taking place does not in any way affect the
6 charge of criminal sexual conduct with a minor
7 because unmarried woman under the age -- that should
8 be unmarried person under the age of 14 cannot
9 legally consent to sexual intercourse.

10 Alibi. Defendant has raised defense of
11 alibi. In order to establish alibi must be shown
12 that defendant was at another specified place at the
13 time, at the time the crime was committed, and that
14 it was, therefore, impossible for the defendant to
15 have been at the scene of the crime. Mere denial or
16 mere denial of presence at the scene of a crime does
17 not constitute an alibi. There's no burden, there's
18 no burden on the defendant to prove an alibi. The
19 burden is on the State to prove beyond a reasonable
20 doubt that defendant was actually present at the
21 scene of the crime, actually participated in it, and
22 was not somewhere else. In other words, the State
23 has the burden of disproving the defendant's alibi.
24 Finally, conclusion, which is pretty standard, any
25 -- any additional requests to charge from the State?

1 (Mr. Griffith exits courtroom.)

2 THE COURT: There it is. I had the wrong
3 CSC. In addition, I was looking at adult.

4 (Pause.)

5 THE COURT: Mr. Griffith.

6 MR. GRIFFITH: I'm sorry, your Honor.

7 THE COURT: Don't leave without letting me
8 know. I'm sitting here talking, didn't even realize
9 you were gone.

10 MR. GRIFFITH: I'm sorry, Your Honor.

11 THE COURT: All right. I'd have let you
12 go, just let me know when you leave. All right,
13 it's the wrong CSC first charge was in here which
14 pertained to an adult as opposed to a minor. First
15 degree criminal sexual conduct with a minor:
16 Defendant is charged with first degree criminal
17 sexual conduct of a minor must prove beyond a
18 reasonable doubt that the defendant engaged in
19 a
20 sexual battery with the victim. A sexual battery is
21 sexual intercourse, cunnilingus, fellatio,
22 intercourse, or any intrusion, however slight, of
23 any part of a person's body or any object in the
24 genital or anal openings of a person's body, except
25 when the intrusion is accomplished for medically
recognized treatment or diagnostic purposes. The

1 MS. TIMMONS: No, sir, Your Honor.

2 MR. GRIFFITH: None, Your Honor.

3 THE COURT: Do you want me to email you a
4 copy of this charge?

5 MS. TIMMONS: No, sir, Your Honor.

6 MR. GRIFFITH: I didn't hear you, I'm
7 sorry.

8 THE COURT: Do you want me to email a copy
9 of this charge to either one of you?

10 MR. GRIFFITH: I would like it emailed to
11 me if you don't mind.

12 THE COURT: What is your email address?

13 MR. GRIFFITH: T Timothy, L as in Lee,
14 Griffith, G-R-I-F-F-I-T-H.com.

15 MS. TIMMONS: Judge, I guess, changed my
16 mind. Could you email it to me too.

17 KTimmons@Clarendoncounty.org.

18 THE COURT: All right, let's see here.
19 All right, I just sent it to both of you. And as
20 far as the verdict form is concerned, it's gonna
21 simply read: As to the charge of criminal sexual
22 conduct in the first degree with a minor, we, the
23 jury, unanimously find the defendant, find the
24 defendant, Justin Cameron, not guilty, a place for
25 such, or guilty, and a place to mark. All right.

1 MS. TIMMONS: Yes, sir, thank you.

2 MR. GRIFFITH: Yes, Your Honor.

3 THE COURT: Order of argument, since the
4 defense did put up evidence the State will go first,
5 followed by defense. The State will conclude, have
6 a right to conclude. I will require the State open
7 in full and any reply simply a reply, okay. Y'all
8 can talk about that if you have any questions. I'm
9 not gonna allow you to rehash, and I think that
10 falls in line with State versus Beatty, okay.

11 MS. TIMMONS: Yes, sir, Your Honor.

12 MR. GRIFFITH: Yes, Your Honor.

13 THE COURT: How long are you all expecting
14 in closing?

15 MS. TIMMONS: Your Honor, probably 10, 15
16 minutes from the State.

17 MR. GRIFFITH: The same.

18 THE COURT: I wouldn't suspect very long.

19 MR. GRIFFITH: No, Your Honor.

20 THE COURT: And it boils down to who they
21 believe, and that's what it boils down to. And I
22 will say this 'cause I said it before when I talked
23 with your client, the child was very believable, so
24 was the defense witnesses very believable. That's
25 why you have trials. All right.

1 (Whereupon, a lunch break was taken.)

2 THE COURT: Anything from the State before
3 I bring the jury out?

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

5 THE COURT: Defense counsel?

6 MR. GRIFFITH: Nothing, Your Honor.

7 THE COURT: Bring me the jury please, sir.

8 (WHEREUPON, the jury was returned to the
9 courtroom at approximately 1:04 p.m., and
10 the following proceedings commenced in
11 open court.)

12 THE COURT: All right, ladies and
13 gentlemen, I hope you all had a nice lunch and I
14 hope you're, unlike me, that you did not eat as much
15 as I ate lunch. As I told you, that which remains
16 when we broke for lunch, closing arguments by
17 counsel and then my charge on the law to you.
18 Before I recognize the attorneys to begin closing
19 arguments, the manner and mode in which this will
20 take place is the State will open, have initial
21 arguments, followed by Defense counsel and the State
22 will have a reply, all right. I'll remind you,
23 ladies and gentlemen, Mr. Foreman, ladies and
24 gentlemen of the jury, I'll remind you that the
25 arguments of counsel is not evidence in this case,

1 is not evidence in this case.

2 The State's recognized for closing
3 arguments.

4 MS. TIMMONS: Thank you, may it please the
5 Court.

6 Good afternoon. This is the house in
7 Turbeville where 6 year old Minor Victim was sexually
8 abused by the defendant. He was sexually abused by
9 his uncle. The defendant is charged with criminal
10 sexual conduct with a minor in the first degree.
11 He's accused of committing sexual battery on a child
12 that was less than 11 years old. He's accused of
13 anally penetrating his 6 year old nephew. And I
14 told you in my opening statement that this type of
15 crimes are very specific, they're different than
16 other type of crimes. They happen in secret. And a
17 lot of times kids don't disclose it right away;
18 sometimes they don't ever disclose them. And this
19 case is no different, this case is no exception.
20 The only witness to the crime was Victim, 6 year old
21 Victim, and the police wasn't notified until several
22 months later of the incident so there was no
23 physical evidence to collect.

24 So ladies and gentlemen, you've heard from
Victim. He's now 10 years old. He had to take the

1 stand. He had nothing to gain when he took that
2 stand; and yet, he came to court to face his abuser
3 and tell you what happened to him. He told you that
4 sometime during the summer of 2015 his uncle anally
5 penetrated him and made him perform oral sex in this
6 house in the bedroom. The defense attorney, he
7 suggested that Minor Victim was lying, that the only
8 reason why he's telling you about those accusations,
9 the only reason why he's telling you what happened
10 to him because he wants to stay with Dantes.

This incident occurred during the summer
11 of 2015. Victim told his friend MW 1 right away
12 what happened. He didn't meet Dantes until several
13 months later in October of 2015. And the only
14 reason why he came into their care was not because
15 of sexual abuse, it was because of the neglect
16 because his momma abandoned him for several days,
17 because his momma didn't feed him, because he was
18 coming to school hungry and dirty, because other
19 kids were making fun of him. When Victim first came
20 to Dantes there was no allegations of sexual abuse.
21 And that he was in safe environment he finally
22 disclosed it to an adult, he finally told what
23 happened to him.

24 And you've heard from expert. She's the

1 lady that deals with types of cases on a daily
2 basis. She said that it's very common for child
3 victims of sexual abuse to disclose later, to first
4 disclose to a friend rather than adult, especially
5 when the environment is, an environment like this,
6 when they don't feel safe, when they don't have an
7 adult that they can rely on. And when the
8 environment changed, when they're finally with the
9 people that care about them or the child feels safe,
10 that's when a lot of times child, kids are more
11 likely to disclose; and that's what happened here.
12 Minor Victim disclosed what happened to him after he felt
13 safe.

14 You also heard from Victim' dad. He said
15 that, he told you the reason why Victim came into
16 our home was because he was neglected by his mom;
17 and his mom made no attempt, no attempt in three
18 years to make any contact with Victim. She didn't
19 try to get him back. Victim didn't have to lie
20 about anything. He wouldn't have gone back to his
21 momma anyway. You also heard from Victim' dad that
22 Victim was adopted in November of 2017. We have --
23 it's August now, so it's almost a year after final
24 adoption. Nobody can take Minor Victim from his home,
nobody. Regardless of what's gonna happen here

1 today Victim has his home. He has his new family
2 that cares about him. He didn't have to come to
3 court. He didn't have to go through the pain of
4 testifying. He didn't have to tell you, complete
5 strangers, what happened to him; and yet, he came.

We've also heard from MW 1. MW 1,
6 MW 2, and David, they told you that they saw the
7 defendant during the Summer of 2015, that he came to
8 Turbeville. They said that they met him, or they
9 went to the Lake Wateree, straight from Lake Wateree
10 they came to Turbeville. And MW 1 and David said,
11 we believe that Justin spent around a week with us.
12 David Flowers said that on August the 4th, 2015, he
13 got a text message from Kelly, Victim' momma, and it
14 was around four or five days after Kelly left. And
15 he also stated to you that Kelly was spending around
16 a month with them so it puts Kelly and Minor Victim in
17 Turbeville in July. They also said that Justin
18 spent a week with them over there. And after Justin
19 left, Kelly and Victim were in Turbeville for a
20 matter of two weeks so that would place the
21 defendant in Turbeville sometime in the first part
22 of July, summer of 2015.

23 You've heard from several alibi witnesses.
24 You've heard from Tony Lawson. He said that he was

1 working at the church in and out every day. And he
2 stated that he remembers seeing defendant once in a
3 while, not every day, not every day during the
4 summer of 2015, but once in a while, even though he
5 was in the church pretty much every single day. And
6 then when I asked, him he answered and said that he
7 vaguely remembers defendant coming to church after
8 he broke into that church for that burglary that
9 happened in 2014, not summer of 2015. He also
10 stated, I can't remember the exact date.

11 We also heard from Michael Polson. He
12 said, yes, we have seen Justin quite often and I
13 have seen him during the summer of 2015; but he also
14 said that during the week of July the 4th he went
15 with his family on the summer vacation for a week.
16 Well, that would be June 28th till July the 5th of
17 2015. He also stated that the next week he went on
18 a mission trip to Panama, a mission trip. Well,
19 that would be, guesstimate, July the 12th through
20 July the 18th. And he also, when he was asked did
21 he see, did he see the defendant in church during
22 the summer of 2015, he said, if I was at the office
23 and defendant was there I saw him. If he wasn't at
24 the office, if the defendant wasn't there he didn't
25 see him. If folk [ph] was here and I was here I

1 would have seen him.

2 We also heard from Ms. Shirley Milsaps.

3 At first she told us that, well, Justin, Justin is
4 just a young man that was helping the church, that's
5 what we do, he's not a family, he's just somebody
6 that we help; and yet, he has his Christmas stocking
7 on her fireplace. Not her daughter, not her granddaughter,
8 granddaughter, Justin has his Christmas stocking on
9 her fireplace. Her Facebook is full of pictures of
10 Justin, Justin opening Christmas presents, Justin
11 opening his birthday present. Her Facebook is full
12 of Justin. She cares about Justin. She cares about
13 him like a family. He has his Christmas stocking at
14 her house, not her granddaughter, not her daughter.

15 Justin is 23 years old, and yet, she takes
16 care of him. She give him the money. She drives
17 him here. She pays for the hotel room so he could
18 stay during this trial that's going on. She paid
19 for his probation fees. That's how we take care of
20 family, not just a friend. She also, she also
21 provide his attorney with the exact date when she
22 saw Justin, the exact date. She came up with those
23 dates two years after the incident, and she just
24 come up from, she just used her memory to come up
25 with those dates. She wasn't sure when Justin

1 completed probation. She wasn't sure when Justin
2 started working with the church, was it middle of
3 2015, I'm not sure. But yet, she's sure out of her
4 memory that on Friday, June 26th of 2015, she picked
5 him up from church around 8:00. She has those exact
6 dates almost two years after, just out of her
7 recollection.

8 Ladies and gentlemen, this case is about
9 Victim and what happened to him, so I ask you to
10 find the defendant guilty of criminal sexual conduct
11 with a minor. Thank you.

12 THE COURT: Mr. Griffith.

13 MR. GRIFFITH: Thank you, Your Honor,
14 counsel.

15 Ladies and gentlemen, again, thank you for
16 your service. The State, of course, wants you to be
17 shocked by what is a horrible crime. It is a
18 horrible crime. And because it's a horrible crime,
19 they want you to be shocked and just believe he must
20 be guilty, the defendant Mr. Cameron; but they have
21 to prove that he's guilty beyond a reasonable doubt.
22 The young child who spoke came to the Dantes and
23 Mr. Dante when he was testifying said that when he
24 came he was a happy kid; and I'm sure he was very
25 glad, of course, to have changed the circumstances

1 of course.

2 All of the accusers, that is, Mr. Flowers,
3 etc., said that Justin Cameron was there end of July
4 to sometime in August. Ms. Milsaps, and it's in
5 evidence, showed you this letter from the office of
6 the sheriff showing that Justin Cameron was in
7 prison from July -- or jail -- from July 17th
8 through September 28th. He can't be in two places
9 at one time, it's just not possible. And because he
10 can't be in two places at once, he could not have
11 been there during that time. That Mr. Flowers said
12 on August the 4th he got a text from Victim' mother
13 and it was right at that time when he said Justin
14 Cameron was there, but he couldn't have been. He
15 was in prison during August 4th, or jail.
16 Mr. Cameron has friends who care about him there.
17 He's turning his life around and he has their
18 support. He has no family to speak of so it's great
19 that he has their support.

20 There is no medical or physical evidence
21 of the crime. The child after having went to the
22 hospital, examined, no proof that he was sexually
23 assaulted. The victim in this case -- and I don't
24 mean to belittle a crime of this type at all or the
25 no blaming the victim or anything like that -- but

1 the victim in this case was, had come from a
2 horrible, horrible life situation. He went to
3 school with no underwear because he didn't have any
4 clean underwear, dirty clothes, smelling bad 'cause
5 no one was there to give him a bath and wash him, no
6 food, he was hungry. And he was highly motivated to
7 want to stay with the Dantes and I certainly
8 wouldn't blame him. And so, he places this
9 occurrence at the same time that Mr. Flowers does,
10 and of course it couldn't have happened. Three
11 years have gone by and at the time he made those
12 allegations you might question his motivation, why.
13 And he's had a lot of time to think about it. And
14 we asked him if he would lie and, of course, he said
15 no. In fact, he said he would never lie. In fact,
16 he said it's never right to lie; but he certainly
17 would not tell his sister that she was ugly, and
18 rightly so, but. So sometimes there is a reason to
19 not tell the truth. He didn't appear stressful when
20 he was on the stand. He was very straightforward.
21 He knew what he was gonna say.

22 One of the elements that the State must
23 prove is that there was a sexual battery beyond a
24 reasonable doubt and that the defendant,
25 Mr. Cameron, is the one who enMinor Witness 1d in that
sexual

1 battery beyond a reasonable doubt. The State did
2 not prove that there was a battery. They didn't
3 prove it. There's no physical or medical evidence,
4 has not been proven. The State did not bring in the
5 doctor so that they have not shown.

6 Mr. Cameron presented an alibi. Part of
7 that alibi was that he was in jail. He had to say
8 that because that's where he was to show that he
9 could not have been there. It was impossible for
10 him to be there at that specific time. The State
11 would need to show that he was capable, was there,
12 had the opportunity, and they did not. He was 200,
13 I mean, 127-miles away in Rock Hill. We had
14 testimony from people who said that he was there.
15 It's a two-and-a-half hour drive each way. That's
16 five hours to get down and back. He didn't have a
17 driver's license.

18 Mr. Cameron, of course, wants you to find
19 him innocent. He didn't try to show that he's been
20 a perfect person; but he, that he could not and
21 would not have committed what he's accused of. The
22 State wants you to think that our witnesses lied
23 because they see a young man who's trying to turn
24 his life around, and they -- and hey, sometimes we
25 see people, we feel sorry for them and we reach out

1 to them, a lot of Christians do, a lot of people who
2 are not Christians do. And so because they reach
3 out to this young man, because they took him in, saw
4 that he was trying to change his life, they want you
5 to believe that, well, they must be lying. That
6 doesn't mean they're lying. They have no
7 motivation to lie.

8 So we ask that after consideration you
9 find based on what you have heard here, what you've
10 heard here, not from what you've heard from the
11 State or even me, that the State has not proven that
12 he is guilty beyond a reasonable doubt, and
13 therefore, you must find him not guilty. No proof
14 of sexual battery.

15 Now these cases are difficult, but there
16 can be proof. There can be medical proof. It's
17 possible to get medical proof. He went to a doctor
18 to examine him. They didn't present anything
19 because there isn't any. So we would ask that you
20 after your consideration find the defendant
21 Mr. Cameron not guilty beyond a reasonable doubt.
22 Thank you.

23 THE COURT: Madam Solicitor.

24 MS. TIMMONS: Yes, Your Honor, thank you.

25 Ladies and gentlemen, you just heard from

1 the defense attorney that he suggested that Victim
2 was lieing because he wanted to stay with the
3 Dantes. If this was true you would have to assume
4 that Victim while he was here in Turbeville came up
5 with an idea, hey, one day I might need to go to a
6 foster home, I'm gonna tell my friend MW 1 that
7 something bad happened to me so that several months
8 down the road he can testify in court for me.
9 Victim and -- well, MW 1 would have to come here and
10 lie, so would have to MW 2 and David. If the only
11 reason why Victim said that he was sexually abused
12 was because he wanted to stay with the Dantes, he
13 wouldn't have to come to court yesterday 'cause he's
14 already adopted by Dantes. They love him. He's a
15 part of their family. He has been officially part
16 of their family since November of 2017. He didn't
17 have to come to court today, excuse me, yesterday.
18 Victim had no reason, he had nothing to gain from
19 coming to court yesterday, and yet, he did.
20 MW 2 had nothing to gain from coming to
21 court and testifying to say that Justin was there.
22 MW 1 has nothing to gain from coming to court and
23 testifying and said that he had seen Justin in
24 Turbeville, that Victim stayed with them, and that
25 Minor Victim told him that something happened. David

1 Flowers had no reason for, David Flowers had nothing
2 to gain for coming to court and lieing that Justin
3 Cameron was in Turbeville during the summer of 2015;
4 and yet, they all came to court.

5 Also defense attorney said that David
6 Flowers said that Justin was staying with the end of
7 July to beginning of August. Well, that's not the
8 truth. That's not what David Flowers said. He
9 said, I got the text message from Kelly on August
10 the 4th of 2015, that I got that text message four
11 days after Kelly, four or five days after Kelly
12 left. And he also said that Kelly and Victim stayed
13 with them for around a month during that summer. He
14 also stated that Justin was with them for a week;
15 and after Justin left, Kelly and Victim were staying
16 at his house for a few more weeks, around two weeks,
17 he wasn't sure. Well, that would place the
18 defendant in Turbeville first part of July.

19 So also defense attorney is saying that,
20 well, we're accusing alibi witnesses of lieing. I'm
21 not saying that Mr. Polson was lieing or that the
22 other preacher was lieing. Mr. Polson was on
23 vacation with his family and then he went on a
24 mission trip during the first week of July of 2015.
25 The other preacher, he said he was, he was in church

1 pretty much every day and he saw defendant in and
2 out after the defendant burglarized the church,
3 which was 2014, not summer of 2015.

4 And well, and Ms. Milsaps. Ms. Milsaps
5 then was able to come up with just exact dates and
6 times just from her memory, two years after the
7 incident, two years after the incident. She said,
8 first she said it was just my recollection, I
9 remember it. And then she said, well, yeah, I was
10 consulting calendar, but a calendar that nobody have
11 seen. Ladies and gentlemen, none of the witnesses
12 that testified in court in this trial had any reason
13 to gain, had nothing to gain from coming to court
14 and testifying. Regardless of how this case goes,
15 they have nothing to gain and they have nothing to
16 lose. Ladies and gentlemen, I ask you to please
17 find the defendant guilty.

18 THE COURT: All right. Ladies and
19 gentlemen, it is now my duty as the trial judge
20 under the Constitution of this state to charge and
21 instruct you on the law that's applicable to this
22 case. It is your duty, ladies and gentlemen, to
23 accept and apply the law as I state it to you.
24 Furthermore, it is your exclusive duty to decide all
25 the issues of fact in this case and to determine the

1 effect, value, and weight of the evidence. Both the
2 State and the Defendant have a right to expect that
3 you will carefully consider and evaluate the
4 evidence and apply the law of this case to it so
5 that in the end both the State of South Carolina and
6 the Defendant will receive a fair and impartial
7 trial.

8 I want you to understand, ladies and
9 gentlemen, that when I use the word defendant I
10 refer to Mr. Justin Cameron. Furthermore, the
11 charge alleged in the indictment is criminal sexual
12 conduct with a minor in the first degree. To this
13 charge the defendant has entered a plea of not
14 guilty, therefore, the burden rests upon the State
15 to prove his guilt beyond a reasonable doubt.

16 Now during the trial, ladies and
17 gentlemen, you and I have had separate duties too
18 perform. As the trial judge it is my responsibility
19 to preside over this trial, and I also have the duty
20 to rule upon the admissibility of the evidence
21 offered during the progress of the trial. In that
22 regard, you are to consider only competent evidence
23 before you and you are to disregard from your mind
24 any testimony ordered stricken from the record of
25 the case during the progress of the trial, if there

1 was any. And you are to consider only the
2 testimony, only the testimony which has been
3 presented from this witness stand, together with any
4 exhibits admitted in the record of the case and any
5 stipulations of counsel made into the record, if
6 there were any.

7 Furthermore, I have the additional duty to
8 charge you on the applicable law in this case; and
9 in that regard, I am the sole and exclusive judge of
10 the law in this case. It is your duty to accept and
11 apply the law as I state it to you. If you have any
12 preconceived ideas as to what the law is or what the
13 law ought to be and it does not agree with what I
14 tell you the law is, you are obligated under your
15 oath to abandon these preconceptions because you are
16 sworn to accept the law precisely as I state it to
17 you.

18 Now ladies and gentlemen, in this trial,
19 as I've told you from the outset, you, you are the
20 sole and exclusive judge of the facts and I am the
21 judge of the law. Do not infer that I have any
22 opinion about the facts in this case from anything
23 that I have said during the course of this trial in
24 ruling upon the admissibility of evidence or
25 otherwise, or from anything that I might say during

1 the course of this charge to you. In this regard,
2 the law simply does not permit me to have an opinion
3 about the facts. As jurors, it is your duty alone
4 to determine the effect, value, and weight of the
5 evidence presented during the course of this trial.

6 Now in determining what the facts are,
7 ladies and gentlemen, you must judge the credibility
8 which simply means the believability of the
9 witnesses and the value of weight to be given to
10 their testimony. You, alone, must decide the force
11 and effect of the testimony.

12 Now when making this decision there are
13 many things that you may and should take into
14 consideration, such as: The appearance and manner
15 of the witness on the stand, a characteristic often
16 referred to as the demeanor of the witness; was the
17 witness forthright or hesitant; was the witness'
18 testimony consistent or did it contain
19 discrepancies; what was the ability of the witness
20 to know the facts about which he or she testified;
21 did the witness have a cause or reason to be biased
22 and prejudiced in favor of the testimony that he or
23 she gave; was the testimony of the witness
24 corroborated or made stronger by other testimony and
25 evidence, or was it made weaker or impeached by such

1 other testimony and evidence. As jurors, please
2 understand that you have the right to believe a
3 small portion of a witness' testimony and discard
4 the larger portion, or vice versa. You may believe
5 all of a witness' testimony or none. You may
6 believe the testimony of a single witness against
7 that of many witnesses or the other way around.

8 In exercising your mental processes and
9 attempting to decide the verdict, the law simply
10 requires that you exercise your good judgment, your
11 common sense, your sense of logic and reason, and
12 your experiences in life. You then apply these
13 attributes to the evidence and apply the law as I
14 state it to you, and thus, arrive at a verdict.

15 Now ladies and gentlemen, I will remind
16 you that the fact the defendant was arrested,
17 charged, and indicted in this case is not evidence
18 in this case and cannot be considered by you as
19 evidence of guilt in this case; nor does it create
20 any presumption or inference of guilt. The
21 indictment, as I told you from the outset, is simply
22 the written instrument which contains the charge
23 made against this defendant. It is the formal
24 document by which this case is brought into this
25 court. It is vital to understand, ladies and

1 gentlemen, that a defendant is presumed under the
2 law to be innocent of the charge against him. The
3 defendant has no obligation to prove his innocence.
4 It is a fundamental rule of our law that a
5 defendant, irrespective of the seriousness of the
6 charge against him, is always presumed innocent of
7 the crime for which he is charged unless and until
8 his guilt has been proven by evidence that satisfies
9 you, the jury, beyond a reasonable doubt.

10 The presumption of innocence is not a mere
11 legal theory or a legal phrase. The presumption of
12 innocence is very important; and you need to
13 understand, ladies and gentlemen, that the
14 presumption accompanies the defendant from the time
15 of his arrest and appearance in this court and
16 continues with the defendant even after you retire
17 to the jury room to deliberate. In other words, the
18 defendant receives the benefit of the presumption of
19 innocence until the very end of this trial when you,
20 the jury, will deliberate upon the evidence and
21 decide whether the State has proven his guilt beyond
22 a reasonable doubt.

23 Now what is a reasonable doubt, ladies and
24 gentlemen. A reasonable doubt is the kind of doubt
25 that would cause a reasonable person to hesitate to

1 act. Proof beyond a reasonable doubt is proof that
2 leaves you firmly convinced of the defendant's
3 guilt. Now there are very few things in this world
4 that we know with absolute certainty so even in
5 criminal cases the law does not require proof that
6 overcomes every possible doubt. If based on your
7 consideration of the evidence you are firmly
8 convinced that the defendant is guilty of the crime
9 charged, you must find him guilty. If on the other
10 hand, you think there is a real possibility that he
11 is not guilty, you must give him the benefit of the
12 doubt and find him not guilty. Please understand,
13 that reasonable doubt may arise from evidence which
14 have been presented in the case or from the lack of
15 evidence in the case. It is your responsibility to
16 determine whether or not reasonable doubt exists as
17 to the guilt of this defendant. I charge you that
18 the defendant is entitled to every reasonable doubt
19 arising in the whole case. If upon any issues of
20 fact essential to conviction and a verdict of guilty
21 you have a reasonable doubt as to how that issue
22 should be resolved, it would be your duty to resolve
23 that reasonable doubt in favor of the defendant.

24 Thus, in summary, it is important that you
25 understand that a defendant is not required to prove

1 his innocence. Instead, the State is required by
2 law to prove every essential element of the offense
3 charged against the defendant by evidence which
4 satisfies you, the jury, beyond a reasonable doubt.
5 Only then can you convict the defendant and find him
6 guilty.

7 Now ladies and gentlemen, there are two
8 types of evidence which are generally presented
9 during a trial, direct evidence and circumstantial
10 evidence. Direct evidence directly proves the
11 existence of a fact and does not require deduction.
12 Circumstantial evidence is proof of a chain of facts
13 and circumstances indicating the existence of a
14 fact. Crimes may be proven by circumstantial
15 evidence. The law makes absolutely no distinction
16 between the weight or value to be given to either
17 direct or circumstantial evidence. However, to the
18 extent the State relies on circumstantial evidence,
19 all of the circumstances must be consistent with
20 each other and when taken together point
21 conclusively to the guilt of the accused beyond a
22 reasonable doubt. If these circumstances merely
23 portray the defendant's behavior as suspicious, the
24 proof has failed. The State has the burden of
25 proving the defendant guilty beyond a reasonable

1 doubt. As I have told you from the outset, the
2 burden rests with the State regardless of whether
3 the State relies on direct evidence, circumstantial
4 evidence, or some combination of the two.

5 Now in order to establish criminal
6 liability, criminal intent is required. For
7 example, the mental state required to be proven by
8 the State for a particular crime might be purpose,
9 intent, knowledge, recklessness, or criminal
10 negligence. Criminal intent must be proven by the
11 State beyond a reasonable doubt. Criminal intent is
12 always a matter that must be determined by you, the
13 jury, from the circumstances surrounding the
14 situation. There is no way, ladies and gentlemen,
15 to prove intent to a mathematical certainty. There
16 is no way that medical science can dissect a
17 person's brain and determine what the person had in
18 mind so the law says that criminal intent may be
19 inferred from circumstances shown to have existed.
20 This is how you make a determination of whether or
21 not the element requiring intent was present. It is
22 not necessary to establish intent by direct and
23 positive evidence; but intent may be established by
24 inference in the same way as any other fact by
25 taking into consideration the acts of the parties

1 and all the facts and circumstances of the case.
2 Criminal intent is a mental state, a conscious
3 wrongdoing. It is up to you to determine what the
4 defendant intended to do based on the circumstances
5 shown to have existed. Criminal intent can arise
6 from action or a failure to act. It may arise from
7 negligence, recklessness, or an indifference to duty
8 or to consequences that is considered by the law to
9 be the equivalent of criminal intent.

10 Now ladies and gentlemen, during the
11 course of trial you heard testimony concerning prior
12 criminal record of the defendant. In fact, you
13 heard the defendant was arrested and convicted of a
14 crime other than the one for which the defendant is
15 now on trial. This evidence, ladies and gentlemen,
16 may be considered by you if you conclude that it's
17 true, only as it relates to the defendant's claim of
18 alibi and in deciding whether the defendant's
19 testimony is believable, and for no other purpose.
20 You must not consider the defendant's prior record
21 as any evidence of the defendant's guilt of the
22 charge that we are trying here today.

23 During the trial you heard the testimony
24 from a witness that was a child. Where a witness is
25 a child you must determine, as with any witness,

1 whether that testimony is believable. In deciding
2 believability you may consider not only matters that
3 I have already discussed with you, but you may also
4 consider the age of the child, the child's ability
5 to observe and remember facts, the child's ability
6 to understand and answer questions. Because young
7 children may not fully understand what is happening
8 here, it is up to you to decide whether the child
9 understood the seriousness of appearing as a witness
10 at the criminal trial, whether the child understood
11 the questions, whether the child has a good memory,
12 and whether the child understands the difference
13 between lying and telling the truth. In addition,
14 young children may be influenced by the way the
15 questions are asked. It is up to you to decide
16 whether the child understood the questions asked.

17 In this case you also heard the testimony
18 of an individual who was qualified as an expert
19 witness. The rules of evidence, as I told you
20 before, ordinarily do not permit witnesses to
21 testify as to opinions or conclusions. An exception
22 to this rule exists for witnesses that we call
23 expert witnesses, a witness who because of their
24 education and experience, has become an expert in
25 some art, science, profession, or calling, may state

1 an opinion as to a relevant and material matter in
2 which the witness claims to be an expert and may
3 also state the reasons for the opinion. You should
4 consider any expert opinion received in evidence in
5 this case and like any other evidence give it the
6 weight that you think it deserves. If you decide
7 that the opinion of an expert witness is not based
8 on sufficient education and experience or if you
9 conclude that the reasons given in support of the
10 opinion are not sound, or that the opinion is
11 outweighed by other evidence, you may disregard the
12 opinion entirely. Furthermore, an expert witness'
13 testimony is to be given no greater weight than that
14 of other witnesses simply because, excuse me, the
15 witness is an expert. Further, you are not required
16 to accept an expert's opinion even though it is not
17 contradicted.

18 Now ladies and gentlemen, the defendant as
19 I told you is charged with the offense of criminal
20 sexual conduct with a minor in the first degree.
21 The State must prove beyond a reasonable doubt that
22 the defendant enMinor Witness 1d in a sexual battery with
the
23 victim. A sexual battery is sexual intercourse,
24 cunnilingus, fellatio, anal intercourse, or any
25 intrusion, however slight, of any part of a person's

1 body or of any object into the genital or anal
2 openings of another person's body, except when the
3 intrusion is accomplished for medically recognized
4 treatment or diagnostic purposes.

5 The State must then prove beyond a
6 reasonable doubt that the victim was less than 11
7 years old at the time of the sexual battery.
8 Consent, willingness, indifference, or ignorance on
9 the part of the minor, if any, as to what was taking
10 place does not in any way effect the charge of
11 criminal sexual conduct with a minor because an
12 unmarried person under the age of 14 cannot legally
13 consent to sexual intercourse. Furthermore, the
14 testimony of an alleged victim need not be
15 corroborated.

16 The defendant, ladies and gentlemen, in
17 going forward here it's important and I'm required
18 to advise you the defendant has raised the defense
19 of alibi in this case. Now in order to establish an
20 alibi it must be shown that the defendant was at
21 another specified place at the time the crime was
22 committed and that it was, therefore, impossible for
23 the defendant to have been at the scene of the
24 crime. Mere denial of presence at the scene of a
25 crime does not constitute an alibi. There is no

1 burden on the defendant to prove an alibi. The
2 burden is on the State to prove beyond a reasonable
3 doubt that the defendant was actually present at the
4 scene of the crime, actually participated in it and
5 was not somewhere else. In other words, the State
6 has the burden of disproving the defendant's alibi
7 defense.

8 Now ladies and gentlemen, I am now drawing
9 near the end of my charge and I want you to clearly
10 understand that you are not partisans or advocates
11 for the State of South Carolina or the Defendant.
12 It is your duty to determine the facts and then take
13 and apply the law which has been given to you by
14 this Court and thus arrive at a verdict.

15 Once you retire to the jury room, ladies
16 and gentlemen, the bailiff will give the verdict
17 form to you, Mr. Foreman. When you the jury, when
18 you the jury arrive at a verdict as to the offense
19 charged in this case, you, Mr. Foreman, will
20 indicate your verdict on the verdict form. If the
21 State, if the State has failed to prove the guilt of
22 the defendant beyond a reasonable doubt, you will
23 indicate your verdict by placing an X beside not
24 guilty. Likewise, if the State has proven the guilt
25 of the defendant beyond a reasonable doubt, your

1 verdict will be an X beside guilty. You will do
2 the -- the verdict, ladies and gentlemen, excuse me,
3 the verdict that you render in this case, ladies and
4 gentlemen, must be the verdict of each and every
5 juror. It must be your unanimous verdict. All
6 twelve of you must agree on the verdict which you
7 authorize the foreman to write for the jury.

8 Ladies and gentlemen, I want you to
9 further understand that the order in which the
10 choice of verdict appear on the verdict form are not
11 suggested of any verdict on the part of this court.
12 The verdict in this case is to be determined by you
13 all, you, the jury, not the court. Furthermore,
14 please understand that even though I will give the
15 verdict form to the foreperson, foreman, it is not
16 his verdict alone; it must be the verdict of all
17 twelve of you. And I emphasize, again, that it must
18 be unanimous.

19 Ladies and gentlemen, I am going to at
20 this time in just a second ask you to retire to the
21 jury room; but when you return to the jury room and
22 retire to the jury room, do not discuss the case
23 yet, do not discuss the case yet. The law requires
24 that I consult with the attorneys to make sure that
25 I have not left anything out of these instructions.

1 Once I've done that with the attorneys, the items of
2 evidence will be brought back to you all, along with
3 the verdict form. Should you, Mr. Foreman, should
4 you all have any questions during the deliberations,
5 it will be your responsibility to reduce such
6 question to writing, knock on the door, let the
7 bailiff know you have a question. They will in turn
8 get that question to me and I will answer it how I
9 deem appropriate, okay. At the conclusion or once
10 you all have reached a verdict and once you have --
11 all of you have authorized the foreman to write a
12 verdict which is your unanimous verdict. Once you
13 have completed and filled out the verdict form,
14 signed and dated the verdict form, likewise knock on
15 the door, let the bailiff know that you all have
16 reached a verdict. He will, in turn, they will in
17 turn let me know you've reached a verdict and we
18 will get you back in the courtroom as quickly as
19 possible; but you retain the verdict form until you
20 come back in here, okay. Before I ask you to retire
21 to the jury room, does everyone on the jury feel
22 okay? Anybody not feeling well at this point?

23 (There was no response.)

24 THE COURT: Okay. I'm gonna ask you to
25 step to the jury room, but do not, do not begin your

1 deliberations until you're instructed to do so.

2 (WHEREUPON, the jury was removed from the
3 courtroom at 1:56 p.m.)

4 THE COURT: Any exception or objection to
5 the charge by the State?

6 MS. TIMMONS: No, sir, Your Honor.

7 THE COURT: Defense counsel?

8 MR. GRIFFITH: None, Your Honor. The
9 alternate went back there.

10 THE COURT: I know. If you all will come
11 forward and look at the items of evidence please.

12 (Attorneys review exhibits.)

13 THE COURT: You all have all the items of
14 evidence?

15 MS. TIMMONS: Yes, Your Honor.

16 THE COURT: All right. Y'all look at the
17 verdict form.

18 (Attorneys review verdict form.)

19 MS. TIMMONS: Looks good.

20 THE COURT: All right. If you'll get
21 Ms. Talamini out, my alternate.

22 THE BAILIFF: Yes, sir.

23 (Alternate was returned to the jury room and was
24 excused.)

25 THE COURT: You can tell them to begin

1 their deliberations. Anything from the State at
2 this time?

3 MS. TIMMONS: No, sir, Your Honor.

4 THE COURT: We'll stand at ease with
5 regards to this case.

6 (Jury began deliberations at 2:00 p.m.)

7 THE COURT: It's my understanding you
8 think the jury's got a verdict. I will remind
9 everyone in the courtroom, whatever the verdict is
10 to keep your emotions in check. Failure to do so
11 will result in you being held in contempt of court
12 punishable by a fine or incarceration up to six
13 months in jail. If you do not believe that you can
14 keep your emotions in check, now is your time to
15 leave the courtroom.

16 Bring me the jury please, sir.

17 (WHEREUPON, the jury was returned to the
18 courtroom at approximately 3:55 p.m., and
19 the following proceedings commenced in
20 open court.)

21 THE CLERK OF COURT: Have you reached a
22 verdict?

23 THE FOREMAN: Yes.

24 THE CLERK OF COURT: Is it a unanimous
25 verdict?

1 THE FOREPERSON: Yes.

2 THE COURT: All right, Madam Clerk, you
3 may publish the verdict.

4 THE CLERK OF COURT: On indictment
5 2016-GS-14-161, the State of South Carolina versus
6 Justin B. Cameron, as to the charge of first degree
7 criminal sexual conduct with a minor, we, the jury,
8 unanimously find the defendant Justin B. Cameron
9 guilty. Signed, Mr. Wielicki -- I can't read his
10 first name -- dated 8/9/2018.

11 THE COURT: Anything from defense counsel
12 before I release the jury?

13 MR. GRIFFITH: Your Honor, we just ask for
14 a judgment notwithstanding a new trial.

15 THE COURT: Anything with regards to the
16 jury before I release them?

17 MR. GRIFFITH: No, Your Honor.

18 THE COURT: All right.

19 MR. GRIFFITH: We would ask that the jury
20 be polled, Your Honor.

21 THE COURT: Very well. Madam Clerk, would
22 you poll the jury please.

23 THE CLERK OF COURT: Yes, sir.

24 Ladies and gentlemen, I'm going to ask you
25 two questions and call you each by name beginning

1 with the foreperson. If you'd stand, Mr. Wielicki,
2 I need to ask you two questions that you need to
3 answer.

4 THE FOREPERSON: Yes, ma'am.

5 THE CLERK OF COURT: David J. Wielicki.

6 THE FOREPERSON: Yes.

7 THE CLERK OF COURT: Is this your verdict?

8 THE FOREPERSON: Yes.

9 THE CLERK OF COURT: Is it still your
10 verdict?

11 THE FOREPERSON: Yes.

12 THE CLERK OF COURT: Thank you, sir. You
13 may be seated.

14 Timothy N. Turnbide, is this your verdict,
15 sir?

16 JUROR TURNBINE: Yes, ma'am.

17 THE CLERK OF COURT: Is it still your
18 verdict?

19 JUROR TURNBINE: Yes, ma'am.

20 THE CLERK OF COURT: Catherine Coker, is
21 this your verdict?

22 JUROR COKER: Yes, ma'am.

23 THE CLERK OF COURT: Is it still your
24 verdict?

25 JUROR COKER: Yes, ma'am.

1 THE CLERK OF COURT: Shawn J. Carter, is
2 this your verdict?

3 JUROR CARTER: Yes, ma'am.

4 THE CLERK OF COURT: Is it still your
5 verdict?

6 JUROR CARTER: Yes, ma'am.

7 THE CLERK OF COURT: Chris L. Wilson, is
8 this your verdict?

9 JUROR WILSON: Yes, ma'am.

10 THE CLERK OF COURT: Is it still your
11 verdict?

12 JUROR WILSON: Yes, ma'am.

13 THE CLERK OF COURT: Lourethra Murray, is
14 this your verdict?

15 JUROR MURRAY: Yes, ma'am.

16 THE CLERK OF COURT: Is it still your
17 verdict?

18 JUROR MURRAY: Yes, ma'am.

19 THE CLERK OF COURT: Geneva A. Miller, is
20 this your verdict?

21 JUROR MILLER: Yes, ma'am.

22 THE CLERK OF COURT: Is it still your
23 verdict?

24 JUROR MILLER: Yes, ma'am.

25 THE COURT: Elizabeth D. Evans, is this

1 your verdict?

2 JUROR EVANS: Yes, ma'am.

3 THE CLERK OF COURT: Is it still your
4 verdict?

5 JUROR EVANS: Yes, ma'am.

6 THE CLERK OF COURT: Samuel W. Moorner, is
7 this your verdict?

8 JUROR MOORER: Yes, ma'am.

9 THE CLERK OF COURT: Is it still your
10 verdict?

11 JUROR MOORER: Yes, ma'am.

12 THE CLERK OF COURT: Esther Bowman, is
13 this your verdict?

14 JUROR BOWMAN: Yes, ma'am.

15 THE CLERK OF COURT: Is it still your
16 verdict?

17 JUROR BOWMAN: Yes, ma'am.

18 THE CLERK OF COURT: Mary J. Kinlaw, is
19 this your verdict?

20 JUROR KINLAW: Yes, ma'am.

21 THE CLERK OF COURT: Is it still your
22 verdict?

23 JUROR KINLAW: Yes, ma'am.

24 THE CLERK OF COURT: Thank you. And
25 Samantha R. Coffey, is this your verdict?

1 JUROR COFFEY: Yes, ma'am.

2 THE CLERK OF COURT: Is it still your
3 verdict?

4 JUROR COFFEY: Yes.

5 THE CLERK OF COURT: Thank you. Your
6 Honor, the jury has been polled.

7 THE COURT: All right, anything else from
8 Defense counsel before I release the jury?

9 MR. GRIFFITH: Nothing, Your Honor.

10 THE COURT: All right, ladies and
11 gentlemen, I want to thank you for your service this
12 week. As I told you, or I may have said it, maybe I
13 said it to the rest of the panel before I released
14 them the other day, jury service never ever comes at
15 a convenient time. Jury service is really the only
16 true remaining service you have in this country. I
17 realize it never comes at a convenient time.

18 Now, you all have fulfilled your
19 responsibility as jurors. The next step in this
20 process is the State sentencing and will be
21 conducted right here in just a minute, okay. You
22 all are welcome to stay and watch sentencing. It's
23 a part of our system and part of our process; but if
24 you don't want to stay, you're free to leave if you
25 want to. I'll give you an opportunity at this point

1 to leave if you so desire. Otherwise, if you want
2 to stay, you stay right where you are seated and you
3 can observe sentencing, okay.

4 (Pause while jurors exit courtroom.)

5 THE COURT: All right, is the State
6 prepared to go forward with sentencing?

7 MS. TIMMONS: Yes, Your Honor.

8 THE COURT: Mr. Griffith, before we go
9 forward on sentencing I know you stood to proceed,
10 start making a motion. What I'm going to do, okay,
11 our rules provide and allow you ten days to make any
12 posttrial motions. I'm gonna give you ten days to
13 do that, okay. I'm gonna give you ten days to file
14 any posttrial motions that you want to make.

15 MR. GRIFFITH: Well, Your Honor, I would
16 just ask for a new trial reconsideration and
17 notwithstanding. Thank you, Your Honor.

18 THE COURT: All right.

19 MS. TIMMONS: Yes, Your Honor. The State
20 would just like to say this defendant is 23 years
21 old. On the training I attended i, one of the
22 people had speaking, stated that people like
23 Mr. Cameron, sexual predators, on average hurt three
24 kids a year. I know it's just an average, and so we
25 would just ask that you impose a sentence on this

1 defendant in your discretion; but a sentence that
2 would insure that he will not hurt a child in the
3 future.

4 THE COURT: What's his record? We heard
5 some of it during the course of the trial.

6 MS. TIMMONS: Your Honor, the record that
7 I -- he was convicted in 2014 for receiving stolen
8 goods, two to ten thousand dollars, and then in 2015
9 he was convicted of malicious injury to personal
10 property, misdemeanor level.

11 THE COURT: All right, anything further
12 from the State?

13 MS. TIMMONS: No, sir, Your Honor.

14 THE COURT: All right, Mr. Griffith,
15 anything you want to tell me, sir?

16 MR. GRIFFITH: Your Honor, as she said,
17 he's 23 years old. At this time he has no prior
18 history of this type and nothing since that time.
19 He does, his only criminal record are misdemeanors.
20 They're no felony currently on his record. Of
21 course he's maintained his innocence. He's been
22 found guilty. Your Honor, we would ask for the
23 minimum sentence; but of course, there is a
24 requirement of a minimum. We would ask that minimum
25 be met, Your Honor.

1 THE COURT: All right. Mr. Cameron, is
2 there anything you wish to say? I'll give you an
3 opportunity to say something, but what I don't want
4 you to do is say something that could adversely
5 affect your appellate rights; but I'd certainly be
6 happy to hear from you if you want to tell me
7 anything.

8 THE DEFENDANT: Yes, sir. I know I had a
9 chance of being convicted for 25 years. I'm a
10 Christian, also been going to church, turning my
11 life around. I don't do drugs, don't smoke, don't
12 do nothing. My point was, I know for a fact I was
13 innocent, really didn't do it; and my thing was to
14 put it all in the Lord's hand. I still have put it
15 in the Lord's hand and I'll keep it that way.

16 THE COURT: All right. Mr. Griffith, you
17 -- four individuals, three of which testified during
18 the course of this trial for Mr. Cameron, do any of
19 them wish to say anything?

20 MR. GRIFFITH: On his behalf? No, Your
21 Honor.

22 THE COURT: Now I know, and let's get this
23 right, it was conveyed to me before we started the
24 trial of this case that he has served approximately
25 a year-and-a-half in jail, county jail, before he

1 bonded out; is that right?

2 MS. TIMMONS: Yes, Your Honor. He served
3 around a year. He was arrested on April 2016, and I
4 believe was released sometime at the beginning of
5 2017.

6 THE COURT: You have the number of days or
7 anything? I mean, I don't like to just put on the
8 sentencing sheet -- the Department of Corrections
9 likes a specific number of days.

10 MR. GRIFFITH: The way I understand the
11 Department of Corrections inquires of the detention
12 center eventually anyway.

13 THE COURT: Well, they inquire of the
14 detention center when it's not on the sentence
15 sheet, which means that's additional work for them
16 so I'd like to put it on the sentence sheet so they
17 don't have to. They got enough people coming in the
18 Department of Corrections so they don't need to have
19 to call the detention center to find it out.

20 (Pause.)

21 THE OFFICER: His entry date was 4/6/2016.

22 THE COURT: Till when?

23 THE OFFICER: Till 4/21/2017.

24 THE COURT: Okay, thank you.

25 THE OFFICER: Yes, sir.

1 THE COURT: All right, anything further
2 from the State?

3 MS. TIMMONS: No, sir, Your Honor.

4 THE COURT: Defense counsel?

5 MR. GRIFFITH: Nothing, Your Honor.

6 THE COURT: Mr. Cameron, I reluctantly say
7 something now as I reluctantly outside the presence
8 of this jury earlier said anything to you about the
9 plea offer that was made to you because as a judge,
10 my job in a trial of the courtroom is much like a
11 referee in a basketball, in a athletic event, to
12 make sure that both sides play by the rules, not to
13 get involved. The State had offered you assault and
14 battery first degree. It only carried up to ten
15 years, of which if I had given you ten years you'd
16 be home in a year-and-a-half or two at the most. As
17 a prior criminal defense lawyer it pained me to see
18 clients of mine make bad decisions.

19 I told you after having watched that child
20 testify how good of a witness I thought that child
21 was, how certain that child's testimony was, how
22 confident that child's testimony was. All the years
23 I practiced law and since I've been on the bench, it
24 was as good, if not one of the best witnesses I've
25 ever seen on a witness stand, very believable. And

1 as you had at that time, you had a right to choose
2 to go forward with your trial. I do not want to
3 come across as trying to put pressure on you to
4 plead guilty. As a judge it pains me to see bad
5 decisions. People every day have suffered
6 tremendous consequences.

7 The statute for a conviction of criminal
8 sexual conduct first degree with a minor, as I
9 explained to you, carries a mandatory minimum of 25
10 years, longer than you've been living on this earth.
11 The alternative to 25 -- the statute doesn't say 25
12 to life; it says 25 or life in prison. That's what
13 the State says.

14 On 2016-GS-14-0161, defendant is hereby
15 committed to the State Department of Corrections for
16 a period of 25 years, given credit for 381 day, and
17 by law he'll be required to register as a sex
18 offender upon release from the Department of
19 Corrections. Of that 25 year sentence, Mr. Cameron,
20 as I told you, it's day-for-day, no parole offense.
21 Good luck to you.

22 MR. GRIFFITH: Thank you, Your Honor.

23 THE COURT: Mr. Griffith, you made a
24 motion for a new trial. I'm gonna take that motion
25 under advisement. I'm gonna take it under

1 advisement. I'm not gonna rule on it today. I'm
2 gonna take your motion for a new trial under
3 advisement.

4

5 * * * END OF REQUESTED TRANSCRIPT OF RECORD * * *

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NO 2804 P. 2

Clarendon Clerk of Court

Oct. 3. 2019 1:48PM

WITNESSES

Chief David Jones Turbeville
Police Department

ARREST WARRANT NUMBER

2015A1420300028

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury

Date:

VERDICT

Foreperson of Petit Jury

Date:

AMENDED
DOCKET NO. 2016-GS-14-0161

The State of South Carolina

County of CLARENDON

COURT OF GENERAL SESSIONS

June TERM 2017

THE STATE

vs.

JUSTIN BRADLEY CAMERON

Indictment for

Criminal sexual conduct with a minor - First degree

Ernest A. Finney III

ERNEST A. FINNEY, III, SOLICITOR

STATE OF SOUTH CAROLINA)
)
 COUNTY OF CLARENDON)

INDICTMENT FOR

Criminal sexual conduct with a minor - First degree

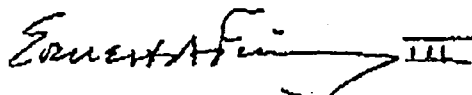
At a Court of General Sessions, convened on June 1, 2017, the Grand Jurors of
 CLARENDON County present upon their oath:

COUNT ONE

That in Clarendon County, South Carolina, between the dates of June 1st 2015 and August 30th 2015, the Defendant,
 Justin Bradley Cameron, date of birth [REDACTED] did commit a sexual battery upon a minor who was less than
 eleven years of age, to wit: he anally penetrated Minor Victim, DOB, in violation of Section 16-3-655,
 Code of Laws of South Carolina, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made
 and provided.

Solicitor



ARREST WARRANT

2015A1420300028

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

TURBEVILLE

THE STATE

against

JUSTIN BRADLEY CAMERON

Address: _____
ROCK HILL SC 29732

Phone: _____ SSN: _____

Sex: M Race: W Height: 5-8 Weight: 150

DL State: SC Date: _____

DOB: _____ Agency ORI#: SC0140300

Prosecuting Agency: TURBEVILLE POLICE

Prosecuting Officer: _____

Offense: CSC 1ST 16-03-0652

Offense Code: 0160

Code/Ordinance Sec. 16-03-0652

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality ofThe accused
is to be arrested and brought before me to be
dealt with according to law.

Signature of Judge _____ (L.S.)

Date: _____

RETURN

A copy of this arrest warrant was delivered to
defendant JUSTIN BRADLEY CAMERON

on 4/16/16

Signature of Constable/Law Enforcement Officer _____

RETURN WARRANT TO: _____

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

TURBEVILLE

AFFIDAVIT

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 618

Personally appeared before me the affiant CHIEF DAVID JONES who
being duly sworn deposes and says that defendant JUSTIN BRADLEY CAMERON
did within this county and state on 06/26/2015 to 08/05/2015 violate the criminal laws of the
State of South Carolina (or ordinance of ☐ County/ ☒ Municipality of TURBEVILLE)
in the following particulars:
DESCRIPTION OF OFFENSE: 16-03-0652 / CSC 1ST 16-03-0652

I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:

BETWEEN JUNE 26, 2015 AND AUGUST 5, 2015 AT: _____ IN TURBEVILLE, SC, THE DEFENDANT, JUSTIN BRADLEY CAMERON, DID
WILLFULLY AND UNLAWFULLY ENGAGE IN CRIMINAL SEXUAL BATTERY BY SODOMIZING THE VICTIM DISCLOSED
THE EVENT IN DETAIL TO HIS FOSTER MOTHER AND A FORENSIC INTERVIEWER. AFFIANT HAS WITNESS TO PROVE THE SAME.

Signature of Affiant _____

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

TURBEVILLE

Affiant's Address P.O. BOX 70TURBEVILLE SC 29162Affiant's Telephone 843-659-2000

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER IN THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY

It appearing from the above affidavit that there are reasonable grounds to believe that
on 06/26/2015 defendant JUSTIN BRADLEY CAMERON

did violate the criminal laws of the State of South Carolina (or ordinance of

☐ County/ ☒ Municipality of TURBEVILLE) as set forth below.

DESCRIPTION OF OFFENSE: SEX / CRIMINAL SEXUAL CONDUCT - FIRST DEGREE

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said
defendant and bring him or her before me forthwith to be dealt with according to the law. A copy of this Arrest Warrant shall be delivered
to the defendant at the time of its execution, or as soon thereafter as is practicable.

Sworn to and subscribed before me _____)

on 11/19/2015)

Luci M. Coleman
LUCI M. COLEMAN

Judge Code: 6057

ORIGINAL

Judge's Address POST OFFICE BOX 70TURBEVILLE SC 29162Judge's Telephone 843-659-2000Issuing Court: ☐ Magistrate☐ Municipal☒ Circuit

Case: 15-00085

STATE OF SOUTH CAROLINA

COUNTY OF Clarendon
 STATE VS.
Justin Bradley Cameron

AKA:

Race: White Sex: M Age: 23DOB: SS#:

Address:

City, State, Zip: Rock Hill, SC 29732DL#: 103914273 SID#:*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

TO: Sex / Criminal sexual conduct with minor or Attempt - victim under 11 yrs of age - First degree

in violation of § 16-03-0655(A)(1) of the S.C. Code of Laws, bearing CDR Code # 0385
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☒ Mandatory GPS ☐ §17-25-45

(CSC w/minor 1st or CSC w/minor 3rd)

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:

Solicitor

SC Bar# 100955

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the

☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 25 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 the 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: \$ _____

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %)	\$	
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ <u>100.00</u>
§ 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	\$ <u>25.00</u>
§ 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)	\$	\$ <u>3.75</u>

TOTAL

\$ 128.75

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA217 (04/2018)

283
IN THE COURT OF GENERAL SESSIONSINDICTMENT/CASE#: 2016-GS-14-0161A/W#: 2015A1420300028Date of Offense: 6/26/2015S.C. Code § : 16-03-0655(A)(1)CDR Code #: 0385

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS100955100955☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 25 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.

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TOTAL

\$ 128.75

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA217 (04/2018)

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

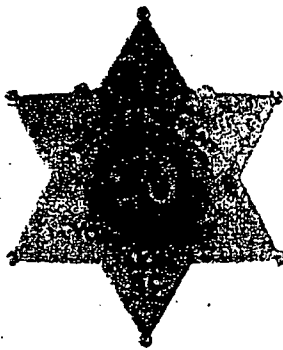
Other:

- Sex offender registry☐ 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: 260Sentence Date: 8-9-18



OFFICE OF THE SHERIFF

York County Detention Center

Moss Justice Center

1675-3A York Highway

York, SC 29745-7431

Tel: (803) 628-3080 • Fax: (803) 628-2912

www.yorkcountysheriff.com

James F. Arwood

Chief Administrator

Richard L. Martin, Jr.

Assistant Administrator

Gary L. Davies

Security Commander

Captain

Cheryl H. Guzman

Administrative Lieutenant

John C. Hicks, Jr.

Professional Standards/

Internal Affairs

Randy J. Guidry

Classification/ICE 287g

Lieutenant

Anquanetta R. Cannon, R.N.

Medical Services

Coordinator

June 22, 2016

Calvary Baptist Church

Attention:

Rock Hill, SC 29731

Ms. Millsaps:

Pursuant to our telephone conversation today, this letter shall serve as verification that **Justin Bradley Cameron**, DOB [REDACTED], SS# **XXX-XX-XX**, was incarcerated in the York County Detention Center, York, SC during the period of July 17, 2015 through September 28, 2015. He was detained on the following charges:

- Burglary 2nd – Warrant# 2015A4620306995
- Criminal Conspiracy – Warrant# 2015A4620306996

He was released from our custody on September 28, 2015 with a disposition of Time Served on the Burglary 2nd charge and the Criminal Conspiracy charge was dismissed (Nolle Prosequi).

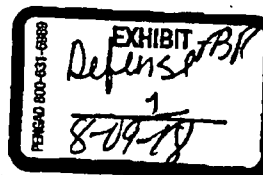
Should you require additional information, you may contact me directly at 803-628-3078.

Respectfully,

Richard L. Martin, Jr.

Administrative Services Captain

Attachments



THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CLARENDON COUNTY
Court of General Sessions

The Honorable D. Craig Brown, Circuit Court Judge

Appellate Case No. 2018-001493
Lower Court Case No. 16-GS-14-0161

THE STATE OF SOUTH CAROLINA,

RESPONDENT,

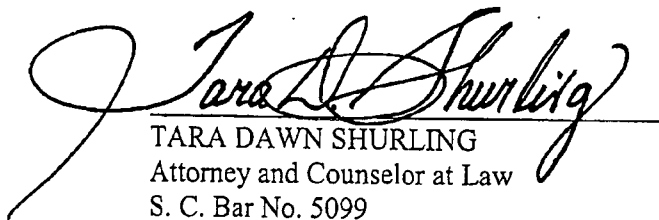
v.

JUSTIN BRADLEY CAMERON,

APPELLANT.

CERTIFICATE OF COUNSEL

The undersigned hereby 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 is in compliance with the August 13, 2007 Order of the Supreme Court of South Carolina relating to the inclusion of personal data identifiers and other sensitive information in documents.


TARA DAWN SHURLING
Attorney and Counselor at Law
S. C. Bar No. 5099

3614 Landmark Drive, Suite A
Columbia, SC 29204
(803) 738-8622
(803) 738-1600 FAX

ATTORNEY FOR APPELLANT.

This 13th day of January, 2020

RECEIVED
 FEB 04 2020
 SC Court of Appeals

THE STATE OF SOUTH CAROLINA
 In The Court of Appeals

APPEAL FROM CLARENDON COUNTY
 Court of General Sessions

The Honorable D. Craig Brown, Circuit Court Judge

Appellate Case No. 2018-001493
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THE STATE OF SOUTH CAROLINA,

RESPONDENT,

v.

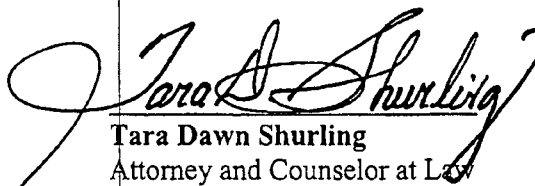
JUSTIN BRADLEY CAMERON,

APPELLANT.

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that one copy of the Record on Appeal in the above-entitled case has been served upon opposing counsel by depositing in the U.S. Mail, postage prepaid, this 13th day of January, 2020, addressed as follows:

JOSHUA A. EDWARDS
 Assistant Attorney General
 Office of the Attorney General
 P o Box 11549
 Columbia, SC 29211


 Tara Dawn Shurling
 Attorney and Counselor at Law
 S. C. Bar No. 5099

Law Office of Tara Dawn Shurling, PA
 3614 Landmark Drive
 Suite A
 Columbia, SC 29204
 (803) 738-8622 Office
 (803) 738-1600 FAX
 tdslaw@shurlinglaw.com

ATTORNEY FOR APPELLANT