

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Lexington County

Honorable Frank R. Addy, Circuit Court Judge

RECEIVED

Aug 21 2020

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

WILLIAM DEREK BENNON,

APPELLANT

APPELLATE CASE NO. 2019-001358

RECORD ON APPEAL

ROBERT M. DUDEK
Chief Appellate Defender

ALAN WILSON
Attorney General

South Carolina Commission on Indigent
Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

WILLIAM M. BLITCH, JR.
Senior Assistant Deputy Attorney General
Rembert Dennis Building
1000 Assembly Street, Room 519
Columbia, SC 29201

ATTORNEY FOR APPELLANT

ATTORNEYS FOR RESPONDENT

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THE FOLLOW DOCUMENTS ARE ON FILE WITH THIS COURT:

STATE’S EXHIBIT #8 (CD -- PHONE CALL)

1 00:01

2 INVESTIGATOR MOUNTZOUROS: Today
3 is September 5th at 4:30 in the afternoon. This
4 is Investigator Mountzouros. I'm here with
5 J.K. [REDACTED] and her fiancé, Devon (PHONETIC).
6 J.K. [REDACTED] will be making a phone call to William
7 Derek Bennon, who is her father. The phone
8 number she will be calling is 214-995 [REDACTED].

9 All right. You good?

10 J.K. [REDACTED] Mm-hmm.

11 INVESTIGATOR MOUNTZOUROS: All
12 right. All right.

13 J.K. [REDACTED] So we don't have to
14 hook it up or?

15 INVESTIGATOR MOUNTZOUROS: That's
16 it. It'll listen when you put it up to your
17 phone there.

18 J.K. [REDACTED] Okay.

19 INVESTIGATOR MOUNTZOUROS: Make
20 sure your phone is on vibrate so it'll not go
21 off.

22 MALE SPEAKER: That's why it's on
23 silent.

24 INVESTIGATOR MOUNTZOUROS: Okay.
25 All right. Just do your thing, girl.

1 INVESTIGATOR MOUNTZOUROS: Put
2 that up to your ear (INDISTINCT).

3 MR. BENNON: Hello?

4 MS. J.K. : Hi. Derek?

5 MR. BENNON: Yeah.

6 MS. J.K. : Hey, this is J.K.

7 MR. BENNON: Hey. Hey. Sure,
8 baby. How are you?

9 MS. J.K. : Um, I'm doing
10 (INDISTINCT).

11 MR. BENNON: You mad? I'm Derek
12 now?

13 MS. J.K. : Yeah. It's kind of
14 like, you know, don't know him.

15 MR. BENNON: well.

16 MS. J.K. : I know that
17 (INDISTINCT) haven't really talked like that
18 anymore, but I've been, like, going to
19 counseling and stuff, and --

20 MR. BENNON: Right.

21 MS. J.K. : -- I had to deal
22 with some stuff that occurred in the past, you
23 know. (INDISTINCT) is coming of age, and she
24 looks so much like me, and, you know --

25 MR. BENNON: Yes.

1 J.K. [REDACTED]: -- just stuff like
2 that. And my therapist just suggested that it
3 was probably a good idea if, you know, you and I
4 had a conversation about what did happen when I
5 was a child and, you know --

6 MR. BENNON: I'm, I'm ready. No
7 problem, J.K., whatever you ask me to do, okay?
8 I went through counseling my -- so I understand.
9 Whatever you need me to do, no problem.

10 J.K. [REDACTED]: I mean, I just
11 really kind of want to know, like, why you
12 molested me --

13 MR. BENNON: I know. I know.

14 J.K. [REDACTED] -- all those years.

15 MR. BENNON: I got you. I got
16 you. Whatever you want. Whatever you want.
17 When, when do you want to meet with me? When,
18 when do you want to (INDISTINCT)?

19 J.K. [REDACTED] I don't know. I
20 would just prefer just to have this conversation
21 over the phone just because, I mean, I really
22 don't know if I can face you right now. I've
23 been dealing with a lot of stuff, and it's --
24 even with Devon. Things are getting kind of
25 tough in the house right now, so I'd rather just

1 have this conversation now and just try to put
2 all of that in the past so I can kind of just,
3 you know, move forward with my life.

4 MR. BENNON: Right. Right.

5 J.K. [REDACTED]: So --

6 MR. BENNON: I, I'm really not --
7 I never did come up with answers to why things
8 happened or anything like that. I don't know
9 that I can ever come up with an answer to
10 anything that I've done to hurt you or [REDACTED]
11 (PHONETIC) or anybody. You know, I -- that's
12 just not something that I've been able to come
13 to grips with for myself, even in trying to be
14 honest with myself.

15 The, the only thing that I've,
16 I've learned is, when, when my uncle passed
17 away, Junior (PHONETIC), at the casket, I saw
18 something. I don't know if that made me
19 something, but I saw something. I'm still not
20 sure what I saw. I did get counseling in New
21 York, so I haven't talked to anybody since I
22 left Jersey though. But I thought about meeting
23 with an oracle to see if saw the demon in me
24 (BREAK IN AUDIO)

25 Kentrell (PHONETIC) has an issue

1 of his own, you know, past couple of things that
2 happened in his past that, that -- so I guess
3 it's passed through. I don't know. I've done
4 everything I can to, to change what I was and
5 who I was, you know, strive to be somebody
6 better than I -- I mean, you know, was probably
7 going to be, but, you know, the demons is, is
8 real. The, the issue is real.

9 I don't know -- you know, like, I
10 don't know. That's the honest answer. I don't
11 know why I hurt you. I don't -- and I regret
12 every moment, every day. I loves you, and I
13 love Karen (PHONETIC). Why wires got crossed or
14 twisted or any way, I don't know. I don't know.
15 I don't know what I was doing, why I was doing,
16 or -- it don't make sense. When I think about
17 it now, just looking at myself, you know, I --

18 J.K. [REDACTED]: And, like I said, I
19 -- you know, I was going through counseling.
20 You know, they said that I should try to find a
21 support (INDISTINCT), you know, people that you
22 feel like you can, can (INDISTINCT) sister and I
23 kind of told her, you know, what happened, and
24 (INDISTINCT) she said that you were also
25 molesting her. So, I mean, were there, were

1 there more kids? I mean, were we the only two?
2 I just thought --

3 MR. BENNON: Um. T.B. I --
4 that's interesting. (INDISTINCT) I don't have a
5 -- remember that at the time, but, you know, I'm
6 not going to dispute it. (INDISTINCT) it
7 wouldn't have been nobody else. It --

8 J.K. : Well, I mean, when I
9 talked to T.B. she told me pretty much the same
10 way you were raping me, you know, putting your
11 dick in my butt, you did the same thing to her
12 before I even told her the details. She said
13 she was seven in Chapin, and you told her not to
14 tell anybody.

15 MR. BENNON: (INDISTINCT)

16 J.K. : So I just -- I don't
17 understand how you can (INDISTINCT) her. We're
18 your daughters, your biological daughters.

19 MR. BENNON: (INDISTINCT) answer,
20 answer. And --

21 J.K. : I mean, did you, did
22 you -- I don't -- you're saying you're going to
23 counseling. Did you ever tell any other adults?
24 Like, did Mom know, did your mom know, did your
25 dad know?

1 MR. BENNON: Yes. Your mom knew.
2 I mean, I don't know. I went through counseling
3 when I was in Jersey, but I left Jersey, and I
4 didn't have the money to pay for them anymore,
5 but.

6 J.K. [REDACTED]: why are you saying
7 that Mom knew? Like, did you tell her? Did you
8 tell her? Did -- I mean, what happened?

9 MR. BENNON: well, I, I don't
10 know. I -- it's like -- let me think. Like I
11 said, I'm, I'm not afraid of what I'm saying,
12 you know, because I'm talking to you, and, you
13 know, I could have, you know, issues getting
14 ready to come behind me and just target though.

15 It's not like I'm trying to be a
16 coward and not just, not handle my issue that I
17 hurt my child. It's -- please don't think that,
18 you know. I was young, I was dumb, and I was
19 doing a lot of crazy stuff. I was very mean,
20 and, and I don't have all the memories anymore
21 because, you know, I had to be able to still
22 live, and so I -- so, you know, I did try to
23 forget a lot of things, but T.B. I, I apologize.

24 I guess I just come straight on
25 the record. I knew I hurt you, and I just

1 didn't know that I had ever hurt (INDISTINCT).
2 I didn't, I didn't know that, and, I mean, that
3 thing when we were at the christening, that was
4 why I was trying to, you know, grab y'all then
5 and try to see if I could sit down and get -- if
6 there's a little (INDISTINCT), you know, that
7 would make y'all love me still or at least
8 forgive me. You know, that's all I needed, you
9 know.

10 It's been, it's been tough. I, I
11 don't do religion anymore because I, you know,
12 had to stop. You know, I know I'm going to
13 hell, you know. (INDISTINCT) hell, so -- but it
14 don't mean I got to be a bad person anymore.
15 That's all I know, so. Who thinks the way I
16 thought? About why this, why did I do...

17 J.K. [REDACTED]: (INDISTINCT) and
18 Facebook and, like, that day we had the car ride
19 with Aunt Bridget (PHONETIC) and you pulled me
20 upstairs.

21 MR. BENNON: That's what I've
22 been trying to do, J.K. [REDACTED] That's what I've been
23 trying to do. I mean, not being able to be
24 there because your chil -- because you can't
25 trust me with your kids (INDISTINCT), that's

1 what I've been trying to do.

2 I mean, I want to be with y'all.
3 I want to be a part of y'all because y'all are a
4 part of me. T.B. told me she don't need me no
5 more, but I need y'all. Y'all are my children,
6 and, and, and whatever I'm going to have to do
7 is what I'm going to have to do to make y'all
8 feel good about what y'all want from me.

9 I understand that. I understand
10 that, so don't -- you know, I just want to
11 understand, even though I was bad in the day,

12
13 whatever issues I had to have to put
14 myself back, you know, in, in this family or at
15 least service to whatever problems I
16 (INDISTINCT), whatever I'm going to have to do
17 to at least make you feel a little level of
18 repentance for your angers to me.

19 And that's, that's where I'm, I'm
20 at with it, but (INDISTINCT), I, I -- it's been,
21 it's been like, like, like I woke up one day,
22 and I was a monster, and I just -- you know, the
23 reason why I actually moved out the house ain't
24 because of what your mama said to me. It's
25 because I knew what I was then, you know.

1 That's, that's actually the
2 reason why I, why I packed up like I did and
3 left, you know. I, I, I had y'all in a way that
4 you -- the two of y'all could have been
5 successful in, in (INDISTINCT) because, you
6 know, you was living in torture. I understand
7 that now. I'm not, you know -- I understand it.
8 It don't make nothing good (INDISTINCT).

9 It's just, I'm not the same way I
10 was, and that monster, I guess he's still in me
11 because I'm still mean, but not nothing like I
12 ever was, you know. I (BREAK IN AUDIO) if
13 (INDISTINCT) that I was, I wouldn't say the
14 things I'm saying to you now, you know, because
15 I never was a coward, scared person, and that's
16 why y'all are tough, you know. Y'all got me in
17 you. You got the tough side, luckily.

18 I used to fight, do stuff that I
19 knew I ain't had no business, and the only time
20 I changed was (INDISTINCT). I ain't trying to
21 do nothing illegal. And so many years, I can't
22 even remember what it feels like to be dirty.
23 But that was the whole problem. I was turned
24 dirty by situations what wasn't my -- you know,
25 I guess I never figured out a way to stop it.

1 And now I see the results of it,
2 so I (INDISTINCT) hurt. This ain't easy
3 (INDISTINCT). I do this right here because I
4 don't want to crowd you. I don't want to cause
5 no confusions. I don't want to hurt nobody else
6 that I know and that I'm supposed to love.

7 That's why I've been gone so far
8 away for so long. I keep trying to move back,
9 you know, that way, but every time I think about
10 it, I just give y'all y'all's space. But
11 whatever help I can give you, just call me. I'm
12 here. (INDISTINCT) I'm always waiting for y'all
13 to give me a call and just say what you need.
14 Can I -- I apologize with all the, all the soul
15 that I have now that wasn't there then, all the
16 love that I wanted to try to give then that I
17 didn't.

18 It's here, and I, I just want,
19 you know, whatever you need me to do is what I'm
20 going to do. That's as clear as I can say it.
21 I don't know how to go back and fix what I did.
22 I can't go back and erase what I did. I can't
23 go back and, and, and (INDISTINCT) more of what
24 I did. I can't go back and try to change time.

25 But, you know, I need my future

1 to be with y'all involved with it, (INDISTINCT).
2 But if I don't get that, that's my punishment.
3 I understand. But I do (INDISTINCT) any other
4 friends y'all might have had, you know, I just
5 verify whatever you want to verify.

6 J.K. [REDACTED] Do what?

7 MR. BENNON: I said you can call
8 and, and, and, you know, just check with your
9 friends and family or whatever that you want to
10 verify with, if I bothered anyone else. It was
11 -- you were different, and it was -- I don't
12 know. You was my first little baby girl that
13 was all mine, all mine, and I just wanted to
14 love you for (INDISTINCT) and I just, I crossed
15 up (INDISTINCT).

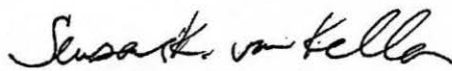
16 I guess I went too far. I know I
17 went too far, but like I said, I was, I was sick
18 myself, so the lines was blurry in everything
19 that I was doing. I, I -- that's how I ended up
20 at spirituality, because I had guilt, and I had
21 to get away from churches, just a lot of things.

22 J.K. [REDACTED]: (INDISTINCT)

23 MR. BENNON: Do what you --
24 process it how you have to process it. I wish
25 that you would, you know, call me back soon and,

1 CERTIFICATE OF TRANSCRIPTIONIST

2 I, Susan K. von Keller, do hereby certify:

3 That the foregoing audio file entitled
4 "William Bennon, Pretext Call" was transcribed;
5 that the foregoing transcript as typed is a
6 true, accurate and complete record of the audio
7 file to the best of my ability under the
8 prevailing circumstances.9 I further certify that I am neither related
10 to nor counsel for any party to the cause
11 pending or interested in the events thereof.12 Witness my hand, I have hereunto affixed my
13 official seal this 23rd day of July, 2019, at
14 Columbia, Richland County, South Carolina.15
16
17 
18

19 Susan K. von Keller

20 Notary Public

21 State of South Carolina at Large

22 My Commission expires:

23 March 8, 2026
24
25

WITNESSES

Lexington County Sheriffs Department

Hayli D Livingston

Law Enforcement Case #: 18021334

LSM

ARREST WARRANT NUMBER

2018A3210800745

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury
Date: 7/18/19

VERDICT

GUILTY

Foreperson of Petit Jury

Date: August 8, 2019

DOCKET NO. 2019GS3202581

The State of South Carolina

County of Lexington

COURT OF GENERAL SESSIONS

JULY TERM 2019

THE STATE

vs.

William Derek Bennon

CDR #: 0385

Indictment for

CSC with a Minor - 1st degree

§ 16-03-0655(A)(1)

S.R. Hubbard III, SOLICITOR

STATE OF SOUTH CAROLINA)
)
COUNTY OF LEXINGTON)
)

INDICTMENT FOR
CSC with a Minor - 1st degree
§ 16-03-0655(A)(1)

At a Court of General Sessions, convened on July 2019, the Grand Jurors of Lexington County present upon their oath:

That **William Derek Bennon** date of birth [REDACTED], 1972, did in Lexington County, South Carolina, on or about November 12, 1998 through November 11, 2000, willfully and unlawfully commit criminal sexual conduct with a minor in the first degree by engaging in sexual battery as defined in Section 16-3-651(h), including but not limited to genital intrusion and/or anal intercourse, with a minor who was less than eleven (11) years of age, to wit: **J.K. [REDACTED]**, date of birth [REDACTED] 1993, in violation of Section 16-3-655(A)(1), S.C. Code of Laws, 1976, as amended, and previously codified as 16-3-655(A).

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

Suzanne Mayer
DEPUTY SOLICITOR

SCANNED 7-9-2019

WITNESSES

Lexington County Sheriffs Department
Hayli D Livingston
Law Enforcement Case #: 18021334

LSM

ARREST WARRANT NUMBER

2018A3210800746

ACTION OF GRAND JURY

TRUE BILL

[Signature]
Foreperson of Grand Jury
Date: 7/8/19

VERDICT

GUILTY

[Signature]
Foreperson of Petit Jury
Date: August 8, 2019

DOCKET NO. 2019GS3202582

The State of South Carolina
County of Lexington

COURT OF GENERAL SESSIONS

JULY TERM 2019

THE STATE

vs.

William Derek Bennon

CDR #: 0385

Indictment for

Criminal sexual conduct with a Minor - 1st degree

§ 16-03-0655(A)(1)

S.R. Hubbard III, SOLICITOR

STATE OF SOUTH CAROLINA)
)
COUNTY OF LEXINGTON)
)

INDICTMENT FOR
Criminal sexual conduct with a Minor - 1st
degree

§ 16-03-0655(A)(1)

At a Court of General Sessions, convened on July 2019, the Grand Jurors of
Lexington County present upon their oath:

That **William Derek Bennon** date of birth [REDACTED], did in Lexington County,
South Carolina on or about November 12, 2002 through November 11, 2004, willfully
and unlawfully commit criminal sexual conduct with a minor in the first degree by
engaging in sexual battery as defined in Section 16-3-651(h), including but not limited to
genital intrusion and/or anal intercourse, with a minor who was less than eleven (11)
years of age, to wit: **J.K. [REDACTED]**, date of birth [REDACTED] 1993, in violation of Section 16-3-
655(A)(1), S.C. Code of Laws, 1976, as amended, and previously codified as 16-3-
655(A).

Against the peace and dignity of the State, and contrary to the statute in such case
made and provided.

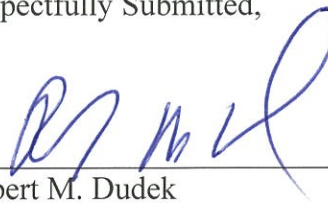
Suzanne Mayo
DEPUTY SOLICITOR

SCANNED - 9-2019

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



Robert M. Dudek
Chief Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

RECEIVED

Aug 21 2020

SC Court of Appeals

This 21st day of August, 2020.