

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

---

Appeal from Horry County

Honorable D. Craig Brown, Circuit Court Judge

---

**RECEIVED**

**Aug 26 2020**

**SC Court of Appeals**

THE STATE,

RESPONDENT,

V.

DONALD FRANK HALSTEAD III,

APPELLANT.

APPELLATE CASE NO. 2019-001863

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RECORD ON APPEAL

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**THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:**  
**STATE’S EXHIBIT NO. 2 (VIDEO OF FIRST INTERROGATION)**  
**STATE’S EXHIBIT NO. 4 (AUDIO OF SECOND INTERROGATION)**



1 STATE OF SOUTH CAROLINA) TRANSCRIPT OF RECORD  
2 COUNTY OF HORRY ) CASE NO.:2018-GS-26-00504  
3  
4 -----

5 October 29th - 30th, 2019

6 **BEFORE:** The Honorable Craig Brown  
7 -----

8 STATE OF SOUTH CAROLINA,  
9

10 Plaintiff,  
11

12 vs.  
13

14 DONALD FRANK HALSTEAD III,  
15

16 Defendant.  
17 -----

18 APPEARANCES:  
19

20 Leigh Andrew, Esq.  
21 Mary-Ellen Walter, Esq.  
22 Attorneys for the State.

23 James Galmore, Esq.  
24 Jonathan Hiller, Esq.  
25 Attorneys for the Defendant.

Official Court Reporter  
Natalie Dahl, RPR

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## 1 STATE'S EXHIBITS

2 MARKED ADMITTED

|   |   |                              |   |     |
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5

## 6 DEFENDANT'S EXHIBITS

7 NONE MARKED OR ADMITTED

8

## 9 COURT'S EXHIBITS

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1 P-R-O-C-E-E-D-I-N-G-S

2 (State's Exhibits 1 through 4 marked.)

3 THE COURT: Good morning, ladies and gentlemen.  
4 I hope you all are doing well this morning. Sorry to  
5 keep you all waiting. I was on a telephone call with  
6 a law firm trying to take care of some other business,  
7 so I apologize for keeping you all waiting. I asked  
8 you to be here a specific time, and you were here, and  
9 I was not. So I owe you an explanation for that,  
10 okay.

11 State, call its case.

12 MS. ANDREW: The State calls State versus Donald  
13 Frank Halstead the Third.

14 THE COURT: Ladies and gentlemen, the State  
15 called the case of State of South Carolina versus  
16 Donald Frank Halstead the Third. Mr. Halstead is  
17 charged by an indictment with the offense of criminal  
18 sexual conduct with a minor, first degree. This  
19 indictment raises that Donald Frank Halstead the Third  
20 did in Horry County, South Carolina, on or about  
21 September 1, 2010, and December 31, 2010 willfully and  
22 unlawfully committed the crime of criminal sexual  
23 conduct with a minor in the first degree by engaging  
24 in sexual battery with a minor who is less than 11  
25 years of age, to wit, MINOR [REDACTED], whose date of

1 birth is [REDACTED], in violation of Section  
2 16-3-655(a), South Carolina Code of Laws.

3 To this indictment, ladies and gentlemen, the  
4 defendant, Mr. Halstead, pled not guilty; therefore,  
5 the State of South Carolina bears the burden of  
6 proving his guilt beyond a reasonable doubt. Now,  
7 this indictment that I hold in my hand, ladies and  
8 gentlemen, let me stress and emphasize to you all,  
9 that this is not evidence in this case. It is simply  
10 the charging document which brings this case into this  
11 court. The defendant, Mr. Donald Frank Halstead, has  
12 pled not guilty to this charge; therefore, the State  
13 of South Carolina bears the burden of proving his  
14 guilt beyond a reasonable doubt.

15 Before we move forward with selecting a jury,  
16 there are several questions I must ask you.

17 Is there any member of the jury panel related by  
18 blood, connected by marriage, have a close personal,  
19 business or social relationship with Mr. Donald Frank  
20 Halstead the Third or MINOR -- and I hope I'm  
21 pronouncing that right -- MINOR; if so, please  
22 stand?

23 All right. The following, ladies and gentlemen,  
24 is a list of potential witnesses in this case, please  
25 listen carefully: MINOR, Melissa Matthews,

1 Elizabeth Edwards, Chris Mellon, S.M. [REDACTED],  
2 Dr. Control Rahter, Ray Olszewski and Detective Joe  
3 Klauder with the Horry County Police Department, also  
4 a Ms. Marry Skipper. Is there any member of the jury  
5 panel ever related by blood, connected by marriage,  
6 had a close personal, business or social relationship  
7 with any of those potential witnesses; if so, please  
8 stand?

9 If the attorneys would stand and introduce  
10 themselves, State followed by defense counsel.

11 MS. ANDREW: I'm Leigh Andrew. I'm an assistant  
12 solicitor. I'm the attorney for the State.

13 MS. WALTER: I'm Mary-Ellen Walter, I'm also a  
14 solicitor and I will be assisting Ms. Andrew.

15 MR. GALMORE: I'm James Galmore. I work at the  
16 Public Defender's Office.

17 MR. HILLER: I'm Jonathan Hiller, I work with  
18 Attorney Galmore.

19 THE COURT: Is there any member of the jury panel  
20 ever related by blood, connected by marriage, had a  
21 close personal, business, social relationship or ever  
22 been represented by any of the attorneys involved in  
23 this case; if so, please stand?

24 JUROR: William Grammer, 124. Working  
25 relationship with all of these attorneys. I'm an

1 attorney in this circuit.

2 THE COURT: The fact that you stood in response  
3 to that question, Mr. Grammer, do you engage with  
4 social activities with these attorneys?

5 JUROR: No, your Honor.

6 THE COURT: If you were to be selected as a  
7 juror, could you be fair and impartial to both the  
8 State and the defense deciding this case based solely  
9 upon the evidence and testimony presented in this  
10 courtroom?

11 JUROR: Yes, Your Honor.

12 THE COURT: Thank you. You may be seated.

13 Is there any member of the jury panel, their  
14 immediate family or close personal friend ever been  
15 the victim or accused of a sexual offense in nature;  
16 if so, please stand.

17 Your name and number?

18 JUROR: Thomas Myers, 230.

19 THE COURT: Sorry, I cut you off. Could you come  
20 forward, please, sir?

21 And, sir, if you would come out here, and I'll  
22 call you up next.

23 Your number?

24 JUROR: 230.

25 (The following was had as a bench conference with

1 the juror, attorneys and judge.)

2 THE COURT: I didn't want you to have to say  
3 anything in open court. Was it you, close personal  
4 friend?

5 JUROR: It was my niece, and it was roughly 22  
6 years ago.

7 THE COURT: She was a victim?

8 JUROR: She was minor.

9 THE COURT: The victim?

10 JUROR: Yes.

11 THE COURT: The fact that you stood in response  
12 to that question, if you were presiding as a juror in  
13 this case, could you be fair and impartial with the  
14 State and the defendant.

15 JUROR: Yes, sir.

16 THE COURT: And decide this case based solely  
17 upon the evidence and testimony presented in this  
18 courtroom?

19 JUROR: Yes.

20 THE COURT: Thank you. You may be seated.

21 (The following was had in open court.)

22 Name and number, please?

23 JUROR: 52, Anne Caldwell.

24 THE COURT: Come forward, please.

25 (The following was had as a bench conference with

1 the juror, attorneys and judge.)

2 JUROR: I am a previous foster parent, adoptive  
3 parent, with children that have been abused.

4 THE COURT: If you were selected as a juror in  
5 this case, could you be fair and impartial to both the  
6 State and the defense?

7 JUROR: I don't think I could.

8 THE COURT: I'll set her aside for the trial of  
9 this case.

10 What is your number?

11 JUROR: 52.

12 THE COURT: Nick, did you hear me?

13 THE CLERK: Yes, sir.

14 THE COURT: Set her aside. You can return to  
15 your seat. Do not discuss what we discussed up here.

16 (The following was had in open court.)

17 JUROR: 61, Louis Casiano.

18 THE COURT: Come on up here.

19 (The following was had as a bench conference with  
20 the juror, attorneys and judge.)

21 JUROR: I was molested when I was little.

22 THE COURT: You, personally?

23 JUROR: Yes. And I was sexually assaulted by two  
24 men when I was 15, so I'm not comfortable with this  
25 case.

1 THE COURT: You cannot be fair and impartial?

2 JUROR: No way.

3 THE COURT: I'll set you aside for the trial of  
4 this case. You can return to your seat, but do not  
5 discuss what we discussed up here.

6 JUROR: Okay.

7 THE COURT: 61.

8 JUROR: 61, yes.

9 (The following was had in open court.)

10 JUROR: 77, Debbie Deblasio.

11 (The following was had as a bench conference with  
12 the juror, attorneys and judge.)

13 JUROR: I was a victim of sex abuse by my father  
14 from when I was 4 to 12.

15 THE COURT: Let me ask you this. There is a  
16 reason why I called you up personally. If you were  
17 selected as a juror in this case, could you be fair  
18 and impartial?

19 JUROR: I would like to say yes, but I don't  
20 know.

21 THE COURT: I'll set you aside for the trial of  
22 this case. You can return to your seat, but do not  
23 discuss what we discussed up here.

24 JUROR: Okay. Thank you.

25 (The following was had in open court.)

1 JUROR: 144, Arlinda Hemingway.

2 THE COURT: Yes, ma'am.

3 (The following was had as a bench conference with  
4 the juror, attorneys and judge.)

5 JUROR: I have a family member accused of sexual  
6 misconduct. He was convicted, but it doesn't affect  
7 me. I can serve. It was my brother-in-law.

8 THE COURT: Brother-in-law?

9 JUROR: Yes.

10 THE COURT: You said you could serve. If you  
11 were selected as a juror, could you be fair and  
12 impartial with the State and the defense in this case?

13 JUROR: Yes, sir.

14 THE COURT: Based solely on the evidence and  
15 presented in this courtroom?

16 JUROR: Yes, sir.

17 THE COURT: Thank you. You can stay with us.

18 (The following was had in open court.)

19 THE COURT: Any member of the jury panel formed  
20 or expressed an opinion about any issue or matter  
21 involved in this case; if so, please stand?

22 Any member of the jury panel aware of any bias or  
23 prejudice towards either the State or the defendant in  
24 this case; if so, please stand?

25 Other than what I told you about this case,

1 ladies and gentlemen, is there any member of the jury  
2 panel that has any knowledge -- any knowledge,  
3 whatsoever, about this case; if so, please stand?

4 Any member of the jury panel who is a member of  
5 or contributor to any group which as its primary  
6 concern is the promotion of law enforcement; those  
7 groups include, but are not limited to MAD, SADD or  
8 cAVE, Citizens Against Violent Crime; if so, please  
9 stand?

10 Yes, sir, name and number again?

11 JUROR: William Grammer, 124. Retired law  
12 enforcement and I contribute to the police and also am  
13 a contract attorney for them.

14 THE COURT: The question again: If you were  
15 selected as a juror in this case, could you be fair  
16 and impartial to both the State and the defense  
17 deciding this case solely upon the evidence and  
18 testimony presented in this courtroom?

19 JUROR: Yes, Your Honor.

20 THE COURT: Thank you. You may be seated.

21 Any member of the jury panel know of any reason  
22 -- any reason, whatsoever, why he or she should not  
23 serve as a juror in this case with particular emphasis  
24 placed on your ability to be fair and impartial to  
25 both the State and the defense; if so, please stand?

1 State have any additional voir dire?

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

3 THE COURT: Defense counsel?

4 MR. GALMORE: No, sir.

5 THE COURT: All right.

6 THE CLERK: When I call your juror number and  
7 name, come up here and face the State and defense.

8 THE COURT: Five and ten on the strikes, two  
9 alternates, and two as to each alternate.

10 THE CLERK: 122, Dana Gordon. What say the  
11 State?

12 MS. ANDREW: Please present this juror.

13 THE CLERK: Defense?

14 MR. GALMORE: Please excuse the juror in the  
15 trial of this case.

16 THE CLERK: Also, when I call your name, please  
17 bring all your belongings with you.

18 Juror 97, Kyle Faircloth. What say the State?

19 MS. ANDREW: Please present this juror.

20 THE CLERK: Defense?

21 MR. GALMORE: Please seat the juror.

22 THE CLERK: 201, Peter Lucarelli. What say the  
23 State?

24 MS. ANDREW: Please present this juror.

25 THE CLERK: Defense?

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

3 THE COURT: You may return to your seat, sir,  
4 thank you.

5 THE CLERK: 110, Courtney Fuller. What say the  
6 State?

7 MS. ANDREW: Please present this juror.

8 THE CLERK: Defense?

9 MR. GALMORE: Please excuse the juror in the  
10 trial of this case.

11 THE CLERK: 230, Thomas Myers. What say the  
12 State?

13 MS. ANDREW: Please present this juror.

14 THE CLERK: Defense?

15 MR. GALMORE: Please excuse the juror in the  
16 trial of this case.

17 THE CLERK: 165, Robert Indgjer. What say the  
18 State?

19 MS. ANDREW: Please present this juror.

20 THE CLERK: Defense?

21 MR. GALMORE: Please seat the juror.

22 THE CLERK: Juror 124, William Grammer. What say  
23 the State.

24 MS. ANDREW: Please present this juror.

25 THE CLERK: Defense?

1 MR. GALMORE: Please seat the juror.

2 THE CLERK: 23, Kristen Bellamy. What say the  
3 State?

4 MS. ANDREW: Please present this juror.

5 THE CLERK: Defense?

6 MR. GALMORE: Please excuse the juror in the  
7 trial of this case.

8 THE CLERK: 298, John Stewart. What say the  
9 State?

10 MS. ANDREW: Please present this juror.

11 THE CLERK: Defense?

12 MR. GALMORE: Please seat the juror.

13 THE CLERK: 45, Franklin Buff. What say the  
14 State?

15 MS. ANDREW: Please excuse this juror.

16 THE CLERK: 173, Karl Johnson. What say the  
17 State?

18 MS. ANDREW: Please present this juror.

19 THE CLERK: Defense?

20 MR. GALMORE: Please seat the juror.

21 THE CLERK: 339, Nancy Winfree. What say the  
22 State?

23 MS. ANDREW: Please present this juror.

24 THE CLERK: Defense?

25 MR. GALMORE: Please excuse the juror in the

1 trial of this case.

2 THE CLERK: 255, Steven Przybycin. What say the  
3 State?

4 MS. ANDREW: Please present this juror.

5 THE CLERK: Defense?

6 MR. GALMORE: Please seat the juror.

7 THE CLERK: 218, Kristen Meyer. What say the  
8 State?

9 MS. ANDREW: Please present this juror.

10 THE CLERK: Defense?

11 MR. GALMORE: Please excuse the juror in the  
12 trial of the case.

13 THE CLERK: 49, Jacqueline Burton. What say the  
14 State?

15 MS. ANDREW: Please present this juror.

16 THE CLERK: Defense?

17 MR. GALMORE: Please seat the juror.

18 THE CLERK: No. 1, Michael Adams. What say the  
19 State?

20 MS. ANDREW: Please present this juror.

21 THE CLERK: Defense?

22 MR. GALMORE: Please seat the juror.

23 THE CLERK: 85, Mary Dumas. What say the State?

24 MS. ANDREW: Please present this juror.

25 THE CLERK: Defense?

1 MR. GALMORE: Please excuse the juror in the  
2 trial of this case.

3 THE CLERK: 221, Debra Mills. What say the  
4 State?

5 MS. ANDREW: Please present this juror.

6 THE CLERK: Defense?

7 MR. GALMORE: Please seat the juror.

8 THE CLERK: 277, Peggy Sellers. What say the  
9 State?

10 MS. ANDREW: Please excuse this juror.

11 THE CLERK: 53, Heidi Caldwell. What say the  
12 State?

13 MS. ANDREW: Please present this juror.

14 THE CLERK: Defense?

15 MR. GALMORE: Please seat the juror.

16 THE CLERK: 179, Marianne Kerr. What say the  
17 State?

18 MS. ANDREW: Please present this juror.

19 THE CLERK: Defense?

20 MR. GALMORE: Please seat the juror.

21 THE CLERK: 140, Melissa Hare. What say the  
22 State?

23 MS. ANDREW: Court's indulgence.

24 (A brief pause in the proceedings.)

25 MS. ANDREW: Please present this juror.

1 THE CLERK: Defense?

2 MR. GALMORE: Could we inquire as to this juror's  
3 employment and spouse's employment?

4 JUROR: Nurse at McCleod Medical Center, and my  
5 husband is a stay-at-home dad.

6 MR. GALMORE: Please seat the juror.

7 THE CLERK: 330, Lois Watts. What say the State?

8 MS. ANDREW: Please excuse this juror.

9 THE CLERK: No. 4, Russell Allen. What say the  
10 State?

11 MS. ANDREW: Please present this juror.

12 THE CLERK: Defense?

13 MR. GALMORE: Please seat the juror.

14 THE CLERK: 123, Michelle Gouge. What say the  
15 State?

16 MS. ANDREW: Please present this juror.

17 THE CLERK: Defense?

18 MR. GALMORE: Please seat the juror.

19 THE COURT: Any matters of law with regard to  
20 jury selection from the State?

21 MS. ANDREW: Nothing from the State.

22 THE COURT: Defense counsel?

23 MR. GALMORE: No, sir.

24 THE COURT: Ladies and gentlemen, those of you  
25 who are left out in the audience, you were not

## THE COURT TO THE JURY

1 selected to serve as jurors in this case. Again, that  
2 does not mean that you won't be selected this week.  
3 I'll excuse you all for the balance of the day and ask  
4 that you call that number back tonight after  
5 6 o'clock. Call that number back after 6 o'clock and  
6 they will give you instructions on what you are to do  
7 with regards to tomorrow. Thank you all, you have a  
8 nice day. You are free to leave.

9 (The jury panel exits the courtroom at  
10 10:34 a.m.)

11 THE COURT: Request the lawyers to approach,  
12 please.

13 (Whereupon, a bench conference was had.)

14 THE COURT: Ladies and gentlemen of the jury,  
15 does anyone need a break?

16 All right. Swear the jury, please, sir.

17 THE CLERK: Yes, sir.

18 (Whereupon, the jury was sworn.)

19 THE COURT: Ladies and gentlemen, we are about to  
20 try the case of the State of South Carolina versus  
21 Donald Frank Halstead the Third, but before we begin  
22 the trial of the case, I want to tell you that this  
23 trial will probably be different from what you might  
24 expect. Many people do not -- do not have the chance  
25 to attend actual court sessions as you are doing now.

## THE COURT TO THE JURY

1 You may think from watching television or movies or  
2 reading books that trials are always full of intense  
3 action and riveting circumstances. Now, while all of  
4 these things may be true at times, this trial, ladies  
5 and gentlemen, is not for entertainment. It is a  
6 fundamental part of our democracy and effort to make  
7 sure that justice is done between the parties before  
8 the Court in making sure that justice is done. The  
9 process is often slow, deliberate and repetitive, the  
10 opposite of what you may have seen on television,  
11 movies or read in books.

12 This courtroom, ladies and gentlemen, is a place  
13 of honor, dedicated to the protection and preservation  
14 of citizens' rights to what many have called the  
15 greatest justice system ever created. The attorneys  
16 that are appearing before you, ladies and gentlemen,  
17 are advocates for the parties that they represent, but  
18 first and foremost, they are officers of the court,  
19 sworn to uphold the integrity and fairness of our  
20 judicial system. You should expect them to be  
21 professional, competent and ethical in the  
22 representation of their client's interest.

23 What I will now say to you, ladies and gentlemen,  
24 is intended to serve as an introduction to the trial  
25 of this case. These remarks are not a charge on the

## THE COURT TO THE JURY

1 law in this case. I will instruct you on the law  
2 applicable to this case at the end of the trial before  
3 you retire to consider your verdict. This is merely  
4 an explanation of the procedure that we will follow in  
5 the trial of this case so that you may better  
6 understand what may be happening.

7 The defendant in this case, ladies and gentlemen,  
8 is charged by an indictment filed in this court with  
9 the offense of criminal sexual conduct with a minor,  
10 first degree. The elements of which will be explained  
11 to you later. The indictment, as I told you before,  
12 is simply the charging document which brings this case  
13 into this court, and it is not in any sense evidence  
14 of any of the allegations that it contains. The  
15 defendant in this case, ladies and gentlemen, has pled  
16 not guilty to this indictment. The State, therefore,  
17 has the burden of proving each of the elements of the  
18 indictment beyond a reasonable doubt, and it will be  
19 your duty, ladies and gentlemen, to decide whether the  
20 State has met that burden.

21 Your purpose as jurors is to find and determine  
22 the facts. You are the sole and exclusive judge of  
23 the facts. If at any time I make any comment  
24 regarding the facts, you must disregard it. You are  
25 to determine the facts from the testimony that you

## THE COURT TO THE JURY

1 hear and other evidence that may be introduced during  
2 the course of this trial. It is up to you to  
3 determine the inferences which you feel may properly  
4 be drawn from the evidence.

5 It is especially important that you perform your  
6 duty of determining facts diligently and  
7 conscientiously, because ordinarily there is no way to  
8 correct an erroneous determination of the facts by a  
9 jury. On the other hand, and with equal emphasis, the  
10 same law that makes you the judge of the facts, makes  
11 me the judge of the law. The law as given by the  
12 Court is the only law that you may consider. You must  
13 accept and follow it even though you may disagree with  
14 it. I cannot, ladies and gentlemen, tell you all what  
15 the facts in this case are, and you cannot disagree  
16 with me about what the law is or should be. Your job  
17 is to take the law as I give it to you and apply it to  
18 the facts as you find them from the testimony of the  
19 witnesses and any other evidence that may be  
20 introduced during the course of this trial. After  
21 doing that, you render your verdict under the solemn  
22 oath you just took as jurors.

23 Now, until I tell you, ladies and gentlemen, to  
24 begin your deliberations, you must not -- you must not  
25 discuss this case with anyone, including your fellow

## THE COURT TO THE JURY

1 jurors, friends, family members or anyone involved in  
2 this case. The attorneys and parties have been  
3 advised that they are not to talk to you at all  
4 outside of this courtroom, so if you see anyone  
5 involved in this case and they don't speak to you,  
6 they are not being unfriendly, they are simply  
7 following this Court's instructions.

8 Now, during your deliberations, ladies and  
9 gentlemen, you may only discuss the case in the jury  
10 room with your fellow jurors, because they have seen  
11 and heard the same evidence that you have. You are  
12 not to discuss this case with anyone other than your  
13 fellow jurors until you have returned a verdict and  
14 the case is at an end. I remind you that you must  
15 decide this case based solely on the evidence  
16 presented here in this courtroom. This means that  
17 during the trial you must not conduct any independent  
18 research about this case, the facts of this case, the  
19 evidence presented in the case or the people or  
20 organizations involved in any way in the case.  
21 Please, do not try to find out information from any  
22 source outside of this courtroom; in other words, you  
23 must not look at dictionaries or other reference  
24 materials, search the Internet, websites or blogs or  
25 use any other electronic tools to get information

## THE COURT TO THE JURY

1 about this case to help you decide the case. You may  
2 not use computers, telephones, cell phones, smart  
3 phones, smart watches, tablets, Internet or other  
4 tools of technology with communication capabilities at  
5 any time while you are in the courtroom or during your  
6 deliberations.

7 Now, during your breaks from meals or overnight,  
8 if necessary, you may use those devices; however, you  
9 may not use those devices to communicate with anyone  
10 about this case until the case is over. This means  
11 you must not use phone calls, e-mails, text messages,  
12 instant messages, Twitter or any blog, chat room or  
13 Website, including Facebook, Google Plus, My Space,  
14 Link'd, YouTube or any social media Websites to send  
15 or receive information about this case. This includes  
16 information about a party, a witness an attorney or a  
17 court officer, news accounts about the case, research  
18 on topics raised, any topics that you may think would  
19 be helpful in deciding the case or any testimony  
20 presented by any witness.

21 During the trial, I don't know that you'll see  
22 any, but you are instructed not to read, listen to or  
23 watch any news reports about the case. This includes  
24 anything that may be in the newspapers or on the  
25 Internet, radio or television. You must not, ladies

## THE COURT TO THE JURY

1 and gentlemen, as I've said, consider anything outside  
2 of this courtroom whether you've read it or heard  
3 about this case, whether it be before or during the  
4 trial, information on television, radio, the Internet  
5 or from other sources as it might be wrong or  
6 incomplete.

7 In our judicial system, it is important that you  
8 are not influenced by anything or anyone outside of  
9 this courtroom. If you become aware of another  
10 juror's violation of these instructions, please inform  
11 the Court immediately. It is important, ladies and  
12 gentlemen, that you keep an open mind and not decide  
13 any issue in this case until all of the evidence has  
14 been presented, parties have made their closing  
15 arguments and I have instructed you on the law  
16 applicable to this case.

17 It is your solemn responsibility to determine  
18 whether the State has proven the defendant guilty  
19 beyond a reasonable doubt, and your verdict must be  
20 based solely on the evidence as it is presented to you  
21 in this trial and on the law as I instruct you during  
22 and at the close of the trial.

23 Now, in just a moment the prosecutor or solicitor  
24 will make what is called an opening statement, which  
25 the solicitor will explain the issues in this case, or

## THE COURT TO THE JURY

1 at least what they believe the issues are in this  
2 case. The attorney for the defendant may also make an  
3 opening statement, although he is not required to do  
4 so. What attorneys tell you, ladies and gentlemen,  
5 during their opening statements is not evidence in  
6 this case. It is only their contention as to what the  
7 issues are. The evidence in this case, ladies and  
8 gentlemen, will be presented to you by the testimony  
9 of sworn witnesses from the witness stand and/or by  
10 exhibits that may be introduced into evidence during  
11 the course of this trial.

12 Ladies and gentlemen, from time to time during  
13 the trial you may hear one of the attorneys say  
14 something like, Your Honor, I believe that we have a  
15 matter of law or a question of law to discuss with  
16 you, or they may request permission to approach the  
17 bench, or sometimes I, myself, might find it necessary  
18 to excuse you all from the courtroom for a short while  
19 so the attorneys and I can discuss a matter of law.  
20 The reason for this, ladies and gentlemen, is because  
21 you are the judge of the facts in this case, and  
22 sometimes when I'm discussing matters of law with the  
23 attorneys, it may be necessary for me to make some  
24 comment as to the facts in question ruling whether or  
25 not a particular law applies. I'm not supposed to

## THE COURT TO THE JURY

1 tell you all what I think the facts are, so I will  
2 excuse you from the courtroom while these discussions  
3 take place so that in no way -- in no way will you be  
4 influenced by anything that I might say or do in  
5 connection with the facts.

6 Now, in determining what the facts are in this  
7 case, ladies and gentlemen, you must decide whether or  
8 not the testimony of the witnesses is believable. It  
9 will be my responsibility to rule as a matter of law  
10 as to whether certain testimony is admissible or not,  
11 but once the testimony is admitted, whether or not you  
12 believe it is solely for you to determine.

13 Now, in deciding whether to believe a witness,  
14 you have the right to consider the interest of any  
15 witness, the bias of any witness, the prejudice of any  
16 witness, the opportunity for the witness to have seen  
17 the matters and things about which the witness may  
18 testify and the way that the witness acts on the  
19 witness stand. You have the right to consider  
20 anything that is in the record that will help you  
21 evaluate the testimony of the witnesses. That means  
22 that it is your duty to pay close attention to these  
23 witnesses, to observe the witnesses, listen to the  
24 witnesses and to pay close attention to the attorneys  
25 and to the Court. Please, don't let your thoughts

## THE COURT TO THE JURY

1 wander, but give strict attention to the testimony in  
2 this case so at the end of all of the testimony, after  
3 the arguments of counsel and the charge on the law by  
4 the Court, you will then be in a position to determine  
5 what the facts are and to apply the law to those facts  
6 and, thus, render a verdict.

7 Later in this case, ladies and gentlemen, a  
8 foreperson will be selected to preside over  
9 deliberations in the jury room. It will be the  
10 foreperson's added duty to be the jury spokesperson  
11 here in court. It will also be the foreperson's duty  
12 to write the verdict, but I will give the foreperson  
13 further instructions about that at the conclusion of  
14 the case.

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

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

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

21 THE COURT: Defense counsel?

22 MR. GALMORE: No, sir.

23 THE COURT: All right. Ladies and gentlemen, we  
24 will now begin the trial of this case.

25 The State is recognized for opening statement.

## OPENING STATEMENT BY MS. ANDREW

1 MS. ANDREW: May it please the Court, Your Honor.

2 Good morning. Today you are going to meet MINOR

3 MINOR. She's sitting over there with the white  
4 jacket on her lap. She is the victim in this case.  
5 Today, you'll see her. She's 14 years old. She's a  
6 typical, middle school girl. She lives with her mom  
7 and siblings. She has pets. She goes to school. She  
8 participates in extracurricular activities, but for a  
9 long time she wasn't such a typical girl because she  
10 had a secret. Something bad happened to her when she  
11 was a little girl, a five or six-year-old little girl  
12 that she didn't tell anyone about at the time, because  
13 she was scared when she was a kid. You'll hear from  
14 an expert who will talk to you about why a child who  
15 goes through something traumatic may not tell at that  
16 time, and may wait to tell at a later time.

17 So MINOR lived with this secret that happened to  
18 her. She went to visit her biological dad and spend  
19 the night, and his close childhood friend the  
20 defendant, Donald Halstead, sitting over here,  
21 sexually assaulted her. He put his penis in her  
22 vagina, and he put his penis in her mouth on more than  
23 one occasion.

24 So MINOR lived with that for a long time. When  
25 she got a little older, she confided in her younger

## OPENING STATEMENT BY MS. ANDREW

1 sister, the way sisters do. She told the one person  
2 she felt comfortable telling, but, of course, she and  
3 her sister didn't tell an adult at that time.

4 One day, when she was 12 years old, she went to  
5 visit her father's mother, and her father's mother is  
6 sitting in courtroom. You'll hear from her as well.  
7 They were talking about why her father's mother was  
8 getting divorced, and **MINOR** and her sister said,  
9 well, we just want to make sure that nothing bad  
10 happened to you that made you want to get divorced.  
11 Her grandmother said, no, it didn't, that is not what  
12 is going on. It caused **MINOR** to open up, and she  
13 said, well, something bad happened to me, and that's  
14 when she finally told her family what happened to her  
15 when she was a little kid.

16 She told her grandmother and her sister at that  
17 time, and they called her mom. Her mom did what any  
18 appropriate mother would do, she called the police.  
19 When she called the police, Detective Klauder, who is  
20 sitting in the courtroom and who you will hear from,  
21 was assigned to investigate the case.

22 Now, it presented some problems for him, of  
23 course, because **MINOR** is telling about something that  
24 happened six years earlier. So, of course, she  
25 doesn't have any physical injuries, because they would

## OPENING STATEMENT BY MS. ANDREW

1 have long since been healed. She couldn't remember  
2 exact details about dates and times or physical  
3 addresses of where things occurred. She remembered  
4 details. She knew it was a friend of her dad's that  
5 was always around. She remembered details around the  
6 way his penis looked or that white stuff came out of  
7 it, but she also incorrectly remembered that he had  
8 tattoos, because most of her dad's friends did.

9 So Detective Klauder was presented with a  
10 problem. He had to figure out how to investigate,  
11 what can I do. So he did the only thing he could do,  
12 he talked to the defendant. He found out who her  
13 father's friends were, and he interviewed them.  
14 Luckily, when he interviewed this defendant, he  
15 admitted it. He said, yes, when **MINOR** was five,  
16 six-year-old, I put my penis in her mouth on several  
17 occasions. So you will hear an audio taped  
18 memorialization of that confession that he gave to  
19 Detective Klauder where he admits that he put his  
20 penis in her mouth on more than one occasion.

21 Now, when someone is charged with a crime -- he's  
22 charged with criminal sexual conduct with a minor in  
23 the first degree. When all of you were sitting here,  
24 I'm sure you heard that charge and probably knew that  
25 meant a rape of a child, molestation. But under the

## OPENING STATEMENT BY MR. GALMORE

1 law, it means that the defendant committed a sexual  
2 battery on a child under the age of 11, and that is  
3 the rape of a child, but it is defined in the law.  
4 What it is defined as, it is an intrusion, however  
5 slight, into someone's body part by a body part of  
6 another person or an object. It also specifically  
7 includes fellatio, which is putting the penis in  
8 someone's mouth.

9 So I told you, that took her a long time to say  
10 what happened to her. She's come here today to tell  
11 you what happened to her, and that is a very difficult  
12 thing for any person to do, to sit on the stand in  
13 front of strangers and lawyers and talk about the  
14 worse thing that happened to them, especially for a  
15 14-year-old middle school girl, but she's going to do  
16 that today, because she has to. You'll also hear from  
17 the defendant, and you'll hear in his own words that  
18 he committed the conduct that we allege he did.

19 But today is about the victim, **MINOR**. And she's  
20 telling you what happened to her because she wants you  
21 to believe her, and she wants you to give her justice,  
22 and you can do that with one word, and that is  
23 "guilty." Thank you.

24 THE COURT: Mr. Galmore.

25 MR. GALMORE: May it please the Court.

## OPENING STATEMENT BY MR. GALMORE

1           This morning I would like to talk to you about  
2   roles and responsibilities, because everyone in court  
3   today has a responsibility, has a job to perform.  
4   Yesterday and today you met our court bailiffs and  
5   deputies. They escorted you around and walked you up  
6   the steps, bring you up the elevator back downstairs.  
7   They are here for your security and they are here to  
8   accommodate you as you serve on jury duty.

9           Madam court reporter has a very specific job.  
10   Her job is to write down everything or transcribe  
11   everything that is said in court today. She does her  
12   job very well.

13          The judge has a very particular job here in court  
14   today also, because the judge is our referee, since it  
15   is football season. If any of the attorneys have any  
16   difficulty with any testimony or anything like that,  
17   the judge will decide how we proceed. The judge also  
18   gives you the law, and you will hear occasionally he's  
19   referred to as "the judge of the law."

20          The solicitors are here to do their job, to  
21   prosecute cases.

22          The police officers are here to investigate  
23   cases, and you'll hear in this case there wasn't much  
24   of an investigation that was done at all.

25          Most importantly, there is your job. Each and

## OPENING STATEMENT BY MR. GALMORE

1 every one of you. You all have been selected as  
2 jurors in this case, and you have all taken an oath to  
3 well and truly try the issues raised in this case and  
4 render a true verdict according to the law and  
5 evidence.

6 Now, the problem we have today is that the  
7 Solicitor's Office is asking you to convict Donnie  
8 Halstead when they haven't done their job. Their job  
9 is to investigate this case. The police department,  
10 their job is to investigate this case. What they have  
11 brought you is a story, and you'll hear this story  
12 several times. It is their story they are clinging  
13 to, and they've adopted it. **MINOR** tells a  
14 story to her mother, grandmother, whomever, and then  
15 they tell the story to the police, and then they go  
16 tell the story to some other people, then they come to  
17 court and tell the story to you today. It doesn't  
18 change what it is; it is a story, and that's it.

19 Now, when we cross-examine witnesses and present  
20 evidence, we're going to give you a different story.  
21 We're going to present to you how it is that the  
22 police can make a case where there is none. You've  
23 heard Ms. Andrews say that Donnie Halstead went to the  
24 police department and confessed. We'll play that for  
25 you in court, and we need you to listen to it very

## OPENING STATEMENT BY MR. GALMORE

1 closely, because that is the key to this case. Like I  
2 said, they have no evidence; they have a story. They  
3 try to tell you that he then confesses to that story.  
4 But you will hear it for yourself. You'll hear about  
5 circumstances under which that statement was given to  
6 the police, the pressure they were putting on him, and  
7 then you'll have to gauge for yourself whether or not  
8 you believe this case meets the burden of proof.

9       What do I mean by "burden of proof"? Okay, in  
10 every case, criminal and civil, we have a burden of  
11 proof. In A civil case, the burden of proof is the  
12 greater weight or preponderance of the evidence. What  
13 that means -- you've seen it represented before, the  
14 scales of justice. She is blindfolded and holding  
15 scales. The scales are there to represent the burden  
16 of proof. So if the scale tips ever so slightly in  
17 favor of one party or the other, that is the party you  
18 are supposed to vote for. That is how the burden of  
19 proof works in a civil case, greater weight or  
20 preponderance of the evidence.

21       Because it is football season, I'll give you a  
22 football reference. The greater weight or  
23 preponderance of the evidence is like this. Imagine  
24 this is a factual football field, 100 yards from end  
25 to end, okay. The greater weight or preponderance of

## OPENING STATEMENT BY MR. GALMORE

1 the evidence means that the football only needs to be  
2 moved to the 50-yard line and one toe across. That is  
3 the scales of justice tipping ever so slightly in one  
4 favor or another.

5 This is a criminal case. Your Honor, told you  
6 this is general sessions. This is not civil court.  
7 This is not common pleas. So the burden of proof is  
8 higher; it is stronger. They need to prove more than  
9 just simply putting one toe across the 50-yard line.  
10 The burden of proof in a criminal case is beyond a  
11 reasonable doubt. So that means they have to carry  
12 that ball all the way to the end zone. That is the  
13 civil one back there, so they have to carry the ball  
14 all the way to the end zone, or close enough to the  
15 end zone, that you feel firmly convinced that that  
16 next play is going to be a score. They have to bring  
17 it all the way. They have to carry the burden of  
18 proof. So if we're talking about the scales of  
19 justice, they have to show this, not that (indicates).

20 When you see and hear all of the evidence and all  
21 of the lack of evidence, I believe you will agree with  
22 me that the State of South Carolina, in spite of its  
23 resources, in spite of its size, that the State of  
24 South Carolina failed to meet the burden of proof in  
25 this case.

MINOR - DIRECT EXAMINATION

1 I ask you to pay attention to the evidence, ask  
2 you to listen attentively, keep an open mind. This  
3 will take, perhaps, two days, so we won't take all of  
4 your time, but I ask you to listen closely. Thank  
5 you.

6 MS. ANDREW: We call MINOR.

7 (MINOR, having been duly sworn,  
8 testified as follows:)

9 THE WITNESS: My name is MINOR,  
10 MINOR.

11 DIRECT-EXAMINATION

12 BY MS. ANDREW:

13 Q Good morning. How old are you today?

14 A I'm 14 years old.

15 Q When is your birthday?

16 A .

17 Q Where do you currently live?

18 A Coward.

19 Q In South Carolina?

20 A Yes, ma'am.

21 Q Who do you live with?

22 A I live with my mother and my step-father and my  
23 sisters.

24 Q How many sisters do you have?

25 A Three.

**MINOR** - DIRECT EXAMINATION

1 Q Three. And is one of your sisters' named

2 S.M. ?

3 A Yes, ma'am.

4 Q Is she your older sister, or younger sister?

5 A Younger sister.

6 Q Are you close to her?

7 A Uh-huh.

8 Q Do you have any pets at home?

9 A Yes, ma'am.

10 Q What kind of pets do you have?

11 A I have three dogs.

12 Q What are their names?

13 A Cotton, Snowflake and Missy.

14 Q And do you go to school somewhere?

15 A Yes, ma'am.

16 Q What is the name of your school?

17 A J. Paul Truluck Magnet School.

18 Q What grade are you in there?

19 A I'm in the ninth grade.

20 Q What is your favorite thing to do in school?

21 A I like to read. I like to write, and I love to  
22 paint.

23 Q I'm going to switch gears a little bit and talk  
24 about why we are here today, okay?

25 A Yes, ma'am.

**MINOR** - DIRECT EXAMINATION

1 Q Okay. Do you remember a time when you were  
2 younger and you used to go visit your father?

3 A Yes, ma'am.

4 Q And what is your dad's name?

5 A Christopher Mellon.

6 Q And, at that time, were your parents living  
7 together?

8 A No, ma'am.

9 Q So can you tell me what you would do, would you  
10 just go stay with him on weekends?

11 A I would live with my mom, and stay with him on  
12 the weekends, and then come back every other weekend.

13 Q And your sister, **S.M.**, is Christopher Mellon  
14 her dad as well?

15 A Yes, ma'am.

16 Q Would she go with you on those weekend trips?

17 A Yes, ma'am.

18 Q And at some point, while you were there, was the  
19 defendant, Donnie Halstead, there?

20 A Yes, ma'am.

21 Q And do you remember when something bad happened  
22 to you there?

23 A Yes, ma'am. (Witness crying.)

24 Q You can have a break if you need it, okay.

25 MS. ANDREW: May I approach the witness?

**MINOR** - DIRECT EXAMINATION

1 THE COURT: Yes.

2 (A brief pause in the proceedings.)

3 Q Can you tell me the first time you remember the  
4 defendant doing something bad to you?

5 A I don't remember the very first time, but I do  
6 remember.

7 Q You remember what happened?

8 A Yes, ma'am.

9 Q Can you tell me what happened?

10 A Yes, ma'am.

11 Q Okay.

12 A Very first time, he would come in my bedroom and  
13 be like -- I'm so sorry (witness crying). He would  
14 come into my bedroom and tell me to come. If I don't,  
15 then he's going to tell my dad, or something about my  
16 dad, he was going to hurt my dad. And -- (witness  
17 crying) and I would go where he would, you know, put  
18 his penis in my vagina and -- (witness crying).

19 Q It's okay. When he would do that, do you  
20 remember how that felt?

21 A It hurt.

22 Q And do you remember, if anything, came out of his  
23 penis?

24 A Not then, no.

25 Q And was there other occasions when he did other

**MINOR** - DIRECT EXAMINATION

1 things to you?

2 A Yes, ma'am.

3 Q Can you tell me about that?

4 A He would put his penis in my mouth. I remember  
5 when we were in the bathroom and he would just put his  
6 -- like pull down his drawers and put his penis in my  
7 mouth, and white stuff came out of it later on.

8 Q Did you know what it was at that time?

9 A No, ma'am.

10 Q Did he say anything to you when he would do that?

11 A Not that I can recall.

12 Q Do you remember if that happened one time or more  
13 than one time?

14 A More than one time.

15 Q And when you told your grandmother about what  
16 happened, did you know the defendant's name?

17 A No, ma'am.

18 Q What did you remember about him at that time?

19 A His hair.

20 Q What about his hair, in particular?

21 A It was long.

22 Q Do you remember any other details about him?

23 A He was tall and big.

24 Q And big. Do you remember what his penis looked  
25 like when he put it in your mouth?

**MINOR** - DIRECT EXAMINATION

1 A I just remember the smell.

2 Q What kind of smell was it?

3 A Like pee, and it was just like musk, a weird  
4 smell put together.

5 Q A body odor kind of smell?

6 A Yes, ma'am.

7 Q Do you remember any other specific incidents when  
8 he put his penis in your mouth? Do you remember being  
9 in any other rooms in the house when that happened?

10 A Yes. I remember being on the couch one time and  
11 he put me underneath the blanket and he told me -- he  
12 unzipped his pants and he told me to put my mouth on it  
13 or he was going to hurt my dad, and he was -- just  
14 about my dad. It was always about my dad or my family.  
15 I did, and he like put his hand on my head to make me.

16 Q Do you remember if he said anything to you at  
17 that point when he did that?

18 A No. No, ma'am.

19 Q And when these things happened, did you ever tell  
20 your dad what happened?

21 A No, ma'am.

22 Q Who else lived at your dad's house at that time?

23 A My step-mother and her children.

24 Q Where were they when these things occurred, do  
25 you remember?

**MINOR** - DIRECT EXAMINATION

1 A They would be gone or like outside. They would  
2 always be doing something.

3 Q Something out of the room?

4 A Uh-huh.

5 Q Did you tell your mom or anyone else when that  
6 happened at the time?

7 A No, ma'am.

8 Q At some point in the future, did you confide in  
9 your sister what happened to you?

10 A Yes, ma'am.

11 Q Do you remember how old you were then?

12 A I was a little older. I was in at least the  
13 third grade, around eight years old, seven or eight  
14 years old.

15 Q What did you tell your sister happened to you?

16 A I told my sister that Donnie, he hurt me when I  
17 was younger, and she would be like what do you mean,  
18 what happened, and I told her that he would make me,  
19 like he would put his hands on my body and put his  
20 penis in me and in the mouth.

21 Q Did he ever ask you to touch his penis?

22 A Uh-huh.

23 Q What did you and your sister do after that  
24 conversation?

25 A I told her not to tell anyone, it is a secret,

**MINOR** - DIRECT EXAMINATION

1 that if she does, that someone would get hurt, that Dad  
2 would get hurt or something would happen with Dad.

3 Q And did she ever tell anybody?

4 A No.

5 Q And at that point in the future, when you were I  
6 think about 12, did you tell your grandmother what  
7 happened?

8 A Uh-huh.

9 Q Can you tell me how that occurred?

10 A I really don't remember what we were talking  
11 about. We were all in the pool and it was around  
12 nighttime. We were talking about something, I really  
13 can't remember all of this right now. And then  
14 **S.M.** said I think it's time for you to tell someone  
15 and my mimi was, like, what are you talking about,  
16 what's going on, has someone hurt you, and then I told  
17 her -- I told her the guy that my dad was friends with,  
18 he would hurt me, and I described him.

19 Q You described him. And did you -- how -- do you  
20 recall how you described him?

21 A He was tall, big, long hair, and at that point I  
22 thought he had tattoos on his arms.

23 Q You thought he had tattoos. You know today he  
24 doesn't have tattoos?

25 A Yes, ma'am.

**MINOR** - DIRECT EXAMINATION

1 Q What about your dad, does he have tattoos?

2 A Uh-huh.

3 Q Do most of his friends have tattoos?

4 A Yes, ma'am.

5 Q And what did your grandmother do after you told  
6 her?

7 A She called my mom.

8 Q Did you tell your mom what happened?

9 A I didn't talk to my mom on the phone, then. I  
10 was in Myrtle Beach with my mimi, and she called my  
11 mom, and my mom -- we lived in Coward, and my mom came  
12 up the next day, and then we all met and talked about  
13 it.

14 Q So your mom came in person?

15 A Uh-huh.

16 Q And you told her in person what happened to you?

17 A Uh-huh.

18 Q And what did your mom do after that?

19 A We went to the police.

20 Q And did you tell the police what happened to you?

21 A Yes, ma'am.

22 MS. ANDREW: Court's indulgence for a moment.

23 (A brief pause in the proceedings.)

24 Q **MINOR**, if you can, can you tell me if you  
25 remember why it took you so long to tell your mom or

**MINOR** - DIRECT EXAMINATION

1 your dad?

2 A I was scared that my family would get hurt, and I  
3 couldn't lose them.

4 Q And did you tell your dad also at some point what  
5 happened?

6 A Later on. Like he didn't find out until later  
7 on.

8 MS. ANDREW: No further questions, Your Honor.

9 THE COURT: Cross-examination.

10 MR. GALMORE: Thank you, sir.

## 11 CROSS-EXAMINATION

12 BY MR. GALMORE:

13 Q Ms. Mellon, how old are you?

14 A I'm 14 years old.

15 Q I think you testified that you live in Coward?

16 A Yes, sir.

17 Q Can you tell us what county that is in?

18 A Florence.

19 Q All right. Now, in 2010, how old were you?

20 A Six, seven.

21 Q Six or seven years old?

22 A Yes, sir.

23 Q And where were you living back in 2010?

24 A I was still living in Coward.

25 Q Who do you live with in Coward? Who were you

**MINOR** - DIRECT EXAMINATION

1 living with in 2010 in Coward, I'm sorry?

2 A My mom, step-dad and my sister.

3 Q You only have one sister?

4 A I had one sister then, in 2010.

5 Q You didn't have any brothers?

6 A No.

7 Q So you have another sister now?

8 A I have two other siblings now, two other sisters  
9 now.

10 Q And those are your mother's children, or your  
11 father's children?

12 A My mother's children.

13 Q With your step-dad?

14 A Yes, sir.

15 Q Now, back in 2010, what grade were you in?

16 A I don't remember. I was at least in 5-K or first  
17 grade.

18 Q So six years old you are generally in first  
19 grade, somewhere in there, seven years old, but you  
20 don't remember exactly?

21 A I don't remember exactly.

22 Q Do you remember what school you went to?

23 A J.C. Lynch.

24 Q Where is that?

25 A Coward.

**MINOR** - DIRECT EXAMINATION

1 Q Can you give us the name of your kindergarten or  
2 first grade teacher?

3 A My kindergarten teacher's name was Ms. Wyndham --  
4 no, I'm sorry. Kindergarten teacher was Ms. Debois and  
5 Ms. Hazelton, and my first grade teacher was  
6 Ms. Wyndham and Ms. Mae.

7 Q So you lived in Florence County, and you would  
8 come down here on the weekends?

9 A Yes, sir.

10 Q Where was your father living?

11 A I don't remember exactly.

12 Q Was your father living in Coward?

13 A No, sir.

14 Q Was your father living in South Carolina?

15 A Yes, sir.

16 Q What part of South Carolina?

17 A In Horry County. It was in Myrtle Beach.

18 Q So it was in Myrtle Beach?

19 A Yeah. It was in Horry County, around here.

20 Q Well, do you know if it was in Myrtle Beach, if  
21 you were coming to see your father in Myrtle Beach, or  
22 did he live outside of Myrtle Beach, like in the county  
23 part?

24 A He didn't live in Myrtle Beach. He lived in -- I  
25 don't remember.

**MINOR** - DIRECT EXAMINATION

1 Q How much would you come see your father?

2 A It depends. Sometimes it would be every other  
3 weekend, or there would be like a long distance in  
4 between, but most of the time it was every other  
5 weekend.

6 Q Do you think it was every weekend?

7 A No, every other weekend.

8 Q How do you know it was every other weekend?

9 A Because we were supposed to go every other  
10 weekend. It was just -- my mom had full custody of us,  
11 and we were allowed to see our dad like every other  
12 weekend.

13 Q So you are aware that there was a custody  
14 dispute?

15 A I knew my dad did not have custody of me. I know  
16 my mom had full custody of me.

17 Q Do you know why your dad didn't have custody of  
18 you?

19 A Because my dad did drugs.

20 Q Did he do drugs at the house when you would come  
21 over on the weekends?

22 A No, sir, not that I know of.

23 Q Did you see your dad doing drugs at all?

24 A Later on in life.

25 Q Did you see if any of his friends were doing

## MINOR [REDACTED] - DIRECT EXAMINATION

1 drugs with him?

2 A No, sir.

3 Q Well, how did the drugs make your father act?

4 A Giddy, like he was just different, and he would  
5 nod out, fall asleep.

6 Q When you would come to visit your father on these  
7 occasions, when he would do drugs and nod out and  
8 things of that nature, did you tell your mother back in  
9 Coward?

10 A Yes -- no, I did not.

11 Q Because if you told her, she probably wouldn't  
12 have let you come?

13 A She didn't let us later on go.

14 Q Okay. S.M. [REDACTED] would come and stay with her dad  
15 also on these weekends?

16 A Uh-huh, me and S.M. [REDACTED].

17 Q So the two of you would always come together?

18 A Uh-huh.

19 Q So you were six years old; how old was she?

20 A Five or four -- four.

21 Q I think you indicated that the very first time  
22 was in a bedroom?

23 A Yes.

24 Q Was S.M. [REDACTED] in that bedroom?

25 A No.

**MINOR** - DIRECT EXAMINATION

1 Q Did **S.M.** witness any of this?

2 A No.

3 Q Did your father witness any of this?

4 A No.

5 Q Who was staying in the house with your father? I  
6 know you were just coming on the weekends, but who else  
7 was living down there?

8 A My step-mother, Mary, and her kids would go to  
9 friends' houses, and they had their bedrooms.

10 Q I'm sorry, say that again?

11 A Mary's kids would either, like, go to places. I  
12 know **Z.S.** and **N.S.**, the two older ones, they would go  
13 to places. They would go to friends houses, because  
14 they were teenagers. **N.H.S.**, he would always be in his  
15 room or go to his dad's house. **J.S.** he was at least  
16 four or five, so he would be around Mary.

17 Q So Mary had four kids?

18 A Well, yes. She has five now.

19 Q Okay. Now, any of her four kids witness any of  
20 this abuse?

21 A No, sir.

22 Q I think you already testified that your father  
23 didn't witness anything. Did Mary witness any of this  
24 abuse?

25 A No, sir.

MINOR - DIRECT EXAMINATION

1 Q Now, did you report any of this abuse to Mary?

2 A No, sir.

3 Q And she was kind of the mother there on the  
4 weekends, right?

5 A Well, me and Mary -- none of us got along.

6 Q So you didn't get along with Mary? Did you get  
7 along with her children?

8 A Uh-huh.

9 THE COURT: Is that a yes.

10 Q (MR. GALMORE) Is that a yes?

11 A Yes.

12 Q Did you tell any of her four children that these  
13 allegations had occurred?

14 A No, sir.

15 Q Now, when you talked about this for the first  
16 time, and you said it was in the bedroom, what bedroom  
17 are you referring to?

18 A My bedroom.

19 Q So you had your own room?

20 A I had my own room, but S.M. wasn't in there.

21 Q So when you would come down on the weekends --

22 A Me and S.M. would both come down on the  
23 weekends, but S.M. wasn't in the bedroom. It would  
24 never happen when anyone else was in the room.

25 Q But when you would come down on the weekends,

**MINOR** - DIRECT EXAMINATION

1 there was a room just for you?

2 A No. Me and **S.M.** shared a room, but she  
3 wasn't in the room.

4 Q I guess what I'm getting at is Monday through  
5 Friday, when you were in Coward, who was staying in  
6 that room?

7 A I don't know. I don't remember.

8 Q And it is not a trick question. We have a house  
9 with two adults and four kids, was it perhaps the girls  
10 that stayed in there during the week, and when you came  
11 on the weekends, you would go in there with the girls?

12 A They had their own bedrooms.

13 Q So to the best of your knowledge, it was just an  
14 empty room waiting for you on the weekends?

15 A Yes.

16 THE COURT: I need a verbal response, ma'am.

17 A I said yes.

18 Q (MR. GALMORE) Did Donnie have a room?

19 A No, I don't think so.

20 Q That is not what you told investigators.

21 A I know, but now I know he didn't have a room.

22 Q But at the time you told them --

23 A Yes, he had a room.

24 Q That this occurred in Donnie's room?

25 A Yes.

## MINOR - DIRECT EXAMINATION

1 Q But you now know that Donnie did not have a room  
2 in your house?

3 A Yes.

4 Q And you said that Donnie said that he would hurt  
5 your dad?

6 A I said he would hurt my dad if I told.

7 Q Right. Did you tell that part to the  
8 investigators?

9 A Yes.

10 Q Now, your dad is a big fellow?

11 A No.

12 Q Is Donnie about the same size?

13 A No.

14 Q You testified that Donnie put his penis in your  
15 vagina on direct examination?

16 A Yes.

17 Q Now, that is not what you said when you talked to  
18 the people from the Children's Recovery Center, was it?

19 A Yes, I did.

20 Q Let me rephrase it. You didn't use those words  
21 "penis" and "vagina"?

22 A No.

23 Q What words did you use?

24 A I used "hoo-ha" and "pee-pee."

25 Q And where did you come up with words "penis" and

**MINOR** - DIRECT EXAMINATION

1 "vagina"?

2 A I got older, and I know what those are now.

3 Q So now that you are getting older, your story is  
4 changing just a little bit?

5 A No, my story isn't changing, it is just the  
6 words. I know what they are.

7 Q The words in the story have changed?

8 A Yes.

9 Q How many times did he allegedly put his penis in  
10 your vagina?

11 A I just know it was more than one, more than one  
12 time.

13 Q Five times, ten times?

14 A I don't recall.

15 Q Two times?

16 A It was more than one time.

17 Q Because you testified about two times on the  
18 witness stand, so I was trying to figure out if there  
19 was any more. Was there a third time?

20 A Yes.

21 Q What can you tell us about that?

22 A The third time?

23 Q Yes.

24 A It was either -- it was in a room most of the  
25 time, or like on a couch.

**MINOR** - DIRECT EXAMINATION

1 Q In a room and on a couch are two different  
2 things. Is the couch in the living room?

3 A Yes.

4 Q So there is not very much information about this  
5 third time, is there?

6 A No.

7 Q On these occasions when you say he put his penis  
8 in your vagina, I think there was testimony about white  
9 stuff coming out?

10 A Yes.

11 Q Do you recall that on every occasion, or some  
12 occasions, or only one time, or what?

13 A I only remember that one time.

14 Q Now, you testified also that he put his penis in  
15 your mouth?

16 A Uh-huh.

17 Q How many times would you say that happened?

18 A As I know right now, as I remember, two times.

19 Q Do you know what dates those were?

20 A No.

21 Q Do you know what rooms of the house those were  
22 in?

23 A I know one time was in the bathroom, and one time  
24 was on the couch whenever he put me underneath the  
25 cover.

## MINOR - DIRECT EXAMINATION

1 Q The time in the bathroom, did you tell your  
2 father that Donnie had done something?

3 A No.

4 Q The time on the couch, did you tell your father  
5 that Donnie had done something?

6 A No.

7 Q For the time in the bathroom, did you tell Mary  
8 that Donnie had done anything?

9 A No.

10 Q For the time on the couch, did you tell Mary  
11 Skipper if Donnie had done anything?

12 A No.

13 Q For the time in the bathroom, did you tell any of  
14 these four kids that Donnie had done anything?

15 A No.

16 Q For the time on the couch, did you tell any of  
17 these four kids that Donnie had done anything?

18 A No.

19 Q For the time in the bathroom, did you tell your  
20 sister, S.M., that anything happened?

21 A No.

22 Q For the time on the couch, did you tell your  
23 sister, S.M., that anything happened?

24 A No.

25 Q And when did this occur again?

**MINOR** - DIRECT EXAMINATION

1 A Say that again?

2 Q When did these incidents occur?

3 A What year?

4 Q What day, if you could tell us?

5 A I don't remember a day.

6 Q Do you remember a month?

7 A No.

8 Q Do you remember a season? Was it Thanksgiving?

9 Halloween?

10 A It was around fall.

11 Q So you were in school?

12 A Yes, I remember pumpkins.

13 Q Okay. Did you tell your kindergarten teachers or  
14 first grade teachers about any of these incidents that  
15 were taking place?

16 A No.

17 Q And I think you said your teachers were  
18 Ms. Dubois, Ms. Wyndham and Ms. Mae?

19 A Ms. Hazelton.

20 Q So none of those teachers are going to come here  
21 and say that **MINOR** told us something bad was  
22 happening?

23 A No.

24 Q How many times did Donnie come over to visit with  
25 your dad?

**MINOR** - DIRECT EXAMINATION

1     A     It would be a lot, because he would come over and  
2     wash his clothes or stay the night with my dad, or they  
3     would -- I remember my dad or something had like a drum  
4     set, kind of, like a guitar that you could play Guitar  
5     Hero, and he would come around and play.

6     Q     So when you were there, how many times would you  
7     say that you saw Donnie at the house?

8     A     Can you say that again?

9     Q     How many times would you see Donnie at the house?  
10    When were you and him -- how many times were you and  
11    him at the house at the same time?

12   A     Most of the time he was there.

13   Q     I know it was every other weekend, but do you  
14   have an idea of a number of times that you and Donnie  
15   was in the same house at the same time?

16   A     No.

17   Q     Based on the indictment, it is a three-month  
18   period, and based on your testimony, it is every other  
19   weekend, so that puts us at around six visits; does  
20   that seem accurate to you?

21   A     Yes.

22   Q     Now, you testified that you did not know his name  
23   at the time; is that correct?

24   A     Yes.

25   Q     Did you refer to him as "Uncle Donnie"?

**MINOR** - DIRECT EXAMINATION

1 A Yes.

2 Q So how did you know to refer him to as Uncle  
3 Donnie?

4 A Say that again.

5 Q You testified you didn't know his name, and then  
6 you said you referred to him as Uncle Donnie?

7 A I didn't mean to say that. I didn't know who he  
8 was. I said I described his hair, how tall he was and  
9 he was big, and then I said later on he was Uncle  
10 Donnie, me and my sister knew him as Uncle Donnie.

11 Q And you are -- you described his hair, it was  
12 long, tall and big?

13 A Uh-huh.

14 Q Now, you also described a smell?

15 A Yes.

16 Q Now, did you also describe nipple piercings?

17 A Yes.

18 Q Did you also describe tattoos?

19 A Yes.

20 Q Did you also describe stretchy earrings?

21 A Yes.

22 Q Do you know if Donnie has nipple piercings?

23 A No.

24 Q Do you know if Donnie has tattoos or stretchy  
25 earrings?

**MINOR** - DIRECT EXAMINATION

1 A No.

2 Q What made the alleged conduct come to an end?

3 A Can you reword that?

4 Q How did it stop? Why did it stop?

5 A He had his own place I believe, or lived with his  
6 mother or grandma, and I stopped going over to my dad's  
7 a lot.

8 Q You stopped going to your dad's house. So all of  
9 this takes place when you are around six or seven years  
10 old, and at that time, your sister would have been  
11 four, five years old?

12 A Yes, sir.

13 Q And then you said that you told S.M. when she  
14 was in third grade?

15 A No. I was in third grade.

16 Q Okay. So six years old, probably in  
17 kindergarten. Seven years old, first grade. Eight,  
18 nine -- so about nine years old when you made these  
19 statements to S.M.?

20 A No. I was seven or eight years old. I was seven  
21 or eight years old. I was in the third grade.

22 Q So you were in the third grade when you told your  
23 sister about this?

24 A Yes.

25 Q How old were you in third grade?

**MINOR** - DIRECT EXAMINATION

1 A Eight, seven.

2 Q And when this occurred you were in kindergarten  
3 or first grade?

4 A Yes.

5 Q Now, when you told your sister, did she tell your  
6 mother?

7 A No.

8 Q Did she tell your father?

9 A No.

10 Q Did she tell anybody?

11 A No.

12 Q And you didn't tell anybody either?

13 A No.

14 Q So the next time you mentioned it is when you are  
15 12 years old, and you told your grandmother?

16 A Yes.

17 Q And what grade were you in then?

18 A I was going to the seventh grade, because that  
19 was the summer. We just got out of school, and it was  
20 summertime.

21 Q So this starts -- and you think you are in  
22 kindergarten or first grade. You report these  
23 allegations to your sister when you are in the third  
24 grade. You tell your grandmother when you are in  
25 seventh grade, right?

**MINOR** - DIRECT EXAMINATION

1 A Yes.

2 Q When you told your grandmother, I think you said  
3 she called your mother?

4 A Yes.

5 Q And did you tell your mother, like, over the  
6 phone what you had told your grandmother?

7 A No.

8 Q How did that happen?

9 A What do you mean?

10 Q How did you tell your mother?

11 A She came up the next day and we all talked about  
12 it.

13 Q So, at this point, you told your sister, told  
14 your grandmother and then your mother came the next  
15 day, and you told your mother also?

16 A Yes.

17 Q And that is when your mother called your father?  
18 What did she do?

19 A She said that we're going to go to the police  
20 station, so me, her and my mimi went to the police  
21 station.

22 Q Okay. So, at this point, you told your sister,  
23 grandmother, told your mother, and then you told the  
24 police?

25 A Yes.

**MINOR** - DIRECT EXAMINATION

1 Q Did the police take you to the hospital for any  
2 type of tests?

3 A No.

4 Q Did the police come out and search your house  
5 looking for any kind of evidence?

6 A No.

7 Q What did the police do?

8 A The police said he would call us for further  
9 notice, something like that. He would investigate it.

10 Q And then he sent you to see the lady at the  
11 Children's Recovery Center?

12 A Yes.

13 Q So you told her, too, when you got there?

14 A Yes.

15 Q When you went to the Children's Recovery Center,  
16 did they send you to a doctor?

17 A Yes.

18 Q And are you seeing a doctor now?

19 A I'm seeing a therapist.

20 Q Okay. And have they prescribed any medication  
21 for you?

22 A No.

23 Q I think you testified the reason why you didn't  
24 say anything is because you were scared?

25 A Yes.

**MINOR** - DIRECT EXAMINATION

1 Q Because there were threats made against your dad?

2 A Yes.

3 Q Then, when Donnie stopped coming around, and you  
4 stopped going to your father's house so often, were you  
5 still scared?

6 A Yes.

7 Q So we are talking about years afterwards before  
8 you said anything when you were 12 years old. When was  
9 the last time you had seen Donnie Halstead?

10 A I remember one time I was a little bit older and  
11 when my dad and Christina, his other girlfriend, was  
12 together, I remember him coming over one time to wash  
13 his clothes. He would look at me and tickle me and  
14 mess with me and always touchy, and then my sister -- I  
15 looked over at her, and we would -- she would say, hey,  
16 let's go in a different room, or, let's go color over  
17 here.

18 Q How old were you when that happened?

19 A At least in the fourth grade.

20 Q So that is about ten years old?

21 A Uh-huh.

22 THE COURT: Is that a yes?

23 A Yes.

24 THE COURT: Thank you.

25 Q (MR. GALMORE) And you didn't see Donnie anymore

**MINOR** - DIRECT EXAMINATION

1 after that?

2 A I remember my dad picking him up one time and  
3 taking him home to where he lived.

4 Q Well, you didn't say, Dad, this guy has been  
5 abusing me, why are you giving him rides and picking  
6 him up?

7 A No, because I was scared.

8 Q I suppose I can accept that when you were in  
9 kindergarten, but as you got older and you weren't  
10 coming around, you were living in Coward now, you were  
11 still scared?

12 A Yes.

13 Q Just so I can have a clear understanding, you say  
14 this abuse occurred when you were six or seven years  
15 old, would have been either kindergarten or first  
16 grade?

17 A Yes.

18 Q You reported it to your sister when you were in  
19 third grade?

20 A Yes.

21 Q And you report it to your grandmother when you  
22 are in seventh grade?

23 A Yes.

24 Q From there, you tell it to your mother, and you  
25 tell it to the police, you tell it to the Children's

## MINOR - DIRECT EXAMINATION

1 Recovery Center?

2 A Yes.

3 Q At any point, did you tell a teacher at school?

4 A No.

5 Q What about the pastor at church, did you tell the  
6 pastor at church?

7 A No.

8 Q What about any of your neighbors, did you tell  
9 any of the neighbors about this?

10 A No.

11 Q I think you testified that you were doing  
12 extracurricular activities?

13 A Yes. I was in cheerleading.

14 Q Did you let your cheerleading coach know what was  
15 going on?

16 A No.

17 Q Did you tell any of your classmates on the  
18 cheerleading program?

19 A No.

20 MR. GALMORE: Court's indulgence, Your Honor.

21 THE COURT: Yes, sir.

22 (A brief pause in the proceedings.)

23 Q (MR. GALMORE) The list of people you explained  
24 this to is your sister, your grandmother, your mother,  
25 police officers?

**MINOR** - DIRECT EXAMINATION

1 A And the child's recovery.

2 Q And the Children's Recovery.

3 Now, when you told your sister -- I know this is  
4 weird -- but did she record it, write it down?

5 A No.

6 Q Did she turn on a tape recorder, cell phone?

7 A No.

8 Q What about with your grandmother, did she record  
9 the statement?

10 A No.

11 Q Did she ask you to sit down and maybe write down  
12 what happened?

13 A No.

14 Q Did your mother ask you to record a statement?

15 A No.

16 Q When you went to the police, did they record a  
17 statement?

18 A No, not that I know of -- well, yes -- I don't  
19 remember.

20 Q You don't remember?

21 A I don't remember.

22 Q Fair enough. I understand you may not remember.  
23 It's kind of like when you gave a description, and now  
24 you don't quite remember if that description was  
25 accurate, do you?

**MINOR** - DIRECT EXAMINATION

1 A What do you mean?

2 Q When you described your assailant as having  
3 nipple piercings and tattoos and stretchy earrings,  
4 that description is the description you gave at the  
5 time, right?

6 A Yes.

7 Q And now you are saying that that description  
8 wasn't accurate?

9 A Yes.

10 Q Does your dad have tattoos?

11 A Yes.

12 Q Does your dad have long earrings?

13 A No.

14 Q Did he used to?

15 A He has like a little bit stretched.

16 MR. GALMORE: Thank you, Ms. Mellon. No further  
17 questions.

18 THE COURT: Redirect.

19 MS. ANDREW: Briefly, Your Honor.

20 REDIRECT-EXAMINATION

21 BY MS. ANDREW:

22 Q **MINOR**, can you remember the exact dates and  
23 times that these incidents of abuse occurred?

24 A No.

25 Q Do you remember exactly how old you were when

**MINOR** - DIRECT EXAMINATION

1 these incidents occurred?

2 A No.

3 Q Do you remember generally how old you were?

4 A I was around age of six or seven.

5 Q Do you know that the incidents occurred?

6 A Yes.

7 Q In your mind, do they run together, or are they  
8 all separate?

9 A They are some, like, scattered. I don't remember  
10 most of them.

11 Q So you don't have an exact recollection?

12 A No.

13 Q But you do remember the defendant putting his  
14 penis in your mouth?

15 A Yes.

16 Q And Mr. Galmore asked about the description you  
17 gave of him to the police, and I think you said that  
18 you are not sure if he had nipple piercings at this  
19 time, and tattoos and stretchy ears, so some of the  
20 details were correct, and some may not have been?

21 A Yes.

22 Q As you sit here today, do you see the person in  
23 the courtroom who put his penis in the mouth?

24 A Yes.

25 Q And what shirt is he wearing?

## MINOR - DIRECT EXAMINATION

1 A Blue shirt.

2 Q So the defendant, Donald Halstead?

3 A Yes.

4 MS. ANDREW: Nothing further, Your Honor.

5 THE COURT: Recross?

6 MR. GALMORE: Briefly, Your Honor.

7 RECROSS-EXAMINATION

8 BY MR. GALMORE:

9 Q The solicitor asked you if you could remember  
10 exact dates and times; do you remember any dates and  
11 times when any of these allegations occurred?

12 A No.

13 Q And the solicitor asked you about the description  
14 you gave, and she said you got some details correct,  
15 and some you didn't?

16 A Yes.

17 Q You described long hair, you described tall, you  
18 described big?

19 A Yes.

20 Q And you also described a smell?

21 A Yes.

22 Q And you described nipple piercings?

23 A Yes.

24 Q And tattoos and stretchy earrings?

25 A Yes.

**MINOR** - DIRECT EXAMINATION

1 THE COURT: Is that a yes?

2 A Yes.

3 THE COURT: Thank you.

4 Q (MR. GALMORE) And according to you today, you  
5 did not get this description correct?

6 A I got some right, and some wrong.

7 MR. GALMORE: Yes, ma'am. Thank you very much.

8 THE COURT: We've been going about two, three  
9 hours, a little over two hours. Anyone need a break?  
10 I'll ask you to step to the jury room. Do not  
11 discuss the case at all, and we'll get you back here  
12 in a minute.

13 (The jury exits at 11:49 a.m., and the  
14 following is heard out of the presence of the jury.)

15 THE COURT: Anything from the State before we  
16 take a break?

17 MS. ANDREW: Nothing from the State.

18 THE COURT: Defense counsel?

19 MR. GALMORE: No, sir.

20 (A recess was taken.)

21 THE COURT: Thank you. Be seated, please.  
22 How long is your next witness?

23 MS. WALTER: Probably 20 minutes, if Your Honor  
24 wanted us to do this witness, it's **MINOR**'s  
25 grandmother, and break after that, or whatever you

## MINOR - DIRECT EXAMINATION

1 want.

2 THE COURT: I just don't know how long your  
3 witnesses are, who is after her, how long that witness  
4 would be. You are the ones --

5 MS. WALTER: This witness will be about 20  
6 minutes, I would say.

7 THE COURT: Then you want to take a lunch break?

8 MS. WALTER: That would be fine.

9 THE COURT: Anything from the State before I  
10 bring back the jury?

11 MS. WALTER: No, Your Honor.

12 THE COURT: Defense counsel?

13 MR. GALMORE: No, sir.

14 THE COURT: Bring the jury.

15 Is it my 20 minutes, or Solicitor's Office 20  
16 minutes?

17 MS. WALTER: I try very hard not to say "one last  
18 question" because I have learned that is always a  
19 death --

20 THE COURT: I say that in jest because of some  
21 other lawyers in your office that I give a hard time  
22 about -- judge, this statement is only 10 minutes, and  
23 it ended up being an hour and ten.

24 THE CLERK: Yeah, 45 minutes, took a break and  
25 still came back.

## ELIZABETH EDWARDS - DIRECT EXAMINATION

1 (laughing in courtroom.)

2 (The jury enters at 12:07 p.m., and the  
3 following is heard in the presence of the jury.)

4 THE COURT: All jurors are present.

5 State is recognized. Call your next witness,  
6 please.

7 MS. WALTER: Thank you, Your Honor. State calls  
8 Elizabeth Edwards.

9 (ELIZABETH EDWARDS, having been duly sworn,  
10 testified as follows:)

11 THE WITNESS: Elizabeth Edwards, E-D-W-A-R-D-S.

12 DIRECT-EXAMINATION

13 BY MS. WALTER:

14 Q Good afternoon, Ms. Edwards. Do you know **MINOR**?

15 A Yes.

16 Q How do you know her?

17 A She's my granddaughter.

18 Q So is it your son who is her father?

19 A Yes.

20 Q Christopher?

21 A Yes.

22 Q Can you give us a physical description of your  
23 son?

24 A He is -- if you will allow me, my youngest son is  
25 standing here, they are roughly the same height. My

## ELIZABETH EDWARDS - DIRECT EXAMINATION

1 oldest son, Christopher, is a little slighter build  
2 than him, maybe 150, 155 pounds.

3 Q Probably 5'7", would you say?

4 A Um, 5'9" maybe.

5 Q And do you know the defendant, Donnie Halstead?

6 A I do.

7 Q How would you describe the physical differences  
8 between your son and Donnie?

9 A I would describe it drastically different.

10 Q And Chris is not here today?

11 A No, he is not.

12 Q Where is he?

13 A Is he in Greenwood, South Carolina in rehab.

14 Q Thank you. Now, we said that you know the  
15 defendant; how do you know the defendant?

16 A I've known him since my boys were younger. My  
17 youngest son and his brother were friends, and he was  
18 friends with -- he and his other brother were friends  
19 with Christopher, and they all hung out together.

20 Q So for about how long have you known him?

21 A I would say since my youngest son was in grade  
22 school, and he is 30, so.

23 Q How would you describe the defendant's  
24 relationship with Chris?

25 A They were always the closest of friends. That

## ELIZABETH EDWARDS - DIRECT EXAMINATION

1 was one of his stand-by buddies.

2 Q Do you know whether the defendant ever stayed  
3 overnight at your son's place?

4 A Yes, he did many times.

5 Q And, then, specifically directing your attention  
6 to September 2010 to December of 2010, do you know if  
7 the defendant stayed at your son's home during that  
8 period of time?

9 A He did.

10 Q Do you know where your son was living at that  
11 time?

12 A He -- they were living -- I'm not sure when they  
13 were living in Aynor. They had a place in Aynor for a  
14 very short period of time, and they were living in  
15 Laurel Woods.

16 Q Where is Laurel Woods?

17 A On 707, Myrtle Beach zip code, 29588 zip code.

18 Q So both of those places are within Horry County?

19 A Horry County, yes.

20 Q During that time period of September 2010 to  
21 December 2010, do you know if **MINOR** ever stayed over  
22 at Chris' house while the defendant was there?

23 A She did.

24 Q Do you know, approximately, how often she would  
25 stay there?

## ELIZABETH EDWARDS - DIRECT EXAMINATION

1 A When he was married to Mary, they would go every  
2 other weekend.

3 Q Would you see MINOR during this time?

4 A Yes. Not every time they came, but I would see  
5 them probably every other time. They would spend some  
6 time with me.

7 Q And during that period of time, did MINOR ever  
8 talk to you about anything that was happening to her?

9 A No.

10 Q Did there come a time -- excuse me -- when she  
11 did talk to you about something that happened to her?

12 A Yes.

13 Q Do you recall when that was?

14 A It was this past -- two summers ago, 2017.

15 Q Where were you when the conversation took place?

16 A At my house. We were all in the pool. We were  
17 having a night swim.

18 Q Who is "we were all"?

19 A S.M., MINOR and I.

20 Q And what were you talking about?

21 A We were just cutting up about things, and they  
22 asked me why their biological grandfather and I,  
23 Christopher's father, got divorced. I remember saying,  
24 Ick, I don't want to talk about it, some things you  
25 just want to forget. She responded with, I know what

## ELIZABETH EDWARDS - DIRECT EXAMINATION

1 you mean, there are things that happened to me in my  
2 life that I want to forget. She was 12. My heart sank  
3 because your mind goes.

4 Q Can you describe how -- what **MINOR**'s demeanor  
5 was at that point? Was she laughing? Was she  
6 giggling? Was she crying? What was she doing?

7 A We were all giggling before that, and she just  
8 went completely blank. I walked over to talk to her,  
9 and she started telling me what had happened, no  
10 details. She was crying, and I just remember standing  
11 in the pool and hugging her. We finished swimming,  
12 then I went straight in and called her mother and told  
13 her she needed to get to the beach the next day so we  
14 could go talk to the police.

15 Q Now, you can't tell us specifically what **MINOR**  
16 told you, but did she tell you where these assaults  
17 happened?

18 A She told me it was -- Mary was there, so it was  
19 while her dad and his ex-wife were married, so I knew  
20 it was one of the two places. There was only two  
21 places they had lived.

22 Q Did she tell you when it had happened, or was  
23 it --

24 A Age, she told me age. She said she was about  
25 six.

## ELIZABETH EDWARDS - DIRECT EXAMINATION

1 Q And while she was giving you these details,  
2 again, if you could describe her demeanor; what was she  
3 doing?

4 A She was crying. She was crying. She was  
5 shaking. I was holding her. I stood in the pool and  
6 just created a lap for her to sit on, and I just sat  
7 there and held her.

8 Q After that, you said you finished swimming; what  
9 was next thing you did?

10 A I went straight in and called her mother. They  
11 planned on coming to the beach the next day. It was  
12 close to the Fourth of July, I believe, and they were  
13 coming and decided not to because it was scheduled to  
14 rain. I called her and told her she needed to come on  
15 anyway.

16 Q Did she, in fact, come to your house?

17 A Yes. We met at a restaurant in Myrtle Beach and  
18 had lunch, and then we straight from the police station  
19 to her. Her husband took the other kids and went back  
20 to my house and stayed while we went.

21 Q Who all went to the police department?

22 A **MINOR** and Linda and I.

23 MS. WALTER: Court's indulgence.

24 (A brief pause in the proceedings.)

25 MS. WALTER: Nothing further at this point.

## ELIZABETH EDWARDS - CROSS-EXAMINATION

1 THE COURT: Cross-examination.

2 CROSS-EXAMINATION

3 BY MR. GALMORE:

4 Q Ms. Edwards, back in 2010, **MINOR** was living with  
5 her mother; is that correct?

6 A Correct.

7 Q And her mother -- what is her mother's name?

8 A Linda.

9 Q Were you living with Linda, too?

10 A No.

11 Q So you weren't in Linda's household?

12 A No.

13 Q And you weren't in Christopher's household?

14 A No.

15 Q So back in 2010, how often was **MINOR** going to  
16 her dad's house?

17 A I would say every other weekend, as a regular.

18 Q Is that because of a court order?

19 A I don't remember if it was court ordered or just  
20 what they agreed on, I can't tell you.

21 Q So you don't know if they made an agreement every  
22 other weekend, or if some judge came in and said  
23 something?

24 A I don't remember.

25 Q So **MINOR** was going over there every other

## ELIZABETH EDWARDS - CROSS-EXAMINATION

1 weekend. How long was she going every other weekend?

2 A year? Years? How long?

3 A I don't know. I mean, months at a time, and then  
4 they wouldn't go for awhile. It depended on what my  
5 son was going through at the time.

6 Q So this was in 2010. In 2011 was she going over  
7 to her dad's house in the weekend?

8 A I don't recall the years or the dates.

9 Q 2017, was **MINOR** still going to her dad's house  
10 on the weekends?

11 A No. At that time, they spent the entire summer  
12 with me. As soon as they got out of school, they  
13 stayed until school started.

14 Q The year before that, was **MINOR** still going to  
15 her dad's house on the weekends?

16 A I can't recall. I don't know where he was at  
17 that point in time. There were periods when he was  
18 living at my house, periods where he was living with  
19 his grandmother, sometimes he was out on his own.

20 Q You couldn't tell us how often **MINOR** was going  
21 over there?

22 A Not at that time, no.

23 Q Could you tell us who was there when **MINOR** would  
24 go?

25 A At?

## ELIZABETH EDWARDS - CROSS-EXAMINATION

1 Q At Christopher's house.

2 A That would be --

3 MS. WALTER: Objection, Your Honor. If we can  
4 narrow the time frame. We've talked about a number of  
5 years here.

6 THE COURT: Go ahead, Mr. Galmore.

7 MR. GALMORE: No problem.

8 Q (MR. GALMORE) Let's stick with September to  
9 December of 2010, the time frame that is in the  
10 indictment, can you tell us who was at Christopher's  
11 house when **MINOR** would go over there?

12 A His wife, Mary, and her four children, and **MINOR**  
13 and **S.M.** would be there visiting.

14 Q Christopher and Mary, and then her four kids  
15 makes six, and then **S.M.** and **MINOR** would be eight?

16 A Yes.

17 Q And Donnie would be the ninth person in the  
18 house?

19 A Yes.

20 Q Do you know if Christopher had any other friends  
21 coming to the house staying on the weekends?

22 A No.

23 Q You don't know, because you weren't living there?

24 A No, I was not.

25 Q And your testimony was on these weekends, when

## ELIZABETH EDWARDS - CROSS-EXAMINATION

1 S.M. and MINOR would go over there, and Donnie  
2 would be there, there is approximately nine people in  
3 the house. Do you know where they were sleeping in the  
4 house when there was nine people over there?

5 A I know Mary's children had their rooms, and  
6 MINOR and S.M. shared a bedroom when they went  
7 over there.

8 Q Did MINOR ever report to you that S.M. was  
9 forced to sleep in a separate room, or anything along  
10 those lines?

11 A No.

12 Q Now, for that three-month period, September to  
13 December 2010, when they went over there every other  
14 weekend, do you know if Donnie was there, or do you  
15 know how often Donnie was going during that same time  
16 period?

17 A I do not.

18 Q Did you witness any abuse?

19 A No.

20 Q So when MINOR told you in the summer of 2017  
21 that these allegations had occurred, what did you do?

22 A I called her mother and asked her to come to the  
23 beach so we could go to the police station.

24 Q So you didn't call the police, you called her  
25 mother?

## ELIZABETH EDWARDS - CROSS-EXAMINATION

1 A I called her mother.

2 Q And her mother came the next day to talk about  
3 it?

4 A Yes.

5 Q And then you went to the police station?

6 A Yes.

7 Q So **MINOR** told you the story, and then **MINOR**  
8 told her mother the story, and then **MINOR** told them at  
9 the police station?

10 A Yes.

11 Q Did you tell any other family members before  
12 going to the police station?

13 A No.

14 Q Did you conduct any type of investigation before  
15 going to the police station?

16 A Did not.

17 Q Did you call Donnie and confront him?

18 A I did not.

19 Q Now, when **MINOR** made these claims, did you  
20 record it?

21 A No.

22 Q Because you are the first adult she's talking to.

23 A Right.

24 Q Did you ask her to write it down?

25 A No.

## ELIZABETH EDWARDS - CROSS-EXAMINATION

1 Q So whatever she said to you, we don't have a  
2 contemporaneous record of it?

3 A No.

4 Q No. We have your statement that she told you  
5 these things?

6 A Yes. And her sister was there when it was being  
7 said.

8 Q Did her sister say she witnessed any molestation?

9 A No.

10 Q Did her sister say she was abused, S.M. [REDACTED]?

11 A No.

12 Q She was there when MINOR was telling you?

13 A Yes.

14 Q Have you lived with MINOR, or has she lived with  
15 you?

16 A No.

17 Q You couldn't tell us anything about her  
18 day-to-day behaviors, anything of that nature?

19 A Only when they stay with me during the summer,  
20 Christmas break, things like that.

21 Q As far as Monday through Friday, she's staying  
22 with her mother?

23 A Yes.

24 Q And her step-dad?

25 A Yes.

## ELIZABETH EDWARDS - CROSS-EXAMINATION

1 Q In Coward?

2 A Yes.

3 Q And you were staying where?

4 A I lived in Surfside Beach.

5 Q Did you have any opportunity to observe **MINOR** in  
6 Donnie's presence?

7 A No, I do not.

8 Q So you can't tell this jury if she wet her pants  
9 or something every time Donnie walked in the room?

10 A No.

11 Q You can't tell this jury if she had any type of  
12 reaction when Donnie would walk in the room?

13 A No.

14 Q So you don't know if this story is true or not?

15 A I know my granddaughter, and I know it is true.

16 Q You know your granddaughter told you it was true?

17 A I know it is true.

18 Q But you didn't see any abuse yourself?

19 A No.

20 Q When you say it's true, you are basing that on  
21 the word of your granddaughter?

22 A I know it's true.

23 Q It is not a difficult question. You believe your  
24 granddaughter?

25 A Yes.

## ELIZABETH EDWARDS - CROSS-EXAMINATION

1 Q And your purpose in all of this was to receive  
2 the story that your granddaughter gave you, and then  
3 pass it on to the police?

4 A Yes.

5 MR. GALMORE: Thank you, ma'am. No further  
6 questions.

7 THE COURT: Any redirect?

8 MS. WALTER: No, Your Honor.

9 THE COURT: You may step down.

10 MS. WALTER: We ask that she be released from her  
11 subpoena.

12 THE COURT: Any objection?

13 MR. GALMORE: No, Your Honor.

14 THE COURT: Ma'am, you are released from your  
15 subpoena. You are free to go.

16 Ladies and gentlemen, what we're going to do is  
17 give you lunch break. I'm going to ask you to be back  
18 here at 1:45. Be back here at 1:45, and we'll resume  
19 the trial as promptly as possible. Do not discuss  
20 this case. Do not do any independent investigation.  
21 As I told you from the outset, you are to decide this  
22 case based solely upon the evidence and testimony  
23 presented in this courtroom. You all have a nice  
24 lunch, and I'll see you back here at 1:45.

25 (The jury exits at 12:23 p.m., and the

## ELIZABETH EDWARDS - CROSS-EXAMINATION

1 following is heard out of the presence of the jury.)

2 THE COURT: Anything from the State before lunch?

3 MS. ANDREW: Nothing, Your Honor.

4 THE COURT: Defense counsel?

5 MR. GALMORE: No, sir.

6 THE COURT: You have your witnesses here for the  
7 afternoon?

8 MS. ANDREW: Yes, sir.

9 THE COURT: All right.

10 (A lunch recess was taken.)

11 THE COURT: Anything from the State before we  
12 bring the jury in?

13 MS. ANDREW: Nothing.

14 THE COURT: Defense counsel?

15 MR. GALMORE: No, sir, we're ready, sir.

16 (The jury enters at 1:50 p.m., and the  
17 following is heard in the presence of the jury.)

18 THE COURT: All the jurors are present.

19 Ladies and gentlemen, I hope you had a nice lunch  
20 and are ready to proceed this afternoon.

21 At this time we'll recognize the State. Call  
22 your next witness.

23 MS. ANDREW: Your Honor, the State calls S.M.

24 S.M.

25

S.M. [REDACTED] - DIRECT EXAMINATION

1 (S.M. [REDACTED], having been duly sworn,  
2 testified as follows:)

3 THE WITNESS: I'm S.M. [REDACTED],  
4 S.M. [REDACTED].

5 DIRECT-EXAMINATION

6 BY MS. ANDREW:

7 Q Thank you. How old are you today?

8 A I'm 13.

9 Q When is your birthday?

10 A [REDACTED].

11 Q Where do you currently live?

12 A In Coward.

13 Q Who do you live with in Coward?

14 A My mom, my step-dad and three siblings.

15 Q What are your three siblings' names?

16 A S.Y.M. [REDACTED], MINOR [REDACTED] and W.M. [REDACTED].

17 Q And MINOR [REDACTED], is she older or younger than you?

18 A She's older.

19 Q Do you and MINOR [REDACTED] have the same mom and dad?

20 A Yes, ma'am.

21 Q So is Christopher Mellon your dad?

22 A Yes, ma'am.

23 Q Where do you go to school?

24 A J Paul Magnet School.

25 Q What grade are you in there?

S.M. [REDACTED] - DIRECT EXAMINATION

1 A Eighth.

2 Q And do you recall a time back in 2010 when you  
3 would go spend weekends with your father here in Horry  
4 County?

5 A Yes, ma'am.

6 Q Did MINOR go with you at that time?

7 A Yes, ma'am.

8 Q Do you remember how old you were when that was  
9 occurring?

10 A When we would leave?

11 Q When you would stay with your dad on the  
12 weekends.

13 A I was like five or four.

14 Q Four or five. And did MINOR go with you?

15 A Yes, ma'am.

16 Q Are you and MINOR close sisters?

17 A Yes.

18 Q So at the time you were going to stay with your  
19 dad, did she ever tell you about anything bad that  
20 happened then?

21 A No.

22 Q At some later point, did she tell you about  
23 something bad happening to her?

24 A Yes, ma'am.

25 Q I'll let you tell me what she told you, but don't

S.M. [REDACTED] - DIRECT EXAMINATION

1 say who she said did it, okay?

2 A Okay.

3 Q So can you tell me what she said happened to her?

4 A She would -- okay. So I was sitting down and,  
5 like, on bed and stuff, and she said that -- she pulled  
6 me and, S.M. [REDACTED], can I talked to you, and I said,  
7 yeah, what about? I was young, and I didn't know what  
8 she was going to talk about. And she said -- can I say  
9 "that man"?

10 Q You can't identify who she did. You can say a  
11 person did it or a man did it, that's fine.

12 A She said a man stuck his thing in her. She was  
13 older, and so she was probably eight or something.

14 Q How old would you have been?

15 A Seven or six.

16 Q Seven or six. And when you said -- I know that  
17 at the time you may not have known what it was, but do  
18 you know the correct thing for the name that was stuck  
19 in her?

20 A Uh-huh.

21 Q And what was that?

22 A A penis.

23 Q And did she tell you where he stuck it?

24 A Yeah.

25 Q And where is that?

S.M. [REDACTED] - DIRECT EXAMINATION

1 A The mouth and vagina.

2 Q When you were six or seven, did you know those  
3 words "penis" and "vagina"?

4 A No, I did not.

5 Q But did you understand that to be what she meant?

6 A Yes, ma'am.

7 Q How do you know those names now?

8 A I grew up and, like, social media was too much,  
9 and they started talking about it at school and stuff.

10 Q So you had health classes at school where they  
11 talked about those things?

12 A Yeah, fifth grade is where they got all about it.

13 Q Okay. And after MINOR told you that, did you  
14 tell anyone?

15 A No.

16 Q Why not?

17 A Because she told me to keep it secret because she  
18 didn't want our family getting hurt.

19 Q Had you ever heard of anything like that before  
20 at that time?

21 A Of what?

22 Q Of someone doing that to a person?

23 A No.

24 Q And moving forward in time, I'm going to direct  
25 your attention to one day that you stayed with your

S.M. [REDACTED] - DIRECT EXAMINATION

1 mimi, your grandmother, Chris' mom; do you recall  
2 having a conversation where MINOR disclosed the sexual  
3 assault to you at that time?

4 A Yes, ma'am.

5 Q Can you tell me about that?

6 A Like in the pool?

7 Q Yes, please.

8 A So we were in the pool, and it was like late at  
9 night, and we all took a night swim. We were talking  
10 about, like, my poppy and why they, like, got a divorce  
11 and stuff, and she was just like not because he hurt me  
12 or anything, and she said, But if anything happens to  
13 you all, you all need to tell someone. And I looked  
14 over at MINOR and I was, like, you need to tell Mimi.  
15 And so she looked over at Mimi, and I said (indicates),  
16 and so she told Mimi, and then she started crying.  
17 Mimi was just like holding her and rubbing her on her  
18 back and stuff, and then we swam for like five more  
19 minutes and got out of the pool.

20 Q And what happened after that?

21 A After we got out of the pool?

22 Q After you got out of the pool, did your mimi  
23 contact anyone else and tell them what happened?

24 A She contacted my mom.

25 Q Did your mom then come to you the next day?

S.M. [REDACTED] - CROSS-EXAMINATION

1 A Yes, ma'am.

2 Q Were you present for any conversations [REDACTED] had  
3 with your mom?

4 A No, because they went to the police station by  
5 themselves, like, with my mimi, [REDACTED] and my mama. I  
6 stayed at my mimi's house while they went.

7 Q Did you have any other recollection of [REDACTED]  
8 telling you anything that occurred, other than those  
9 two time?

10 A Huh-huh.

11 MS. ANDREW: No further questions for this  
12 witness. Answer any questions Mr. Galmore has.

13 THE COURT: Mr. Galmore.

14 CROSS-EXAMINATION

15 BY MR. GALMORE:

16 Q Ms. Mellon, did you see your sister being abused?

17 A No, sir.

18 Q Were you abused by Donnie Halstead?

19 A No, sir.

20 Q Now, at the time you were living with your mother  
21 and your step-dad in Coward, right?

22 A Yes, sir.

23 Q And then on some weekends you and [REDACTED] would  
24 come down and spend time at your dad's house?

25 A Yes, sir.

S.M. [REDACTED] - CROSS-EXAMINATION

1 Q And at the time you would have been about five  
2 years old?

3 A Yes, sir.

4 Q Do you remember who would have been at the house  
5 with you when you were coming those times?

6 A Just Mary, my dad and their children.

7 Q How many children did Mary have?

8 A Four, but now she has five.

9 Q Right. At the time, she had four, okay.

10 So -- was Mary married to your dad?

11 A Yes, sir.

12 Q Was your dad married to your mom first?

13 A No, sir.

14 Q So your dad and mom dated, and then once they  
15 stopped dating, then your dad started dating  
16 Ms. Skipper?

17 A I think he had many more girlfriends, but he  
18 married Mary.

19 Q Right. Right. Okay. So in the household would  
20 have been your dad and Mary and Mary's four kids and  
21 you and MINOR?

22 A Yes, sir.

23 Q And then sometimes Donnie Halstead would come  
24 over to the house on the weekends?

25 A Yes, sir.

S.M. [REDACTED] - CROSS-EXAMINATION

1 Q Did any of Mary's kids come to you and say they  
2 were molested by Donnie Halstead?

3 A No, sir.

4 Q When you would come to your dad's house with  
5 Mary, do you know where they lived?

6 A I think it was Aynor or in Loris, something. I  
7 don't know what it is called. I remember it -- one  
8 trailer, and like the Laurel Woods something.

9 Q Laurel Woods subdivision?

10 A Yeah. Yeah.

11 Q And when this abuse was relayed to you, was it  
12 explained which house it happened in?

13 A No. She could not remember.

14 Q So you don't know where it would have been.

15 A No, sir.

16 Q So your house in Aynor, did you have your own  
17 room?

18 A No. I shared one with MINOR [REDACTED], but I was always  
19 outside playing.

20 Q Well, I'm thinking about where you were all  
21 sleeping at night; would you sleep in a room with  
22 MINOR [REDACTED]?

23 A Yes, sir.

24 Q Is that all the time, or sometimes, or none of  
25 the time? How often?

S.M. [REDACTED] - CROSS-EXAMINATION

1 A Sometimes I would go, like, in my dad's bed,  
2 because I was always up his butt, but I was sleeping  
3 with MINOR most of the time.

4 Q Now, the house in Laurel Woods, did you have your  
5 own room over there, too?

6 A No.

7 Q Where would you all sleep when you were in Laurel  
8 Woods?

9 A Me and MINOR shared one.

10 Q Right. So at both of the houses, the house in  
11 Aynor and the house in Laurel Woods, you and MINOR had  
12 a room to yourself?

13 A Yes, sir.

14 Q Now, when you weren't there during the week, do  
15 you know if someone was using the room, like maybe  
16 Mary's kids were staying in the room?

17 A I do not.

18 Q You do not know, okay.

19 Was there any time you can recall when MINOR was  
20 sent down to her dad's house and you weren't sent to  
21 go also?

22 A No. I think there was one time where MINOR bit  
23 me and she had to stay.

24 Q So at that time you were sent to your dad's  
25 house, and MINOR stayed with her mother?

**S.M.** - CROSS-EXAMINATION

1 A Yeah.

2 Q Would it be fair to say that you two were pretty  
3 much together most of the time back then?

4 A Yes, sir.

5 Q And you said you did not see any abuse?

6 A I did not.

7 Q She has named several instances, and I know you  
8 were sitting here for that, you didn't see any abuse on  
9 any of those occasions?

10 A No, sir.

11 Q When **MINOR** told you about these allegations, how  
12 old were you?

13 A Maybe eight.

14 Q So you think you were around five years old when  
15 it was going on, and then you think you were eight  
16 years old when **MINOR** told you about it? Is that a  
17 yes?

18 A Yes, sir.

19 Q After she told you this story, did you tell your  
20 dad?

21 A No.

22 Q What about your mother, did you tell her?

23 A No, sir.

24 Q Did you tell Mary Skipper?

25 A No, sir.

S.M. [REDACTED] - CROSS-EXAMINATION

1 Q What about your teachers at school?

2 A No, sir. I didn't tell anyone.

3 Q Now, the next time you had any involvement was  
4 when MINOR decided to tell this story to your  
5 grandmother?

6 A There was one point where I asked MINOR again.  
7 We were like -- she was about to take a shower and I  
8 asked her, Remember when you told me this, and she  
9 said, Yeah. And I said, So is it true, because you  
10 were young and you told me. I was older, probably 10  
11 when I asked, and she said, Yes, it is, S.M. [REDACTED]. And  
12 I was just like, Okay. And then after that, we waited  
13 a couple more years -- like I waited like one year, and  
14 then she told my mimi.

15 Q Back when you were eight years old and she  
16 allegedly told you at that time, where were you all  
17 living?

18 A Sir?

19 Q Where were you living when she told you when you  
20 were eight years old?

21 A Coward.

22 Q Did you go to the police in Coward and tell them  
23 about what your sister had said?

24 A No, sir.

25 Q Now, when your sister says things back in 2017,

S.M. [REDACTED] - CROSS-EXAMINATION

1 that was in Coward?

2 A No, that was in Myrtle Beach.

3 Q Because you were at your grandmother's house at  
4 that time?

5 A Yes, sir.

6 Q And you said the thing that made all of this come  
7 out is because your grandmother and grandfather were  
8 getting divorced?

9 A No, they were divorced. We asked her what  
10 happened, and she said not anything that he hurt me or  
11 anything, but if anything has happened to you all, you  
12 all need to come out about it. So I said, MINOR, you  
13 need to come out about it, and Mimi said, Come out  
14 about what, and she told her.

15 Q Now, when this story was repeated to your  
16 grandmother, did she record it?

17 A No.

18 Q Did she take MINOR to the police department?

19 A Afterwards.

20 Q Next day, right?

21 A Yes, sir.

22 Q Did your grandmother ask you if you saw anything?

23 A No.

24 Q Did your grandmother ask if you had been abused?

25 A No -- well, she asked if he ever touched me, and

S.M. [REDACTED] - CROSS-EXAMINATION

1 I said one time when we were at Christine's house, he  
2 was like tickling me, but that was it. He never  
3 touched-touched me.

4 Q How was your relationship with Mary Skipper, did  
5 you get along with her?

6 A No, sir.

7 Q Did MINOR get along with her?

8 A No. We both didn't.

9 Q Why didn't you two like her?

10 A She was always, like, rude to us. She was more  
11 lenient with her children than she was with us.

12 Q Did you get along with her children?

13 A Yes, sir.

14 Q But you didn't tell any of them about what your  
15 sister said?

16 A No, sir.

17 Q Did your sister make any allegations against  
18 anyone else?

19 A Can you rephrase that?

20 Q I mean, did she accuse anyone other than Donnie  
21 Halstead of abusing her?

22 A No.

23 MR. GALMORE: Court's indulgence, Your Honor.

24 THE COURT: Yes.

25 (A brief pause in the proceedings.)

## OBJECTION - JURY OUT

1 MR. GALMORE: Thank you. No further questions.

2 THE COURT: Any redirect?

3 MS. ANDREW: Nothing, Your Honor.

4 THE COURT: Ma'am, you may step down. Thank you.

5 Call your next witness.

6 MS. WALTER: The State calls Ray Olszewski.

7 (RAY OLSZEWSKI, having been duly sworn,

8 testified as follows:)

9 MR. GALMORE: May we approach, Your Honor?

10 THE COURT: Yes.

11 (Whereupon, a bench conference was had.)

12 THE COURT: Ladies and gentlemen, I need to ask  
13 you to go to the jury room for a second. Do not  
14 discuss the case. I'll get you right back out here in  
15 a second.

16 (The jury exits at 2:12 p.m., and the  
17 following is heard out of the presence of the jury.)

18 THE COURT: Yes, sir.

19 MR. GALMORE: We object to the State's next  
20 witness. Mr. Olszewski is the delayed disclosure  
21 expert that the State proposes to use. We submit,  
22 Your Honor, that his testimony improperly bolsters the  
23 victim's creditability. We submit that his testimony  
24 is highly prejudicial, and we would submit that his  
25 testimony does not concern any issue that is beyond a

## OBJECTION - JURY OUT

1 lay jury's understanding.

2 Basically, he is going to give explanations for  
3 why children, in general, sometimes delay reporting,  
4 and I think that's information that a juror -- jury  
5 understands without the need of an expert.

6 MS. WALTER: Thank you, Your Honor. And I can  
7 pass up a copy of the State's written motion and a  
8 copy of the order from Judge John granting our motion  
9 to introduce this type of evidence.

10 Mr. Olszewski is what we call a "blind expert,"  
11 which is exactly what the case law requires us.

12 THE COURT: Pursuant to State v. Jones, I  
13 believe.

14 MS. WALTER: Yes, Your Honor. Pursuant to State  
15 v. Brown. The case that we cited mostly is State v.  
16 Smith.

17 But case law, basically, wants a blind expert,  
18 someone who never met with the victim, someone who  
19 hasn't viewed the case report, someone who hasn't  
20 counseled the victim, and that is exactly what he is.  
21 He doesn't know anything about the case. He has never  
22 met the victim. He hasn't reviewed police reports.

23 The courts found, also, I believe, that this is  
24 an area where the jury could use education. It is not  
25 something they deal with every day.

## OBJECTION - JURY OUT

1 THE COURT: Judge John already ruled on it?

2 MS. WALTER: Yes, Your Honor. May I approach?  
3 Did Your Honor want to see a copy of the written  
4 motion?

5 THE COURT: No. I'm looking at *State v. Jones*  
6 *423 S.C. 631, 817 S.E.2d 268* wherein the Court found  
7 testimony about delay disclosures from sex abuse  
8 victims within an area of specialized knowledge, which  
9 expert testimony can be utilized in prosecution for  
10 criminal sexual conduct with a minor, committing a  
11 lewd act on a minor. An expert witness' generalized  
12 testimony regarding child sex abuse dynamics do not  
13 result in improper bolstering on behalf of victims in  
14 prosecution for criminal sexual conduct where a  
15 witness did not evaluate or interview the victims.

16 MR. GALMORE: Yes, sir. I would just say that in  
17 this case it is different because the evidence that  
18 they have in this case is limited to her statement  
19 only. I know we have a statement from Mr. Halstead,  
20 but there is no corroboration.

21 THE COURT: It is not required under the statute,  
22 is it?

23 MR. GALMORE: No. But my point is if the only  
24 evidence they have is Ms. Mellon's statement, then we  
25 run into the issue of -- I think it is bolstering,

## OBJECTION - JURY OUT

1 because that is the only evidence they have out  
2 there.

3 THE COURT: First of all, I haven't heard him  
4 testify to whether or not it is bolstering. From what  
5 the State has conveyed to me, it is simply testimony  
6 concerning the dynamics of delayed disclosure, which  
7 is clearly authorized and allowed under the law.

8 MR. GALMORE: Yes, sir. Thank you.

9 THE COURT: But your objection is noted for the  
10 record.

11 Anything else?

12 MR. GALMORE: Oh, no, nothing further.

13 THE COURT: I didn't know if you were still  
14 looking.

15 MR. HILLER: We were looking at Footnote 1 from  
16 Jones, is what I was looking at, for the record, Your  
17 Honor.

18 THE COURT: Footnote, or headnote?

19 MR. HILLER: Footnote.

20 THE COURT: I'm assuming that Judge John heard  
21 proffer of his testimony?

22 MS. WALTER: Yes, sir. It is contained within  
23 the written motion.

24 THE COURT: You were present during that period  
25 of time, Mr. Galmore.

## RAY OLSZEWSKI - DIRECT EXAMINATION

1 MR. GALMORE: Yes, sir, Your Honor.

2 THE COURT: If Judge John already ruled on it, I  
3 don't know that as a circuit court judge I have  
4 authority to overrule him; do you agree with that?

5 MR. GALMORE: Well, you are the trial judge.

6 THE COURT: That is not what I asked you.

7 MR. GALMORE: I understand.

8 THE COURT: I am the trial judge, but it is  
9 something already ruled upon, and unless something  
10 changes, and if something were to change in his  
11 testimony, then certainly that raises a whole other  
12 issue that I certainly could rule on.

13 Anything else?

14 MS. WALTER: No, Your Honor.

15 THE COURT: Mr. Galmore?

16 MR. GALMORE: No, sir.

17 THE COURT: Bring me the jury, please, sir.

18 (The jury enters at 2:17 p.m., and the  
19 following is heard in the presence of the jury.)

## 20 DIRECT-EXAMINATION

21 BY MS. WALTER:

22 Q So the common spelling?

23 A Exactly.

24 Q Where do you work?

25 A Employed at the Metropolitan Children's Advocacy

## RAY OLSZEWSKI - DIRECT EXAMINATION

1 Center in Columbia, Ohio.

2 Q How long have you worked there?

3 A It will be 20 years in December.

4 Q What is the Metropolitan Children's Advocacy  
5 Center?

6 A We are a nationally accredited children's  
7 advocacy center. We see children where there is  
8 allegations of some type of abuse or negligent. The  
9 children are referred to us by law enforcement agencies  
10 or --

11 MR. GALMORE: Objection, Your Honor. There is no  
12 testimony that **MINOR** was seen by the Children's  
13 Evaluation (sic) Center in Columbia.

14 MS. WALTER: Nor has the State suggested it. It  
15 is his background and qualifications, which is  
16 required for an expert.

17 MR. GALMORE: I just want to be clear that he  
18 didn't see her.

19 THE COURT: That's correct.

20 MR. GALMORE: Yes, sir.

21 THE COURT: You may proceed.

22 MS. WALTER: Thank you, Your Honor.

23 Q (MS. WALTER) You were explaining what the  
24 Metropolitan Children's Advocacy Center is. Children  
25 are referred to you through?

## RAY OLSZEWSKI - DIRECT EXAMINATION

1 A Through law enforcement or child protective  
2 services, DSS, Department of Social Services.

3 Q And what happens once a child is referred to the  
4 Children's Adequacy Center?

5 A So the majority of children that are going to see  
6 us are going to be for one of two services, forensic  
7 interview, or an investigative type of interview by a  
8 forensic interviewer to determine whether or not  
9 something has happened, and also a medical examination  
10 by a child abuse medical professional.

11 Q What is your position within the Children's  
12 Advocacy Center?

13 A I conduct forensic interviews.

14 Q What does it mean to be a forensic interviewer?

15 A A forensic interview is basically an  
16 investigative or fact-finding interview. First, we're  
17 trying to determine from the child whether or not  
18 something has happened, and then get as many details as  
19 we can about whatever it is that the child has to  
20 report to us.

21 Q Let's start -- if you can, tell us your  
22 educational background.

23 A I have a bachelor's degree of psychology from the  
24 State University of New York. I have a master's degree  
25 in social work from the University of South Carolina in

## RAY OLSZEWSKI - DIRECT EXAMINATION

1 Columbia, and I also have a diplomate in forensic  
2 social work. That is my formal education.

3 Q And what type of training have you received first  
4 relating to being a forensic interviewer?

5 A Right. So a basic 40-hour interview course where  
6 we are taught basic protocol, followed by numerous  
7 workshops, advanced interview trainings. I've been to  
8 many of them over 20 years. I also am a faculty member  
9 for a forensic interviewing course that we teach in  
10 South Carolina four times a year. It's a week-long  
11 forensic interviewing course where we teach other  
12 forensic interviewers in the state, as well as  
13 frontline child abuse professionals, investigators,  
14 detectives, child protective service workers and others  
15 how to talk with children and how to interview  
16 children.

17 Q Can you talk about the training that you've had  
18 that deals specifically with the dynamics of child  
19 sexual assault?

20 A Sure. A large component of the week-long course  
21 that I've been through, and then the advanced courses,  
22 when you are learning to interview children, it's  
23 learning about the dynamics of child sex abuse, in  
24 particular: How children tell, why they tell when they  
25 do, behaviors related to victim impact, that kind of

## RAY OLSZEWSKI - DIRECT EXAMINATION

1 thing. So it is a component of the course. It is not  
2 just a week-long course about asking question, it is  
3 also learning about victim dynamics.

4 Q So, if I understood you correctly, you have taken  
5 training courses that dealt with child sexual assault  
6 dynamics, but that is also a part of a course you  
7 teach?

8 A That's correct.

9 Q And have you, as part of your continuing  
10 education, read articles relating to child sexual  
11 assault dynamics?

12 A Yes.

13 Q Have you ever been qualified by a court as an  
14 expert in the dynamics of child sexual assault?

15 A Yes, both criminal court and family court.

16 Q Approximately, how many times?

17 A More than 25 times. I don't have an exact count.

18 Q Now, in your position as a forensic interviewer,  
19 you said you worked for the Children's Advocacy Center  
20 for 20 years; have you been a forensic interviewer the  
21 entire time?

22 A The entire time.

23 Q Over that 20-year period, approximately, how many  
24 children have you interviewed?

25 A It would be around 2500, probably more. I don't

## RAY OLSZEWSKI - DIRECT EXAMINATION

1 have an exact number.

2 Q And I believe you stated that the Advocacy Center  
3 sees children where there are allegations of a number  
4 of different types of abuse and neglect, so not all  
5 sexual assaults?

6 A Correct. It is not all sexual abuse. We see  
7 children with physical abuse, we see children who may  
8 have witnessed violent crimes, like domestic violence,  
9 homicides, other children being injured or harmed.

10 Q Let's jump back to the estimated, approximately,  
11 2500 children who you have interviewed; can you give us  
12 a rough percentage of how many of those interviews  
13 dealt with sexual abuse or allegations of sexual  
14 abuse?

15 A That would be difficult, but it is the majority  
16 of what we see in our clinic. Probably by a small  
17 margin over physical abuse as well.

18 Q During those interviews, have you had the  
19 opportunity to observe the different ways in which  
20 children will disclose sexual abuse?

21 A Yes.

22 MS. WALTER: Court's indulgence.

23 (A brief pause in the proceedings.)

24 Q (MS. WALTER) Sorry. I think you might have left  
25 one thing out of your work history. Did you ever --

## RAY OLSZEWSKI - DIRECT EXAMINATION

1 where did you work before the Children's Advocacy  
2 Center?

3 A First job out of graduate school was working for  
4 the Department of Social Services, initially as a child  
5 protective services investigator in the field  
6 conducting investigations in Florence County first, and  
7 then Richland County, in the Columbia area. Then, I  
8 was a supervisor of a CPS investigative unit in  
9 Richland County prior to working at the Metropolitan  
10 Children's Advocacy Center.

11 Q What was some of your duties as an investigator?

12 A In conducting investigations, we would get a  
13 report, conduct a home visit, we would talk with the  
14 alleged victims in the case. So I was doing interviews  
15 of children in that role as well, and also talking with  
16 other key players in the case, parents, guardians,  
17 other witnesses, that type of thing. So conducting  
18 investigations in the field.

19 Q Did that also sometimes relate to allegations of  
20 sexual assault in children?

21 A Oh, sure. Anything that might get reported to  
22 DSS, so child sexual abuse, physical abuse, neglect,  
23 physical neglect, medical neglect, educational neglect,  
24 all different types of reports.

25 Q How long did you hold that position?

## RAY OLSZEWSKI - DIRECT EXAMINATION

1 A I worked for DSS for -- June of '96 until the end  
2 of 1999, so about three-and-a-half years, I think.

3 Q And during that three-and-a-half years, did you  
4 also have an opportunity to observe the different ways  
5 which children disclose allegations of sexual abuse?

6 A Yes.

7 MS. WALTER: At this time, we offer Mr. Olszewski  
8 as an expert in the array of the dynamics of child  
9 sexual assault.

10 MR. GALMORE: No objection.

11 THE COURT: Let me give you a brief charge on  
12 expert testimony. Normally, a person cannot give  
13 opinion testimony. Normally when a person testifies,  
14 they must testify as to what they saw, heard or sensed  
15 by smell or something of that nature. However, there  
16 is an exception when someone is qualified by education  
17 or experience. They are permitted to give their  
18 opinion in certain areas if the Court qualifies them  
19 that way. This witness is being qualified in the area  
20 as an expert in the dynamics of child sexual assault  
21 to give opinion testimony in that area. That does not  
22 mean that -- that does not mean that you must accept  
23 the opinion. It is evidence for you to use in any way  
24 you see fit and give the weight and creditability you  
25 deem appropriate.

## RAY OLSZEWSKI - DIRECT EXAMINATION

1 You may continue.

2 MS. WALTER: Thank you, Your Honor.

3 Q (MS. WALTER) Mr. Olszewski, other than  
4 testifying here today, have you had any involvement in  
5 this case?

6 A I have not.

7 Q Have you ever met with the victim in this case?

8 A No, I have not.

9 Q Have you ever counseled the victim in this case?

10 A No.

11 Q Ever interviewed her?

12 A No.

13 Q Have you ever read any of the police reports  
14 revolving around this case?

15 A I have not.

16 Q Were you present in the courtroom when the victim  
17 testified?

18 A I was not.

19 Q In fact, have you been present at all prior to  
20 being called as a witness?

21 A Not in the courtroom, no; just in the room across  
22 the hall.

23 Q So you are what we call a "blind expert"?

24 A That is the term that is used, yes.

25 Q What does that mean?

## RAY OLSZEWSKI - DIRECT EXAMINATION

1 A It means I'm testifying without any knowledge of  
2 the case.

3 Q So can you tell us, please, what is meant by the  
4 term "delayed disclosure"?

5 A Right. So in the field I work in, delayed  
6 disclosure means the vast majority of children do not  
7 disclose sexual assault allegations right away. They  
8 delay some myriad of time; it may be weeks, months,  
9 years. Some don't tell until they are adults, and  
10 some, I assume, never tell.

11 Q And is there also a distinction between  
12 "purposeful disclosure" and "accidental disclosure"?

13 A Yeah. So what is meant by that is a purposeful  
14 disclosure is one in which the child intentionally  
15 comes forward and tells someone. So they go to  
16 guidance counselor's office and say this is what is  
17 happening, or they go to another parent or relative or  
18 friend, caregiver.

19 An accidental disclosure is one that is  
20 discovered by accident. So someone walks in on  
21 something, someone accidentally discovers a journal  
22 entry, text message, a photograph, an incriminating  
23 video or something. So the child has not intended to  
24 come forward, but someone else has discovered  
25 something suspicious and is concerned.

## RAY OLSZEWSKI - DIRECT EXAMINATION

1 Q And delayed disclosure can come in either of  
2 those forms, correct?

3 A Yes.

4 Q And, in your experience, is delayed disclosure  
5 common or uncommon in cases?

6 A It is very common.

7 Q Can you tell us some reasons why children might  
8 delay disclosing?

9 A Sure. There are many reasons. Feelings of  
10 shame, embarrassment, self blame, fear, fear of  
11 consequences to them if they tell and what that might  
12 mean. Also, the nature of the victim/perpetrator  
13 relationship. We see delayed disclosure a lot in cases  
14 where the perpetrator is someone that the child cares  
15 about, especially when the perpetrator lives with the  
16 child. The child may love the perpetrator. So it is  
17 not just then the fear of what happens to themselves,  
18 but as a family as a whole, and what that means for the  
19 perpetrator.

20 Q Would a threat made to a child affect whether or  
21 not they would disclose right away?

22 A Yeah, it would. We see in cases where the victim  
23 is groomed, and this is often the case in familial  
24 situations where a child is abused by someone in the  
25 family, someone they care about, the child may be --

## RAY OLSZEWSKI - DIRECT EXAMINATION

1 has been groomed so they have been prepared for the  
2 abuse. Secrecy is a big proponent. The perpetrator is  
3 concerned in making sure the secret is kept, and that  
4 can be done through fear and intimidation and threats  
5 about what would happen if you tell, and it is usually  
6 a series of bad things that might happen if the child  
7 comes forward.

8 Q Would a child's development age, physical age,  
9 affect how that threat would influence their  
10 disclosure?

11 That might be in-artfully worded. Do you want me  
12 to reword it?

13 A Yes, please.

14 Q So does a child's age factor into whether or not  
15 a threat is successful in keeping them from disclosing?

16 A It can. It can. You know, I should add that we  
17 see delayed disclosure more in younger children because  
18 often they don't understand what is going on. As they  
19 get older, and begin to realize exactly what is going  
20 on, and that this may be something that shouldn't be  
21 happening, then they sometimes come forward at that  
22 point.

23 The grooming process can start young and continue  
24 through childhood. So the threats -- you know,  
25 threats can be effective, really, at any age. But the

## RAY OLSZEWSKI - DIRECT EXAMINATION

1 older the child gets, the more real the consequences  
2 may seem to be, the fear of being removed from the  
3 home, the fear of not seeing their siblings anymore,  
4 having to move to a strange place, foster care or  
5 shelter, having to change schools, not seeing their  
6 friends anymore. These are all very real fears that a  
7 child would have about coming forward.

8 The interesting thing is the threats are not  
9 empty; they are very real. We see this when children  
10 do come forward, these are the very things that happen  
11 oftentimes. They are removed from the home, placed in  
12 foster care, things fall apart, in a sense, for them.

13 Q You said that delayed disclosure is more common  
14 in younger children, can you give us an age range you  
15 are talking about?

16 A That is kind of -- that depends on the situation,  
17 but very young children don't necessarily understand  
18 the importance of what is happening. They don't get  
19 the gravity of it. As they age, and maybe they get  
20 some sex abuse education and go to prevention talks  
21 through a school program or something, or they hear  
22 from friends and talk with others as they get older and  
23 mature, they realize this is something that doesn't  
24 happen all the time in other families, and shouldn't be  
25 happening. As they age, they may be more likely to

## RAY OLSZEWSKI - DIRECT EXAMINATION

1 come forward if the circumstances are favorable for  
2 that to happen.

3 Q Once a child discloses, do you expect a full  
4 disclosure immediately?

5 A No. No. And in the world I work in, disclosure  
6 is more of a process than it is an event. So it is not  
7 like children -- when they come forward -- they tell  
8 everything all at once and that is it. More often than  
9 not, it is a process. It is what we call tentative  
10 disclosure. They may make initial attempts to tell  
11 someone without all of the facts, maybe test the waters  
12 to see what the reaction is going to be. Sometimes  
13 there are other things I talked about -- the fear,  
14 shame, embarrassment -- so they may only tell a little  
15 bit at first. Through therapy and through dealing with  
16 it, they may disclose more later on.

17 So, you know, I may conduct a forensic interview,  
18 and it would not surprise me that later on the child  
19 discloses more information in therapy. We know this  
20 is a process, and not necessarily an event; if that  
21 makes sense.

22 Q So tied to that, if a victim discloses to one  
23 trusted person, would you expect a victim to then  
24 disclose to everyone?

25 A When you say "disclosed to everyone," do you mean

## RAY OLSZEWSKI - DIRECT EXAMINATION

1 going around and telling people?

2 Q Yes.

3 A No, I wouldn't expect that. It is possible, but  
4 I wouldn't expect it.

5 Q So it would be uncommon -- more uncommon for this  
6 initial disclosure to then sort of open the flood  
7 gates?

8 A If a child discloses to a caregiver or trusted  
9 person, and then they are questioned by officials or  
10 questioned by other family members or -- what are you  
11 referring to?

12 Q I'll rephrase it. So if there is an initial  
13 disclosure -- well, I'll move on.

14 Does a child's age at the time of the abuse  
15 factor into their ability to relate what happened to  
16 you?

17 A You mean provide details and information about  
18 what happened?

19 Q Yes.

20 A Yes, of course. So we have lower expectations  
21 the younger the child is in terms of the amount of  
22 detail they are able to provide. If you think about  
23 things like timing, when an event took place, context  
24 in which the event happened, maybe peripheral details  
25 surrounding the event that took place; those are things

## RAY OLSZEWSKI - CROSS-EXAMINATION

1 for a very young person to relate, to report on.

2 The older a child gets, and the more grown up  
3 they get, the better able they are to put the event in  
4 context, to provide narrative responses and detail, so  
5 that is basically.

6 Q As a child ages, would you also expect to see a  
7 change in the terminology they use for private parts?

8 A Interesting question. Sometimes, yes; sometimes,  
9 no. Sometimes older children are just as embarrassed  
10 to talk about private parts and activities like that,  
11 so sometimes they still use language that a younger  
12 child uses. But, in general, older children have a  
13 larger vocabulary. They understand more words, and  
14 oftentimes they use, you know, more mature words for  
15 things when they discuss what has happened to them.

16 MS. WALTER: Nothing further. If you would,  
17 answer any questions for Mr. Galmore.

18 THE COURT: Cross-examination.

19 CROSS-EXAMINATION

20 BY MR. GALMORE:

21 Q It's my understanding that you started working as  
22 a caseworker for DSS in Florence?

23 A That's correct.

24 Q Okay. And while you were a caseworker there, you  
25 were interviewing children?

## RAY OLSZEWSKI - CROSS-EXAMINATION

1 A Yes.

2 Q And looking for abuse?

3 A Talking about if something happened or -- yeah.

4 Q Did you work in conjunction with the police  
5 department in your role as a DSS caseworker?

6 A Yes. Many times cases that DSS were involved in,  
7 law enforcement is also involved in. There is a lot of  
8 cross reporting between the two.

9 Q So, to be clear, you are not an employee of the  
10 police department?

11 A No. I never have been.

12 Q You have not been trained by the police  
13 department?

14 A No.

15 Q You've never been to the South Carolina Criminal  
16 Justice Academy?

17 A I have not.

18 Q And then you went to work in Richland County DSS  
19 office also; is that right?

20 A That's correct.

21 Q And you did, basically, the same thing:  
22 Interviewing children?

23 A Yeah, initially. And then I became a supervisor,  
24 and I was supervising other workers conducting  
25 investigations.

## RAY OLSZEWSKI - CROSS-EXAMINATION

1 Q Right. And, in that capacity, you had occasion  
2 to work with the police?

3 A That's correct.

4 Q And, now, it is my understanding, you interview  
5 children at the Children's Advocacy Center in Columbia?

6 A Yeah, the Metropolitan Children's Advocacy  
7 Center.

8 Q Do they have a branch here in Horry County?

9 A No, we do not.

10 Q Okay.

11 A This is a children's advocacy center, but it is  
12 not affiliated with ours.

13 Q There is a different organization here in Horry  
14 County?

15 A Correct.

16 Q Your involvement on this case, how did you get  
17 involved in this case?

18 A I was contacted by the assistant solicitor.

19 Q So the Solicitor's Office called you?

20 A Correct.

21 Q You didn't come up one day and find a case in the  
22 newspaper and say, I need to help out?

23 A No.

24 Q So that would explain why you are in Columbia  
25 trying to testify about a case in Horry County?

## RAY OLSZEWSKI - CROSS-EXAMINATION

1 A Yes.

2 Q I think you testified that you never interviewed  
3 MINOR ?

4 A Never interviewed her, don't know who that is.

5 Q And do you -- you did not review any incident  
6 reports surrounding this case?

7 A No. I know nothing except what was on the  
8 subpoena that was sent to me.

9 Q Did you review any witness statements?

10 A I have not.

11 Q Do you know if there are any witness statements?

12 A I don't know anything.

13 Q Did you go to the hospital with MINOR ?

14 A No.

15 Q What about the Children's Recovery Center, did  
16 you go with MINOR to the Children's Recovery Center?

17 A I did not.

18 Q Do you know if the police went with MINOR to the  
19 Children's Recovery Center?

20 A I don't know anything about that.

21 Q You said you were not present when she testified  
22 earlier today?

23 A I was not in the courtroom, no.

24 Q Right.

25 I think your testimony was that when it comes to

## RAY OLSZEWSKI - CROSS-EXAMINATION

1 delayed reporting, sometimes kids report after weeks  
2 or months or years, and sometimes they never make a  
3 report; is that correct?

4 A Correct.

5 Q So we don't really have a time frame for this  
6 whole delayed reporting issue?

7 A No. It simply refers to the fact that children  
8 delay. The amount of time they delay, that varies.

9 Q You testified that there were two kinds of  
10 disclosures: The "purposeful", and the "accidental"?

11 A Yeah. Those are generally the two categories we  
12 can put disclosures into, correct.

13 Q Do all disclosures fall into those two  
14 categories?

15 A I mean, generally. I would be open to hearing  
16 other suggestions, but generally I think they fall into  
17 those two categories, yes.

18 Q So on a time frame question, your testimony is  
19 that it can be from weeks, to years, to never; and on  
20 the disclosure question, it is either purposeful, or  
21 accidental, correct?

22 A Correct. Yes.

23 Q You testified that some of the reasons for  
24 delayed disclosure in cases in general, but you don't  
25 -- do you know of any reasons for a delayed disclosure

## RAY OLSZEWSKI - CROSS-EXAMINATION

1 in this particular case?

2 A I don't know the facts of this case.

3 Q Because you didn't interview **MINOR**?

4 A Correct.

5 Q So when you talk about shame and embarrassment  
6 and self-blame and fear, you don't know if any of that  
7 actually applies to this case?

8 A I don't know about this case, correct.

9 Q Also, when you talked about threatening and  
10 grooming, those are two different issues, correct?

11 A Yes.

12 Q And you don't know if either of those apply to  
13 this case either?

14 A I do not.

15 Q Now, on the recollections after the disclosures  
16 made, I think the question was: Do their recollections  
17 become clearer over time, and correct me if I'm wrong,  
18 but I think your answer was sometimes they do, and  
19 sometimes they don't?

20 A I don't recall a question worded that way.

21 Q Let me word the question. When children make  
22 disclosures, do their recollections become clearer over  
23 time?

24 A Like their memories?

25 Q Yes, recollection of events.

## RAY OLSZEWSKI - CROSS-EXAMINATION

1 A Not necessarily. I mean, there is a lot of  
2 variables that can affect memory.

3 Q So would it not necessarily be the same as  
4 sometimes they do, sometimes they don't?

5 A That is a difficult question to answer. I mean,  
6 maybe if you give me an example. Memory is tied with  
7 language. If events happen to a child when they are  
8 three and four, trying to recall them when they are 12  
9 or 13 may be difficult. But as children get older,  
10 generally their memories improve. So if they are 11 or  
11 12 and reporting at 13, 14, we expect them to have a  
12 fairly good recollection of those events.

13 Q Okay. And you explained that disclosure is a  
14 process, so I guess that means there would be multiple  
15 disclosures?

16 A Not multiple disclosures, but rather the  
17 disclosures itself can take place piecemeal or over  
18 time so they may disclose a little bit at first,  
19 disclose further information later on. They are not  
20 separate and distinct disclosures, they are just the  
21 same disclosure, they are just fleshing it out, adding  
22 more detail. As time goes by, maybe they get more  
23 comfortable.

24 Q Would it be best practices if when a disclosure  
25 is made, or as it changes over time, that it is

## RAY OLSZEWSKI - CROSS-EXAMINATION

1 recorded as much as possible?

2 A We often see it in therapist's notes, and things  
3 like that, so it is good if is documented by a  
4 professional, if they are working with a professional.

5 Q That is the word I'm looking for, "documented."  
6 Do you know if **MINOR**'s disclosures were documented in  
7 this case?

8 A Again, I don't know what the situation is.

9 Q If she told two different people, is it better to  
10 have both of those statements recorded?

11 A When you say recorded?

12 Q Documented.

13 A Documented, yes. Any professional that is  
14 speaking with a child abuse victim should be  
15 documenting things that the child says.

16 Q So if she tells three, four people, is it best to  
17 have all of those documented?

18 A Professionals? Yes. I'm making a distinction.

19 Q And I understand you're separating out family  
20 members; they are not professionals, I get that part.

21 A Yes.

22 Q Is it common for a child to make an initial  
23 disclosure to a younger sibling?

24 A Is it common? I've seen it happen. I don't know  
25 that it is common.

## RAY OLSZEWSKI - CROSS-EXAMINATION

1 Q You testified that you've interviewed over 2,500  
2 kids?

3 A Yes.

4 Q What percentage of those kids made an initial  
5 disclosure to a younger sibling?

6 A I couldn't give you a number. I've seen children  
7 make disclosure to older siblings. Younger siblings, I  
8 feel certain it has happened, but I couldn't give you a  
9 number. I would say it is not common, not in my  
10 experience.

11 Q Not common, okay. I know you did not interview  
12 **MINOR**; did you treat her, counsel her?

13 A No.

14 Q Did you refer her for counseling?

15 A I have not. I don't know anything about that.

16 Q Do you know if she needs any treatment?

17 A Again, I don't know anything about the situation.

18 Q You don't know if she was abused by Donnie  
19 Halstead or not, do you?

20 A I don't know the facts of this case.

21 Q You don't know if she was abused by anyone?

22 A I don't know her, and I don't know the facts of  
23 the case or the situation.

24 Q But you have discussed this case with the  
25 solicitor?

## MELISSA MATTHEWS - DIRECT EXAMINATION

1 A Actually, very minimally. I was given a date and  
2 time and subpoena, and told it would be related to  
3 victim dynamics and delayed disclosure, but I know  
4 nothing about the case.

5 Q You testified for the State -- I think you  
6 testified here that you have been qualified as an  
7 expert over 25 times?

8 A Yeah, approximately. Yes.

9 MR. GALMORE: Thank you. No further questions.

10 THE COURT: Any redirect?

11 MS. WALTER: Nothing further, Your Honor. Thank  
12 you. We ask that he be released from his subpoena.

13 THE COURT: Any objection?

14 MR. GALMORE: No.

15 THE COURT: Call your next witness, please.

16 MS. ANDREW: We call Melissa Matthews.

17 (MELISSA MATTHEWS, having been duly sworn,  
18 testified as follows:)

19 THE WITNESS: Melissa, M-A-T-T-H-E-W-S. I also  
20 go by Linda, L-I-N-D-A; that is my middle name.

21 DIRECT-EXAMINATION

22 BY MS. ANDREW:

23 Q Ms. Matthews, where do you currently reside?

24 A I live in you Coward, South Carolina, which is in  
25 Florence County.

## MELISSA MATTHEWS - DIRECT EXAMINATION

1 Q Who lives there with you?

2 A My four daughters and my husband.

3 Q And is one of your four daughters the victim in  
4 this case, MINOR ?

5 A Yes, ma'am.

6 Q Is another daughter who resides with you S.M.  
7 S.M., who testified here today?

8 A Yes, ma'am.

9 Q As to your daughter, MINOR, how old is she right  
10 now?

11 A She's 14.

12 Q What grade is she in?

13 A Ninth.

14 Q Who is her biological father?

15 A Christopher Mellon.

16 Q Can you tell me about your relationship with him.

17 A Me and Christopher were together for five years.

18 The best thing that came out of the relationship is

19 sitting over there. We were never married. We still

20 talk civilly to this day. He is a friend. When we

21 talk, we tell each other we love each other. I am

22 married, but I do love him and I wish him the best. He

23 has some unhealthy habits he is seeking help for, and I

24 wish him the best.

25 Q Those unhealthy habits, what are you referring

## MELISSA MATTHEWS - DIRECT EXAMINATION

1 to?

2 A Drugs.

3 Q Has he had those issues for quite some time?

4 A Yes.

5 Q I'll direct your attention back to 2010 when the  
6 allegations occurred. What was your custody  
7 arrangement with Christopher Mellon at that time?

8 A We didn't have an arrangement by the courts. We  
9 had just made agreements within ourselves that he gets  
10 the girls every other weekends. He had gotten married  
11 to Mary Skipper. Their marriage was short-lived; it  
12 was six months. During their relationship and their  
13 marriage, the girls did go to their house every other  
14 weekend.

15 Q Do you know what year they were married?

16 A They were married in 2010, that December.

17 Q Had they lived together prior to that December?

18 A Yes.

19 Q Do you know where they lived?

20 A Yes.

21 Q Where did they live?

22 A They lived in Aynor and also in Laurel woods, and  
23 at the time of these allegations, they were in Laurel  
24 Woods.

25 Q Do you know what time period, what year, they

## MELISSA MATTHEWS - DIRECT EXAMINATION

1 lived in Aynor?

2 A Early 2010.

3 Q What time period did they live in Laurel woods?

4 A They may have moved there like September, August  
5 of 2010.

6 Q Do you know how long Christopher Mellon and Mary  
7 Skipper lived together?

8 A Before they were married?

9 Q Before and after they were married.

10 A A year.

11 Q So they lived together approximately one year?

12 A Yes.

13 Q So was the majority of the time they lived  
14 together the 2010/2011 time period?

15 A Yes.

16 Q And when you said you allowed the girls to go  
17 stay with Christopher Mellon, it is because you wanted  
18 them to have a relationship with their father?

19 A Absolutely.

20 Q Christopher Mellon, if you were aware of drug use  
21 at that time, did you allow him to stay with him?

22 A No.

23 Q So were there time periods they weren't allowed  
24 to stay with him?

25 A Yes. And it wasn't due just to his drug abuse.

## MELISSA MATTHEWS - DIRECT EXAMINATION

1 The girls did not get along with Mary, and the girls  
2 would come back from their house and tell me how Mary  
3 would call me names in front of the girls and talk bad  
4 about me to my girls, so I didn't agree with that, so I  
5 decided not to send them back.

6 Q So, at some point, did you stop sending them to  
7 stay with their father on weekend visits?

8 A Yes.

9 Q Do you recall, approximately, when that was?

10 A Absolutely. I lived in Murrells Inlet for 20  
11 years. I met my husband, who is from Coward. We knew  
12 each other as children. But we got together in 2010,  
13 and that December, after Christmas, New Year's Eve, we  
14 moved from Murrells Inlet to Coward, South Carolina,  
15 and when we moved, the visits with their father  
16 dwindled drastically. They stopped going because of  
17 the girls' relationship with Mary. There were reports  
18 of violence between him and Mary, and I didn't feel  
19 comfortable sending the girls there.

20 Q You married your current husband around 2010?

21 A Yes, ma'am.

22 Q And you have been married to him since then?

23 A Yes, ma'am.

24 Q Okay. At the time **MINOR** was going to stay with  
25 her father, did you know the defendant, Donnie

## MELISSA MATTHEWS - DIRECT EXAMINATION

1 Halstead?

2 A Yes, ma'am.

3 Q How did you know him?

4 A I knew him -- how did I know him? As Chris'  
5 friend.

6 Q Had they been friends a long time?

7 A The entire time I was with Chris.

8 Q Did you know that Donald Halstead would spend the  
9 night at Chris' house when your children were there?

10 A I would see him there, but I did not know that he  
11 was staying the night, no.

12 Q But you saw him hanging out or being at the  
13 house?

14 A Being at the house while I either picked them up  
15 or dropped them off.

16 Q At that time, did MINOR or S.M. ever tell  
17 you about anything bad happening at their father's  
18 house relating to Donald Halstead?

19 A No. No.

20 Q Can you tell me at what point did you first learn  
21 about something bad happening to MINOR -- without  
22 saying what she said?

23 A The weekend of the 4th of July in 2017.

24 Q How did that occur?

25 A We were -- me and my husband and my now

## MELISSA MATTHEWS - DIRECT EXAMINATION

1 eight-year-old daughter were planning to go to hang out  
2 with the girls at the beach with their mimi on the  
3 4th of July. We had actually -- we were going to  
4 cancel our plans because it would be raining and I  
5 didn't feel like driving in the rain, truthfully.

6 Elizabeth told me that I needed to come anyway, it was  
7 important. She did not disclose full details over the  
8 phone. When I got to the beach, she talked to me;

9 **MINOR** did not. She did not want to tell me anything.

10 I've heard more from **MINOR** today than I have ever.

11 Q Did **MINOR** -- did you talk to **MINOR** when you  
12 came to Myrtle Beach that day?

13 A I didn't.

14 Q Did she disclose to you at that time that she was  
15 sexually assaulted?

16 A Yes.

17 Q Did she tell you when she was sexually assaulted?

18 A She couldn't give an exact date, but, yes.

19 Q What did she tell you about when she was sexually  
20 assaulted?

21 A She told me that it was when her father lived in  
22 a house with a sliding door, and that is when I knew  
23 where it was and when it was.

24 Q Where was that?

25 A In Laurel Woods. They lived in a double-wide

## MELISSA MATTHEWS - DIRECT EXAMINATION

1 that had a sliding door.

2 Q Is Laurel Woods located in Horry County?

3 A Yes, ma'am, off of 707.

4 Q Did you know what time period Christopher Mellon  
5 lived in that house in Laurel Woods?

6 A Yes, ma'am.

7 Q And what time period would that have been?

8 A I would say the end of 2010, September, October,  
9 November, December.

10 Q Did **MINOR** tell you anything else at any other  
11 point, or just that day?

12 A **MINOR** has been very reserved about talking to me  
13 about her abuse. She came forward to her mimi first; I  
14 don't know why (witness crying).

15 Q And when you talk about her mimi, that is  
16 Elizabeth Edwards who testified earlier; she's Chris  
17 Mellon's mother?

18 A Yes.

19 Q So you maintained a relationship with her even  
20 though you and Christopher were no longer together?

21 A Absolutely.

22 Q Did your girls go and stay with her?

23 A Yes.

24 Q Did they have a close relationship with their  
25 mimi?

## MELISSA MATTHEWS - CROSS-EXAMINATION

1 A They did -- they do, yes.

2 Q After you found out about the sexual assault,  
3 what did you do?

4 A I went to the police department and filed a  
5 police report.

6 Q Do you recall what happened after that?

7 A They gave me a phone number -- or they had  
8 Detective Klauder call me, and he did his  
9 investigation.

10 MS. ANDREW: Court's indulgence.

11 (A brief pause in the proceedings.)

12 MS. ANDREW: No further questions for this  
13 witness. Answer Mr. Galmore's questions.

14 THE COURT: Cross-examination.

15 CROSS-EXAMINATION

16 BY MR. GALMORE:

17 Q Let's start with the relationship between you and  
18 Mr. Mellon. You said that you and he were not married?

19 A We were not married.

20 Q You and he had two children together?

21 A Yes, sir.

22 Q Did he have any other kids prior to meeting you?

23 A No, not that I know of.

24 Q Did you have any kids prior to meeting him?

25 A No, sir.

## MELISSA MATTHEWS - CROSS-EXAMINATION

1 Q Now, after you all broke up, you had two kids  
2 with your husband now?

3 A Yes, sir.

4 Q Did Mr. Mellon have any kids with anyone else?

5 A He does. He has a daughter with Mary Skipper,  
6 his wife -- ex-wife.

7 Q Now, I understand that you and he broke up, and  
8 then he started dating Ms. Skipper. Was his drug use  
9 part of the reason why you broke up?

10 A Not really, no. It was more of domestic  
11 violence.

12 Q He was abusive towards you?

13 A Yes.

14 Q Did you ever call the police on him?

15 A I did. He has a CDV charge against him.

16 Q But you all maintain a relationship?

17 A We do. We care about each other a lot, we just  
18 cannot be together.

19 Q I think you previously testified that the custody  
20 arrangement was something that the two of you worked  
21 out?

22 A Absolutely.

23 Q Was child support, the financial obligation,  
24 worked out between the two of you also?

25 A No. That was court ordered.

## MELISSA MATTHEWS - CROSS-EXAMINATION

1 Q So you did go to court?

2 A Yes, with child support.

3 Q So you went to court for child support, but not  
4 for the visitation part?

5 A Yes, sir.

6 Q So when you went to court for the child support,  
7 and you worked out the custody where were you living?

8 A I was still in Horry County.

9 Q And, at that point, you met your future husband?

10 A Way after I filed for child support I met my  
11 husband.

12 Q Once you met your husband, you and he moved to  
13 Florence County?

14 A He already lived there, yes, sir. I moved there  
15 with the girls.

16 Q So, at this point, you are living in Coward,  
17 girls are living in Coward, and Mr. Mellon is living  
18 here on the beach and he's moved on himself and now in  
19 a relationship with Ms. Skipper?

20 A Yes, sir.

21 Q Right. So now all of these allegations  
22 apparently took place in Mr. Mellon's home with  
23 Ms. Skipper, the home they shared together?

24 A Yes, sir.

25 Q They were the two adults in that home?

## MELISSA MATTHEWS - CROSS-EXAMINATION

1 A Yes, sir.

2 Q So you weren't in that house?

3 A No, sir.

4 Q And you can't tell us what went on in the house?

5 A Nope.

6 Q Now, it's my understanding, from your testimony  
7 and others, the kids didn't get along so well with  
8 Mary?

9 A No.

10 Q And at some point you stopped allowing them to go  
11 visit their dad at her house?

12 A Correct.

13 Q Way that due to the allegations of abuse by  
14 Mr. Halstead?

15 A No.

16 Q I think you testified that you stopped allowing  
17 the visits because you had moved to Coward?

18 A No, that is not correct. I stopped the visits  
19 because she was putting me down in front of my girls,  
20 and I had heard that they were being violent with one  
21 another. I had left Chris for that reason. I didn't  
22 want them to see violence within our relationship, so I  
23 didn't want them to see the violence within him and  
24 Mary's relationship either.

25 Q So he was violent with you and Mary Skipper, why

## MELISSA MATTHEWS - CROSS-EXAMINATION

1 would you allow your kids to go over there every other  
2 weekend?

3 A He wasn't violent with our children.

4 Q You said you stopped the visits not because of  
5 the claim of abuse, but because he was -- you were  
6 hearing reports that he was being violent with his  
7 wife, did you stop allowing him to visit due to any  
8 drug use on his part?

9 A Way after their marriage had ended.

10 Q Okay. So the girls would stay with their dad on  
11 the weekends, get this report July 2017 that the girls  
12 are making a disclosure to the grandmother. Your  
13 daughter didn't make this disclosure to you?

14 A No, sir, not initially.

15 Q As I understand it, she made the statement to her  
16 sister, S.M. [REDACTED], and then she made a statement to  
17 Ms. Elizabeth, her grandmother, and then Elizabeth came  
18 and told you what happened, and then you asked your  
19 daughter about it?

20 A Elizabeth told me what happened, and MINOR [REDACTED] told  
21 me that she had been sexually assaulted.

22 Q When MINOR [REDACTED] made that statement, did you record  
23 it?

24 A No, I went to the police department and they  
25 wrote it down.

## MELISSA MATTHEWS - CROSS-EXAMINATION

1 Q Did you write it down?

2 A No.

3 Q Did you ask **MINOR** to write it down?

4 A No.

5 Q So you took her to the police department?

6 A Yes.

7 Q How quickly after you heard this statement did  
8 you go to the police?

9 A Right away.

10 Q Immediately?

11 A Yes.

12 Q But their grandmother, Elizabeth, had been made  
13 aware of this claim the day before?

14 A Night before. They were late night swimming, and  
15 from my understanding, they were up late that night  
16 with **MINOR** emotional.

17 Q And their grandmother did not go to the police  
18 herself?

19 A No. She called me.

20 Q After you were made aware of these claims, did  
21 you confront Mr. Halstead?

22 A I did.

23 Q That would be the text messages?

24 A Yes, sir.

25 Q Did you conduct any --

## MELISSA MATTHEWS - CROSS-EXAMINATION

1 A They weren't text messages; they were Messenger  
2 messages. I don't have his phone number, nor would I  
3 want it.

4 Q Did you talk to any neighbors?

5 A No.

6 Q Did you conduct any investigation to try to  
7 verify any of this story?

8 A I went on -- can I talk about going on-line, the  
9 Citizens Knowledge Act?

10 MS. ANDREW: Your Honor, may we approach?

11 THE COURT: Yes.

12 (Whereupon, a bench conference was had.)

13 THE COURT: Objection sustained. Move on to the  
14 next question.

15 Q (MR. GALMORE) Did you witness any of this  
16 alleged abuse?

17 A No.

18 Q Do you have any clothing or underwear or such  
19 things from this alleged abuse?

20 A No. If I did, I would have taken it to the Child  
21 Recovery Center, and law enforcement would have it. I  
22 don't have it. I don't have anything like that.

23 Q So your purpose in all of this was to take your  
24 daughter to the police department?

25 A Absolutely.

## MELISSA MATTHEWS - CROSS-EXAMINATION

1 Q Were there any allegations made by any -- against  
2 any other people?

3 A No.

4 Q Did she make allegations against Christopher's  
5 father?

6 A No.

7 Q Do you know how many people lived in the house  
8 with Mary and Christopher?

9 A Four children, so six total, and then seven when  
10 their baby was born.

11 Q From 2010 to 2017, **MINOR** did not mention any of  
12 this to you?

13 A No.

14 MR. GALMORE: Thank you. Nothing further.

15 THE COURT: Redirect.

16 MS. ANDREW: No, Your Honor.

17 THE COURT: Would the lawyers approach, please?

18 (A bench conference was had out of the presence  
19 of the jury.)

20 THE COURT: Ladies and gentlemen, I know it is  
21 somewhat early in the afternoon; however, we're going  
22 to let you go home for the day. I'll ask that you be  
23 back here tomorrow morning at 9:30. Be back at 9:30.  
24 Do not discuss this case at all with anyone. Do not  
25 do any independent investigation on your own. As I

## MELISSA MATTHEWS - CROSS-EXAMINATION

1 told you from the outset, you are to decide this case  
2 solely -- solely on the evidence and testimony  
3 presented in this courtroom and nowhere else. You all  
4 have a nice evening -- there are a couple of things  
5 that I go over with a jury. I see some in here with  
6 blankets on. If I have anything to do with the  
7 thermostat, it is going to be cold in here. I sit up  
8 here elevated. I'm hot natured. I have an  
9 undershirt, dress shirt, necktie and this part of  
10 uniform is like a blanket. I want you to be  
11 comfortable while you are up here, so if you are cold  
12 natured, please layer up as much as you want to. If  
13 you are hot natured, I won't let you take off but so  
14 much, but you can layer up as much as you want to.

15 During your service, if for some reason some  
16 emergency comes up and I have asked you to be here,  
17 like I've asked you to be here 9:30 in the morning, if  
18 an emergency comes up, make sure that you reach out to  
19 someone at the courthouse and let us know what is  
20 going on, because if we haven't heard and we're  
21 expecting you, I'll send one of the county sheriff's  
22 deputies looking for you. So make sure if something  
23 comes up, let us know what is going on.

24 As far as scheduling purposes, I've asked you to  
25 be back here at 9:30 in the morning. We typically --

## MELISSA MATTHEWS - CROSS-EXAMINATION

1 I know it went longer when we started this trial, but  
2 we'll run court about an hour-and-a-half to two hours  
3 at the most between breaks, take a mid-morning break,  
4 hour-and-a-half to two hours, try to break for lunch  
5 around 1:00, or thereabouts. I'll give you about an  
6 hour and 15 minutes for lunch. Likewise, we will  
7 resume at 2:15, 2:30, go for an hour-and-a-half, take  
8 an afternoon break and go somewhere around 5:00,  
9 typically.

10 Don't watch the clock and as soon as it strikes  
11 5:00 say, all right, we're stopping for the day. When  
12 there is a witness on the stand, if it is 5 o'clock, I  
13 try to finish that witness for the day. Very rarely  
14 -- very rarely will I keep you beyond 6 o'clock; it is  
15 possible, but it is rare. On the other side of the  
16 coin, so to speak, if it is earlier in the afternoon,  
17 like it is today, and I'm advised that the next  
18 witness may be lengthy, I may let you go home rather  
19 than running the risk of keeping you beyond 6 o'clock.  
20 I'm telling you that for planning purposes so you know  
21 what our schedule will be.

22 Anything further from the State?

23 MS. ANDREW: Nothing, Your Honor.

24 THE COURT: Defense?

25 MR. GALMORE: No, sir.

## MELISSA MATTHEWS - CROSS-EXAMINATION

1 THE COURT: I'll let you go for the day. Do not  
2 discuss the case at all, and do not do any independent  
3 investigation on your own.

4 I'll see you tomorrow at 9:30. Thank you.

5 (The jury exits at 3:14 p.m., and the  
6 following is heard out of the presence of the jury.)

7 THE COURT: Anything from the State?

8 MS. ANDREW: Nothing from the State.

9 THE COURT: Mr. Galmore?

10 MR. GALMORE: Nothing further.

11 THE COURT: 9:30 in the morning.

12 (The proceedings for October 29, 2019 concluded.  
13 The following was had on October 30, 2019 out of the  
14 presence of the jury.)

15 THE COURT: Thank you. Please be seated.  
16 Anything from the State before the jury comes out?

17 MS. ANDREW: Nothing from the State.

18 THE COURT: Defense counsel?

19 MR. GALMORE: No, sir.

20 THE COURT: Can I see your written motion that  
21 you had yesterday that you offered to show me  
22 concerning Dr. Olszewski? Let me see the order as  
23 well. I just want to put something on the record  
24 before we bring the jury in. I just wanted to put on  
25 the record so that, if necessary, in the future -- I

## MELISSA MATTHEWS - CROSS-EXAMINATION

1 know these motions have been filed, as well as an  
2 order as it pertains to testimony of Dr. Olszewski.  
3 At an in-camera hearing that was held before Judge  
4 John, prior to the commencement of this trial before  
5 me, wherein Judge John ruled that this doctor's  
6 testimony was admissible pursuant to established case  
7 law, which is cited throughout the State's motion.  
8 That order was entered on March 25<sup>th</sup> of this year.  
9 So that was the reason we did not have an in-camera  
10 hearing, for me, concerning such as it was already  
11 done before Judge John.

12 MR. GALMORE: Yes, sir. May we briefly approach?

13 THE COURT: Yes.

14 (Whereupon, a bench conference was had.)

15 THE COURT: I've been advised by the State that  
16 their first witness this morning, I believe, is going  
17 to be Detective Joseph Klauder; is that correct?

18 MS. WALTER: Yes, Your Honor.

19 THE COURT: And that during the testimony of  
20 Detective Klauder, there are going to be a couple of  
21 video statements played that the defendant made to law  
22 enforcement. It is my understanding that Judge John  
23 also conducted the Jackson V. Denno hearing concerning  
24 this very issue and made a ruling, at that time, of  
25 the hearing before Judge John, or shortly thereafter,

## MELISSA MATTHEWS - CROSS-EXAMINATION

1 that such statement of the defendant was admissible --  
2 such statements of the defendant was admissible.

3 The jury passed a note requesting permission to  
4 take notes. I'm not going to allow that. I'll give  
5 them a brief charge concerning that. I don't think it  
6 is necessary in this case. Since I've been on the  
7 bench, I think I may have allowed it one time.

8 (Court's Exhibit 1 marked.)

9 THE COURT: Any objections or exceptions from the  
10 State?

11 MS. ANDREW: No, sir.

12 THE COURT: Defense counsel?

13 MR. GALMORE: No, sir.

14 THE COURT: Anything from the State before I  
15 bring the jury out?

16 MS. ANDREW: No, sir.

17 THE COURT: Defense counsel?

18 MR. GALMORE: No, sir.

19 THE COURT: Sorry to keep having you stand up.  
20 Bring me the jury, please.

21 (The jury enters at 9:45 a.m., and the  
22 following is heard in the presence of the jury.)

23 THE COURT: We have all the jury present.

24 Ladies and gentlemen of the jury, I hope you had  
25 a nice evening last night and ready to proceed here

## MELISSA MATTHEWS - CROSS-EXAMINATION

1 today. I did receive your note concerning the  
2 question of whether or not you all could take notes.  
3 Let me tell you this real quick. I'm not going to  
4 allow note taking during the course of this trial.  
5 While note taking may appear helpful, often -- often  
6 the note taking gets the evidence or testimony down  
7 incorrectly; then, in the jury room, that erroneous  
8 note may have an overbearing influence or impression  
9 upon those that did not take notes. The best system  
10 and the time tested system is for each juror to listen  
11 carefully and observe carefully everything that takes  
12 place in this case. When you have done that you will  
13 go to your jury room and discuss the facts  
14 intelligently and be in a position to arrive at a fair  
15 and just verdict, which I'm sure each of you will do  
16 in this case. The reason for the procedural rule  
17 prohibiting note taking is to emphasize your duty and  
18 your responsibility under your oath to pay close  
19 attention to the testimony. Please, again, as I told  
20 you from the outset, do not let your thoughts wander  
21 or eyes rove about the courtroom, but pay strict  
22 attention to these witnesses as he or she testifies.  
23 It will be your common memory that you rely upon in  
24 deciding factual issues involved in this case. If  
25 necessary, at any point during your deliberations,

## BLAKE KLAUDER - DIRECT EXAMINATION

1 there is a need or necessity to hear testimony again,  
2 you can be allowed to do that to hear witnesses played  
3 back, if necessary.

4 Any exception or anything from what I said to the  
5 jury from the State?

6 MS. ANDREW: No, sir.

7 THE COURT: Defense counsel?

8 MR. GALMORE: No, sir.

9 THE COURT: Call your next witness.

10 MS. WALTER: Thank you, Your Honor. We call  
11 Detective Klauder.

12 (BLAKE KLAUDER, having been duly sworn,  
13 testified as follows:)

## 14 DIRECT-EXAMINATION

15 BY MS. WALTER:

16 Q If you could state your name and spell it of the  
17 record.

18 A Detective Blake Klauder, B-L-A-K-E,  
19 K-L-A-U-D-E-R.

20 Q Where do you work?

21 A Horry County Police Department.

22 Q How long have you been with Horry County Police  
23 Department?

24 A A little over 13 years.

25 Q What is your current assignment?

## BLAKE KLAUDER - DIRECT EXAMINATION

1 A I'm assigned to the Criminal Investigation  
2 Division, Narcotics and Vice Unit.

3 Q How long have you been with the Narcotics and  
4 Vice Unit?

5 A Approximately two months.

6 Q What was your assignment back in July of 2017?

7 A I was assigned to the special Victims Unit.

8 Q What does the Special Victims Unit cover?

9 A Crimes ranging from kidnapping to assaults, be it  
10 physical or sexual assaults.

11 Q Were you a detective in that unit as well?

12 A Yes, ma'am.

13 Q So what are some of the duties and  
14 responsibilities of a detective in the Special Victims  
15 Unit?

16 A Meeting with the victims, investigating their  
17 cases and a resolution to the crimes, whether it be a  
18 court case or no charges being filed, depending on the  
19 case.

20 Q Thinking back to July of 2017, were you assigned  
21 to investigate an allegation of criminal sexual conduct  
22 in the first degree involving the defendant, Donnie  
23 Halstead, the victim?

24 A Yes, ma'am.

25 Q What did you do when you were first given the

## BLAKE KLAUDER - DIRECT EXAMINATION

1 assignment?

2 A After reviewing the case, I attempted to make  
3 contact with the parents of the victim to set up an  
4 interview with the Children's Recovery Center.

5 Q Did you, in fact, meet with the victim and her  
6 mother and her grandmother?

7 A I don't believe we met until the phone call was  
8 made and it was scheduled to send her for a forensic  
9 interview.

10 Q Did you interview the victim?

11 A No, ma'am.

12 Q Why would you send her to the Children's Recovery  
13 Center versus interviewing her yourself?

14 A It is common practice for juveniles to send them  
15 to the Children's Recovery Center due to their training  
16 to interview younger children and their expertise in  
17 that.

18 Q And in addition to scheduling this interview at  
19 the Children's Recovery Center, did you take the victim  
20 to the hospital for any sort of physical exam?

21 A No, ma'am. That is also done through the  
22 Children's Recovery Center for a medical exam.

23 Q Did you ask the victim to submit to any type of  
24 rape kit?

25 A No, ma'am.

## BLAKE KLAUDER - DIRECT EXAMINATION

1 Q Why not?

2 A Due to the allegations happening in 2010, and  
3 being seven years later, there is not going to be  
4 physical evidence that stays around for that amount of  
5 time.

6 Q You have spoken about referring the victim to the  
7 Children's Recovery Center, and we heard a little bit  
8 about it by Mr. Olszewski; what does the Children's  
9 Recovery Center do for you in your investigation?

10 A They obtain a recorded interview with the victim.  
11 They allow us to watch the interview so we can take  
12 notes and understand exactly the wording and the  
13 demeanor of the victim when talking about the case  
14 without us actually having to sit in front of the  
15 victim. Because it being a sensitive topic, a lot of  
16 victims, especially younger females, don't want to sit  
17 across from another man and tell their story. It makes  
18 them a little more comfortable to get out more of the  
19 details.

20 Q Did you attend or view, I guess, **MINOR**'s  
21 interview?

22 A Yes, ma'am.

23 Q How is it that you are able to review it?

24 A They had a closed-circuit television in a  
25 separation room that we can review the entire interview

## BLAKE KLAUDER - DIRECT EXAMINATION

1 without being present.

2 Q Based on your viewing of the interview, what did  
3 you do next in your investigation?

4 A After the interview, I attempted to contact the  
5 defendant. I actually made contact and was advised  
6 that he would call me. It was shortly after that that  
7 the defendant actually showed up in my office  
8 unannounced. I had no idea he was coming, and I was on  
9 another appointment. I was contacted and advised he  
10 was there. I spoke with him after that, and he said  
11 that he texted my office to let me know when he could  
12 come. Unfortunately, a land line can't receive a text  
13 message, so I had to set up a time for a recorded  
14 interview.

15 Q Did you, in fact, meet with the defendant?

16 A Yes, ma'am.

17 Q Prior to meeting with him, did you have any sort  
18 of description, visible description, from the victim as  
19 to who had assaulted her?

20 A During the interview, she gave the description of  
21 a gentleman with long hair, larger statute.

22 Q You were present when she testified yesterday as  
23 well?

24 A Yes, ma'am.

25 Q And you heard that at least one description

## BLAKE KLAUDER - DIRECT EXAMINATION

1 mentioned tattoos or piercings, and I think "sagging  
2 earlobes" were the term?

3 A I don't know the exact terminology, but, yes,  
4 ma'am.

5 Q Stretchy, maybe?

6 A Yes, ma'am.

7 Q When you met with the defendant, did you look to  
8 see if he had any of those characteristics?

9 A I looked to see tattoos. I did not specifically  
10 look for stretches earrings or earlobes.

11 Q Did it cause you any concern that if look at the  
12 defendant today, he does not have stretchy earlobes?

13 A No, ma'am.

14 Q Why not?

15 A I actually had gauges in my ears as well, and  
16 they close up to where they are not noticeable.

17 Q Now, you said that you were able to meet with the  
18 defendant for an interview, did that occur on or about  
19 August 1, 2017?

20 A If I can refer to my report. Yes, ma'am,  
21 August 1<sup>st</sup>?

22 Q Where did that interview take place?

23 A M.L. Brown building, Horry County Police  
24 Department.

25 Q Who was with you during that interview?

## BLAKE KLAUDER - DIRECT EXAMINATION

1 A Sergeant Chatfield.

2 Q Was that interview recorded in any way?

3 A Yes, ma'am.

4 Q How was it recorded?

5 A Audio and video.

6 Q Prior to interviewing the defendant, did you  
7 advise him of his Miranda rights?

8 A Yes, ma'am.

9 MS. WALTER: May I approach the witness, Your  
10 Honor?

11 THE COURT: Yes.

12 Q (MS. WALTER) I'll show you State's Exhibit 1; do  
13 you recognize that form?

14 A Yes, ma'am.

15 Q What do you recognize it to be?

16 A An advisement of his Miranda rights.

17 Q Can you tell the -- that's a true and accurate  
18 copy of the Miranda rights signed by the defendant?

19 A Yes, ma'am.

20 MS. WALTER: I ask that Exhibit 1 be admitted.

21 THE COURT: Any objection?

22 MR. GALMORE: No, sir.

23 THE COURT: Without objection, so admitted.

24 (State's Exhibit 1 admitted.)

25 Q If you could just tell the jury what you told the

## BLAKE KLAUDER - DIRECT EXAMINATION

1 defendant that day.

2 A He had the right to remain silent. Anything you  
3 say can and will be used against you in a court of law.  
4 You have the right to talk with a lawyer and have him  
5 or her present with you while you are being questioned.  
6 If you cannot afford to hire a lawyer, one will be a  
7 appointed to represent you at no cost to you before any  
8 questioning, if you so desire. If you make any  
9 statements or question any questions, you have the  
10 right to stop at any time.

11 At that time, he is asked if he understands those  
12 rights, which he initialed that he did, and then  
13 signed and printed his name.

14 Q (MS. WALTER) After you obtained this waiver of  
15 Miranda rights, did you conduct an interview of the  
16 defendant?

17 A Yes, ma'am.

18 Q I'm showing you State's Exhibit 2. Did you  
19 provide a copy of that interview to the Solicitor's  
20 Office?

21 A Yes, ma'am.

22 Q As part of discovery?

23 A Yes, ma'am.

24 Q Have you had an opportunity to review that  
25 interview prior to today?

## BLAKE KLAUDER - DIRECT EXAMINATION

1 A Yes, ma'am.

2 Q And is this a fair and accurate copy of that  
3 interview with certain agreed-upon redactions?

4 A Yes, ma'am.

5 MS. WALTER: I ask that State's 2 is admitted and  
6 published to the jury.

7 THE COURT: Any objections?

8 MR. GALMORE: I object to the admission of  
9 State's Exhibit 2 on the grounds that it was not  
10 voluntarily given by Mr. Halstead, and on the grounds  
11 that it was induced under threats and promises of  
12 leniency.

13 THE COURT: Pursuant to the Court's prior ruling,  
14 your objection is noted for the record, but it is  
15 overruled as previously noted.

16 MS. WALTER: If we could have a moment to set up  
17 the TV.

18 THE COURT: Yes, ma'am.

19 (State's Exhibit 2 admitted.)

20 THE COURT: Mr. Galmore, if you or Mr. Hiller  
21 wish to get up and get in a position where you can  
22 see, feel free to do so.

23 MR. GALMORE: Thank you.

24 (State's 2 published to the jury.)

25 MS. WALTER: May I continue, Your Honor?

## BLAKE KLAUDER - DIRECT EXAMINATION

1 THE COURT: Yes, ma'am.

2 Q (MS. WALTER) Detective Klauder, after that first  
3 interview, did you continue to investigate the  
4 allegations?

5 A Yes, ma'am.

6 Q It seems as though you had narrowed down where  
7 the assaults took place, at this Laurel Woods?

8 A Yes, ma'am.

9 Q Did you try to obtain any search warrants?

10 A No, ma'am.

11 Q Why not?

12 A Due to the time frame, there would be no evidence  
13 left over. I don't even think Christopher still lived  
14 at that address, so it would be someone new that had  
15 nothing to do with it.

16 Q So was, essentially, the main avenue of the  
17 investigation interviewing the defendant?

18 A Yes, ma'am.

19 Q Did you, as this investigation continued, obtain  
20 an arrest warrant for the defendant?

21 A Yes, ma'am.

22 Q Was that some time around August 8<sup>th</sup> of 2017?

23 A If I can refer to my report?

24 Q Yes.

25 A (Witness examines document.) Yes, ma'am.

## BLAKE KLAUDER - DIRECT EXAMINATION

1 Q And did you go to serve that arrest warrant on  
2 the defendant?

3 A Yes, ma'am.

4 Q Who was with you at that time?

5 A At that time, Detective Scales went with me.

6 Q Did you interview the defendant again that day?

7 A Yes, ma'am.

8 Q Where did that interview take place?

9 A We first went by his work to speak with him  
10 there, and he was no longer employed there. Then we  
11 went to his residence where we were able to make  
12 contact with him, and he agreed to sit down with us.

13 Q Where did you sit down with him?

14 A In my vehicle.

15 Q Was that interview recorded in any way?

16 A Yes.

17 Q How was it recorded?

18 A Audio recorded.

19 Q Did you provide a copy of the audio recording to  
20 the Solicitor's Office so we could provide it to the  
21 defense?

22 A Yes, ma'am.

23 Q Have you had an opportunity to review that  
24 recording?

25 A Yes, ma'am.

## BLAKE KLAUDER - DIRECT EXAMINATION

1 Q Other than some agreed-upon deletions, is that a  
2 fair and accurate copy of the recording?

3 A Yes, ma'am.

4 MS. WALTER: May I approach, Your Honor?

5 THE COURT: Yes.

6 Q (MS. WALTER) Prior to this interview, I'm  
7 showing you State's Exhibit 3, did you advise the  
8 defendant of his Miranda rights?

9 A Yes, ma'am.

10 Q Did you read the same form?

11 A Yes, ma'am.

12 Q And is State's Exhibit 3 the form that was used  
13 on this second interview?

14 A Yes, ma'am.

15 Q It is a fair and accurate representation of that  
16 form?

17 A Yes, ma'am.

18 MS. WALTER: Your Honor, I ask that that exhibit  
19 be admitted.

20 THE COURT: Any objection?

21 MR. GALMORE: I would make the same objection we  
22 made for the first exhibit, Your Honor.

23 MS. WALTER: This is just the Miranda form.

24 MR. GALMORE: Oh, I'm sorry.

25 THE COURT: Any objection?

## BLAKE KLAUDER - DIRECT EXAMINATION

1 MR. GALMORE: No, sir.

2 THE COURT: Without objection, Exhibit 3  
3 admitted.

4 (State's Exhibit 3 admitted.)

5 Q Did the defendant once again indicate that he  
6 understood his rights and wished to speak with you?

7 A Yes, ma'am. He initialed that he understood his  
8 rights, printed his name and signed his name in  
9 reference to the form.

10 Q Now I'm showing you State's Exhibit 4. Does that  
11 appear to be a copy of the audio recording of the  
12 second interview?

13 A Yes, ma'am.

14 MS. WALTER: Your Honor, I would ask that State's  
15 Exhibit 4 be admitted and published.

16 THE COURT: Now.

17 MR. GALMORE: Now I will object, yes, sir.

18 THE COURT: Objection is so noted for the record,  
19 but as previously ruled by the Court, so admitted over  
20 the objection.

21 (State's Exhibit 4 admitted.)

22 MS. WALTER: The recording is about an hour long,  
23 so I wasn't sure if you wanted to see if the jury  
24 needed a break, rather than do it in the middle.

25 THE COURT: Anyone on the jury need a break?

## BLAKE KLAUDER - DIRECT EXAMINATION

1 All right. I'll ask all of you to step to the  
2 jury room. Do not discuss the case. Two things for  
3 me: knock on the door when you ready to come back out,  
4 let the bailiff know you are ready. Second, while you  
5 are back there, I want you to go ahead and select a  
6 foreperson. Go ahead and select a foreperson. I'll  
7 tell you it cannot be Mr. Russell Allen or  
8 Ms. Michelle Gouge, cannot be one of those two  
9 individuals.

10 Where does my foreperson sit?

11 THE BAILIFF: Right there.

12 THE COURT: Second seat, that will be the  
13 foreperson's assigned seat when they return back to  
14 the courtroom. You have a good break. Do not discuss  
15 the case. I'll get you back here in a few minutes.

16 (The jury exits at 10:26 a.m., and the  
17 following is heard out of the presence of the jury.)

18 THE COURT: Anything from the State at this time?

19 MS. WALTER: No, Your Honor.

20 THE COURT: Defense counsel?

21 MR. GALMORE: No, sir.

22 THE COURT: Officer, you can step down, but do  
23 not discuss your testimony at all with anyone, and  
24 when we return, I'll have you come back and sit down  
25 in that witness chair before the jury comes back out.

## BLAKE KLAUDER - DIRECT EXAMINATION

1 Stand at ease for a few minutes.

2 (A recess was taken.)

3 THE COURT: Anything from the State?

4 MS. WALTER: No, Your Honor.

5 THE COURT: Defense counsel?

6 MR. GALMORE: No.

7 THE COURT: Bring me the jury, please.

8 (The jury enters at 10:44 a.m., and the  
9 following is heard in the presence of the jury.)

10 THE COURT: All the jurors are present.

11 Mr. Grammer has been selected as foreperson. That is  
12 your assigned seat throughout the remainder of the  
13 trial. The rest of you all, other than the  
14 alternates, which you can sit in one of the two chairs  
15 that you are seated in, but the remainder of you all,  
16 as you come in and out of the courtroom, you do not  
17 have assigned seats, so you can sit wherever you would  
18 like.

19 At this time we will continue.

20 MS. WALTER: As this time we ask to publish  
21 Exhibit 4.

22 THE COURT: Yes, ma'am.

23 (State's Exhibit 4 published to the jury.)

24 THE COURT: Let's stop it for a minute. This  
25 class wants to leave.

## BLAKE KLAUDER - CROSS-EXAMINATION

1 (A brief pause in the proceedings.)

2 THE COURT: All right. You may continue.

3 (State's Exhibit 4 continues to be published to  
4 the jury.)

5 MS. WALTER: Your Honor, I have no further  
6 questions at this time.

7 THE COURT: Cross-examination.

8 CROSS-EXAMINATION

9 BY MR. GALMORE:

10 Q Detective Klauder, when was the date you first  
11 became involved in this case?

12 A Can I look at my report?

13 Q Yes, sir.

14 A (Witness examines document.) July 3<sup>rd</sup>, 2017 I  
15 was assigned the case.

16 Q Why is it that you were assigned to this case?  
17 Were you just the next detective on rotation?

18 A I do not decide that. That is all decided by  
19 supervisors.

20 Q Were you put on the case because you worked with  
21 the Special Victims Unit?

22 A Yes, sir.

23 Q So you were put on the case particularly for your  
24 skills in this department, in this area?

25 A We're all assigned to the Special Victims Unit,

## BLAKE KLAUDER - CROSS-EXAMINATION

1 and from there any case that is deemed to be a Special  
2 Victims Case is assigned to someone in that unit.

3 Q But they are not going to assign a narcotics  
4 detective to this case?

5 A No, sir.

6 Q Now, you got on the case July 3<sup>rd</sup>. When was  
7 the first time that you spoke with MINOR [REDACTED]?

8 A I actually didn't speak with her. She was sent  
9 to the Children's Recovery Center for the interview.

10 Q So you have never interviewed MINOR [REDACTED]?

11 A No, sir.

12 Q Did any other detective interview MINOR [REDACTED]?

13 A No, sir, not that I know of.

14 Q So you -- July 3<sup>rd</sup> they come into the police  
15 department. Explain this to me, they walk in the front  
16 door and give a statement to the officer that is in the  
17 lobby, and then what?

18 A I don't know that the report was made on  
19 July 3<sup>rd</sup>. If I could look at the report, I would be  
20 able to tell you when it was made.

21 Q Yes, sir. Please, sir.

22 A That is when I was assigned the case.

23 (A brief pause in the proceedings.)

24 A The report was made on June 30<sup>th</sup>.

25 Q June 30<sup>th</sup>, okay. So they come into the police

## BLAKE KLAUDER - CROSS-EXAMINATION

1 department on June 30<sup>th</sup>, file a report with the duty  
2 officer sitting there at the desk, and that officer  
3 does what?

4 A Once a report is done, I can't tell you that the  
5 desk officer was the one that did it, but once a report  
6 is done, it is forwarded up to the Criminal  
7 Investigations Division to be assigned, if it meets the  
8 criteria.

9 Q And it took four days to assign it to you?

10 A I don't know if that was over a weekend. There  
11 is no one that works over the weekend, so it can't be  
12 assigned during a weekend.

13 Q So at this moment when MINOR comes to the  
14 police department on June 30<sup>th</sup>, I assume that they  
15 told the desk officer what happened?

16 A I was not there, sir. I can't say what happened  
17 during that incident.

18 Q Well, at some point something was said and a  
19 report was generated and sent upstairs, and you were  
20 assigned to investigate it, right?

21 A Yes, sir.

22 Q And whatever was said, was said on June 30<sup>th</sup>?

23 A I cannot say, sir; I was not there.

24 Q Please check your notes. Did MINOR come  
25 in on July 1<sup>st</sup> and give a statement?

## BLAKE KLAUDER - CROSS-EXAMINATION

1 A I was not there for that. I was not issued the  
2 case until July 3<sup>rd</sup>, so I had no prior involvement  
3 before July 3<sup>rd</sup>.

4 Q She came into the police department on  
5 June 30<sup>th</sup>.

6 A I can't tell you whether she came into the police  
7 department or not. I was not involved in the original  
8 reporting of the incident.

9 Q Can you tell us if she spoke with an officer?

10 A I can't tell you if she spoke with an officer.

11 Q Can you tell us if the officer took a statement  
12 from her?

13 A There was no written statement taken, no.

14 Q Can you tell us if the officer asked her to write  
15 a statement?

16 A I cannot tell you; I was not there.

17 Q Can you tell us if that officer asked her to do  
18 a recorded statement?

19 A I cannot; I was not there.

20 Q Let's talk about the part that once you got  
21 assigned on July 3<sup>rd</sup>, do you ask **MINOR** to  
22 come in and give a written statement?

23 A She was asked to go to the Children's Recovery  
24 Center where a recorded statement would be taken.

25 Q Right. But I'm talking about the police

## BLAKE KLAUDER - CROSS-EXAMINATION

1 department.

2 A No, sir. No, sir. That is not the practice of  
3 how the cases are handled.

4 Q So, at this point, you made a referral to an  
5 outside agency, but you don't even have a statement of  
6 what happened?

7 A There is a report defining allegations, and then  
8 from there an intake form is sent to the Children's  
9 Recovery Center for a forensic interview.

10 Q Who took the report that outlined the  
11 allegations?

12 A Can I look at the report?

13 Q Yes, sir.

14 A (Witness examines document.) Officer Adam Platca  
15 (phonetic) would have been the original reporting  
16 officer.

17 Q So MINOR told Adam Platca information  
18 that resulted in a report being generated and sent to  
19 you?

20 A I can't tell you it was her that made the report.

21 Q So you don't even know who made this report?

22 A I know her mother was the complainant.

23 Q Uh-huh. Did her mother give a written statement?

24 A No, sir.

25 Q Did her mother give a tape-recorded statement?

## BLAKE KLAUDER - CROSS-EXAMINATION

1 A No, sir.

2 Q Did she give any written information to Officer  
3 Platca?

4 A Not that I have, no, sir.

5 Q Did the mother give a written statement to you?

6 A No, sir.

7 Q So we don't have a written statement by -- excuse  
8 me, was her grandmother there that day also?

9 A I do not know; I was not there.

10 Q You were not there?

11 A Correct.

12 Q So they give a statement, you are not there, and  
13 you don't know who was there?

14 A Correct.

15 Q Adam Platca was there?

16 A He was the reporting officer, so I would assume.

17 Q So we need to talk to him?

18 A Not in reference to the investigation. He would  
19 have taken the original report. They are also asked  
20 not to ask the victim too many questions, because they  
21 are to be sent to the Children's Recovery Center by a  
22 trained professional.

23 Q So Adam Platca didn't ask for a written statement  
24 either?

25 A It would seem not, sir.

## BLAKE KLAUDER - CROSS-EXAMINATION

1 Q Adam Platca didn't ask for a tape-recorded  
2 statement?

3 A No, sir. It is not our practice to make the  
4 victim say it over and over and over.

5 Q So on June 30<sup>th</sup>, MINOR comes into the  
6 police department and gives a report to Adam Platca  
7 that is not documented, correct?

8 MS. WALTER: Objection. I think the detective  
9 stated he doesn't know who gave the report.

10 THE COURT: Objection sustained.

11 Q (MR. GALMORE) On June 30<sup>th</sup>, MINOR  
12 comes into the police department and gives a report to  
13 some unknown officer?

14 MS. WALTER: Objection, same grounds.

15 THE COURT: Sustained.

16 Q (MR. GALMORE) At no time in your involvement in  
17 this case did you get a statement from Ms. Mellon?

18 A At the Children's Recovery Center, I watched her  
19 statement.

20 Q We'll get to the Children's Recovery Center.  
21 Before?

22 A Prior to that, no, sir.

23 THE COURT: Gentlemen, I can't have both of you  
24 talking at the same time. Let him finish your  
25 question, and Mr. Galmore let him finish your answer.

## BLAKE KLAUDER - CROSS-EXAMINATION

1 You may continue.

2 MR. GALMORE: Yes, sir.

3 Q (MR. GALMORE) So between June 30<sup>th</sup> and  
4 July 3<sup>rd</sup>, you did not take a statement?

5 A No, sir.

6 Q Now, you sent her to the Children's Recovery  
7 Center?

8 A Yes, sir.

9 Q And when was that scheduled?

10 A Can I look for the date?

11 Q Yes, sir.

12 A (Witness examines document.) The intake form was  
13 sent July 5<sup>th</sup> and scheduled for July 13<sup>th</sup> at  
14 9:00 a.m.

15 Q And she gave a recorded statement at that time?

16 A Yes, sir.

17 Q Is that the first recorded statement that  
18 Ms. Mellon gave in this case?

19 A To my knowledge, yes, sir.

20 Q Is that the only recorded statement that  
21 Ms. Mellon gave in this case?

22 A To my knowledge, yes, sir.

23 Q But this isn't the only time that she told this  
24 story, because at this point, she would have told it to  
25 Platca, or whoever the reporting officer was, the duty

## BLAKE KLAUDER - CROSS-EXAMINATION

1 officer, on June 30<sup>th</sup>, correct?

2 A I don't know that she told him, sir.

3 Q But something was said on June 30<sup>th</sup>, because  
4 you were given a report and told to investigate?

5 A Something by someone, yes, sir.

6 Q So she said something to someone on June 30<sup>th</sup>?

7 MS. WALTER: Objection, Your Honor. He continues  
8 to imply that **MINOR** is the one who made the initial  
9 report, and Detective Klauder stated --

10 THE COURT: Can the lawyers approach, please?

11 (Whereupon, a bench conference was had.)

12 THE COURT: Objection sustained. You may  
13 continue.

14 Q (MR. GALMORE) First recorded, documented  
15 statements from **MINOR** was July 13<sup>th</sup> at  
16 Children's Recovery Center, correct?

17 A To my knowledge, yes, sir.

18 Q But prior to that, she had apparently told  
19 others?

20 A From my understanding, yes, sir.

21 Q Well, you were here yesterday?

22 A Yes, sir.

23 Q Did she say she told her sister?

24 A Yes, sir.

25 Q And she said that she told her grandmother?

## BLAKE KLAUDER - CROSS-EXAMINATION

1 A Yes, sir.

2 Q And, at some point, someone told the mother?

3 A Yes, sir.

4 Q And at some point further along, someone told  
5 someone at the police department?

6 A Yes, sir.

7 Q And someone at the police department told you?

8 A The report is given to me.

9 Q And then she was sent to the Children's Recovery  
10 Center?

11 A Yes, sir.

12 Q So by the time she got to the Children's Recovery  
13 Center, she told this story multiple times?

14 A I don't know how many times, sir.

15 Q Once you received the report and told to  
16 investigate this case, and I get it you didn't  
17 interview **MINOR** yourself, but did you interview her  
18 mother?

19 A I spoke with her by phone.

20 Q Did you interview her father?

21 A I spoke with him by phone.

22 Q And what about the grandmother?

23 A I spoke to her by phone as well.

24 Q Now, you indicated that you did not go to the  
25 house; is that correct?

## BLAKE KLAUDER - CROSS-EXAMINATION

1 A No, sir.

2 Q What was your reason not going to the house?

3 A Due to delay disclosure and it being seven years  
4 prior, there was no evidentiary value that I would have  
5 obtained from that incident.

6 Q And, by that, you mean there not wouldn't be any  
7 -- there is a very low likelihood there would be any  
8 DNA evidence at the house?

9 A Correct.

10 Q But you could still take pictures of the house,  
11 right?

12 A I can't tell you that Christopher Mellon even  
13 lived there or that everything inside the house would  
14 have been the same as it was seven years prior.

15 Q And you couldn't tell us if it is the house where  
16 anything is alleged to have occurred?

17 A I can, because Mr. Mellon advised that that is  
18 when the defendant would have been staying with him,  
19 and also to the defendant's admittal (sic), it would  
20 have been in that residence.

21 Q Did you have any pictures of any rooms of the  
22 house?

23 A No, sir.

24 Q I think the allegation was that some things  
25 occurred in a bedroom; did you have any pictures of any

## BLAKE KLAUDER - CROSS-EXAMINATION

1 of the bedrooms of the house?

2 A No, sir.

3 Q And an allegation was that these things occurred  
4 at the house with a sliding glass door; do you have a  
5 picture of a sliding glass door?

6 A No, sir.

7 Q Did you go out and talk to any neighbored around  
8 that house?

9 A No, sir.

10 Q If you had gone to the house, you would have  
11 found there were neighbors that livid in the area seven  
12 years ago?

13 A Could have been.

14 Q And these people could have information for you?

15 A If people inside the home didn't witness it, I  
16 doubt anyone outside of the home would have witnessed  
17 it.

18 Q Did you talk to the four kids?

19 A I talked to Mary and I talked to Chris; neither  
20 one of them witnessed anything. No, I did not talk to  
21 the children.

22 Q So you talked to the adults in the home, and they  
23 didn't witness anything?

24 A Correct.

25 Q You did not talk to the children?

## BLAKE KLAUDER - CROSS-EXAMINATION

1 A No, sir.

2 Q You did not talk to the neighbors?

3 A No, sir.

4 Q Did you talk to her teachers?

5 A No, sir.

6 Q They would have recorded if there were changes in  
7 MINOR 's behavior?

8 A They would have reported it if an incidence would  
9 have been documented to them, due to being mandatory  
10 reporters, but I can't tell you that they would have  
11 said an assault happened by a change of behavior, no,  
12 sir.

13 Q So if MINOR had gone to a teacher and told them,  
14 they would have -- as mandatory reporter -- reported it  
15 to the police?

16 A I would hope so, yes, sir.

17 Q And if you had went out and interviewed these  
18 teachers, you would have known if there were any change  
19 in her behavior that occurred during the same time  
20 period?

21 A I can't say that there was a change in her  
22 behavior, no, sir.

23 Q But you did not check with any teachers?

24 A No, sir.

25 Q We heard MINOR was in cheerleading, did you talk

## BLAKE KLAUDER - CROSS-EXAMINATION

1 to any of the cheerleading coaches?

2 A No, sir.

3 Q Did you talk to any of the girls on the  
4 cheerleading squad?

5 A No, sir.

6 Q Now, **MINOR** is sent to the Children's Recovery  
7 Center by you, and that is set up for July 13, 2017,  
8 correct?

9 A Correct.

10 Q You said you were present for her interview?

11 A Yes, sir. I watched via a closed-circuit  
12 television; I'm not in the room when it happened.

13 Q Right. Who actually conducted this interview  
14 with **MINOR**?

15 A Without the report, I can't 100 percent tell you  
16 that.

17 Q It was an employee of the Children's Recovery  
18 Center?

19 A Yes, sir.

20 Q Not a police officer?

21 A No, sir.

22 Q And you were outside the interview watching on a  
23 closed-circuit television?

24 A Yes, sir.

25 Q Prior to the interview, did you have the

## BLAKE KLAUDER - CROSS-EXAMINATION

1 opportunity to pass on to this employee any types of  
2 questions you wanted to ask?

3 A No.

4 Q Well, you had the opportunity, you are there in  
5 the same building?

6 A I don't speak with them to tell them -- they are  
7 sent a copy of the report, and they justify through the  
8 interview. At the end of the interview, they are asked  
9 if there are any other questions needed.

10 Q But as you, as the detective and lead  
11 investigator, you don't go in and say let's focus on  
12 some of these particular issues?

13 A No, sir. I'm not trained to speak with the  
14 children; they are. I allow them to justify the  
15 questions and how they are asked.

16 Q But you were assigned to the SVU?

17 A Correct.

18 Q But you are not trained?

19 A Not trained for forensic interviews, no, sir.

20 Q Did this interview come with a medical exam?

21 A Yes, sir.

22 Q I get it you didn't conduct the medical exam?

23 A No, sir.

24 Q Did you witness the medical exam?

25 A No, sir. I'm not present in the room for that.

## BLAKE KLAUDER - CROSS-EXAMINATION

1 Q Were you given a report?

2 A There would be a report, yes, sir.

3 Q Do you know if the medical examination found any  
4 signs consistent with sexual assault?

5 MS. WALTER: Objection, Your Honor.

6 MR. GALMORE: He's the lead investigator.

7 THE COURT: Restate the question.

8 Q (MR. GALMORE) Can you tell this jury if the  
9 report indicated any signs of sexual assault?

10 MS. WALTER: Objection, Your Honor. That is  
11 hearsay.

12 THE COURT: Objection sustained.

13 Q (MR. GALMORE) After **MINOR** gives a statement to  
14 the Children's Recovery Center, did you then ask her  
15 to come in and question her or interview her?

16 A No, sir.

17 Q You took her statement; did you ask her for any  
18 classification on any issues?

19 A No, sir.

20 Q You accepted it as it was given to you by the  
21 Children's Recovery Center?

22 A I accepted the interview that I watched as well,  
23 yes, sir. I was not asking her to change her statement  
24 at all.

25 Q So you get this case that is first reported

## BLAKE KLAUDER - CROSS-EXAMINATION

1 June 30<sup>th</sup>, you get the case July 3<sup>rd</sup>, and she has a  
2 medical exam and interview at the Children's Recovery  
3 Center July 13<sup>th</sup>.

4 A I know the interview was, because I have that. I  
5 can't tell you if the medical exam was that day as  
6 well.

7 Q Okay. Well, after July 13<sup>th</sup>, your next step in  
8 this case was to interview Donnie Halstead?

9 A Correct.

10 Q Now, when did that first interview of Donnie  
11 Halstead take place?

12 A Can I look at the dates as well?

13 Q Yes, sir.

14 A First recorded interview would be August 1st.

15 THE COURT: Can the lawyers approach, please?

16 (Whereupon, a bench conference was had.)

17 THE COURT: Go ahead, I'm sorry.

18 Q (MR. GALMORE) You interviewed Mr. Halstead on  
19 August the 1st?

20 A Yes, sir.

21 Q So, now, between July 3<sup>rd</sup> and August the 1st,  
22 let's look at what evidence you had in this case. You  
23 had a statement from **MINOR**, correct?

24 A Yes, sir.

25 Q That statement was given two weeks after her

## BLAKE KLAUDER - CROSS-EXAMINATION

1 initial report, correct?

2 A Approximately, yes, sir.

3 Q You don't have any DNA evidence?

4 A Not after seven years.

5 Q You don't have any videos?

6 A Not after seven years.

7 Q You don't have any eyewitness statements?

8 A No, sir.

9 Q You don't have any corroboration?

10 A No, sir.

11 Q So when you scheduled this interview with  
12 Mr. Halstead, you know the only way to make this work  
13 is to get him to give a statement?

14 A The mere allegation is enough for charges.

15 Q Yeah, you said that. The mere allegation, plus a  
16 statement -- or admission on his part is even better,  
17 isn't it?

18 A If someone confirms that what is being said  
19 happened, yes, sir.

20 Q In this particular case, you had no evidence  
21 other than her statement, and then eventually his  
22 statement?

23 A Correct.

24 Q So when you go into the room to interview  
25 Mr. Halstead, you know you have to get him to give a

## BLAKE KLAUDER - CROSS-EXAMINATION

1 statement.

2 A He doesn't have to give a statement, no, sir.  
3 You can't force him to do that.

4 Q So on the issue of not forcing anyone to give a  
5 statement, when you interviewed him on August 1<sup>st</sup>,  
6 one of the first things that you do, as a police  
7 officer, is to advise Mr. Halstead of his Miranda  
8 rights, correct?

9 A Correct.

10 Q You went over those rights with him?

11 A Correct.

12 Q He didn't ask for an attorney, did he?

13 A No, sir.

14 Q He did not refuse to talk to you?

15 A No, sir.

16 Q Could have asked for an attorney?

17 A Yes, sir.

18 Q He could have refused to give a statement?

19 A Yes, sir.

20 Q But he spoke with you anyway?

21 A Yes, sir.

22 Q In this August 1<sup>st</sup> interview, one of the things  
23 that comes out is a conversation about Linda. Do you  
24 recall asking him, What about Linda? This would be the  
25 videotaped interview.

## BLAKE KLAUDER - CROSS-EXAMINATION

1 A What you do mean "what about Linda"? I don't  
2 understand the context.

3 Q Whether or not they -- he got along with Linda.

4 A Yes, sir.

5 Q And do you recall when he said: I mean, we've  
6 gotten along good, and then we don't, and then we do,  
7 and then we don't?

8 A To something of that nature, yes, sir.

9 Q And Linda would be **MINOR**'s mother?

10 A Yes, sir.

11 Q Did you ask Donnie Halstead to be honest with  
12 you?

13 A Yes, sir.

14 Q Did you tell him that you would be honest with  
15 him?

16 A Yes, sir.

17 Q Did you ask him several times to be honest with  
18 you?

19 A Yes, sir.

20 Q Do you recall explaining to Mr. Halstead that if  
21 a person screwed up, you would look at trying to get  
22 them help?

23 A By "help," if you make a mistake, I believe that  
24 anyone can ask for counseling, yes, sir.

25 Q A second chance?

## BLAKE KLAUDER - CROSS-EXAMINATION

1 A Yes, sir.

2 Q Because you mentioned a phrase "second chance" in  
3 the August 1st interview several times, correct?

4 A I asked if he believed they deserved a second  
5 chance, yes, sir.

6 Q You also questioned him based on MINOR 's  
7 July 13<sup>th</sup> interview at the Children's Recovery  
8 Center; do you recall that?

9 A Yes, sir.

10 Q And you told him you had a report?

11 A Yes, sir.

12 Q And you weren't lying, you did have a report,  
13 correct?

14 A Yes, sir.

15 Q And in that report she talked about boobs and  
16 hoo-ha?

17 A To the best of my knowledge, yes, sir.

18 Q And I think they made a comment about "wee-wee"  
19 and referred to "white stuff"?

20 A Yes, sir.

21 Q And that would have been in the report that you  
22 got from the Children's Recovery Center?

23 A Yes, sir.

24 Q So you confronted Mr. Halstead with that  
25 information?

## BLAKE KLAUDER - CROSS-EXAMINATION

1 A I asked him about it, yes, sir.

2 Q You asked him about it.

3 Now, in the information that you provided to him,  
4 based on her providing it to the Children's Recovery  
5 Center, did you mention to him an incident involving  
6 oral sex on a sofa under a blanket?

7 A I don't know, sir. I don't believe so.

8 Q Don't believe so, okay.

9 Did you ask him if he had clothes on around

10 **MINOR**?

11 A Yes, sir.

12 Q Do you recall asking him if he had his nipples  
13 pierced?

14 A Yes, sir.

15 Q And you asked if he had any tattoos?

16 A Yes, sir.

17 Q And he told you that he didn't have any tattoos?

18 A Correct.

19 Q And he told you he didn't have any piercings?

20 A He told me he didn't have any piercings, and then  
21 stated that he had piercings previously.

22 Q Specifically, he said he had facial piercings in  
23 his 20s?

24 A It was facial piercings; I can't remember exactly  
25 when.

## BLAKE KLAUDER - CROSS-EXAMINATION

1 Q But your question was about nipple piercings?

2 A I asked about piercings in general. I don't  
3 think I asked specifically.

4 Q And what about the earrings, did you ask about  
5 the earrings?

6 A I think that went along with the piercings.

7 Q Now, you had an opportunity to take pictures of  
8 Mr. Halstead, correct?

9 A Yes. He allowed me to take pictures of his arms  
10 to show no tattoos.

11 Q And we saw that process on the video?

12 A Correct.

13 Q And you actually have these pictures, you  
14 developed these?

15 A They would have been turned in with the case  
16 file, correct.

17 Q Do you have them in your report?

18 A No, sir.

19 Q But you took the pictures and developed them?

20 A I took them and made a copy to be sent to the  
21 Solicitor's Office.

22 Q Okay. And you took pictures of his arms; what  
23 were you looking for?

24 A I was observing whether there was or was not a  
25 tattoo.

## BLAKE KLAUDER - CROSS-EXAMINATION

1 Q Did you see any tattoos on his arms?

2 A No, sir.

3 Q Did had him hold his neck up, what were you  
4 looking for there?

5 A I was looking for tattoos.

6 Q Did you see any pictures of tattoos?

7 A I did not take any pictures, no, sir.

8 Q Right.

9 And you had him hold his neck down also?

10 A I requested that, yes, sir.

11 Q What were you looking for then?

12 A Tattoos.

13 Q Now, I know you testified -- well, did you see  
14 any tattoos on the back of his neck?

15 A No, sir.

16 Q Did you see any tattoos on his body at all?

17 A No, sir.

18 Q While you were taking pictures of him, did you  
19 see any piercings?

20 A No, sir.

21 Q I think you testified that earrings, the ear  
22 holes sometimes close up. You took pictures of him,  
23 and it looks like you were standing pretty close, did  
24 you see any holes in his ears, earring holes?

25 A I did not observe that, sir.

## BLAKE KLAUDER - CROSS-EXAMINATION

1 Q Did not observe that, okay. I think what she  
2 said was "stretchy earrings," was Mr. Halstead wearing  
3 stretchy earrings?

4 A No, sir.

5 Q Have you had a chance to meet Christopher Mellon?

6 A I did not meet him; I spoke with him by phone.

7 Q Do you know if he has tattoos?

8 A I do not.

9 Q Do you know if he has stretchy earrings?

10 A I do not.

11 Q In investigating this case, did you pull a  
12 booking photo or DMV photo of Mr. Mellon?

13 A No, sir.

14 Q Did you do any kind of background investigation  
15 on Mr. Mellon?

16 A No, sir.

17 Q So after you asked about the tattoos and the  
18 piercings, you took pictures of the fact he didn't have  
19 any tattoos and piercings, and you continued the  
20 interrogation?

21 A That was actually at the end, I believe.

22 Q Do you recall commenting, like you did on the  
23 stand moments ago, that a mere allegation is enough to  
24 arrest Mr. Halstead?

25 A Yes, sir.

## BLAKE KLAUDER - CROSS-EXAMINATION

1 Q Were you threatening Mr. Halstead when you made  
2 that statement?

3 A No, sir. Because as I explained to him, that is  
4 not how I conduct my investigations.

5 Q Do you think he could have taken it as a threat?

6 A No, sir, because he was allowed to leave. He was  
7 told that I didn't have a warrant, that is not the way  
8 I did my investigations.

9 Q But you did tell him that the mere allegation was  
10 enough for you to arrest him?

11 A I did state that, yes, sir.

12 Q And you told him you wanted to get his side of  
13 the story?

14 A Correct.

15 Q When you were looking for these tattoos, you  
16 looked on the neck, you looked on his arms; did you  
17 check any other body part?

18 A No, sir.

19 Q Did you have an opportunity to check any other  
20 body parts?

21 A I guess if I would have asked him. I was not  
22 going to at that point, no, sir.

23 Q Right. Because he cooperated so far when you  
24 asked for pictures?

25 A Correct.

## BLAKE KLAUDER - CROSS-EXAMINATION

1 Q Do you recall telling him that if you thought he  
2 was guilty, you would have had an arrest warrant for  
3 him?

4 A Correct.

5 Q And making that statement, are you trying to  
6 build a relationship with Mr. Halstead?

7 A No, sir. I don't assume anyone is guilty right  
8 off the bat; that is not the way I do my  
9 investigations.

10 Q But in order to get a statement from him, it is  
11 important for you to have a relationship with him?

12 A No, sir.

13 Q Now you interviewed Donnie Halstead on  
14 August 7<sup>th</sup> -- August 8<sup>th</sup>, sorry, of 2017?

15 A Yes, sir.

16 Q That would have been the audiotape we just heard?

17 A Yes, sir.

18 Q And that interview was not on video?

19 A No, sir.

20 Q Why is that?

21 A Because I don't have video in my car; I have an  
22 audio recorder.

23 Q Certain squad cars do have video devices inside?

24 A Marked units do, yes, sir.

25 Q So you didn't take a marked unit?

## BLAKE KLAUDER - CROSS-EXAMINATION

1 A No, sir. That is not my issued vehicle.

2 Q Had you taken a marked unit, we could have seen a  
3 video as opposed to just audio?

4 A You could have had a video, yes, sir, but that is  
5 not my assigned vehicle. We can't just take vehicles  
6 as we please.

7 Q On August 8<sup>th</sup>, when you went to interview  
8 Mr. Halstead, did you have a warrant in hand?

9 A Yes, sir.

10 Q This was conducted outside of his house?

11 A Correct.

12 Q The first one was at the police station; correct?  
13 You called him to come in for the interview?

14 A We had contacted him in order for him to come in,  
15 yes, sir.

16 Q Right. You couldn't reach him, and the next  
17 thing you know, he showed up at the police station and  
18 said he texted the police station?

19 A Yes.

20 Q So he came in voluntarily once he heard you were  
21 wanting to talk to him?

22 A Correct.

23 Q And he sat through that interview and cooperated?

24 A Correct.

25 Q And then you conducted a second interview on the

## BLAKE KLAUDER - CROSS-EXAMINATION

1 8th; this time, the interview is at his house, not at  
2 the police station?

3 A Correct.

4 Q And it is not in a cozy interview room, but  
5 rather in the back of a detective's car?

6 A No, sir. He was in the front seat.

7 Q He was in the front seat?

8 A Correct.

9 Q Were you in the front seat also?

10 A I was in the driver's seat, yes, sir.

11 Q And Detective Scales was in the back seat?

12 A Correct.

13 Q So there is two officers and Donnie Halstead in a  
14 car?

15 A Correct.

16 Q And you conducted the interview like that?

17 A Correct.

18 Q Now, the interview that we heard seems to have  
19 already been in progress once it started?

20 A No, sir. I asked him to come sit in my car due  
21 to the weather outside.

22 Q Yeah, you discussed that in the interview. So  
23 what you are saying is the only thing we missed is the  
24 part where you asked him to come sit in the car?

25 A Correct. I walked to his door and asked him if

## BLAKE KLAUDER - CROSS-EXAMINATION

1 he would step outside to speak with me, which he  
2 agreed.

3 Q You understand that when there is missing  
4 evidence, and you are the person in charge of  
5 collecting it, then the jury looks to you to say why  
6 don't we have complete record?

7 A Because there was no interview taking place.

8 MS. WALTER: Objection.

9 THE COURT: Grounds?

10 MS. WALTER: I'm not sure what he is referring to  
11 by "missing evidence."

12 THE COURT: Objection sustained.

13 Q (MR. GALMORE) So there is a portion of this  
14 interview that is not on the audio recording?

15 MS. WALTER: Objection, Your Honor. May we  
16 approach?

17 THE COURT: Yes.

18 (Whereupon, a bench conference was had.)

19 THE COURT: Mr. Galmore, you may continue.

20 Q (MR. GALMORE) So the second interview takes  
21 place on August 8, 2017?

22 A Correct.

23 Q And it is in your patrol vehicle?

24 A It is in an unmarked car, yes, sir.

25 Q Unmarked police car?

## BLAKE KLAUDER - CROSS-EXAMINATION

1 A Correct.

2 Q And you are present, Detective Scales is present,  
3 and Donnie Halstead is present?

4 A Correct.

5 Q And at the beginning of this interview, it  
6 sounded like it started with -- in the middle of a  
7 conversation.

8 A The interview did not start.

9 Q Okay. The only part that is missing is when you  
10 said can you come get in the car?

11 A Correct.

12 Q Once he gets into the car, you again go over his  
13 Miranda rights, correct?

14 A Correct.

15 Q And you have him sign another Miranda form?

16 A Correct.

17 Q And he did not ask for a lawyer?

18 A No, sir.

19 Q And he did not terminate the interview?

20 A No, sir.

21 Q Now, when you were going over the Miranda rights,  
22 you knew that you were going to arrest Donnie Halstead?

23 A I knew I had an arrest warrant, yes, sir.

24 Q You didn't have an arrest warrant and not use it?

25 A Correct.

## BLAKE KLAUDER - CROSS-EXAMINATION

1 Q You knew no matter what he said, he would be  
2 arrested as soon as that interview was concluded?

3 A Correct.

4 Q Do you recall telling Donnie Halstead that it  
5 happened, and he made a mistake?

6 A I remember telling him it happened, and I may  
7 have said if it was a mistake. I don't remember  
8 telling him it was a mistake.

9 Q By telling him that it was a mistake, aren't you  
10 offering him a way out?

11 A No, sir.

12 Q Do you recall telling him that in order to ask  
13 for help, he has to first admit what happened?

14 A Yes, sir.

15 Q And, at that point, were you offering him a way  
16 out?

17 A No, sir.

18 Q Do you recall asking Mr. Halstead if he is  
19 attracted to young girls?

20 A Yes, sir.

21 Q And he denied that?

22 A Yes, sir.

23 Q Do you recall asking him if there was drugs or  
24 alcohol involved?

25 A Yes, sir.

## BLAKE KLAUDER - CROSS-EXAMINATION

1 Q And he denied any of that, also?

2 A He initially denied it, but then stated that they  
3 would drink later on in the interview.

4 Q So when you asked him if there were any drugs or  
5 alcohol involved, were you then again offering him --  
6 providing him an opportunity to provide an explanation  
7 for why it could have happened?

8 A Yes, sir.

9 Q You are giving him a way out?

10 A No, sir.

11 Q No? Okay.

12 Do you recall telling him that the jury was going  
13 to hate him if he admitted what happened?

14 A No, sir. I believe those were his words,  
15 actually.

16 Q Do you recall asking him if Squirrel was going to  
17 hate him if he admitted what happened?

18 A I don't think I ever used the word "hate," that I  
19 remember.

20 Q Do you remember telling him in order to get  
21 forgiveness, he had to admit what happened?

22 A If he was to get forgiveness from Squirrel?

23 Q Uh-huh.

24 A Correct. Yes, sir.

25 Q Do you recall telling him that he wanted to admit

## BLAKE KLAUDER - CROSS-EXAMINATION

1 it?

2 A Yes, sir.

3 Q But, at that point, he hadn't given you any type  
4 of admission, correct?

5 A I don't know exactly when the time point was in  
6 it, and if it was before.

7 Q Do you recall telling Donnie that he fucked up?

8 A I believe I said if he did -- I don't remember  
9 exact wording, but I remember a statement along those  
10 lines.

11 Q And if he did, he needed to step out and admit  
12 what was done?

13 A He would have been told, yes, to admit what he  
14 had done. I don't remember the exact wording.

15 Q I understand that, yes, sir. And if he does  
16 that, he may be able to seek forgiveness?

17 A He could seek forgiveness, yes, sir.

18 Q You asked if he ever touched **MINOR**?

19 A Yes, sir.

20 Q And he denied that, correct?

21 A If a part of his body enters a part of hers, I  
22 take that as a touch, so he denied it and admitted it  
23 all in the same.

24 Q You actually told him that he did it?

25 A Yes, sir.

## BLAKE KLAUDER - CROSS-EXAMINATION

1 Q And you also told him why he didn't want to admit  
2 to doing it?

3 A I gave him a possibility of why.

4 Q Just giving him options?

5 A I could have given him many options, sir.

6 Q And you kept asking him to be honest?

7 A Yes, sir.

8 Q And you kept mentioning forgiveness?

9 A Yes, sir.

10 Q Do you recall telling Mr. Halstead that she said  
11 in the Children's Recovery Center interview that she  
12 would be in trouble with her dad if she revealed any of  
13 this alleged abuse?

14 A Yes, sir, I did say that.

15 Q Did she say in her interview she was fearful that  
16 Mr. Halstead would harm or kill her father?

17 A I can't remember the exact words without the  
18 report in front of me, sir.

19 Q But when you talked to Mr. Halstead on the 8th,  
20 and you were citing her report, you gave the reason as  
21 she was going to be in trouble with her dad, correct?

22 A The reason I said would have been something  
23 stated in the report, not the entire report.

24 Q Okay. You told him that she would be in trouble,  
25 and he would tell her father?

## BLAKE KLAUDER - CROSS-EXAMINATION

1 A Yes, sir.

2 Q That sounds correct? Okay.

3 And then your partner, Detective Scales, asked if  
4 he was a monster or a predator, or if this was some  
5 kind of mistake that could benefit from counseling; do  
6 you recall her partner saying that?

7 A I recall that statement being made, yes, sir.

8 Q Let's talk about that statement.

9 A Okay.

10 Q How long have you been a detective?

11 A A little over three years.

12 Q And you have been trained in interrogation  
13 techniques?

14 A Yes, sir.

15 Q And you specifically are aware of the Reed  
16 technique.

17 A Yes, sir.

18 Q And the Reed technique is an interview technique,  
19 a means of interviewing suspects in cases?

20 A Yes, sir.

21 Q Isn't it true that the Reed technique sets out a  
22 false equivalent, and then asks the suspect to answer  
23 the question?

24 A I don't know what you mean by that.

25 Q Okay. Let me give you an example from what your

## BLAKE KLAUDER - CROSS-EXAMINATION

1 partner said.

2 A Okay.

3 Q In the statement, your partner said -- and you  
4 said you recalled him saying this -- Are you a monster,  
5 predator, or are you someone that made a mistake that  
6 can benefit from counseling?

7 Your partner made that statement to Mr. Halstead?

8 A The statement was made, correct.

9 Q And you made a similar statement to Mr. Halstead,  
10 also?

11 A I could have, yes, sir.

12 Q Now, when faced with that question, Are you a  
13 Predator, or was this a mistake, what does the Reed  
14 technique says that answer should be?

15 MS. WALTER: Objection.

16 Q (MR. GALMORE) Okay.

17 THE COURT: Sustained.

18 Q (MR. GALMORE) When faced with that question, do  
19 you recall Mr. Halstead's response?

20 A I don't know what his exact wording was, sir, no.

21 Q Well, see, the problem with this question is that  
22 it fails to take into account that there is a third  
23 option, so when your partner says, Are you a predator  
24 or was this a tragic mistake, your partner seems to  
25 have left out, Did you not do anything. So my question

## BLAKE KLAUDER - CROSS-EXAMINATION

1 to you is: Is a false equivalency an unfair question?

2 A No, sir. He's not limited to. He's only given  
3 the options of. With that, he can also say I didn't do  
4 it at all.

5 Q So there were three answers, but your partner  
6 only gave him two?

7 A He doesn't have to give him every option. He is  
8 more than capable as an adult to say I didn't do it at  
9 all.

10 Q He was supposed to come up with that on his own?

11 A Correct.

12 Q Now, when your partner asked, Are you a predator  
13 or was this a mistake, do you recall Mr. Halstead's  
14 response?

15 A As I stated before, no, I do not know remember  
16 his exact wording.

17 Q If he said, well, I'm not a monster, does that  
18 sound like a response?

19 A Yes, sir.

20 Q And a jury will have the tape-recording in the  
21 interview room they can listen to?

22 A Yes, sir.

23 Q After a person says, well, I'm not a monster,  
24 isn't the next step to say, well, then, Suspect, please  
25 explain to us how it was a tragic mistake?

## BLAKE KLAUDER - CROSS-EXAMINATION

1 A I don't know exactly what the wording was past  
2 that. He may have been asked to explain what happened,  
3 then, yes, sir.

4 Q So he is set up with this question, Are you a  
5 serial molester, or was this a tragic mistake, and his  
6 response was, well, I'm not a serial molester?

7 A I don't think those words were ever said.

8 Q Words to that effect, I'm sorry.

9 A I don't think they were to that effect.

10 Q Well, the jury will have an opportunity to see  
11 for themselves.

12 After he said I am not a serial molester --

13 MS. WALTER: Objection, Your Honor, that is not  
14 what it says. It is not what he just quoted.

15 THE COURT: Sustain. Rephrase.

16 Q (MR. GALMORE) After Mr. Halstead says, Well, I'm  
17 no monster, that's for sure, then we get into the  
18 statement where he provides the admission, correct?

19 A Yes, sir.

20 Q And in his admission, he gives you an incident of  
21 oral sex in the bathroom?

22 A That is one of the incidents, yes, sir.

23 Q Now, when I gave you that incident, you had  
24 already known because you were present for **MINOR**  
25 **MINOR**'s interview, that that incident was never

## BLAKE KLAUDER - CROSS-EXAMINATION

1 mentioned by MINOR, correct?

2 A I do not have a copy of the report in front of  
3 me.

4 Q All right. So you can't tell us if MINOR said  
5 anything about an oral sex incident in the bathroom?

6 A Can't give you the exact wording, no, sir.

7 Q Because you didn't take a statement from her?

8 A I have the recorded and the report at that point  
9 in time; I do not have that report in front of me now.

10 Q His statement about oral sex in the bathroom, did  
11 it match with MINOR's statements from the Children's  
12 Recovery Center?

13 A As I said, I can't say exactly what was on that  
14 report now without a copy of it in front of me.

15 Q Well, you did say -- and you quoted from her  
16 report -- about the pee-pee and the hoo-ha and the  
17 white stuff, correct?

18 A I believe it was "wee-wee."

19 Q So you got all of that out of her report?

20 A Yes, sir.

21 Q Did her report have in it -- mention of an oral  
22 sex incident in the bathroom?

23 A I cannot recall exactly what the report states  
24 without it in front of me.

25 Q Did you tell Mr. Halstead that she said there was

## BLAKE KLAUDER - CROSS-EXAMINATION

1 an oral sex incident in the bathroom?

2 A If I did, it would have come out of that report.

3 Q Did you ever ask **MINOR** why she did not report  
4 this claim for such a long time?

5 A I do not recall asking her that question.

6 Q In Mr. Halstead's statements to you on August the  
7 1st and August 8th, did he admit or deny there was any  
8 anal sex involved?

9 A He denied it.

10 Q And regarding vaginal sex, did he deny there was  
11 any vaginal sex involved?

12 A Yes, sir.

13 Q So the only admission that he gave you was that  
14 there was oral sex or attempted oral sex in the  
15 bathroom?

16 A He gave that it happened, not an attempted.

17 Q Said that it happened?

18 A He said it happened more than one time.

19 Q Right. Is this claim of oral sex only -- no  
20 vaginal sex, no anal intercourse -- is that consistent  
21 with **MINOR**'s report from the Children's Recovery  
22 Center?

23 A His admission, is it consistent?

24 Q Yes, you can call it that.

25 A No, sir, not completely.

## BLAKE KLAUDER - CROSS-EXAMINATION

1 Q So it didn't match?

2 A Not all of it, no, sir.

3 Q So what he said didn't match with what she said?

4 A Portions of it.

5 Q Do you recall asking Mr. Halstead about a second  
6 time?

7 A Yes, sir.

8 Q And that is when he said that there was an  
9 allegation of some type of oral sex on the couch, under  
10 the blanket; is that correct?

11 A I don't think he said it was an allegation. He  
12 said about the second incident that happened, because  
13 he stated it happened two or three times.

14 Q Now, **MINOR**'s report to the Children's Recovery  
15 Center that she gave July 13<sup>th</sup>, did she mention oral  
16 sex on the couch, under a blanket?

17 A I cannot recall exactly what was in that report.

18 Q So, again, that part does not match up either?

19 A I can't recall, sir.

20 Q Mr. Halstead specifically denies that there was  
21 any ejaculation?

22 A I believe so, sir.

23 Q And that part doesn't match up with **MINOR**'s  
24 version of events either?

25 A No, sir.

## BLAKE KLAUDER - CROSS-EXAMINATION

1 Q Because **MINOR** specifically recalls mentioning  
2 "white stuff"?

3 A Yes, sir.

4 Q Do you recall asking if he rubbed her vaginal  
5 area with his penis?

6 A Yes, sir.

7 Q And Mr. Halstead denied that?

8 A Yes, sir.

9 Q That is unacceptable to you, because that does  
10 not match up with Ms. Mellon's story, correct?

11 A No, sir. There is no unacceptable. He is able  
12 to give his side, which he admitted that he was not  
13 completely honest.

14 Q And you asked him to be honest with you?

15 A Yes, sir.

16 Q And, at one point, you even say, This is my final  
17 and last time asking you to be honest?

18 A Yes, sir.

19 Q Were you saying that because you weren't getting  
20 answers that you were looking for?

21 A No, sir. He had admitted that he was not honest  
22 with me.

23 Q He wasn't telling you that there was any anal  
24 sex?

25 A He denied it.

## BLAKE KLAUDER - CROSS-EXAMINATION

1 Q He wasn't telling you that there was any vaginal  
2 sex?

3 A He denied that as well.

4 Q And on what he does admit, this incident on the  
5 sofa with a blanket, **MINOR** makes no mention of that?

6 A I cannot recall that report, sir, without it in  
7 front of me.

8 Q Can't recall. Okay.

9 And in the mist of all of this, you were prepared  
10 to arrest Mr. Halstead regardless of what he said?

11 A Correct.

12 Q So why attempt to get a statement from him if you  
13 were going to arrest him anyway?

14 A There was discussion of him not being honest in  
15 reference to prior....

16 Q You just wanted to give him a chance to be  
17 honest?

18 A Correct.

19 Q So, today, we're in court, and what we have is  
20 his body doesn't match the description that **MINOR**  
21 gave, that he does not have tattoos, he does not have  
22 piercings and he does not have stretchy earrings,  
23 correct?

24 A Some of the descriptors do not match.

25 Q Very good. Some of the descriptors do not match.

## BLAKE KLAUDER - CROSS-EXAMINATION

1           We also know that the alleged reasons for the  
2       delayed disclosure does not match either?

3       A       I can't give you the reason for a delayed  
4       disclosure, sir.

5       Q       You did give Mr. Halstead a reason in that  
6       interview, and that reason was because she was told  
7       that he would tell her father?

8       A       Yes, sir.

9       Q       It was not fear that her father would be harmed  
10      or killed?

11      A       I did not tell him that.

12      Q       No, you didn't. No. You told him that she was  
13      told that he would tell her father?

14      A       That was what was in the report, yes, sir.

15      Q       Right.

16            You did not go to the alleged scene of the crime,  
17      correct?

18      A       No, sir.

19      Q       His statements of oral sex did not match up with  
20      her statements of vaginal and anal intercourse?

21      A       He denies vaginal and anal intercourse.

22      Q       So the statements don't match?

23      A       No, he did not admit to everything she stated.

24      Q       And on the issue of oral sex where he refers to  
25      this allegation of sex on the sofa with a blanket,

## BLAKE KLAUDER - CROSS-EXAMINATION

1 MINOR [REDACTED] doesn't mention that incident?

2 A Once again, sir, I can't state as to exact  
3 without that report in front of me.

4 Q So you took a report that came from the desk  
5 officer on or about June 30<sup>th</sup>, and the report that  
6 you received didn't mention any oral sex on a sofa, did  
7 it?

8 A Can I refer to the report?

9 Q Yes, sir.

10 A In the report, it does not go into details about  
11 any of the incidents.

12 Q And then you scheduled her to go to the  
13 Children's Recovery Center, and you went and watched  
14 her interview at the Children's Recovery Center?

15 A Correct.

16 Q In that interview, does she mention this incident  
17 about sex on the sofa with a blanket?

18 A Can I look at my report?

19 Q Yes, sir.

20 A At that time, she stated that she was sexually  
21 assaulted more than one time. I do not have the exact  
22 details of that incident.

23 Q And she does not say that there was an incident  
24 of oral sex on a couch with a blank either?

25 A I do not have the details of that incident, sir.

## BLAKE KLAUDER - CROSS-EXAMINATION

1 Q And when you interviewed Mr. Halstead -- not  
2 once, but twice -- in those interviews you are  
3 referring back to her statements to the Children's  
4 Recovery Center, did you mention to Mr. Halstead  
5 anything about sex on a sofa with a blanket?

6 A I cannot recall exactly, sir.

7 Q Any allegations of grooming in this case?

8 A I can't tell you what would have happened prior  
9 to that incident, no, sir.

10 Q Did Ms. Mellon indicate that Donnie Halstead was  
11 giving her money?

12 A Did who?

13 Q Ms. Mellon indicate that Donnie --

14 A Can you clarify?

15 Q **MINOR**.

16 A No, sir.

17 Q No. Okay.

18 Did **MINOR** indicate that he was showing her nude  
19 pictures or movies or anything along those lines?

20 A I do not recall, sir.

21 MR. GALMORE: I don't have anything further.  
22 Thank you very much.

23 THE COURT: Before we go to redirect, ladies and  
24 gentlemen, I'll ask you to go to the jury room in a  
25 second. I'll get you back out here in just a second.

## BLAKE KLAUDER - REDIRECT EXAMINATION

1 (The jury exits at 12:38 p.m., and the  
2 following is heard out of the presence of the jury.)

3 THE COURT: How long do you anticipate redirect?

4 MS. WALTER: 10 minutes, 15 minutes.

5 THE COURT: I have to take a break.

6 Sir, you can step down. Do not discuss the case  
7 at all.

8 (A recess was taken.)

9 THE COURT: Anything from the State?

10 MS. WALTER: No, Your Honor.

11 THE COURT: Defense counsel?

12 MR. GALMORE: No, Your Honor.

13 THE COURT: Jury, please.

14 (The jury enters at 12:45 p.m., and the  
15 following is heard in the presence of the jury.)

16 THE COURT: All the jurors are present.

17 Redirect?

18 REDIRECT-EXAMINATION

19 BY MS. WALTER:

20 Q Detective Kaulder, can you tell us a little bit  
21 about the procedure if someone just walks into a police  
22 department to make a complaint?

23 A They will make a report with either a road  
24 officer that may be in the office, or a desk officer,  
25 to make the original complaint.

## BLAKE KLAUDER - REDIRECT EXAMINATION

1 Q Typically, is either the road officer or the desk  
2 officer an investigator?

3 A No, ma'am.

4 Q Is it part of their duties or responsibilities to  
5 do any type of interviewing or investigating at that  
6 point?

7 A If they know the case is going to go forward to  
8 the Criminal Investigations Unit, no, ma'am.

9 Q I believe you said that no one -- I'm guessing  
10 you meant detectives -- were not working on the  
11 weekend?

12 A Correct.

13 Q So if June 30<sup>th</sup> was a Friday, and July 3<sup>rd</sup>  
14 was a Monday, would that explain why there was that  
15 little bit of gap to getting assigned?

16 A Yes, ma'am.

17 Q And then is it standard procedure once you are  
18 aware of an allegation of child sexual assault to only  
19 get minimal facts?

20 A Yes, ma'am.

21 Q Why is that?

22 A You do not want to put words into a child's  
23 mouth. They are very impressionable, so with that we  
24 send them to the Children's Recovery Center.

25 Q Why is the Children's Recovery Center a better

## BLAKE KLAUDER - REDIRECT EXAMINATION

1 option?

2 A Because they are specialized in talking to  
3 children for forensic interviews.

4 Q In your time as a detective, can you give an  
5 approximation of how many cases involving child sexual  
6 assault you have dealt with?

7 A I would say well over a hundred.

8 Q And during those investigations, have you  
9 referred those victims to the Children's Recovery  
10 Center?

11 A Yes, ma'am.

12 Q Based on your experience with those cases, are  
13 you aware of any rules or laws that govern whether that  
14 interview can be played in court?

15 A Yes, ma'am.

16 Q So not every interview done at CRC can be played  
17 in court?

18 A No, ma'am.

19 Q And then Mr. Galmore asked you during June 30<sup>th</sup>  
20 and July 13<sup>th</sup> if you tried to find any videos; were  
21 there any allegations that the defendant had videoed  
22 what he did to **MINOR**?

23 A No, ma'am. And between June 30<sup>th</sup> and  
24 July 3<sup>rd</sup>, I wouldn't have even known about the case.

25 Q July 13<sup>th</sup>. So from the time between the

## BLAKE KLAUDER - REDIRECT EXAMINATION

1 initial report coming in, and MINOR's interview at  
2 CRC, was there any allegation that the defendant had  
3 videoed what he did to her?

4 A No, ma'am.

5 Q Mr. Galtmore asked if you interviewed any  
6 eyewitnesses, was there any information that anyone had  
7 witnessed what the defendant did to MINOR?

8 A No, ma'am.

9 Q Mr. Galtmore pointed out that you asked the  
10 defendant to be honest with you?

11 A Yes, ma'am.

12 Q How many defendants or suspects -- we'll say  
13 suspects -- how many suspects have you interviewed in  
14 your career as a police officer and detective?

15 A Hundreds.

16 Q Is it always your wish they be honest?

17 A Yes, ma'am.

18 Q Are they always honest with you?

19 A No, ma'am.

20 Q In your experience, do suspects tend to minimize  
21 their conduct during an interview?

22 A Yes, ma'am. They normally don't admit to  
23 everything that has happened.

24 Q So has it been your experience that suspects will  
25 admit some parts of what they are alleged to have done,

## BLAKE KLAUDER - REDIRECT EXAMINATION

1 but not everything?

2 A Portions, yes, ma'am.

3 Q Now, Mr. Galmore also pointed out a few  
4 descriptors that did not match the defendant; do you  
5 recall **MINOR** testifying and also giving a description  
6 earlier that the Donnie who did this to her was a  
7 bigger man?

8 A Yes, ma'am.

9 Q Would you classify the defendant as a bigger man?

10 A Yes, ma'am.

11 Q Do you recall **MINOR** testifying and providing  
12 earlier a description that Donnie who did this to her  
13 had long hair?

14 A Yes, ma'am.

15 Q Did the defendant have long hair both times when  
16 you interviewed him prior to today?

17 A Yes, ma'am.

18 Q Does the defendant have long hair now?

19 A Yes, ma'am.

20 Q So those descriptors, in fact, matched?

21 A Correct.

22 Q **MINOR** talked about Donnie as the person who  
23 assaulted her; is that correct?

24 A Yes, ma'am.

25 Q And is the defendant's name "Donald" or "Donnie

## BLAKE KLAUDER - REDIRECT EXAMINATION

1 Halstead"?

2 A He actually made a statement about "my Donnie."

3 Q When -- the second time that you interviewed the  
4 defendant, when you were going to arrest him, you made  
5 mention something about the weather; why is it that you  
6 conducted the interview in your car versus standing  
7 outside?

8 A It was raining at that point in time.

9 Q Can you actually hear the rain on your car in the  
10 interview?

11 A I'm pretty sure, yes, ma'am.

12 Q Had it not been raining, is that why the  
13 beginning of the interview starts "I thought we'd be  
14 outside"?

15 A Yes, ma'am.

16 Q There is also some questioning about the use of,  
17 Well, are you a monster, or was this a mistake; in  
18 fact, the defendant didn't choose either of those  
19 options, correct?

20 A He just said he was not a monster.

21 Q And is that what you meant by there are other  
22 options available for him to answer that question?

23 A Correct.

24 Q And Mr. Galmore tried to insinuate there was some  
25 allegation that the defendant was a serial predator, he

## BLAKE KLAUDER - RECROSS-EXAMINATION

1 said that several times; did you ever have any  
2 allegations that the defendant was a serial predator?

3 A No, ma'am.

4 Q In fact, you never used those words?

5 A No, ma'am.

6 Q You were present during **MINOR**'s testimony,  
7 correct?

8 A Yes, ma'am.

9 Q And based on your recollection of everything in  
10 your investigation and on **MINOR**'s testimony, has she  
11 ever alleged anal penetration by the defendant?

12 A Not that I can recall.

13 Q Mr. Galmore also said you asked him to be honest,  
14 were you asking him because you weren't getting the  
15 answers you wanted?

16 A No, ma'am.

17 Q Did you believe at that point that he was being  
18 honest with you?

19 A No, ma'am.

20 MS. WALTER: Nothing further, Your Honor.

21 THE COURT: Mr. Galmore.

22 MR. GALMORE: Briefly, Your Honor.

23 RECROSS-EXAMINATION

24 BY MR. GALMORE:

25 Q Is it Horry County Police's policy that the

## BLAKE KLAUDER - RECROSS-EXAMINATION

1 detectives get weekends off?

2 A We normally work Monday through Friday unless you  
3 are on-call. Everyone is subject to be recalled if a  
4 case deems necessary.

5 Q So if a major case of a felony comes into your  
6 office, you can call in a detective right away?

7 A There is a possibility of that.

8 Q And there is an on-call detective for situations  
9 such as that when major felonies come into the office?

10 A There is an on-call detective, yes, sir.

11 Q Is it your testimony that it is the standard  
12 operating procedure of the police department to not get  
13 information from a victim of a sexual assault?

14 A They are to -- they are asked to get minimal fact  
15 interviews, and from that -- that way there is no  
16 discussion of the case so they can be sent to the  
17 Children's Recovery Center.

18 Q Prior to Ms. Mellon going to the Children's  
19 Recovery Center, did you take a statement from her?

20 A No, sir.

21 Q So we do not have a statement to compare to see  
22 if Ms. Mellon had been coached or made --

23 MS. WALTER: Objection, Your Honor.

24 THE COURT: Sustained, asked and answered.

25 MR. GALMORE: Yes, sir.

## BLAKE KLAUDER - RECROSS-EXAMINATION

1 Q (MR. GALMORE) Did you check to see if any  
2 friends, neighbors, classmates or anyone in  
3 Ms. Mellon's life witnessed any emotional changes to  
4 her?

5 MS. WALTER: Objection, beyond the scope.

6 THE COURT: Objection sustained.

7 Q (MR. GALMORE) Does Donnie Halstead have any  
8 tattoos or piercings?

9 A Not that I'm aware of, sir.

10 Q Did you attempt to locate a picture of Donnie  
11 Halstead from 2010?

12 A No, sir.

13 Q When you took pictures of him, did it appear that  
14 he had any tattoos removed?

15 A I can't say what it would have looked like if  
16 they would have been removed.

17 Q Did it appear that he had anything that looked  
18 like tattoos that were covered over?

19 A No, sir.

20 Q To the best of your knowledge, Mr. Halstead does  
21 not have any tattoos?

22 A To my knowledge, no, sir.

23 MR. GALMORE: Thank you. No further questions.

24 THE COURT: You may step down, sir, thank you.

25 Can the lawyers approach, please?

## MOTIONS

1 (Whereupon, a bench conference was had.)

2 THE COURT: State is recognized.

3 MS. ANDREW: State rests at this time.

4 THE COURT: The State rests. At this time, I'll  
5 let you go ahead and go to lunch. I'll ask you to be  
6 back here at 2:30. Don't discuss this case at all.  
7 Don't do any independent investigation on this case.  
8 You are to decide this case based solely upon the  
9 evidence and testimony presented in this courtroom.  
10 You have a nice lunch. I'll see you back at 2:30.

11 (The jury exits at 12:56 p.m., and the  
12 following is heard out of the presence of the jury.)

13 THE COURT: Anything from defense counsel at this  
14 point?

15 MR. GALMORE: No, sir -- oh.

16 THE COURT: Motions. The State rested.

17 MS. ANDREW: We rested.

18 MR. GALMORE: Yes, Your Honor. We respectively  
19 make a motion for directed verdict, Your Honor. We  
20 believe that the State has not presented sufficient  
21 evidence for this case to be given to the jury. The  
22 State failed to present any competent evidence that  
23 proves the allegations. There is no evidence of --  
24 there is no physical evidence of a sexual assault.  
25 Your Honor, there is no testimonial evidence that

## MOTIONS

1 corroborates any part of Ms. Mellon's version of  
2 events. Your Honor, there is no testimony or evidence  
3 to explain how there are no physical manifestations of  
4 a sexual assault. For these reasons, we feel there is  
5 no corroborated direct evidence, there is no  
6 circumstantial evidence and we feel that this case  
7 should be -- should not be allowed to go before the  
8 jury.

9 THE COURT: Anything for response from the State?

10 MS. ANDREW: The State presented direct  
11 testimonial evidence that this crime occurred by the  
12 victim, to whom it occurred. Additionally, the State  
13 played a statement by the defendant where he admitted  
14 the conduct that occurred. We feel that certainly is  
15 enough for the case to go to the jury.

16 THE COURT: With all due respect, Mr. Galmore,  
17 the Court respectfully is denying your motion for  
18 directed verdict. As you all are aware, viewing  
19 evidence in the light most favorable to the state, if  
20 there is any direct -- any direct or substantial  
21 circumstantial evidence reasonably tending to prove  
22 the guilt of the accused, the case should be submitted  
23 to the jury. There is direct testimony, as well as an  
24 admission by defendant, as to such.

25 Defense counsel also raised his argument that

## DONALD HALSTEAD - EXAMINATION BY THE COURT

1 there was no competent evidence. It is not the  
2 Court's job nor the responsibility to judge  
3 credibility of witnesses or statements; that is for  
4 the jury to determine. Your motion is so noted, but  
5 respectively denied.

6 MR. GALMORE: Yes, sir.

7 THE COURT: Sir, at this time I'll ask  
8 Mr. Halstead -- would you stand, please, sir, and  
9 raise your right hand.

10 (DONALD HALSTEAD, having been duly sworn,  
11 testified as follows:)

## 12 EXAMINATION

13 BY THE COURT:

14 Q You are Donald Frank Halstead the Third?

15 A Yes, sir.

16 Q At this time, I'm going to explain to you,  
17 Mr. Halstead, certain of your rights. If you do not  
18 understand anything that I say, please let me know. If  
19 you want me to explain anything in more detail, let me  
20 know as well; do you understand that?

21 A Yes, sir.

22 Q We've now reached the stage of the trial where  
23 you may present your defense. You have the right --  
24 you have the right to claim the protections given to  
25 you by the Fifth Amendment of the Constitution of the

## DONALD HALSTEAD - EXAMINATION BY THE COURT

1 United States. That amendment states, in part, that no  
2 person shall be compelled at any criminal case to be a  
3 witness against himself. This means that you cannot --  
4 that you cannot, sir, be required to testify in this  
5 case. You have the right to testify on your own  
6 behalf; however, no one can make you testify. This is  
7 a personal right, and no one can waive this right  
8 except you.

9 If you decide to testify, you will be subject to  
10 the same rules that govern other witnesses and you may  
11 be examined and cross-examined on any relevant issue  
12 in this case. In addition, if you have any  
13 convictions involving dishonesty or false statement or  
14 for crimes punishable by imprisonment for more than a  
15 year, and this Court determines that the probative  
16 value of admitting this evidence outweighs its  
17 prejudicial effect to you, the prosecutor will be able  
18 to introduce your record to attack your creditability.

19 If you decide to testify, the decision on your  
20 part must be freely, voluntarily and intelligently  
21 made with the knowledge of the protections given to  
22 you by the Fifth Amendment and the consequences of  
23 your decision to testify.

24 If you decide not to testify, Mr. Halstead, I'll  
25 instruct the jurors that they cannot give the fact

## DONALD HALSTEAD - EXAMINATION BY THE COURT

1 that you did not testify any consideration,  
2 whatsoever, and that there is to be absolutely --  
3 absolutely no prejudice to you because you did not  
4 testify. It is left entirely up to you whether you  
5 testify. You may talk with your family, your friends,  
6 your lawyer or anyone else, but the final decision is  
7 left entirely up to you; do you understand, sir, what  
8 I explained to you?

9 A Yes, sir.

10 Q Do you have any questions about what I've  
11 explained to you?

12 A No, sir.

13 Q Have you discussed with your attorneys whether or  
14 not you should testify in your trial?

15 A Yes.

16 Q Do you wish or do you need any more time to talk  
17 to your lawyers about that?

18 A No.

19 Q Do you wish to testify in the trial of your case?

20 A No, sir.

21 THE COURT: Very well.

22 Anything else with regard to that issue?

23 MR. GALMORE: No, sir.

24 MR. HILLER: No, sir.

25 THE COURT: You may be seated.

## THE COURT AND ATTORNEYS

1 Does the defense intend to put up any evidence in  
2 this case?

3 MR. GALMORE: No, sir.

4 THE COURT: What I will do is I have prepared  
5 preliminary charges in this case. If you will, write  
6 down and give me your e-mail addresses and I will give  
7 it to you -- or send it to you. I need to read back  
8 over it as well.

9 I just sent it to you all. I'm sending you  
10 another one; look at the second one.

11 MS. WALTER: All right. The first one has not  
12 shown up, Your Honor.

13 (A brief pause in the proceedings.)

14 MS. WALTER: There, the first one just showed up.

15 THE COURT: Look at the second one. There was  
16 some typos in the first one.

17 Let me ask you this. Any objection to me giving  
18 the charge to the jury before you all argue?

19 MS. WALTER: No, Your Honor.

20 MR. GALMORE: No, sir.

21 THE COURT: State will open, defense gets last  
22 argument. Anything else before we break?

23 MS. WALTER: No, sir.

24 THE COURT: I ask you to be back at 2:15 to  
25 discuss whatever we need to with regards to the

## THE COURT AND ATTORNEYS

1 charge.

2 (A lunch recess was taken.)

3

4 THE COURT: Thank you. Be seated, please.

5 Mr. Galmore and Mr. Hiller are back in here and

6 everyone from the State.

7 Have you had a chance to look at charge?

8 MS. ANDREW: Yes, Your Honor.

9 THE COURT: Any exceptions to the charge?

10 MS. ANDREW: No, sir.

11 THE COURT: Mr. Galmore?

12 MR. GALMORE: No, sir.

13 THE COURT: That was easy enough. I think there  
14 were a couple of typos that need to be corrected, but  
15 nothing substantive.

16 All right. Verdict form, you all want to come  
17 look at the verdict form?

18 How long does the State anticipate closing  
19 argument?

20 MS. WALTER: 15 minutes.

21 THE COURT: Defense counsel?

22 MR. GALMORE: About 15 minutes.

23 THE COURT: I don't think I've ever put a time on  
24 closing arguments. The only thing I would say is if  
25 you start repeating yourself, I might clear my throat

## THE COURT AND ATTORNEYS

1 a couple of times to give you an incentive to move on.  
2 I'll charge the jury first, and when I bring them out  
3 here, you need to rest. I'll recognize you, and then  
4 we'll move into charges and closing arguments.

5 Bring me the jury, please, sir.

6 (The jury enters at 2:26 p.m., and the  
7 following is heard in the presence of the jury.)

8 THE COURT: Ladies and gentlemen, Mr. Foreman, I  
9 hope you had a nice lunch and ready to proceed this  
10 afternoon. Before we broke for lunch, the State  
11 rested its case.

12 At this time, I'll recognize defense counsel.

13 MR. GALMORE: Defense rests.

14 THE COURT: You have heard all of the evidence  
15 and testimony you'll hear in this case. What we'll do  
16 at this point is -- before we do that, Defense  
17 Counsel, renew all prior motions and objections?

18 MR. GALMORE: Yes, sir.

19 THE COURT: So noted. For the record, Court's  
20 ruling remain the same as to each.

21 What we'll do this at this point, ladies and  
22 gentlemen, I'll instruct you on what the law is that  
23 is applicable to this case. After I finish, the State  
24 will give you their closing arguments followed by  
25 defense counsel, and then I'll give you a few

## JURY CHARGES

1     conclusory remarks before giving the case to you all  
2     to deliberate on.

3             Ladies and gentlemen, it is my duty as trial  
4     judge of the Constitution of this state to charge and  
5     instruct you on the law applicable to this case. It  
6     is your duty as jurors to accept and apply the law as  
7     I will now state it to you. Furthermore, it is your  
8     exclusive duty to decide all the issues of fact in  
9     this case and to determine the effect, value and  
10    weight of the evidence. Both the State and the  
11    Defendant have a right to expect that you will  
12    carefully consider and evaluate the evidence and apply  
13    the law of this case to it, so that at the end, both  
14    the State of South Carolina and the Defendant will  
15    receive a fair and impartial trial.

16            I want you to understand, ladies and gentlemen,  
17    when I use the word "defendant," I refer to Mr. Donald  
18    F. Halstead the Third. Furthermore, it is important  
19    to understand that the State of South Carolina charges  
20    the Defendant under the indictment with criminal  
21    sexual conduct with a minor, first degree. To this  
22    charge, the Defendant has entered a plea of not  
23    guilty. This plea of not guilty places the burden of  
24    proof on the State of South Carolina to prove the  
25    guilt of the Defendant to you, the jury, beyond a

## JURY CHARGES

1 reasonable doubt.

2 Now, ladies and gentlemen, I'll remind you that  
3 the fact that the Defendant was arrested, charged and  
4 indicted in this case is not evidence in this case and  
5 cannot be considered by you as evidence of guilt in  
6 this case, nor does it create any presumption or  
7 inference of guilt. The indictment, as I told you  
8 from the outset, is simply the charging document which  
9 brings this case into this court.

10 During the trial, ladies and gentlemen, you and I  
11 had separate duties to perform. As the trial judge,  
12 it is my responsibility to preside over this trial,  
13 and I have the duty to rule upon the admissibility of  
14 the evidence offered during the process of this trial.  
15 In that regard, you, ladies and gentlemen, are only to  
16 consider the competent evidence before you. You are  
17 to consider only the testimony which has been  
18 presented from the witness stand, together with any  
19 exhibits admitted into the record of this case.

20 Furthermore, I have the additional duty to charge  
21 you on the applicable law of this case, and in that  
22 regard, I'm the sole judge of the law of this case.  
23 It is your duty to accept and apply the law as I state  
24 it to you. If you have any preconceived idea what the  
25 law is or ought to be, and it does not agree with what

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1 I tell you the law is, you are obligated under your  
2 oath to abandon preconceptions because you are sworn  
3 to accept the law precisely as I state it to you.

4 Now, in this trial, ladies and gentlemen, you --  
5 you are the sole and exclusive judge of the facts, and  
6 I am the judge of the law. Do not infer that I have  
7 any opinion about the facts in this case from anything  
8 that I have said during the course of this trial in  
9 ruling upon the admissibility of evidence or  
10 otherwise, or from anything I say during the course of  
11 this charge to you. In this regard, the law simply  
12 does not permit me to have an opinion about the facts.  
13 As jurors, it is your duty alone to determine the  
14 effect, value and weight of the evidence presented  
15 during the course of this trial.

16 Now, in determining what the facts in this case  
17 are, you must judge the creditability, which simply  
18 means the believability of the witnesses, and the  
19 value of weight to be given to their testimony. You  
20 alone must decide the force and the effect of the  
21 testimony. Now, in making this decision, there are  
22 many things you should and -- that you should take  
23 into consideration -- excuse me -- such as the  
24 appearance and manner of the witness on the stand, a  
25 characteristic often refereed to as the demeanor of

## JURY CHARGES

1 the witness. Was the witness forthright or hesitant?  
2 Was the witness' testimony consistent, or did it  
3 contain discrepancies. What was the ability of the  
4 witness to know the facts about which he or she  
5 testified? Did the witness have a cause or reason to  
6 be biased or prejudice in favor of the testimony that  
7 he or she gave? Was the testimony of the witness  
8 corroborated or made stronger by other testimony and  
9 evidence, or was it made weaker or impeached by such  
10 other testimony and evidence?

11 As jurors, please understand that you have the  
12 right to believe a small portion of a witness'  
13 testimony, and discard the larger portion, or vise  
14 versa. You may believe all of a witness' testimony,  
15 or none. You may believe the testimony of a single  
16 witness against that of many witnesses, or the other  
17 way around. In exercising your mental processes in  
18 attempting to decide the verdict, the law simply  
19 requires that you exercise your good judgment, your  
20 commonsense, your sense of logic and reason and your  
21 experiences in life. You then apply these attributes  
22 to the evidence and apply the law as I state it to you  
23 and, thus, arrive at a verdict.

24 Ladies and gentlemen, it is vital that you  
25 understand that a Defendant is presumed under the law

## JURY CHARGES

1 to be innocent of the crime or crimes for which he is  
2 charged. A Defendant has no obligation to prove his  
3 innocence. It is a fundamental rule of our law that a  
4 Defendant, irrespective of the seriousness of the  
5 charge against him, is always presumed innocent of the  
6 crime for which he is charged, unless and until his  
7 guilt has been proven by evidence that satisfies you,  
8 the jury, beyond a reasonable doubt.

9 The presumption of innocence, ladies and  
10 gentlemen, is not a mere legal theory or a legal  
11 phrase. The presumption of innocence is very  
12 important, and you need to understand that this  
13 presumption accompanies a Defendant from the time of  
14 his arrest and appearance in this court, and continues  
15 with a Defendant even after you retire to the jury  
16 room to deliberate. In other words, a Defendant  
17 receives the benefit of the presumption of innocence  
18 until the very end of his trial when you, the jury,  
19 will deliberate upon the evidence and decide whether  
20 the State has proven his guilt beyond a reasonable  
21 doubt.

22 Ladies and gentlemen, what is a reasonable doubt  
23 in the law? A reasonable doubt is the kind of doubt  
24 that would cause a reasonable person to hesitate to  
25 act. Proof beyond a reasonable doubt is proof that

## JURY CHARGES

1 leaves you firmly convinced of the Defendant's guilt.  
2 There are very few things in this world, ladies and  
3 gentlemen, that we know with absolute certainty, so  
4 even in criminal cases the law does not require proof  
5 that overcomes every possible doubt. If based upon  
6 your consideration of the evidence you're firmly  
7 convinced that the Defendant is guilty of the crime  
8 charged, you must find him guilty. If, on the other  
9 hand, you think there is a real possibility that he is  
10 not guilty, you must give him the benefit of the doubt  
11 and find him not guilty.

12 Please understand that reasonable doubt may arise  
13 from evidence which has been presented in the case or  
14 from the lack of evidence in the case. It is your  
15 responsibility to determine whether or not reasonable  
16 doubt exists as to the guilt of the Defendant. I  
17 charge you that the Defendant is entitled to every  
18 reasonable doubt arising in the whole case. If upon  
19 any issues of fact essential to conviction and a  
20 verdict of guilty you have a reasonable doubt as to  
21 how that issue should be resolved, it would be your  
22 duty to resolve that reasonable doubt in favor of the  
23 Defendant.

24 Again, it is important to understand that a  
25 Defendant is not required to prove his innocence;

## JURY CHARGES

1 instead, as I have said from the outset, the law  
2 requires that the State prove every essential element  
3 of the offense charged against the Defendant by  
4 evidence which satisfies you of guilt beyond a  
5 reasonable doubt. Only then can you convict the  
6 Defendant and find him guilty.

7       There are two types of evidence, ladies and  
8 gentlemen, which are generally presented during a  
9 trial: Direct evidence and circumstantial evidence.  
10 Direct evidence directly proves the existence of a  
11 fact and does not require deduction. Direct evidence  
12 is the testimony of a person who claims to have actual  
13 knowledge of a fact, such as an eyewitness. It is  
14 evidence which immediately establishes the main fact  
15 to be proved.

16       Circumstantial evidence is prove of a chain of  
17 facts and circumstances indicating the existence of a  
18 fact. It is evidence which immediately establishes  
19 collateral facts from which the main fact may be  
20 inferred. Circumstantial evidence is based on  
21 inference and not on personal knowledge or  
22 observation. Crimes may be proven, ladies and  
23 gentlemen, by circumstantial evidence; however, to the  
24 extent that the State relies on circumstantial  
25 evidence, all the circumstances must be consistent

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1 with each other, and when taken together, point  
2 conclusively to the guilt of the accused beyond a  
3 reasonable doubt. If these circumstances merely  
4 portray the Defendant's behavior as suspicious, the  
5 proof has failed.

6 The law makes absolutely no distinction between  
7 the weight or value to be given to either direct or  
8 circumstantial evidence, nor is a greater degree of  
9 certainty required of circumstantial evidence than of  
10 direct evidence. You should weigh all of the evidence  
11 in the case. If after weighing all of the evidence  
12 you are not convinced of the guilt of the Defendant  
13 beyond a reasonable doubt, you must find the Defendant  
14 not guilty.

15 The burden, as I've said, rests with the State,  
16 regardless of whether the State relies on direct  
17 evidence, circumstantial evidence or some combination  
18 of the two. The State has the burden of proving the  
19 Defendant guilty beyond a reasonable doubt.

20 Ladies and gentlemen, I instruct you and I  
21 emphasize to you that the fact the Defendant did not  
22 testify is not a factor to be considered by you in any  
23 way in your deliberations and in your consideration on  
24 the question of the guilt or innocence of the  
25 Defendant. It must be not be considered by you in any

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1 manner, whatsoever. A Defendant has the  
2 Constitutional right to remain silent, and the  
3 assertion of this right must not be considered by you  
4 in your deliberations. I repeat: Under your oath,  
5 you are to draw no conclusion, whatsoever, from the  
6 fact that the Defendant in this case did not testify.  
7 The fact that this Defendant did not testify should  
8 not even be discussed in the jury room. Again, the  
9 burden of proof, as I stated to you, is continuously  
10 on the State. The Defendant is not required to prove  
11 his innocence. The burden of proof remains on the  
12 State to prove guilt beyond a reasonable doubt.

13 During the trial, ladies and gentlemen, you heard  
14 the testimony from children. Where a witness is a  
15 child, you must determine, as with any witness,  
16 whether that testimony is believable. In deciding  
17 believability, you may consider not only matters I've  
18 discussed with you, but you may also consider the age  
19 of the children, the children's ability to observe and  
20 remember facts, the children's ability to understand  
21 and answer questions. Because young children may not  
22 fully understand what is happening here, it is up to  
23 you to decide whether the children understood the  
24 seriousness of appearing as a witness at this criminal  
25 trial, whether the children understood the questions,

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1 whether the children have a good memory and whether  
2 the children understand the difference between lying  
3 and telling the truth. In addition, young children  
4 may be influenced by the way the questions are asked.  
5 It is up to you to decide whether the children  
6 understood the questions asked.

7 In this case, you also heard the testimony of an  
8 individual who was qualified as an expert. I  
9 previously gave you a charge concerning expert  
10 testimony, but I'll tell you again, the Rules of  
11 Evidence ordinarily do not permit witnesses to testify  
12 as to opinions or conclusions. An exception of this  
13 rule exists for what we call "expert witnesses." A  
14 witness who, because of their education and  
15 experience, has become an expert in some art, science,  
16 profession or calling may state an opinion as to a  
17 relevant and material matter in which the witness  
18 claims to be an expert, and may also state the reasons  
19 for the opinion.

20 You should consider any expert opinion received  
21 in evidence in this case, and like any other evidence,  
22 give it the weight that you think it deserves. If you  
23 decide that an opinion of an expert witness is not  
24 based on sufficient education and experience, or if  
25 you conclude that the reasons given in support of the

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1 opinion are not sound, or that the opinion is  
2 outweighed by other evidence, you may disregard the  
3 opinion entirely.

4 Furthermore, an expert witness' testimony is to  
5 be given no greater weight than that of other  
6 witnesses simply because the witness is an expert.  
7 Further, you are not required to accept an expert's  
8 opinion even though it is not contradicted.

9 In this case, ladies and gentlemen, there was a  
10 statement alleged to have been made -- two statements  
11 to have been made by the Defendant that was admitted  
12 into evidence in this case. While the Court has  
13 determined that the statements were admissible, I  
14 instruct you that you make the ultimate decision of  
15 whether or not the Defendant made the statement. If  
16 the Defendant made the statements -- did make the  
17 statements, you must determine whether the statements  
18 were made by the Defendant voluntarily and of his own  
19 freewill. This means that the statements were not  
20 coerced or caused by pressure, force, fear, threats,  
21 coercion or intimidation, or by hope or of a promise  
22 of leniency or a reward of any kind. In determining  
23 the statements were voluntary, you should consider  
24 both the characteristics of the Defendant and the  
25 details of the questions. Some of the factors you

## JURY CHARGES

1 must consider are the age of the Defendant,  
2 Defendant's education or lack of education, the  
3 Defendant's mental ability or capacity, the  
4 Defendant's IQ or intelligence, the Defendant's  
5 background and environment, the place and length of  
6 detention, the nature of questioning and the advice,  
7 or lack thereof, to the Defendant of his  
8 Constitutional rights, including, but not limited to,  
9 the right to remain silent that, any statement could  
10 be used against him in a court of law. The right to  
11 have a lawyer present, that if he could not afford a  
12 lawyer, a lawyer would be appointed to represent him  
13 without any cost, and that he could stop making a  
14 statement at any time.

15       You, ladies and gentlemen, must carefully  
16 consider all of the surrounding circumstances before  
17 you give any weight to any alleged statement. The  
18 State has the burden of proving beyond a reasonable  
19 doubt that the alleged statement was voluntary. If  
20 you determined it was, you may give the statements any  
21 further consideration that you deem proper. You must  
22 decide what weight, if any, should be given to the  
23 alleged statements. If you determine that the  
24 statements were not the free and voluntary statement  
25 of the Defendant, you should not consider the

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1 statements at all.

2 In order to establish criminal liability,  
3 criminal intent is required. For example, the mental  
4 state required to be proven by the State for a  
5 particular crime might be purpose, intent, knowledge,  
6 recklessness or criminal negligence. Criminal intent  
7 must be proven by the State beyond a reasonable doubt.  
8 Criminal intent is always a matter that must be  
9 determined by the jury from the circumstances  
10 surrounding the situation. There is no way to prove  
11 intent to a mathematical certainty. There is no way  
12 that medical science can dissect a person's brain and  
13 determine what the person had in mind. So the law  
14 says that criminal intent may be inferred from the  
15 circumstances shown to have existed. This is how you  
16 make a determination of whether or not the element  
17 requiring intent was present. It is not necessary to  
18 establish intent by direct and positive evidence, but  
19 intent may be established by inference in the same way  
20 as any other fact by taking into consideration the  
21 acts of the parties and all of the facts and  
22 circumstances of the case.

23 Criminal intent is a mental state, a conscious  
24 wrongdoing. It is up to you to determine what the  
25 Defendant intended to do based on the circumstances

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1 shown to have existed. Criminal intent can arise from  
2 an action or failure to act. It may arise from  
3 negligence, recklessness or an indifference to duty or  
4 consequences that is considered by the law to be the  
5 equivalent of criminal intent.

6 As I told you, ladies and gentlemen, the  
7 Defendant is charged with criminal sexual conduct with  
8 a minor, first degree. The State must prove beyond a  
9 reasonable doubt that the Defendant engaged in a  
10 sexual battery with the victim. A sexual battery is  
11 sexual intercourse, cunnilingus, fellatio, anal  
12 intercourse or any intrusion, however slight, of any  
13 part of a person's body or of any object into the  
14 genital or anal openings of another person's body,  
15 except when the intrusion is accomplished from  
16 medically recognized treatment or diagnostic purposes.

17 The State must then prove beyond a reasonable  
18 doubt that the victim was less than 11 years old at  
19 the time of the sexual battery. Consent, willingness,  
20 indifference or ignorance on the part of the minor, if  
21 any, as to what was taking place does not in any way  
22 affect the charge of criminal sexual conduct with a  
23 minor, because an unmarried person under the age of 14  
24 cannot legally consent to sexual intercourse.  
25 Testimony of the victim need not be corroborated under

## CLOSING STATEMENTS - MS. WALTER

1 South Carolina law.

2 Ladies and gentlemen, I have given you the charge  
3 on the law applicable to this case, and as I told you,  
4 once I gave you my charge on the law, the lawyers  
5 would make their closing arguments to you. I'll  
6 conclude with remarks and instructions to you all  
7 before the case is given to you all.

8 I will tell you, ladies and gentlemen, that the  
9 arguments of counsel in closing arguments is not  
10 evidence in this case. It is not evidence in this  
11 case.

12 At this time, the State is recognized for closing  
13 argument. Once the State is finished, defense will  
14 follow.

15 State is recognized.

16 MS. WALTER: Thank you, Your Honor.

17 Roles and responsibilities, that is what  
18 Mr. Galmore talked to you about during his opening, so  
19 let's talk a little bit about that. What are the  
20 roles and responsibilities of some of the people in  
21 this courtroom? The judge is the judge of the law.  
22 He has the final say on what the law is, and he just  
23 instructed you on the law. The law is that the State  
24 has to prove the defendant's guilt beyond a reasonable  
25 doubt, and in order to do that in this case, the State

## CLOSING STATEMENTS - MS. WALTER

1 has to prove that there was a sexual battery, meaning  
2 that that Defendant put his penis in the victim's  
3 mouth, her vagina or in her anus, which is not  
4 relevant here, and we have to prove that **MINOR** was  
5 under 11 years old. We have to prove that beyond a  
6 reasonable doubt. So the judge is the judge of the  
7 law.

8 Prosecutors, what are our roles and  
9 responsibilities? Our role, our responsibility, is to  
10 present the case to you, the jury, and to prove the  
11 Defendant guilty beyond a reasonable doubt.

12 What about the detective, what is his role and  
13 responsibility? When they are assigned an  
14 investigation, their duty, their responsibility is to  
15 collect as much evidence as possible. But in a case  
16 like this where you have a disclosure that was delayed  
17 by seven years, there is not a lot of evidence that is  
18 still left to be collected. Mr. Galmore, I'm sure in  
19 his closing, will talk about how little the police  
20 did. Why didn't they do this? Why didn't they do  
21 that? In his questioning: Did you talk to any  
22 eyewitnesses? Well, there were none. Did you talk to  
23 any neighbors? Why would you talk to the neighbors?  
24 Number one, the victim had not been there for seven  
25 years. There is no information that the neighbors saw

## CLOSING STATEMENTS - MS. WALTER

1 anything. But I'm sure that will be harped on, why  
2 didn't they do this, why don't they do that.

3 But what Detective Klauder did do is exactly what  
4 he could do at that time. He sent the victim for a  
5 forensic interview at the Children's Resource (sic)  
6 Center, and he talked to the only other person who had  
7 information about what that Defendant did to that  
8 young girl. He talked to the Defendant, and in doing  
9 so, Detective Klauder fulfilled his role, his  
10 responsibility.

11 The defense attorney, what is the defense  
12 attorney's role in this? In the State's mind, the  
13 defense attorney's role is to distract you, because  
14 the defense attorney does not want you to concentrate  
15 on what **MINOR** told you happened to her. The defense  
16 attorney does not want you to listen to what the  
17 Defendant admitted to doing, because if so, the  
18 verdict should be like that (indicates), guilty beyond  
19 a reasonable doubt. That is why I'm sure Mr. Galmore  
20 will say, well, they didn't do this. The detective  
21 didn't do this. There is no DNA. There is no injury.  
22 There are no eyewitnesses. But as the judge told you,  
23 in a case such as this, the word of **MINOR** alone is  
24 sufficient, and you have more than that, which I'll  
25 get to in just a moment.

## CLOSING STATEMENTS - MS. WALTER

1           Lastly, the jurors, you; what is your role? What  
2           are your responsibilities? Your responsibility, your  
3           duty, your sworn duty is to render a true verdict and  
4           ensure that justice is done. What is justice in this  
5           case? Justice is finding Donnie Halstead guilty of  
6           the rape of this child. Justice is listening to  
7           **MINOR** 's truth, the story of what actually happened to  
8           her and finding the Defendant guilty of raping her and  
9           taking away her childhood.

10           So what did **MINOR** tell you what happened? As  
11           any child would do, she often visited her father with  
12           her younger sister, very close in age. They had a  
13           close relationship. They would visit her father, and  
14           the Defendant would be there often staying over the  
15           weekend as well. She remembers the Defendant coming  
16           up to her and saying, Come with me. If you don't come  
17           with me, something is going to happen to your father.  
18           Something is going to happen to your family. Imagine  
19           the pressure, the fear, the responsibility that that  
20           puts on a five-year-old's shoulders, to not tell, to  
21           go and do whatever the Defendant says and not tell,  
22           that the fate of her family is in her hands.

23           She remembers sometimes in the bathroom,  
24           sometimes on a couch, sometimes in a room the  
25           Defendant putting his penis in her vagina and in her

## CLOSING STATEMENTS - MS. WALTER

1 mouth. She remembers details, and the Defendant is in  
2 the details. She remembers details such as it hurt  
3 when he penetrated her. How would a child know that  
4 it would hurt to be penetrated? Because he penetrated  
5 her. She remembered seeing white stuff come out of  
6 his pee-pee, wee-wee or penis, however you want to say  
7 it. How would she know that? Because she saw him  
8 ejaculate as he molested her. How would she know to  
9 say that his penis smelled of pee and musk? Because  
10 when that man put his penis in her mouth, she could  
11 smell it. She knew those things. She knew those  
12 details, but it happened to her. She told you her  
13 truth, and her truth should lead you to your just  
14 verdict.

15 Again, you don't need to just rely on **MINOR**,  
16 because the Defendant, to an extent, also told you  
17 what he did. You may recall that I asked Detective  
18 Klauder, Well, when defendants admit things to you, do  
19 they always tell you the whole truth? Certainly not.  
20 Even in your own every day life, if you have  
21 confronted someone, a child, for instance, and asked  
22 if they did something wrong, they usually just give  
23 you just enough that they are admitting what they did,  
24 but not getting in as much trouble as they should.  
25 That is what the Defendant did in this case. Some of

## CLOSING STATEMENTS - MS. WALTER

1 what he said -- and what I want you to do is  
2 concentrate on what he said, what he didn't say and  
3 his reaction. So some of what he said absolutely  
4 corroborated what **MINOR** said. When she was five or  
5 six years old, she would visit her father. We know  
6 from other witnesses it was in Laurel Woods. She said  
7 that she and **S.M.** had a bedroom that they shared,  
8 that the Defendant slept on a couch and that both  
9 **MINOR** and the Defendant talked about an assault that  
10 occurred in the bathroom. So much of what he said  
11 corroborated what **MINOR** said.

12 What about his reactions? If someone came up to  
13 a stranger on the street and said, I'm accusing you of  
14 raping a five-year-old child, would you expect  
15 (indicates), that reaction? Or if the person truly  
16 had not done it, would you expect shock, outrage,  
17 immediate denial. What are you talking about? I  
18 didn't do that. I could never do that.

19 You'll have both interviews in the jury room with  
20 you, so you can look at them again. When Detective  
21 Klauder first talked to the Defendant about why he was  
22 there, he said **MINOR** made allegations, and the  
23 Defendant said, Sexual, I guess. Why would he jump  
24 immediately to that? Because he knew what he had done  
25 to her. So consider his reactions. Are those

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1 reactions of an innocent man who sits there calmly  
2 without any denial, no outrage, nothing?

3 Let's go back again to what the Defendant said in  
4 his statement. He admitted to oral penetration. I  
5 think maybe he thinks in his mind that that is not as  
6 bad as vaginal penetration, but either one still  
7 qualifies as criminal sexual conduct in the first  
8 degree. But this, to add insult to the injury already  
9 done to MINOR, according to the Defendant, MINOR  
10 asked for it. She was the actor in this. At five  
11 year old, she goes up to this man, in the bathroom,  
12 sees his penis and decides to grab it and put it in  
13 her mouth. Does that sound even remotely believable  
14 to you?

15 And then he says there were a couple other times,  
16 you know, I would just be sleeping and I would wake up  
17 and her hand was in my pants, so I let her play with  
18 it. So it's MINOR's fault; not the Defendant's  
19 fault. It is MINOR's fault. Then, there was the  
20 time that he woke up and she was doing a hand creeping  
21 thing towards him. So, of course, the natural  
22 reaction is to just let her play with your penis,  
23 right? You are not going to say stop it? What are  
24 you doing? Clearly, there is something wrong here.  
25 He reacted the way he did because he was telling a

## CLOSING STATEMENTS - MS. WALTER

1 partial truth. He was admitting to the assault that  
2 pushed the blame off on the victim, on a five-year-old  
3 girl.

4 Let's not forget these come-hither looks that she  
5 supposedly gave him across the room. Remember he said  
6 they would be sitting across the room from each other  
7 and then they would make eye contact, and she would  
8 have a playful look on her face and then she would  
9 look at his penis. He is like, Oh, God, can't let  
10 that happen again. Does that sound believable? Or is  
11 he admitting what he did, but trying to deflect the  
12 blame, put it on a five-year-old girl.

13 Let's go back to roles and responsibilities. As  
14 a five-year-old child, what was **MINOR**'s roles and  
15 responsibilities? As a five-year-old child, her  
16 responsibility should have been playing, coloring,  
17 watching TV with her sister, not suffering the worse  
18 crime at the hands of that man, not being forced to  
19 remember the smallest detail of the worse thing in the  
20 world that can happen to a child. But that is what  
21 was thrust upon her.

22 Lastly, the Defendant. What were the Defendant's  
23 responsibilities as a grown man? To keep his penis to  
24 himself, and he didn't do that, and for that, you  
25 should find him guilty. Thank you.

## CLOSING STATEMENT - BY MR. GALMORE

1 THE COURT: Mr. Galmore.

2 MR. GALMORE: Thank you, sir. At the beginning  
3 of the case I talked to you about a factual football  
4 field. You will remember that we talked about the  
5 civil burden of proof, the greater weight or the  
6 preponderance of the evidence, the scales of justice.  
7 Then the criminal case, that the State has the burden  
8 of proof to prove the guilt of the Defendant beyond a  
9 reasonable doubt. That means you must be firmly be  
10 convinced of the guilt of Donald Halstead.

11 I've listened to evidence for a day-and-a-half.  
12 You listened to the same evidence. I'm not firmly  
13 convinced. As the judge said, is there a real  
14 possibility that they have the wrong man? Yes, there  
15 is. I'll tell you why. As we go through the  
16 witnesses, the first witness that testified was  
17 **MINOR**. What we got from her is this allegation is  
18 seven years old. That is extremely important because  
19 if it happened at the age of five, you didn't say  
20 anything until the age of 12? We need to know what  
21 was going on in those seven years. She wasn't being  
22 confronted by Donnie. You heard the testimony, Chris  
23 Mellon left Mary Skipper. He was back on drugs.  
24 Donnie Halstead was not in her life at all. What  
25 reason is there to hold off on any information for

## CLOSING STATEMENT - BY MR. GALMORE

1 seven years? Well, one possibility is that it didn't  
2 happen. Another possibility is that it happened and  
3 it was someone else and, unfortunately, at the age of  
4 five years old, things get a little cloudy and you  
5 think maybe it was Donnie Halstead.

6 . I'll tell you what I mean. We looked at the  
7 next witness that testified, S.M. [REDACTED]. What she said  
8 was let me corroborate everything my sister said. So  
9 MINOR [REDACTED] gave a statement, S.M. [REDACTED] says I heard the  
10 statement. S.M. [REDACTED] said I didn't act on it, I didn't  
11 tell anyone about it. I didn't tell the police. I  
12 just heard it.

13 Now, as we go further down the list, I'll get a  
14 little out of order here, but we had Mr. Olszewski,  
15 the blind expert. He said one thing that really  
16 helped us not knowing anything about the case, not  
17 knowing any of the people involved. He said it is  
18 highly unusual for an alleged victim to report to a  
19 younger sibling, just doesn't add up in his 2500 cases  
20 that he's investigated throughout the years, but that  
21 is exactly what they are claiming happened here. What  
22 Mr. Olszewski did was he gave us a list of all of the  
23 possible reasons why there is a delayed disclosure of  
24 information. There is fear, embarrassment,  
25 intimidation. What he didn't put on that list was

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1 maybe it didn't happen at all. Maybe you have a  
2 young lady who is having difficulty in her life,  
3 because you have to look at her at the age of 12.  
4 Her father is out of the picture. He has another kid  
5 with another person. Her mother seems to be moving  
6 on without her. Her mother married another person.  
7 She's had kids with that other person. When this  
8 report comes in, the mother doesn't come down here,  
9 she comes the next day. Seems to me that that is a  
10 little bit of self-centered.

11 So you have a 12 year old that can't go to her  
12 dad, can't go to her mother and she's looking for  
13 attention, hence, these allegations come up. We heard  
14 from Mimi, the grandmother. What did she tell us?  
15 She told us that she heard the report. She told us  
16 that she called the mother. She gave us an excuse why  
17 the mother didn't come the same day; it was raining.  
18 I'm not sure about that. I might have come through  
19 the rain for this type of information, but Mimi says  
20 she came the next day, and then they went to the  
21 police department.

22 The things that struck me about Linda's  
23 testimony, do you remember when she cried on the  
24 witness stand? She was not crying because her  
25 daughter had been abused, she was crying because her

## CLOSING STATEMENT - BY MR. GALMORE

1 daughter didn't disclose it to her. Like I said,  
2 that is a little self-centered. She wasn't crying for  
3 her daughter's benefit at all, she was crying for  
4 herself.

5 They go to the police department. What did  
6 Olszewski say about that? He doesn't know these  
7 people. Olszewski says I'm not going to blame family  
8 members for not taking a report, they are not  
9 professionals, but professionals should take a report.  
10 That is what our blind expert said.

11 Now, when we had the detective on the stand, I  
12 asked, Did you get a written statement? Did you get  
13 an audio, video statement? No and no. Who is the  
14 reporting officer who took the report, who was the  
15 desk officer? Adam Klauder (sic). Did he get a  
16 written statement? No. Did he get a tape recorded  
17 statement? No. Why is this important? I'll tell you  
18 why. This is important because when she goes to the  
19 Children's Recovery Center and gives her statement  
20 here, July 3<sup>rd</sup>, back here on June 30<sup>th</sup>, when she  
21 initially made the claim, we should have had a  
22 statement and so then we could see if there were any  
23 changes or if the statements were consistent. Why is  
24 that important? Because the statement is being retold  
25 to people throughout this process, told to S.M. [REDACTED],

## CLOSING STATEMENT - BY MR. GALMORE

1 being told to Mimi, being told to at least one  
2 detective, being told to the people at the Children's  
3 Recovery Center these are not disclosures going on  
4 day-after-day, they are spread out over a period of  
5 time, beginning with S.M. [REDACTED] several years earlier.  
6 Once it's reported on June 30<sup>th</sup>, we still have two  
7 weeks where the story I would say grows and changes,  
8 but I don't know because they didn't record it. We  
9 don't have any contemporaneous documentation.

10 Once MINOR makes this statement to the police,  
11 what do they do? I'm going to ask you to put yourself  
12 in the role of Detective Klauder and get this memo on  
13 your desk that says need to investigate this case,  
14 seven years old, we don't have any evidence. What are  
15 you going do? Well, what you should do is go back and  
16 start basic interviews and try to get basic  
17 corroboration. I asked who did you talk to? He said  
18 he called Chris Mellon on the phone, the dad. He  
19 called Mary Skipper at some point, and he may or may  
20 not have talked to Mimi and Linda. Is that it? This  
21 house has two adults and, mind you, neither of them  
22 testified here. I get it, Chris is in rehab. Mary  
23 Skipper lived in that house, and now they are saying  
24 Mary didn't get along with the kids. Whether you get  
25 along with the kids or not, if you are in the house,

## CLOSING STATEMENT - BY MR. GALMORE

1 you come in here and testify that you saw this abuse,  
2 or you didn't. I'm shocked that the adults who lived  
3 in this house were not called as witnesses. The other  
4 four kids that lived in this house were not called.  
5 More importantly, they were not interviewed or called.  
6 That is seven people that are supposed to be in the  
7 house when the alleged abuse is going on, none of  
8 which got on the witness stand today.

9 When the judge says reasonable doubt is that  
10 doubt that causes you to hesitate to act, this is what  
11 he is talking about. You want me to find someone  
12 guilty, but you haven't brought a witness? I'm  
13 hesitating before I find that man guilty.

14 Detective Klauder did not go to the crime scene.  
15 Oh, it's seven years, we can't find any evidence.  
16 Well, that is only true if you didn't look for it. If  
17 you didn't look, of course you didn't find any  
18 evidence. What could we have found after seven years?  
19 I'm not trying to talk the impossible and tell you  
20 there is DNA in the house after seven years. That is  
21 a little bit far fetched. What we could find is basic  
22 things. Where is the sofa in relation to the  
23 bathroom? Where is the bathroom? Where is the  
24 bedroom? Doesn't matter if someone else moved into  
25 the house. What room was the other kids sleeping in?

## CLOSING STATEMENT - BY MR. GALMORE

1 Are the walls paper thin that people should hear  
2 things? Can we get a picture of that sliding glass  
3 door? See, **MINOR** can't tell you where these  
4 allegations took place. There was maybe a house in  
5 Socastee, not real sure. Aynor. Her grandmother came  
6 in and said Laurel Woods. She wasn't present, but she  
7 could tell us Laurel Woods. Well, Detective, at least  
8 get a picture of the house. While you are out there,  
9 sir, you might find that this place is a furnished  
10 home and that the furniture is still the same. You  
11 may find the furniture is in a shed or outhouse in the  
12 backyard. You may find that there are neighbor who  
13 have information to share, but you have to go to the  
14 scene. You have to interview people. You have to  
15 take pictures. None of which was done here. Don't  
16 get me on the DNA, because there is none of that  
17 either.

18 Let's put it all together and work with what we  
19 do have. We have a statement from **MINOR**, so we'll go  
20 back to the football field and take her word as  
21 important, so the statement is up here. But the  
22 detective knows that is not enough for a conviction.  
23 June 30<sup>th</sup>, the detective knows I'm not even going to  
24 go out there to look at the crime scene. I'm not  
25 going to have any DNA. I'm not going to check for

## CLOSING STATEMENT - BY MR. GALMORE

1 neighbors or friends. The only way to make this work  
2 is to make him confess. So that is what he did. It  
3 is not that hard. A trained detective. The Solicitor  
4 asked the question how many people he interviewed, or  
5 something like that, and he said hundreds.

6 Have you ever seen this TV show called First 48?  
7 They have a suspect sitting in the room, detective  
8 sitting in the room. It sort of looks like what was  
9 on that camera there. They ask questions and get  
10 confessions or statements out of this guy. How are  
11 they able to get that statement? Well, it is real  
12 simple. How many times, Detective, have you sat in  
13 that room and interviewed people? Hundreds. That was  
14 his answer from the stand. How many times has Donnie  
15 Halstead, or whoever the suspect is, have you sat in  
16 that room and been interrogated by the cops? Maybe  
17 once. Maybe never. Not hundreds of times.

18 So the person that has the experience, the  
19 knowledge and knows what to do is the detective. More  
20 important, he knows MINOR's allegations. We don't  
21 have any other stuff. We didn't have pictures. We  
22 don't have statements. We don't have proof. All we  
23 have is MINOR's word. He knows her statement from  
24 Children's Recovery Center backwards and forwards. He  
25 has a copy of it that he refers to repeatedly when

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1 he's interviewing Donnie Halstead. So that is all we  
2 have. That is what we have to work with.

3 Where does MINOR's statement match with Donnie  
4 Halstead's statement? Where does it differ? Well, we  
5 heard the physical description, and I think the  
6 Solicitor got up and said let's talk about the  
7 descriptors that did match. He has long hair, he's a  
8 big fellow. Well, I don't know what happened what he  
9 looked like in 2010, because I asked did you have a  
10 picture of Donnie Halstead in 2010. We had a picture  
11 from 2017. We have him here in 2019. Do we have a  
12 picture of Donnie Halstead in 2010? No, we do not.  
13 But they went with that. They went with two  
14 descriptors that matched.

15 Now, let's talk about what didn't match. No  
16 piercings. I didn't hear the Solicitor mention that  
17 in her closing at all. No tattoos. She didn't talk  
18 about that either. No stretchy earrings. From the  
19 very first witness, MINOR, she said, yes, I said all  
20 of those things and I was wrong about it. Well, maybe  
21 you are mistaken about it. Maybe you are right about  
22 it. Maybe there is some other person in the house  
23 that has tattoos, piercings and stretchy earrings that  
24 molested you. Maybe no one molested you at all. We  
25 just don't know, but what we do know is that the

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1 police don't have anything to go with your story, so  
2 they have to get them to confess.

3 How do you get a man to confess? Class they  
4 teach in law school, real simple. You do what  
5 Detective Klauder did. You ask a false equivalency  
6 question. You ask a question with two bad answers,  
7 one worse than the other, and you give the person an  
8 opportunity to pick. In this case, the question was:  
9 Are you a monster, or was this a tragic accident?  
10 Now, this question applies to any statement, any  
11 situation, any scenario. So you have a murder charge,  
12 bring them in that room like on First 48, sit them  
13 down at the table and you say, Are you a serial  
14 killer, or was this a tragic accident? According to  
15 the rule book, and I asked about the Reed technique.  
16 He's familiar with it, used it. Reed technique, at  
17 this point, the suspect will say, well, I'm not a  
18 serial killer. What was said in reality when asked,  
19 Are you a predator, or was this a mistake, the answer,  
20 Well, I'm not a monster -- that is what it was. Are  
21 you a monster, or was this a mistake? Well, I'm not a  
22 monster. It is the textbook answer to a false  
23 equivalency question.

24 Had Mr. Halstead been in law school, had he  
25 invoked his right to counsel, the attorney would have

## CLOSING STATEMENT - BY MR. GALMORE

1 went in and said, Stop, you are asking a false  
2 question. You are giving him two bad options and  
3 ignoring a third. As an attorney, I noticed that, I'm  
4 sorry, Officer, I'm neither a predator nor was this a  
5 tragic accident because I didn't do anything. As a  
6 person who has not been sitting at the table giving  
7 interviews for a living, he doesn't know to say that.  
8 You'll hear the interview.

9 On top of that, they went with this carrot and  
10 stick approach. You saw the video interview. You  
11 heard the audio. You will have them in the back with  
12 you. You go through those things. You'll see the  
13 detective constantly said, I want you to be honest  
14 with me. The road to redemption and forgiveness.  
15 Tell the truth. You are doing great. All of that  
16 good stuff. At the same time, the detective says I  
17 can arrest you now. I don't need anything. I'm tired  
18 of talking to you. I'm tired of being nice to you.  
19 That is the stick. It is like good cop/bad cop except  
20 you have one cop playing both roles. Be honest with  
21 me. Tell me the truth. You're not hearing what you  
22 want to hear. I'm mad at you, you are not telling me  
23 the truth. Be honest with me. Tell me more. You  
24 are not hearing what you want to hear. Oh, come on,  
25 you need help. Talk about forgiveness. Is Chris

## CLOSING STATEMENT - BY MR. GALMORE

1 going to forgive you? Is **MINOR** going to forgive you?  
2 That is the good cop. And when he doesn't give the  
3 answer, then the bad cop. I'm tired of you telling me  
4 these stories. This is the last time I'm being nice  
5 to you. All of that is in the interview. So when  
6 they put that on him and throw in the question that  
7 has two bad answers, what do you do? Unless you are  
8 a lawyer or trained police officer, you are going to  
9 pick the least of the bad answers, which is what he  
10 did. So he says, yes, there might have been some  
11 incident.

12 It is not a full throated confession. The reason  
13 why that is important is because they have him. Once  
14 you ask that question: Are you a monster, or was this  
15 an accident? He gives the answer: Well, I'm not a  
16 monster. The officer's response is, all right, young  
17 man, tell us about how this is a tragic accident.  
18 What he didn't say was, Write it down. The reason why  
19 they don't say, Young man, write down everything you  
20 say about how it is a tragic accident, because if you  
21 give a suspect time to write it down, he'll think  
22 about it and say, Wait a minute, what am I doing? So  
23 you don't hand them a sheet of paper, you just let  
24 them talk. That is exactly what happened. Well, if  
25 you are not a monster, tell us all about this tragic

## CLOSING STATEMENT - BY MR. GALMORE

1 accident. Well, there was this one time. It is not  
2 clear or descriptive.

3 Now, the officer should have said at that point,  
4 Wait a minute, I heard **MINOR**'s statement start to  
5 finish. I know what you are telling me doesn't match  
6 with her statement. I know I don't have any evidence,  
7 so I have to get you to give me a hundred percent  
8 admission instead of the 2 percent admission. I need  
9 you to come back and detail this further. That  
10 doesn't happen. Why doesn't it happen? Because they  
11 don't care. What Detective Klauder did was he said  
12 the magic words, That is good enough for me. I don't  
13 need to investigate further. I don't need to see why  
14 these stories don't match. I don't want to know why  
15 these stories don't match. I have a statement. I can  
16 turn on the tape recorder now.

17 What do they do? Donnie is still talking, and it  
18 is, Stand up, turn around, put your hands behind your  
19 back. Once they heard what they needed to hear, they  
20 didn't say, Wait a minute, explain further, it doesn't  
21 match. They said, Thank you very much, put your hands  
22 behind your back, and that was end of the case.

23 So they thought you, each and every one of you,  
24 has a role and responsibility here today. Now, the  
25 Solicitor kind of explained what your duties were.

## CLOSING STATEMENT - BY MR. GALMORE

1 Your job is not to say did Donnie Halstead do it, did  
2 he not do it. Your job is to say whether the State of  
3 South Carolina met its burden of proof, meaning was  
4 there evidence leaving you firmly convinced of the  
5 guilt of the accused, or as we contend, does their  
6 evidence leave the option, the possibility, that you  
7 have the wrong person?

8 Now, when you look at the lifestyle going on in  
9 2010, I dare say they probably have the wrong person.  
10 We have this household that appears to have domestic  
11 issues in it. It appears to have drug issues in it.  
12 It appears that some of these issues are still going  
13 on. It appears that some of these issues were going  
14 on before Chris Mellon moved in with Mary Skipper.  
15 You have a house that is broken, kids separated from  
16 the parents, living with the mother. The mother had  
17 other kids. Dad has had other kids. This is a bad  
18 situation. Unfortunately, this is a type of situation  
19 where we simply don't know if what **MINOR** is saying is  
20 true. I'm not sure if she's making this story up, or  
21 if she's having some type of clouded distorted memory,  
22 but I can tell you the description she gave does not  
23 match Donnie Halstead.

24 Now, your responsibility, your duty, your role is  
25 to go through this evidence and tell us whether the

## THE COURT

1 State met its burden of proof. This is the evidence  
2 (indicates). This is the whole case. Donnie  
3 Halstead's statement where he denied everything. A  
4 week later when they put the press on him and he  
5 admits certain allegations, that is the whole case.  
6 We don't have a statement from MINOR. We don't have  
7 any medical records. We don't have any pictures. We  
8 don't have any witness statements. We don't have any  
9 teachers. We don't have any coaches to say that  
10 MINOR's behavior changed. We have nothing.

11 When they don't give you any evidence, you cannot  
12 render a verdict. Your job can't be done if they  
13 don't do their job, and my job is to remind you no  
14 friends to reward, you have no enemies to punish. I  
15 know they'll pull that she's five years old, she came  
16 forward. Did you research this, Officer? No. And  
17 that is where we are. We have a lack of evidence.  
18 Because there is no evidence, there can be no  
19 conviction. I ask you, I implore you, to carry out  
20 your oath, to carry out your duty and to respond by  
21 saying the State of South Carolina has failed to meet  
22 its burden of proof.

23 THE COURT: All right. Ladies and gentlemen, let  
24 me tell you, I want you to clearly understand that you  
25 are not partisans or advocates for the State of South

## THE COURT

1 Carolina or the Defendant. It is your duty by your  
2 joint deliberations to determine the facts in this  
3 case given to the Defendant the benefit of every  
4 reasonable doubt of each and every issue. Then, to  
5 the facts which you determine to be true, you should  
6 take and apply the law which has been given to you by  
7 this Court and arrive at a verdict in this case. When  
8 you have accomplished the responsibility, you would  
9 have satisfied your oath as jurors, and you will have  
10 discharged your duty to this Court.

11 Once you retire to the jury room, the bailiff  
12 will give you the verdict form to you, Mr. Foreman.  
13 When you, as a jury, arrive at a verdict in this case  
14 as to the offense charged, you will indicate your  
15 verdict on the verdict form. If the State failed to  
16 prove the guilt of the Defendant beyond a reasonable  
17 doubt, you will indicate your verdict by placing an  
18 "X" by "not guilty." Likewise, if the State proved  
19 the guilt of the Defendant beyond a reasonable doubt,  
20 your verdict will be an "x" beside the verdict  
21 "guilty." The verdict that you render must be the  
22 verdict of each and every juror. It must be your  
23 unanimous verdict. All 12 of you must agree on the  
24 verdict, which you authorize, the foreman, to write  
25 for the jury.

## THE COURT

1 Ladies and gentlemen, I want you to further  
2 understand that the order in which the choices of  
3 verdict appear on the verdict form are not suggestive  
4 of any verdict on the part of this Court. The verdict  
5 in this case is to be determined by you, the jury, not  
6 the Court.

7 Further, I want you to understand that even  
8 though I'll give the verdict form to the foreman, it  
9 is not his verdict alone. It must be your unanimous  
10 verdict. I emphasize that.

11 I'll give you a copy of these instructions in  
12 written form, and during your deliberations, you may  
13 refer to the instructions to guide your  
14 decision-making. You must consider the instructions  
15 as a whole and not follow some and ignore others.

16 Mr. Foreman, if you will, please, return these  
17 instructions to the Court when you all have reached a  
18 verdict.

19 Before I allow you to step to the jury room,  
20 everyone on the jury feeling okay? Anyone not feeling  
21 well?

22 I'll have you step to the jury room, but let me  
23 tell you this. During your deliberations, should you  
24 have any questions, Mr. Foreman, it is your  
25 responsibility to reduce such question in writing,

## THE COURT

1 knock on the door, let the bailiff know you have a  
2 question and he'll get it to me and I'll make a  
3 determination as to how that question, if any, should  
4 be answered. Likewise, once you all have reached a  
5 verdict in this case, fill it out, complete the  
6 verdict form, sign and date the verdict form.

7 Mr. Foreman, again, I'll emphasize it must be  
8 your unanimous verdict. Knock on the door and let the  
9 bailiff know you have reached the verdict. We'll get  
10 you back in the courtroom as quickly as possible.

11 What I'll do is I'll ask that all of you -- all  
12 of you step to the jury room for right now, but do not  
13 -- do not begin your deliberations until you are  
14 instructed to do so. The law requires I consult with  
15 the attorneys to make sure I haven't left anything out  
16 of these instructions. Step to the jury room, but do  
17 not begin your deliberations yet.

18 (The jury exits at 3:33 p.m., and the  
19 following is heard out of the presence of the jury.)

20 THE COURT: Page 14 of these instructions, about  
21 a third of the way down, it talks about a verdict in  
22 this case. It says "as to each charge," I struck that  
23 and we're reprinting that page. I don't want them to  
24 get confused if they think there are other charges  
25 against this Defendant for some reason, okay?

THE COURT

1 MR. GALMORE: Yes, sir.

2 THE COURT: Any objection or exception to the  
3 charge from the State?

4 MS. ANDREW: No, sir, Your Honor.

5 THE COURT: Defense?

6 MR. GALMORE: No, sir.

7 MS. WALTER: We have a laptop in case they want  
8 to watch the video.

9 THE COURT: It will play audio?

10 MS. WALTER: Yes.

11 MR. GALMORE: It is not Internet accessible. We  
12 use it in other cases.

13 THE COURT: Any objection to me pulling the two  
14 alternates out from the back and releasing them?

15 MS. ANDREW: No, Your Honor.

16 MR. GALMORE: No, sir.

17 THE COURT: Stand at ease.

18 (Deliberations start at 3:38 p.m.)

19 THE COURT: Thank you. Be seated. It is my  
20 understanding that the jury reached the verdict.  
21 Anything from the State before we bring the jury  
22 out?

23 MS. ANDREW: No, sir.

24 THE COURT: Defense?

25 MR. GALMORE: No, sir.

## VERDICT

1 THE COURT: I'll remind everyone in the  
2 courtroom, no matter what the verdict is, keep your  
3 emotions in check; failure to do so could result in  
4 you being held in contempt of court by virtue of a  
5 fine and/or incarceration. If you do not believe that  
6 you can keep your emotions in check, now is your time  
7 to leave the courtroom.

8 Bring me the jury, please, sir.

9 (Whereupon, the jury enters at 5:04 p.m., and  
10 the following is had in the presence of the jury.)

11 THE COURT: Mr. Foreperson, has the jury reached  
12 an unanimous decision?

13 FOREPERSON: We have.

14 THE COURT: You may publish the verdict.

15 THE CLERK: State of South Carolina, County of  
16 Horry, versus Donald F. Halstead, Indictment  
17 2018-GS-26-0504. As to the charge of first degree  
18 criminal sexual conduct with a minor, we the jury  
19 unanimously find the defendant, Donald F. Halstead the  
20 Third, guilty.

21 Signed by foreperson, William Grammar. Dated  
22 October 30, 2019.

23 Ladies and gentlemen of the jury, if this is your  
24 verdict, please signify by raising your right hand.

25 THE COURT: Let the record reflect that all

## VERDICT

1 raised their right hands.

2 Anything from defense counsel?

3 MR. GALMORE: No, sir.

4 THE COURT: All right. Ladies and gentlemen of  
5 the jury, you all have fulfilled your responsibility  
6 as jurors. I have told you throughout the trial of  
7 this case not to talk about this case. When I release  
8 you here today, you can talk about it as much as you  
9 want, or as little as you want, but no one -- and I  
10 repeat -- no one can make you talk about this case if  
11 you don't want to. If anyone tries to talk to you  
12 about this case and you tell them that you do not want  
13 to talk about it, and they don't leave you alone, you  
14 let the clerk's office know and it will be taken care  
15 of, okay.

16 When I release you here today, you all are done  
17 for the balance of the week. You are released. If  
18 you need a work excuse, I imagine it would be mailed  
19 to you with your check.

20 THE BAILIFF: They'll get it tomorrow.

21 THE COURT: Or come in tomorrow and get a work  
22 excuse, if you need one.

23 Also, a check will be mailed to you for your  
24 service for this week. It will not be a large check.  
25 The truth of the matter is we can't pay you for what

## VERDICT

1 your service is to this community, to this state and  
2 to this country.

3 You all, ladies and gentlemen, have fulfilled  
4 your obligation as jurors. What we will move into  
5 next will be sentencing. You all are free to stay  
6 and observe, but you are not required to do so. If  
7 you wish to stay and observe, you can remain seated.  
8 If you wish to leave, you are free to leave at this  
9 time.

10 (The jury exits at 5:07 p.m.)

11 MS. ANDREW: Your Honor, we need just a minute.

12 THE COURT: We'll stand down for just a few  
13 minutes.

14 (A recess was taken.)

15 THE COURT: State ready now?

16 MS. ANDREW: Yes, sir. May I approach?

17 THE COURT: Yes, ma'am.

18 Anything from the State, wish to address the  
19 Court?

20 MS. ANDREW: Yes, Your Honor. I would like to  
21 address the Court, as would the victim in this case.

22 THE COURT: I'll hear from you.

23 MS. ANDREW: You would like me to go first, Your  
24 Honor?

25 THE COURT: Yes, ma'am.

## VERDICT

1 MS. ANDREW: Your Honor, there are only a handful  
2 of crimes which you can receive a life sentence, and  
3 the rape of a child under 11 is one of those crimes.  
4 The State would ask you to consider giving the  
5 defendant the maximum, which is life in prison; that  
6 is partially based on the seriousness of his crime,  
7 what he did to a very young child and also his  
8 criminal history. He has -- just some charges. He  
9 has a 2002 disorderly conduct. 2004, indecent  
10 exposure. 2006, FTC fraud. 2008, DUS. 2008,  
11 financial transaction fraud charge. He also was  
12 convicted of trafficking LSD in 2012 and received a  
13 three-year sentence. But, most importantly, in 2012  
14 he pleaded guilty to an indecent exposure charge. The  
15 underlying facts of that charge is that he was  
16 watching three little girls under 11 in a backyard,  
17 and he was masturbating in front of them. He was  
18 placed on the sex offender registry for that charge,  
19 so he's currently a registered sex offender. This is  
20 the second time he's been convicted of a crime for  
21 which he can be placed on the sex offender registry,  
22 and even that indecent exposure that he was convicted  
23 of in 2004 could have placed him on the registry.

24 At this time the victim would like to speak.

25 THE COURT: Do you know any of the facts

## VERDICT

1 concerning the prior indecent exposure?

2 MS. ANDREW: I do not have the 2004. I have the  
3 sentencing sheet where the judge wrote on there "no  
4 registration as a sex offender required," which means  
5 it was the type of indecent exposure for which he  
6 could have been placed on the registry.

7 THE COURT: I'll hear from anyone else. Please,  
8 any comments made need to be to me. Please direct  
9 them to the Court.

10 State your name for the record.

11 **MINOR**: My name is **MINOR**. I want  
12 to say as the victim it took a lot of emotional damage  
13 for me, and day by day I'm going to get better. I  
14 think the sentence would be best for him to get  
15 maximum punishment for him where I know I'll be safe  
16 anywhere he can't hurt anyone else again.

17 THE COURT: Thank you, ma'am. Anyone else?

18 MS. ANDREW: No, sir.

19 THE COURT: Mr. Galmore, I'll hear from you.

20 MR. GALMORE: Mr. Halstead is 32 years old. He  
21 is single. He has one child. He is from the Myrtle  
22 Beach community. He has a high school education and  
23 attended Horry Georgetown Tech.

24 Prior to his arrest, he was working for Spectra  
25 Communication; that is the Time warner Cable Company.

## VERDICT

1 They changed their name.

2 He's been at the detention center now 813 days.  
3 He was arrested August 8<sup>th</sup> of 2017. I want to say  
4 that we respect that the jury took the time to look at  
5 the evidence and thoroughly deliberate all of the  
6 issues in the case. We respectfully disagree, but we  
7 appreciate that they took the effort to look at the  
8 evidence.

9 Your Honor, Donnie Halstead, in 2010, was a much  
10 different person than he is today. Back then, there  
11 was a lot of drug use. I think you heard it from the  
12 rap sheet. It was mentioned in the statement that was  
13 given there was some heavy drug use back on that time.  
14 It appears there might have been a lot of that going  
15 on. I know that he and Mr. Mellon were fast friends,  
16 and that's probably what was going on in the  
17 background, behind all of this.

18 We simply feel, Your Honor, that Ms. Mellon made  
19 an error on her identification, and we understand the  
20 jury's perspective on it, but we feel differently  
21 about it. We will file an appeal, Your Honor. We  
22 just ask the Court to consider any leniency you can  
23 for Mr. Halstead.

24 I know the State went into the prior record. As  
25 I understand it, that previous charge he had to

## VERDICT

1 register for was a charge he had from a bad trip from  
2 drugs. So that kind of thing is something he's been  
3 dealing with for a long time. We ask you to sentence  
4 Mr. Halstead to the minimum and ask for any leniency  
5 the Court can have.

6 THE COURT: Does anyone else wish to speak?

7 MR. GALMORE: No, sir. No one else wants to  
8 speak.

9 THE COURT: Any family or anything?

10 MR. GALMORE: No.

11 THE COURT: First of all, let me say,  
12 Mr. Galmore, Mr. Hiller, I know Mr. Galmore was  
13 involved in all of the questions of each of these  
14 witnesses, and Mr. Hiller was there aiding and  
15 assisting him throughout the course of this trial.  
16 Mr. Galmore, you did a very fine job for your client  
17 under the circumstances of which you had to work with.  
18 The jury has spoken in this case, and as we all know,  
19 those of us who work in and out of the court system,  
20 day in and day out, week in and week out, understand  
21 more so how difficult it is for two people to agree on  
22 something, much less 12. We see the unfortunate  
23 destruction firsthand of what drugs do, and what drugs  
24 are doing, drugs and alcohol are doing to our society.  
25 I sat up here during the course of this trial and

## SENTENCE

1 had the opportunity to observe each of these  
2 witnesses, and more specifically, the victim in this  
3 case, which I observed a very emotional young lady.  
4 She is a young lady now, not a five-year-old anymore.  
5 She talked about this incident -- these incidents as  
6 best she could, recalling something that happened to  
7 her years ago. She was competent and certain on what  
8 she said happened even on your very competent and  
9 capable cross-examination of her.

10 Since being on the bench, I have presided over  
11 several of these trials where children have had to  
12 come into court and testify. The believability of  
13 what she said happened ranks at the top of what I've  
14 observed since being on the bench, which is almost ten  
15 years. It is disturbing of not only what has happened  
16 here, but what has happened since this incident, and I  
17 guess what you are saying, Mr. Galmore, and I have no  
18 reason at all to doubt it, it keeps going back to  
19 drugs, keeps going back to such. This is something  
20 that this child will live with for the rest of her  
21 life, not only as a teenager, but throughout her life.  
22 If and ever she gets married, or whatever, it is  
23 something she will always live with, and something  
24 she'll also have to deal with.

25 On Indictment 2018-GS-26-504, the Defendant

## SENTENCE

1 hereby is committed to the State Department of  
2 Corrections for the balance of his natural life.  
3 Thank you.

4 (The trial of State of South Carolina versus  
5 Donald Frank Halstead the Third concluded.)

6 (Court's Exhibit 2 marked.)  
7  
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## 1 CERTIFICATE OF REPORTER

2 State of South Carolina)

3 County of Horry )

4  
5 I, Natalie Dahl, Official Court Reporter for the  
6 State of South Carolina, do hereby certify that the  
7 foregoing is a true, accurate and complete Transcript  
8 of Record of the proceedings had and evidence  
9 introduced in the trial of the captioned case,  
10 relative to appeal, in the Court of General Sessions  
11 for Horry County, South Carolina, on the 29th through  
12 the 30th days of October, 2019.

13 I do further certify that I am neither of kin,  
14 counsel, nor interest to any party hereto.

15  
16 December 27, 2019

17  
18 A handwritten signature in cursive script that reads "Natalie Dahl, RPR". The signature is written over a horizontal line.

19 Natalie Dahl, RPR

20 Court Reporter  
21  
22  
23  
24  
25

## WITNESSES

Joseph B Klauder  
Horry County Police Department

*Cory Nolan*

DOCKET NO. 2018-GS-26- 00504

## The State of South Carolina

County of Horry

C. Leigh Andrew

17H04878

## COURT OF GENERAL SESSIONS

JANUARY, 2018 TERM

THE STATE

vs.

Donald Frank Halstead III

W/ M

410 17th Ave S Apt 1

Myrtle Beach, SC 29577

DOB: [REDACTED]

SSN: [REDACTED]

ATTORNEY: James Cullen Galmore

Indictment for

CRIMINAL SEXUAL CONDUCT WITH A MINOR,  
FIRST DEGREE

Jimmy A. Richardson, II, Solicitor

**ORIGINAL**

## ARREST WARRANT NUMBER

2017A2610700817

CDR: 0385 16-03-0655(A)(1)

DOA: 9/1/2010 - 12/31/2010

## ACTION OF GRAND JURY

**TRUE BILL**

Foreperson of Grand Jury

Date: JAN 24 2018

## VERDICT

Foreperson of Petit Jury

Date:

FILED  
HORRY COUNTY  
2018 JAN 25 PM 3:43

RENÉE N. ELVIS  
CLERK OF COURT  
HORRY COUNTY, SC

DATE RECEIVED FROM

GRAND JURY

STATE OF SOUTH CAROLINA     )  
                                                            )  
 COUNTY OF HORRY                 )

INDICTMENT

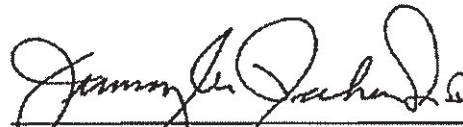
At a Court of General Sessions, convened on January 24, 2018, the Grand Jurors of Horry County present upon their oath:

**CRIMINAL SEXUAL CONDUCT WITH A MINOR**  
**FIRST DEGREE**

CDR: 0385 16-03-0655(A)(1)

That Donald Frank Halstead III did in Horry County, State of South Carolina, on or between September 1, 2010 and December 31, 2010, willfully and unlawfully commit the crime of Criminal Sexual Conduct with a Minor in the First Degree by engaging in sexual battery with a minor who is less than eleven (11) years of age, to wit: Nevach M., whose date of birth is [REDACTED] in violation of Section 16-3-655(A)(1), [formerly Section 16-3-655(1)], S. C. Code of Laws, 1976, as amended.

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



JIMMY A. RICHARDSON, II  
 FIFTEENTH CIRCUIT SOLICITOR

ORIGINAL

## 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,

s/Adam Ruffin

Adam Sinclair Ruffin

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 26 2020**

**SC Court of Appeals**

This 26th day of August, 2020.