

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM PICKENS COUNTY
Court of General Sessions
Perry H. Gravely, Circuit Court Judge

Appellate Court Case No.: 2017-001867

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SC Court of Appeals

The State,..... Respondent,
v.
Joseph Campbell Williams, II,..... Appellant.

RECORD ON APPEAL

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

State of South Carolina,)
)
 Plaintiff,)
 v.) Case No. 15-GS-39-1030 *et. al.*
)
 Joseph Campbell Williams, II)
)
 Defendant.)

TRANSCRIPT OF JURY TRIAL

The within JURY TRIAL in the above-captioned matter was held August 31st - September 1, 2017, before The Honorable Perry H. Gravely in Courtroom 4 of the Pickens County Courthouse in Pickens, South Carolina; attended by counsel as follows:

APPEARANCES:

Shannon Odom, Assistant Solicitor
13th CIRCUIT SOLICITOR'S OFFICE
...Appearing for State of South Carolina

Scott Dover, Esq.
221 Hampton Avenue
Pickens, South Carolina 29671
... Appearing for Defendant

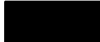
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- None Entered -

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1
2 AUGUST 31, 2017

9:15 A.M.

3
4 (DEFENDANT PRESENT)

5 (PANEL IN @ 9:16 A.M.)

6 THE COURT: Since the attorneys were in
7 other courts on Monday, we are going to call
8 the roll again. If you could, stand up and
9 indicate where you work, where your spouse
10 works.

11 (ROLL CALL)

12 THE COURT: All right, ladies and
13 gentlemen. We are going to start the case
14 of the State of South Carolina versus Joseph
15 Williams.

16 I am going to read the indictments and
17 I'll tell you right off the bat that indict-
18 ments are merely charging papers. They are
19 not evidence of any guilt. They are merely
20 indictments, allegations. These are only
21 charges against this defendant, who has pled
22 not guilty to these charges.

23 The indictment is for criminal sexual
24 conduct with a minor first degree, that
25 Joseph Campbell Williams, II did in Pickens

1 County between July 8th, 2003 and July 8th,
2 2007 commit a sexual battery on a victim
3 identified as CNC who was less than eleven
4 years old.

5 A second indictment is criminal sexual
6 conduct with a minor second degree, that
7 Joseph Campbell Williams, II did in Pickens
8 County, between the dates of July 8th, 2007
9 and July 8th, 2009, commit a sexual battery on
10 the victim identified as CNC who was fourteen
11 years of age or less, but at least eleven
12 years of age.

13 Those are the allegations only.

14 First of all, at this time I'd like --
15 Mr. Williams, if you would stand and face the
16 jury.

17 DEFENDANT: (Complies).

18 THE COURT: Thank you. First of all,
19 I need to know if anybody is related by blood
20 or marriage, has any close personal or social
21 relationship or business relationship with
22 the defendant, Joseph Williams. If so,
23 please stand. All right, no response.

24 In this matter we have -- these are
25 possible potential witnesses. Listen

1 carefully. If you hear a name that you
2 recognize, stand and I'll ask you further
3 questions. Again, the questions (sic) that I
4 am looking for is are you related by blood or
5 marriage to any of these witnesses, do you
6 have a closer personal or social relationship
7 with these witnesses or any kind of business
8 relationship. If you hear the name, that's
9 when I am going to ask you to stand. There
10 are a few of them, so listen carefully:

11 Joseph Williams, II, who is the
12 defendant.

13 Wendy Williams

14 Becky Miller

15 Angie Farmer

16 Judi Shackelford

17 Chris Williams

18 Joseph Bates

19 Jonathon Smith

20 Jamie Gantt

21  

22 Katlyn Cisson

23 Fred Kelley

24 Clara Kelley

25 Shauna Williams-Galloway with the

1 Julie Valentine Center

2 Angela Farmer

3 Andrew Rackley with the Pickens

4 County Sheriff's Office

5 Detective Jan Kelley with the

6 Pickens County Sheriff's Office

7 Bobby Skelton with the School

8 District of Pickens County

9 If you happen to know any of those
10 individuals, are related by blood or
11 marriage, have any close personal
12 relationship with any of those individuals,
13 then please stand at this point.

14 Let's start over here, your name and
15 number?

16 JUROR NUMBER 17: Juror Number 17, Vance
17 Bowman.

18 THE COURT: Which one of those
19 witnesses do you know?

20 JUROR NUMBER 17: I work with a Jonathon
21 Smith. I don't know if it is the same one.
22 If he works at Oconee Nuclear?

23 SCOTT DOVER: He does not.

24 THE COURT: Sir?

25 SCOTT DOVER: He does not work there?

1 THE COURT: Okay. So that is not him.

2 Thank you very much. Yes, your name and
3 number?

4 JUROR NUMBER 66: Jennifer Stone-
5 Holladay, Juror Number 66.

6 THE COURT: Yes, ma'am, who do you
7 know?

8 JUROR NUMBER 66: I know Angie Farmer.

9 THE COURT: With Behavioral Health
10 Services?

11 JUROR NUMBER 66: Yes, we went to church
12 together.

13 THE COURT: You what?

14 JUROR NUMBER 66: We went to church
15 together for many years.

16 THE COURT: All right. The fact that
17 you know Angie Farmer, if she should be a
18 witness in this case, could you still be fair
19 to both the State and to the Defendant?

20 JUROR NUMBER 66: Yes, sir.

21 THE COURT: All right. Thank you.
22 Yes, sir, your name and number?

23 JUROR NUMBER 40: Number 40, Timothy
24 Elrod.

25 THE COURT: Who do you know?

1 JUROR NUMBER 40: I went to high school
2 with Officer Rackley.

3 THE COURT: The fact that you went to
4 high school with Officer Rackley, does that
5 -- could you still be fair and impartial to
6 both the State and the defendant in this
7 matter?

8 JUROR NUMBER 40: Yes, sir.

9 THE COURT: Thank you. Yes?

10 JUROR NUMBER 84: Jay Lee, Number 84.
11 I'm friends with Wendy Williams and Mr. Fred
12 Kelley. I also worked with J.B. Kelley and
13 Andrew Rackley indirectly as police officers
14 in the past.

15 THE COURT: The fact that you have
16 those connections, do you feel that you could
17 still be fair and impartial to both the State
18 and to the defendant in this matter?

19 JUROR NUMBER 84: I do, (affirmative
20 nod).

21 THE COURT: Thank you very much.
22 Anyone else? (No response).

23 All right. If the attorneys would stand
24 up and introduce themselves.

25 SOLICITOR ODOM: I am Shannon Swords-

1 Odom. I'm prosecuting the case today.

2 SCOTT DOVER: May it please the Court,
3 I am Scott Dover from Pickens. I'll be
4 defend-ing the case today.

5 THE COURT: All right. Is anybody
6 related by blood or marriage to either of
7 these attorneys? If so, please stand. (No
8 response).

9 Does anybody have any personal or close
10 social or personal relationship or business
11 relationship with either of these attorneys?
12 If so, please stand. Yes, ma'am?

13 JUROR NUMBER 66: I used to go to church
14 with Ms. Odom.

15 THE COURT: Okay: The fact that you
16 used to go to church with her, could you
17 still be fair and impartial to both the State
18 and the defendant in this matter?

19 JUROR NUMBER 66: Yes, sir.

20 THE COURT: I'm sorry, your name and
21 number again?

22 JUROR NUMBER 66: Jennifer Stone, Number
23 66.

24 THE COURT: Okay. Also, have you ever
25 been represented by either of these

1 attorneys, have you ever been in a case where
2 these attorneys were on the other side of
3 you? If so, please stand. (No response).

4 All right. Again, some of these
5 questions are of a very sensitive nature.
6 Because of the sensitive nature of this, at
7 the conclusion of this process I will have
8 you, if anybody would like, to come up front.
9 I'd be glad to talk with you at that point.
10 But please stand up at this point, identify
11 your name and number and then we can meet
12 with you down here with the court reporter.

13 All right. Is any member of the jury
14 panel -- I know that you only have brief
15 facts on this, but has any member of the jury
16 panel read any newspaper articles, whether
17 hard copy or computer, magazine articles,
18 seen any news stories, whether on television
19 or via computer, heard any radio broadcasts,
20 seen or read anything on social media on the
21 computer, or blogs on the computer concerning
22 this defendant or this case, or had any
23 information from any source regarding the
24 alleged facts of this case? If so, please
25 stand. (No response).

1 All right, no response.

2 Has any member of the jury panel or their
3 immediate family ever been a member of a law
4 enforcement agency or worked for a law
5 enforcement agency? If so, please stand.

6 All right, we will start over here. Your
7 name and number?

8 JUROR NUMBER 142: Virginia Shelton, 142.

9 THE COURT: Yes, ma'am?

10 JUROR NUMBER 142: My father was a
11 retired State Trooper.

12 THE COURT: And the fact that your
13 father was a State Trooper, could you still
14 be fair and impartial to the State and the
15 defendant in this matter?

16 JUROR NUMBER 142: Yes, sir.

17 THE COURT: Thank you.

18 SCOTT DOVER: Your Honor, may we inquire
19 as to his name?

20 THE COURT: Yes, what was his -- what
21 is your father's name?

22 JUROR NUMBER 142: John Vinson.

23 THE COURT: Thank you. The lady on the
24 front row here. Your name and number?

25 JUROR NUMBER 157: Anna Willis, 157.

1 My grandfather is retired from the Pickens
2 County Sheriff's Office and SLED.

3 THE COURT: And what was his name?

4 JUROR NUMBER 157: Randall Stewart.

5 THE COURT: All right. Could you still
6 be fair and impartial to the State and the
7 defendant in light of that?

8 JUROR NUMBER 157: Yes, sir.

9 THE COURT: Thank you. Your name and
10 number?

11 JUROR NUMBER 59: David Hayes, Juror
12 Number 56.

13 THE COURT: All right, Mr. Hayes?

14 JUROR NUMBER 59: Sorry, I'm Number 59.

15 THE COURT: Okay. Yes, sir.

16 JUROR NUMBER 59: My brother-in-law was
17 a career highway patrol and I have a nephew
18 who is currently a crime scene investigator
19 in Horry County.

20 THE COURT: All right. Who was your --
21 you said brother-in-law?

22 JUROR NUMBER 59: Yes.

23 THE COURT: Who is your brother-in-law?

24 JUROR NUMBER 59: His name was John
25 Culver (phonetic). He's deceased.

1 THE COURT: Oh, okay. Could you still
2 be fair and impartial to both the State and
3 the defendant in this matter?

4 JUROR NUMBER 59: I could, (affirmative
5 nod).

6 THE COURT: Yes, your name?

7 JUROR NUMBER 84: Jay Lee, Number 84.
8 I worked for the Anderson County Sheriff's
9 Office and the Liberty City Police
10 Department.

11 THE COURT: Based on that, could you
12 still be fair and impartial to both the State
13 and the defendant in this matter?

14 JUROR NUMBER 84: I can.

15 THE COURT: Thank you. Is any member
16 of the jury panel a member of any political,
17 social, industrial, religious, fraternal, law
18 enforcement or other organization who beliefs
19 or teachings would prejudice him or her
20 against either party in this case? If so,
21 please stand. (No response).

22 All right, no response.

23 Is any jury member aware of any physical,
24 mental or emotional condition which would
25 prevent them from giving the defendant and

1 the State a fair and impartial trial in this
2 matter? If so, please stand. (No response).

3 Okay, no response.

4 Is there any member of the jury panel, or
5 immediate member of their family, who has,
6 now or in the past, ever worked for any
7 organization, agency or business which
8 investigated and/or counseled victims or
9 victims' families who had been sexually
10 assaulted or molested? If so, please stand.
11 (No response).

12 All right, no response.

13 Has any member of the jury panel or
14 member of their immediate family been the
15 victim of a sexual assault or molestation?
16 If so, please stand. And please give me your
17 name and number and let me know if you'd like
18 to come up front.

19 JUROR NUMBER 98: Marjorie Moon, Juror
20 Number 98. My son was sexually abused by my
21 ex-husband, who subsequently went to prison.

22 THE COURT: And that fact, could you
23 still be fair and impartial to the State and
24 the defendant in this matter?

25 JUROR NUMBER 98: Yes, sir.

1 THE COURT: Thank you. Yes, your name
2 and number?

3 JUROR NUMBER 29: Mitzi Dawkins.

4 THE COURT: Ma'am?

5 JUROR NUMBER 29: Mitzi Dawkins, Juror
6 Number 29.

7 THE COURT: Okay.

8 JUROR NUMBER 29: May I ---

9 THE COURT: Yes. I'll have you come up
10 in just a few minutes. Don't let me forget
11 that. All right?

12 JUROR NUMBER 29: Yes, sir.

13 THE COURT: Okay, anyone else? (No
14 response).

15 Is any member of the jury panel, their
16 spouse or member of their immediate family
17 now employed by or ever been employed by the
18 South Carolina Department of Social Services,
19 in Pickens County or any other county in
20 South Carolina? If so, please stand.

21 No response. Is any member of the jury
22 panel or member of their immediate family
23 been a complainant to law enforcement or
24 other agencies with reference to allegations
25 involving sexual assault or molestation. If

1 so, please stand. (No response).

2 Okay. No response.

3 Is any member of the jury panel or member
4 of their immediate family related by blood or
5 marriage to anyone employed by the
6 Solicitor's Office for the 13th Judicial
7 Circuit? (No response).

8 Okay, no response.

9 Is any member of the jury panel who
10 currently works for or volunteers, who has
11 worked for or who has volunteered in the
12 past, for the South Carolina lay guardian *ad*
13 *litem* program? If so, please stand.

14 JUROR NUMBER 141: My spouse is a
15 guardian *ad litem*.

16 THE COURT: All right. Name and
17 number, first.

18 JUROR NUMBER 141: Michelle Shaw.

19 THE COURT: Again, you --

20 JUROR NUMBER 141: My spouse is a
21 guardian *ad litem*.

22 THE COURT: The fact that your spouse
23 is a guardian *ad litem*, could you still be
24 fair and impartial to both the State and the
25 defendant in this matter?

1 JUROR NUMBER 141: Yes, sir.

2 THE COURT: All right. Thank you.

3 Has any member of the jury panel ever
4 been accused, investigated or charged with
5 committing a sexual-related offense? If so,
6 please stand. (No response).

7 All right. No response.

8 Does any member of the jury panel have a
9 family member or close friend who has been
10 accused of, investigated, or charged with
11 committing a sex-related offense? If so,
12 please stand. (No response).

13 Again, I have a point where y'all will
14 be able to come up if y'all feel more
15 comfortable answering a question of that
16 kind.

17 Is there any member of the jury panel who
18 has formed or expressed an opinion about any
19 issue or matter involved in this case. If
20 so, please stand. (No verbal response).

21 Okay. (No response).

22 Is any member of the jury panel aware of
23 any bias or prejudice towards either the
24 State or the defendant in this case? In
25 asking this, I want to -- I realize that

1 several people were involved in juries
2 previously this week and I want to make sure
3 that your experience in light of this week
4 that you still feel like you could give a
5 fair and impartial to both the State and the
6 defendant in this case. If not, please
7 stand. (No response).

8 Thank you. No response.

9 Is there any member of the jury panel who
10 knows of any reason whatsoever or who feels
11 that they could not give a fair and impartial
12 trial to both the State and defendant in this
13 matter? If so, please stand.

14 At this time, if there is anyone who
15 would like to come up and discuss more
16 privately any information, line up at the
17 bar. I will let you know that the attorneys
18 and the court reporter will also have to hear
19 your response.

20 BAILIFF: Juror Number 29.

21 SIDEBAR:

22 THE COURT: Yes, Ms. Dawkins?

23 JUROR NUMBER 29: My grandson was
24 molested.

25 THE COURT: Do you think that you

1 could be fair and impartial in this
2 matter?

3 JUROR NUMBER 29: I have to be
4 honest and say no.

5 THE COURT: You don't think that
6 you could do that?

7 JUROR NUMBER 29: No.

8 THE COURT: Thank you. I will
9 excuse you. I know that I excused you
10 Monday but -- thank you.

11 (SIDEBAR CONCLUDED)

12 THE COURT: Juror Number 29 is excused
13 by the court.

14 (JUROR NUMBER 29 EXCUSED)

15 (OFF RECORD DISCUSSION WITH COUNSEL)

16 THE COURT: Anyone else? (No
17 response). Okay, thank you. Just to make
18 sure, -- I think that covered everybody.

19 Mr. Dover just mentioned to me -- and I
20 just need to make sure I asked -- Mr. Dover
21 stood a minute ago. Is anybody related by
22 blood or marriage to Mr. Dover, have a close
23 personal or social relationship with him or
24 has done any business with him in the past?
25 If so, please stand. All right, no response.

1 I just needed to make sure.

2 Has anybody ever been represented by Mr.
3 Dover in any matter? (No response).

4 Okay. No response.

5 Thank you for your attention. Anything
6 else from the State? Any additional
7 questions from the State?

8 SOLICITOR ODOM: No, sir.

9 THE COURT: Any other questions from
10 the defense?

11 SCOTT DOVER: None, Your Honor.

12 THE COURT: All right. It is my
13 understanding -- I want to make sure that we
14 cover this. It looks like the trial will
15 last -- you know, the trial starts today and
16 of course it will go into tomorrow. I
17 realize that is a hardship for all but I just
18 wanted to make sure that I -- I think that I
19 covered everybody that needs protection for
20 tomorrow for any particular reason. Does
21 anybody else have anything in that regard?
22 (No response).

23 All right. If you are ready we will now
24 select our jury. Strikes are ten and five,
25 and we will have two alternates.

1 CLERK: As I call your names, please
2 stand so that the attorneys can see you.

3 Juror Number 71, Christopher L. Johnson..

4 (WHITE MALE BEFORE COUNSEL)

5 CLERK: What says the State?

6 SOLICITOR ODOM: Please present the
7 juror.

8 CLERK: What says the Defense?

9 SCOTT DOVER: Please swear the juror.

10 CLERK: Please come forward, sir, and
11 have a seat in the jury box.

12 (JUROR NUMBER 71 SEATED)

13 CLERK: Juror Number 19, Randall S.
14 Brown.

15 (WHITE MALE BEFORE COUNSEL)

16 CLERK: What says the State?

17 SOLICITOR ODOM: Please present the
18 juror.

19 CLERK: What says the Defense?

20 SCOTT DOVER: Please swear the juror.

21 CLERK: Please come forward, sir, and
22 have a seat in the jury box.

23 (JUROR NUMBER 19 SEATED)

24 CLERK: Juror Number 7, Patricia
25 Barlet.

1 (WHITE FEMALE BEFORE COUNSEL)

2 CLERK: What says the State?

3 SOLICITOR ODOM: Please present the
4 Juror.

5 CLERK: And the defense?

6 SCOTT DOVER: Please excuse the juror
7 from the trial in this case.

8 CLERK: Return to your seat, please,
9 ma'am.

10 (JUROR NUMBER 7 EXCUSED)

11 CLERK: Juror Number 6, Stephanie W.
12 Barker.

13 (WHITE FEMALE BEFORE COUNSEL)

14 CLERK: What says the State?

15 SOLICITOR ODOM: Please present the
16 juror.

17 CLERK: And the defense?

18 SCOTT DOVER: Please swear the juror.

19 CLERK: Come forward, please, ma'am and
20 have a seat in the jury box.

21 (JUROR NUMBER 6 SEATED)

22 CLERK: Juror Number 80, Rhonda D.
23 Lance.

24 (WHITE FEMALE BEFORE COUNSEL)

25 CLERK: What says the State?

1 SOLICITOR ODOM: Please present the
2 juror.

3 CLERK: And the defense?

4 SCOTT DOVER: Please swear the juror.

5 CLERK: Come forward, please, ma'am and
6 have a seat in the jury box.

7 (JUROR NUMBER 80 SEATED)

8 CLERK: Juror Number 157, Anna F.
9 Willis.

10 (WHITE FEMALE BEFORE COUNSEL)

11 CLERK: What says the State?

12 SOLICITOR ODOM: Please present the
13 Juror.

14 CLERK: What says the defense?

15 SCOTT DOVER: Please excuse the juror.

16 CLERK: If you will, return to your
17 seat, please, ma'am.

18 (JUROR NUMBER 157 EXCUSED)

19 CLERK: Juror Number 39, Patsy Elrod.

20 (WHITE FEMALE BEFORE COUNSEL)

21 CLERK: What says the State?

22 SOLICITOR ODOM: Please present the
23 juror.

24 CLERK: What says the defense?

25 SCOTT DOVER: Please excuse the juror.

1 CLERK: If you will, return to your
2 seat, please, ma'am.

3 (JUROR NUMBER 39 EXCUSED)

4 CLERK: Juror Number 74, Christian
5 Jones.

6 (WHITE MALE BEFORE COUNSEL)

7 CLERK: What says the State?

8 SOLICITOR ODOM: Please present the
9 juror.

10 SCOTT DOVER: Please swear the juror.

11 CLERK: Please have a seat in the jury
12 box.

13 (JUROR NUMBER 74 SEATED)

14 CLERK: Juror Number 55, Sandra D.
15 Grady.

16 (BLACK FEMALE BEFORE COUNSEL)

17 CLERK: What says the State?

18 SOLICITOR ODOM: Present the juror.

19 CLERK: And the defense?

20 SCOTT DOVER: Please excuse the juror.

21 CLERK: You may return to your seat,
22 please, ma'am.

23 (JUROR NUMBER 55 EXCUSED)

24 CLERK: Juror Number 139, Patrick J.
25 Schelble.

1 (WHITE MALE BEFORE COUNSEL)

2 CLERK: What says the State?

3 SOLICITOR ODOM: Please present the
4 juror.

5 CLERK: What says the defense?

6 SCOTT DOVER: Please swear the juror.

7 CLERK: Come forward, please sir, and
8 have a seat in the jury box.

9 (JUROR NUMBER 139 SEATED)

10 CLERK: Juror Number 98, Marjorie Moon.

11 (WHITE FEMALE BEFORE COUNSEL)

12 CLERK: What says the State?

13 SOLICITOR ODOM: Please present the
14 juror.

15 CLERK: And the defense?

16 SCOTT DOVER: Please excuse the juror.

17 CLERK: Please be seated, you've been
18 excused from the trial of this case.

19 (JUROR NUMBER 98 EXCUSED)

20 CLERK: Juror Number 59, David Hayes.

21 (WHITE MALE BEFORE COUNSEL)

22 CLERK: What says the State?

23 SOLICITOR ODOM: Please present the
24 juror.

25 CLERK: And the defense?

1 SCOTT DOVER: Please swear the juror.

2 CLERK: Come forward and have a seat in
3 the jury box.

4 (JUROR NUMBER 59 SEATED)

5 CLERK: Juror Number 78, Morgan Kern.

6 (WHITE FEMALE BEFORE COUNSEL)

7 CLERK: What says the State?

8 SOLICITOR ODOM: Please present the
9 juror.

10 CLERK: And the defense?

11 SCOTT DOVER: Please excuse the juror.

12 CLERK: You may be seated, you've been
13 excused from the trial of this case.

14 (JUROR NUMBER 78 EXCUSED)

15 CLERK: Juror Number 68, Dominic
16 Ingardia.

17 (WHITE MALE BEFORE COUNSEL)

18 CLERK: What says the State?

19 SOLICITOR ODOM: Please present the
20 juror.

21 CLERK: And the defense?

22 SCOTT DOVER: Please swear the juror.

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

25 (JUROR NUMBER 68 SEATED)

1 CLERK: Juror Number 45, Edward Field.

2 (WHITE MALE BEFORE COUNSEL)

3 CLERK: What says the State?

4 SOLICITOR ODOM: Please present the
5 juror.

6 CLERK: And the defense?

7 SCOTT DOVER: Please excuse the juror.

8 CLERK: You may be seated, you've been
9 excused from the trial in this case.

10 (JUROR NUMBER 45 EXCUSED)

11 CLERK: Juror Number 141, Michele B.
12 Shaw.

13 (WHITE FEMALE BEFORE COUNSEL)

14 CLERK: What says the State?

15 SOLICITOR ODOM: Present the juror.

16 CLERK: And the defense?

17 SCOTT DOVER: Please swear the juror.

18 CLERK: Please come forward and have a
19 seat in the jury box.

20 (JUROR NUMBER 141 SEATED)

21 CLERK: Juror Number 85, Sherrie L.
22 Lesley.

23 (WHITE FEMALE BEFORE COUNSEL)

24 CLERK: What says the State?

25 SOLICITOR ODOM: Present the juror.

1 CLERK: And the defense?

2 SCOTT DOVER: Please swear the juror.

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

5 (JUROR NUMBER 85 SEATED)

6 CLERK: Juror Number 46, Daniel R.
7 Fisher.

8 (WHITE MALE BEFORE COUNSEL)

9 CLERK: What says the State?

10 SOLICITOR ODOM: Please excuse the
11 juror.

12 CLERK: Please have a seat, you've been
13 excused from the trial of this case.

14 (JUROR NUMBER 46 EXCUSED)

15 CLERK: Juror Number 66, Jennifer
16 Stone.

17 (WHITE FEMALE BEFORE COUNSEL)

18 CLERK: What says the State?

19 SOLICITOR ODOM: Please present the
20 juror.

21 CLERK: And the defense?

22 SCOTT DOVER: Please excuse the juror.

23 CLERK: Please have a seat, you've been
24 excused from the trial in this case.

25 (JUROR NUMBER 66 EXCUSED)

1 CLERK: Juror Number 5, Forrest A.
2 Ballew.

3 (WHITE MALE BEFORE COUNSEL)

4 CLERK: What says the State?

5 SOLICITOR ODOM: Please present the
6 juror.

7 CLERK: And defense?

8 SCOTT DOVER: Please swear the juror.

9 (JUROR NUMBER 5 SEATED)

10 CLERK: Juror Number 34, Rebecca J.
11 Edmond.

12 (WHITE FEMALE BEFORE COUNSEL)

13 CLERK: What says the State?

14 SOLICITOR ODOM: Please present the
15 juror.

16 CLERK: And defense?

17 SCOTT DOVER: Please swear the juror.

18 CLERK: Please come forward and have a
19 seat in the jury box.

20 (JUROR NUMBER 34 SEATED)

21 THE COURT: And we will pick two
22 alternates.

23 CLERK: Juror Number 105, Scott B.
24 Nicholson.

25 (WHITE MALE BEFORE COUNSEL)

1 CLERK: What says the State?

2 SOLICITOR ODOM: Please present the
3 juror.

4 CLERK: And the defense?

5 SCOTT DOVER: Please excuse the juror.

6 CLERK: Please take your seat, you've
7 been excused.

8 (JUROR NUMBER 105 EXCUSED)

9 CLERK: Juror Number 14, William S.
10 Blair.

11 (WHITE MALE BEFORE COUNSEL)

12 CLERK: What says the State?

13 SOLICITOR ODOM: Please present the
14 juror.

15 CLERK: And the defense?

16 SCOTT DOVER: Please swear the juror.

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

19 (JUROR NUMBER 14 SEATED AS ALTERNATE #1)

20 CLERK: Juror Number 104, Christy C.
21 Nicholson.

22 (WHITE FEMALE BEFORE COUNSEL)

23 CLERK: What says the State?

24 SOLICITOR ODOM: Please present the
25 juror.

1 CLERK: And the defense?

2 SCOTT DOVER: Please excuse the juror.

3 CLERK: You may be seated, you've been
4 excused as juror in this case.

5 (JUROR NUMBER 104 EXCUSED)

6 CLERK: Juror Number 158, Janet D.
7 Wright.

8 (WHITE FEMALE BEFORE COUNSEL)

9 CLERK: What says the State?

10 SOLICITOR ODOM: Please excuse the
11 juror.

12 CLERK: You may be seated, you've been
13 excused as a juror in this case.

14 (JUROR NUMBER 158 EXCUSED)

15 CLERK: Juror Number 67, Patricia J.
16 Holman.

17 (WHITE FEMALE BEFORE COUNSEL)

18 CLERK: What says the State?

19 SOLICITOR ODOM: Please present the
20 juror.

21 CLERK: And the defense?

22 SCOTT DOVER: Please excuse the juror.

23 CLERK: You may have seat, you've been
24 excused from the trial in this case.

25 (JUROR NUMBER 67 EXCUSED)

1 CLERK: Juror Number 82, Charles E.
2 Lee, Jr.

3 (WHITE MALE BEFORE COUNSEL)

4 CLERK: What says the State?

5 SOLICITOR ODOM: Please present the
6 juror.

7 SCOTT DOVER: Please seat the juror.

8 (JUROR NUMBER 82 SEATED AS ALTERNATE #2)

9 CLERK: Your Honor, the jury has been
10 seated.

11 THE COURT: Thank you. I saw some
12 expressions of quiet relief out there from
13 some of you, especially from some of you that
14 served on the longer case this week.

15 I realize that this was a major
16 inconvenience for all of you this week. I
17 want to tell you how much we appreciate your
18 service. It's very important.

19 This is the third trial this week but
20 because you all came in, lots of other
21 matters were resolved as well. Because a
22 jury shows up, suddenly everybody gets
23 serious about resolving cases. They get
24 serious before but the problem is that
25 they've got so many other things but your

1 appearance puts a priority on resolving
2 cases. It's very important, your service
3 here today and I can't think you enough.

4 Y'all are good for the week, you're done.
5 Also you can protect yourself from service
6 for three years now if you so wish. It may
7 be longer than that before you are called
8 again but you're exempt for three years, so
9 you claim that exempt if you so wish.

10 I hope you have a good rest of the day.
11 You are excused.

12 CLERK: If anybody needs a statement
13 for work and you didn't sign up for it on
14 Monday, for it to be mailed to you, you can
15 stop by my office on the first floor and they
16 will write one out for you.

17 (JURY PANEL RELEASED)

18 THE COURT: I'm going to ask that y'all
19 go back to your jury room for a few minutes.
20 Then we will get you back out here and start
21 the trial. Obviously you know nothing about
22 the case, but please don't discuss the
23 charges or speculate between yourself. We
24 will be with you in a few minutes.

25 (JURY OUT @ 10:10 A.M.)

1 THE COURT: Is there anything that we
2 need to do or take up beforehand?

3 SOLICITOR ODOM: On the newest indict-
4 ment, he needs to be arraigned.

5 THE COURT: Okay.

6 SOLICITOR ODOM: Then also I'd like to
7 -- I'd like to put our agreement about the
8 rape shield on the record.

9 THE COURT: Okay. The amended
10 indictment, is that the one?

11 SOLICITOR ODOM: The 17-0700.

12 THE COURT: I gotcha. Okay, we will
13 take -- all right. I guess we will go
14 through the arraignment on 17-GS-39-0700,
15 which was true billed by the grand jury on
16 March 21st, 2017.

17 Mr. -- you are Joseph Campbell Williams,
18 II?

19 DEFENDANT: Yes, sir.

20 THE COURT: Okay. I'm going to read
21 this indictment to you. It's an indictment
22 for criminal sexual conduct with a minor,
23 second degree.

24 (Reading): "At a Court of General
25 Sessions convened on March 21, 2017, the

1 Grand Jurors of Pickens County present upon
2 their oath: That Joseph Campbell Williams,
3 II did in Pickens County, between the dates
4 of July 8th, 2007 and July 8th, 2008, commit a
5 sexual battery on C.N.C., who was fourteen
6 years of age or less but who was at least
7 eleven years of age. This is in violation of
8 Section 16-3-655(B)(1) [formerly 16-3-655(2)]
9 of the South Carolina Code of Laws (1976) as
10 amended."

11 That is the amended indictment to you.

12 Do you understand that indictment?

13 DEFENDANT: Yes, sir.

14 THE COURT: How do you wish to plead?

15 DEFENDANT: Not guilty.

16 THE COURT: Do you wish a jury trial on
17 this?

18 DEFENDANT: Yes, sir.

19 THE COURT: And with your attorney,
20 y'all have consented to try that matter this
21 morning with the other Indictment, 15-GS-39-
22 1030. Is that right?

23 SCOTT DOVER: We have, Your Honor. We
24 were put on advance notice of that some time
25 back. The Solicitor's Office was gracious

1 enough to give us a couple of months to
2 prepare for that. We're ready to go forward
3 today.

4 THE COURT: Anything else from the
5 State?

6 SOLICITOR ODOM: And, Your Honor, I
7 would like to make a Motion ---

8 THE COURT: And I realized -- was there
9 any objection or exception to the selection
10 process of the jury? From the State?

11 SOLICITOR ODOM: No, sir.

12 THE COURT: Defense?

13 SCOTT DOVER: None.

14 THE COURT: I just made that
15 assumption. Sorry, I got ahead of myself.

16 SOLICITOR ODOM: I would like to make a
17 Motion to sequester any witnesses who are not
18 the victim or the investigating officer.

19 SCOTT DOVER: We have no objection.

20 THE COURT: Okay, we will sequester the
21 witness. If all witnesses will ---

22 SCOTT DOVER: Can they stay through the
23 opening remarks and then go after that?

24 THE COURT: Let me explain to y'all
25 what that means, for all the witnesses who

1 are in the courtroom.

2 When you are sequestered, that means
3 that you cannot sit and listen to anyone
4 else's testimony. You can also not discuss
5 anyone else's testimony. For instance, if
6 one of you testifies, then that person cannot
7 go out and say, 'oh, by the way, this is what
8 I said.' Sequestered means not only that
9 you cannot hear but you are not to receive
10 any information about testimony.

11 The State has made that Motion. It's
12 an appropriate Motion, especially for a case
13 like this. So with that being said, I'm
14 going to ask that all witnesses be in the
15 foyer area, in the waiting area so you're
16 available to be called when necessary. Thank
17 you.

18 SCOTT DOVER: Y'all wait outside.

19 (WITNESSES EXIT COURTROOM)

20 THE COURT: Anything else from the
21 State?

22 SOLICITOR ODOM: I think this is
23 probably the best time, unless you want to go
24 it right before I call the victim, to put our
25 agreement about the rape shield on the

1 record.

2 THE COURT: All right. I guess that we
3 can do that. What was the agreement?

4 SOLICITOR ODOM: Your Honor, it is my
5 understanding that the defense counsel is not
6 going to ask the victim, [REDACTED] about prior
7 sexual experience but he is going to ask her
8 why she didn't report this sexual experience
9 sooner. Specifically if she was in
10 counseling several times for unrelated
11 matters, why didn't she report this to her
12 counselor?

13 THE COURT: Is that the agreement?

14 SCOTT DOVER: Yes, sir, Your Honor.
15 She also reported two other similar sexual
16 encounters with two other individuals at the
17 time and did not report against my guy at the
18 time. I think that's relevant.

19 I certainly won't pry into any of her
20 sexual habits or anything like that, which
21 would violate the statute.

22 SOLICITOR ODOM: Your Honor, I don't
23 think that is relevant, saying 'didn't you
24 report these other crimes that are similar'
25 because it's the State's position that they

1 aren't similar.

2 THE COURT: When are you planning on
3 calling the victim?

4 SOLICITOR ODOM: Third witness.

5 THE COURT: All right, let's take a
6 break. I want to get an idea of what's going
7 on and I'll address that.

8 SCOTT DOVER: Yes, sir.

9 THE COURT: Anything before we bring
10 the jury in, from the State?

11 SOLICITOR ODOM: Nothing from the
12 State.

13 THE COURT: Anything from the defense?

14 SCOTT DOVER: Your Honor, I know that it
15 is not appropriate until after you swear the
16 jurors, but I was talking to the bailiffs and
17 I'd like for you at some point -- if we could
18 agree that my client can remain out on bond
19 during the pendency of the trial, go to the
20 restroom, participate with me and consult
21 with me about the case. Are you going to
22 make him be held by law enforcement? I don't
23 know your policy.

24 THE COURT: During the trial, I will
25 let you have some leeway during the day. In

1 the evening, overnight he will be in custody.

2 SCOTT DOVER: Okay. Thank you.

3 THE COURT: Bring in the jury.

4 (JURY IN @ 10:27 A. M.)

5 THE COURT: All right, ladies and
6 gentlemen, we are now going to start the
7 trial of the case of the State versus Joseph
8 Campbell Williams, II

9 I have some preliminary remarks but first
10 I ask the Clerk to administer your oath in
11 this case.

12 (WHEREUPON JURY SWORN)

13 THE COURT: I just need to give you
14 some preliminary remarks. Some of you have
15 been in one trial, so you sort of know the
16 gist of these remarks.

17 First of all, I want to give you some of
18 the terms that you may be hearing.

19 The "defendant" is Mr. Williams in this
20 case. A defendant is one who is charged.

21 The mere fact that there is an indictment
22 in this matter, which brings the charges
23 before the court, is not to be considered by
24 you in any way as an indication of guilt or
25 responsibility. Mr. Williams has pled not

1 guilty to these charges and he comes into
2 this courtroom with the presumption of
3 innocence. That puts the burden on the State
4 to prove beyond a reasonable doubt -- that's
5 the standard that is used in criminal
6 matters, "beyond a reasonable doubt." We
7 will discuss that more at the conclusion of
8 the trial. I just wanted to let everybody
9 know that right off the bat.

10 Just to kind of let you know some of the
11 people in the courtroom:

12 The lady here, Ms. Garrison, she is the
13 court reporter. She is keeping a record of
14 everything that is said.

15 You previously met Mr. Welborn, he's the
16 Clerk of Court. He is in charge of the
17 records.

18 The gentleman next to me here is my law
19 clerk, who basically assists me in the trial
20 of cases and does any research.

21 The most important people for y'all are
22 the bailiffs, these sharp looking gentlemen
23 with the badges on. The reason they is --
24 they are -- for one thing, they are kind of
25 your caretakers. But they're -- if you have

1 any questions, need anything, then you need
2 to let the bailiffs know. If you have any
3 questions that need to be presented to the
4 court, give it to one of the bailiffs and
5 they will get it to me. Then I can respond
6 appropriately.

7 This is a very important responsibility
8 that you have because this is the trial of
9 the case and your role in this matter is to
10 determine what the facts are.

11 If at any point throughout this trial I
12 should infer or if y'all think that I have an
13 opinion as to the facts, then y'all do not
14 consider that. That is not my role. My role
15 is to determine what the law is and to rule
16 on the admissibility of the evidence. You
17 are the sole fact finders.

18 One of the things that you will need to
19 use is your common experience and common
20 sense. You will determine the believability
21 of witnesses, and that is something that you
22 will need to discuss but only when you begin
23 deliberations at the conclusion of the trial.

24 As I will tell you every time that you
25 take a break, it is important that you keep

1 an open mind throughout this trial.
2 Therefore, you are not to discuss this case.
3 It's very difficult because it's only -- the
4 one thing that you have in common as the jury
5 is this case. But until you have heard all
6 the evidence and you've heard all of the law
7 that I will instruct you on at the conclusion
8 of the case, it is not proper to talk about
9 the case when you go home, among yourselves,
10 with your spouse, friends, family or anyone.
11 You need to wait until you hear everything
12 before you begin to discuss the case.

13 The other thing I will tell you
14 throughout the trial, every time that you
15 take a break, it is not appropriate for you
16 to do any type of research. You cannot
17 research anything about the case, the
18 charges, the defendant, the law, anything.
19 The things that you are supposed to consider
20 are the things that you will hear in this
21 courtroom that I rule are admissible, either
22 by way of testimony -- live testimony that
23 you will hear from the witness stand or any
24 documents, evidence that is introduced or any
25 stipulations that counsel may have.

1 The third thing, I am not aware of any
2 media coverage for the trial of this case.
3 But if there is, you cannot pay any attention
4 -- you must totally disregard any media
5 coverage, anything on radio, TV or any social
6 media.

7 Also throughout during your breaks,
8 should you be contacted by anybody -- and I
9 don't expect anybody outside of the Clerk's
10 office to contact you -- give that
11 information to the bailiffs.

12 We are in a small courthouse here. When
13 you come in of a morning you may bump into
14 one of the attorneys or one of the witnesses.
15 They are not being rude by not talking to you
16 or by not acknowledging you. They've been
17 told not to speak to you because someone
18 might think you're talking about the case,
19 which you have been instructed you must not
20 go. Invariably it happens, people get on the
21 elevator together -- it's often awkward to
22 get on an elevator with anybody, no
23 different. So don't be offended if they
24 don't speak to you.

25 For breaks, we try to take breaks every

1 hour to an hour and a half, depending on
2 where we are with a witness. If anybody
3 needs a break for any reason, please let me
4 know or let the bailiff know. We will try to
5 break as soon as possible. We want to make
6 it as little an inconvenience as possible.

7 Also we'll try to break as close to 5:00
8 o'clock as possible. That kind of depends on
9 some of the witnesses. We're obviously
10 starting this case on a Thursday morning and
11 our goal is to not keep you here any longer
12 than necessary. So we may -- if we have to
13 go a little bit longer today -- of course, I
14 will first talk with all of you to make sure
15 that is okay. If anybody needs to make any
16 arrangements, I will give you the opportunity
17 to do so.

18 The first time that y'all take a break,
19 I'm going to ask that you pick a foreman or
20 forelady, somebody that will be the person to
21 direct any discussions and be responsible to
22 write any notes to the Court. I always say
23 that that person doesn't get any more pay, it
24 doesn't look any better on your resume but is
25 something that is important for the case.

1 With that being said -- oh, let me just
2 give you two more things. I don't usually
3 allow anyone to take notes. The reason is
4 that I think that it is important -- well,
5 two reasons. One is that a lot of times when
6 people are taking notes they may miss
7 something that is important. When I say
8 that, it is important for you to observe the
9 witness as they testify and you may miss that
10 if you're taking notes. You have to
11 determine the believability and credibility
12 of these witnesses and to do you need to be
13 able to observe their demeanor when
14 testifying. So I ask that you not take
15 notes.

16 The other thing is to just let you know
17 the procedure of the trial. We start off
18 with opening statements by the attorneys.
19 Their statements are not evidence, just
20 merely their summary.

21 Then we go into the evidentiary stage
22 where the evidence will be presented.

23 At the conclusion of all evidence, the
24 attorneys will provide you with their closing
25 statements. That is not evidence, it's a

1 summary of what they believe the evidence has
2 shown.

3 Then I will charge you on the law.

4 Then you will retire to begin your
5 deliberations.

6 With that being said, we will now have
7 opening statements. Ms. Odom.

8 SOLICITOR ODOM: Thank you, Your Honor,
9 may it please the Court. Mr. Dover.

10 You know, a lot of people take things for
11 granted. They take it for granted that they
12 have a safe and secure home, that they have a
13 loving mother, a loving father, a family that
14 loves you and treats you right. That's how
15 it is supposed to be. You might take those
16 things for granted.

17 But our victim in this case, [REDACTED]
18 [REDACTED] she didn't take those things for
19 granted because she didn't have them. If you
20 don't have it, you can't take it for granted.

21 In this case, [REDACTED] [REDACTED] was
22 repeatedly molested by her stepfather over a
23 wide range of years, starting when she was in
24 elementary school up until she was twelve
25 years old, when finally he stopped. That's

1 what the case is about. That is what
2 happened in this case.

3 There are two charges that are before you
4 today: criminal sexual conduct with a minor
5 in the first degree and criminal sexual
6 conduct with a minor in the second degree.

7 I want to tell you a little bit about the
8 charges so that as you're listening to the
9 testimony that you can be looking for certain
10 things. At the end of the case, I will come
11 back before you and explain it in more
12 detail.

13 Now, CSC with a minor in the first degree
14 is just that the defendant engaged in a
15 sexual battery with a victim who was less
16 than eleven years old. Very straightforward,
17 that the defendant engaged in sexual battery
18 with someone who was less than eleven.

19 A sexual battery is intercourse and it is
20 also oral sex. It's oral sex that the
21 defendant performed on the victim, or that
22 the victim had to perform on the defendant.
23 That is CSC first degree with a minor.

24 Now, CSC second degree with a minor is
25 more or less the same thing except that the

1 age range is different. That's an important
2 thing to look for while you are listening to
3 the witnesses testify. That one is eleven
4 years old to fourteen. So it is the same
5 allegations, the same facts but what is going
6 to be different is the age of the victim.

7 Now, I understand as well as y'all do
8 that we're getting started on Thursday. This
9 is the third case that has been called this
10 week. But just because we are starting on
11 Thursday does not mean that this case is any
12 less important than any other case that has
13 been called to trial this week.

14 This case is extremely important to the
15 State, to the defendant, and also the victim.

16 This conduct, this abuse started roughly
17 fifteen years ago. Fifteen years she's been
18 waiting -- she waited for years for it to
19 stop. She finally reported when she was a
20 little older when the abuse had been stopped
21 for six or seven years. She finally got the
22 courage up to come forward. But even then
23 when she reported, she still had to wait.
24 This case is an older case that happened a
25 long time ago. But she reported about three

1 and a half years ago. Through no fault of
2 her own she has had to wait for her day in
3 court. She's had to wait. Hopefully later
4 today or tomorrow the waiting will be over.

5 At the end of the case, I'm going to ask
6 that you go back to the jury room, fully
7 discuss all the evidence, go over all the
8 facts and give her and the defendant that
9 they deserve, the case the respect that it
10 deserves, and do the only thing that I think
11 you can do once you've heard the evidence and
12 that is to find the defendant guilty on both
13 counts. Thank you.

14 THE COURT: Mr. Dover.

15 SCOTT DOVER: May it please the Court,
16 Ms. Odom.

17 Almost four years ago the young lady on
18 the front row sent shock waves through her
19 family here in Pickens when she came forward
20 and said at that time that -- that ten years
21 before that my client had taken inappropriate
22 liberties with her, had taken advantage of
23 her, had molested her.

24 Ms. Odom said to you a few moments ago
25 that a child of her age has an absolute right

1 to a supportive family. She had that, ladies
2 and gentlemen. She threw it away.

3 We will be presenting -- although there
4 is no burden on the defense. The State of
5 South Carolina has the burden of proving what
6 she says now beyond a reasonable doubt. That
7 is to convince twelve of you fourteen at the
8 end of the case that you can believe her as
9 you would in your most important matters of
10 life.

11 I will tell you right now that at the end
12 of this trial if you can believe what she is
13 saying such that you would give that the same
14 weight that you would give in dealing with
15 your family and your own legal and important
16 matters of life, then the State of South
17 Carolina would have met their burden and you
18 should find Mr. Williams guilty.

19 If they have not, if you have doubts, if
20 you do not believe her beyond a reasonable
21 doubt, then you must by that same oath that
22 you took find him not guilty.

23 That's what the law of the state of South
24 Carolina is.

25 As I said before, almost four years ago,

1 one thousand three hundred and sixty-nine
2 days exactly, this young lady, for reasons
3 that we will try to show you during the
4 presentation of this case made up a lie to
5 get her way in some very important matters of
6 her family. You will hear testimony about
7 why she did that.

8 Once someone does what she did and goes
9 to law enforcement and makes this type of
10 allegation, it's not something that you can
11 back out of. There are other laws about
12 giving false statements to police officers
13 and stuff. That's where you are. That's why
14 we've been waiting for four years for our day
15 in court.

16 Just as Judge Gravely told you, the
17 defendant is presumed innocent. He has
18 suffered, just like this victim has. His
19 life was completely shattered when these
20 allegations hit the news media and all of his
21 friends. He immediately hired me and said,
22 'I did not do that, I have never laid a hand
23 on that girl and I'm not pleading guilty to
24 anything, I didn't do anything wrong.'

25 We've been waiting for almost thirteen

1 hundred days to get this behind us. It has
2 completely ruined the whole family. She has
3 a sister, she has a mother -- the mother did
4 her own investigation, and she's a potential
5 witness for us. You'll hear about that in a
6 few moments.

7 We ask you to use your common sense, to
8 listen carefully and to bring your own common
9 sense to the table, to weigh the testimony
10 and determine whether or not you can believe
11 that this happened fourteen years ago.

12 Miss ^{Child} [REDACTED] says that this all started
13 when she was seven to eight years of age.
14 That would have been in 2003, because she was
15 born in 1996. She says that it all ended in
16 July of 2009, one week before her thirteenth
17 birthday.

18 She did nothing -- and I want you to
19 listen to the testimony of the witnesses.
20 This young lady was in counseling. She was
21 seeing professionals throughout this time for
22 other matters and they were counseling here
23 -- I'll talk about what I think the evidence
24 is going to show in just a few moments. But
25 she had the support staff in place if this

1 had happened to her to be able to tell
2 somebody. She did not do that from July of
3 2009 until November the 30th, 2013.

4 Right before she did this, she blasted
5 out some things on FaceBook and in some text
6 messages that you will hear, saying what she
7 was getting ready to do and what problems
8 that she was going getting ready to cause for
9 this family.

10 Once those allegations were made, we've
11 been waiting since that time.

12 I'm Scott Dover. I've been practicing
13 law here in Pickens for thirty years. I grew
14 up here, went to college and to law school,
15 went to high school here. I had lots of good
16 instructors along the way. I tell most every
17 jury that I try a case in front of that my
18 most important, the person that gave me the
19 best advice in my entire life as to how to
20 try a case was my grandfather. He didn't
21 graduate high school, he worked in a textile
22 mill. He told me as a young boy, he said
23 'never trust or believe someone that will lie
24 to you about the little things.'

25 The little things is what are important.

1 If someone will lie about the little things,
2 they will lie to you about the big things. I
3 look at that advice and I take it very
4 seriously, as I take these cases and I look
5 at the evidence. You'll see, and I'll point
6 out some of the issues with the victim's
7 testimony as we go along about some untruths
8 that she has shared with law enforcement.

9 But I want you -- I will submit to you
10 that you will hear and that the evidence will
11 show us during the presentation of this case
12 that before this incidence occurred that
13 there were professionals involved in the
14 victim's life who made the following comments
15 about her: ---

16 SOLICITOR ODOM: Objection, Your Honor,
17 I think he's getting into hearsay.

18 SCOTT DOVER: These are witnesses that --
19 we think that the evidence will show ---

20 THE COURT: Well, I don't want to get
21 into anything that may or may not be
22 admissible.

23 SCOTT DOVER: There will be witnesses who
24 will testify that this young lady at age six,
25 at age seven, at age eight, at age nine, at

1 age eleven and age fourteen, she had experts
2 and witnesses in place that were talking to
3 her and they all made opinions about her,
4 including Detective Kelley. This young lady
5 had issues with her mother and her father,
6 and you'll hear testimony about what those
7 issues were.

8 When she didn't get her way, she knew how
9 to get her way. She made statements and did
10 things and said things to make sure she got
11 her way. That's what this case is about.
12 We will get into the specific evidence that
13 I was alluding to in a few moments, in the
14 trial of this case.

15 But as I rest this morning and sit over
16 here, please note a few things that are going
17 on in the courtroom. The State of South
18 Carolina has the burden of proof, so they're
19 seated next to you. This is no coincidence,
20 this is for a reason. They sit next to you,
21 they go first and, if the defendant puts up
22 testimony, they go last the burden is that
23 great upon them.

24 I will always go second in this case and
25 I will sit on the other side of the court-

1 house.

2 Just as Judge Gravely asked you to do in
3 your oath a few moments ago, I -- like you --
4 have the tendency to be a person of first
5 impressions. We all sometimes jump to a
6 conclusion. 'Oh, that makes sense to me.'

7 'Why would she say that if that wasn't true?'

8 'Why would she do that if that wasn't true?'

9 You may have those same issues that I do.

10 If you do, please don't make up your mind
11 until you've heard all of the evidence. Give
12 both sides that opportunity to present the
13 facts here today. Wait until you've heard
14 all the evidence to weigh it, to give it the
15 credibility it deserves or does not deserve.
16 Then render your opinion. If you all do that
17 in this case, you'll be able to walk out of
18 this courtroom with your head held high and
19 say, 'I was part of justice, I did what was
20 required of me, I did my civic duty and I was
21 fair to the victim and to the defendant
22 equally.' If that happens, no one can
23 question your judgment or decision. I ask
24 you to keep that in mind.

25 I thank you for your -- before I sit

1 down, I want to say this. These are very
2 difficult cases for everybody, the fourteen
3 of you, the one there, the two here.

4 Another thing I was taught about as a
5 little boy. You don't talk about things that
6 we're getting ready to talk about in public.
7 It's embarrassing for the people that have to
8 talk about it. It's embarrassing for the
9 people that have to listen to it. I
10 apologize to you -- you may hear me repeat
11 some language that I should never say in
12 public, but in a trial such as this I have to
13 look at the facts and you have to know what
14 those facts are. You have to know the way
15 people talk and the way people act. I
16 apologize to you for that. I apologize that
17 maybe you're going to hear me have to say
18 that, that you will have to listen to the
19 witnesses say that.

20 With that, I rest and will let the State
21 present their case. At the conclusion of
22 that, we will make a determination of whether
23 or not the defense believes that it must
24 present any testimony. Thank you.

25 THE COURT: All right. Ms. Odom, you

1 may call your first witness.

2 SOLICITOR ODOM: thank you, Your Honor.

3 The State calls Deputy Andrew Rackley.

4 (WITNESS TAKES STAND)

5 ANDREW RACKLEY, having been sworn to tell
6 the truth, and nothing but the truth,
7 testified as follows:

8 DIRECT EXAMINATION

9 BY SOLICITOR ODOM:

10 Q. Deputy Rackley, where do you work?

11 A. Pickens County Sheriff's Office.

12 Q. What do you do there?

13 A. I am a lieutenant on the uniformed
14 road patrol, I am a daily supervisor on road
15 patrol.

16 Q. What all does that job entail?

17 A. I have nine deputies under my
18 command basically on a daily basis. I
19 monitor them via radio or get out on calls
20 with them to make sure that they are doing
21 the job that they are required to do.

22 Q. How long have you been working at
23 the Sheriff's Office?

24 A. Twelve years.

25 Q. And what kind of training have you

1 had?

2 A. All kinds of training. I've got in
3 excess of a thousand hours of advance
4 training. Some of that consists of DUI,
5 field training officers, specific skills to
6 where I can teach lesson plans and stuff like
7 that to other officers.

8 Q. Were you working back in November of
9 2013?

10 A. Yes, ma'am.

11 Q. What was your job position then?

12 A. I was a sergeant on uniform road
13 patrol.

14 Q. So you normally respond to calls
15 when people call 911?

16 A. Correct. If they -- if a road
17 deputy is not available at that time, a
18 supervisor will respond to a call for
19 service.

20 Q. Did you respond to a call for
21 service on November 30th, 2013, to a call in
22 reference to this case?

23 A. I did.

24 Q. Tell me what time that you
25 responded?

1 A. I responded at 4:34 p.m. on November
2 30th, 2013.

3 Q. Where did you go?

4 A. I went to 17 Lee Street which is in
5 the City limits of Liberty, South Carolina,
6 which is in the county of Pickens.

7 Q. And what was the call in response
8 to?

9 A. There was an alleged sexual assault.

10 Q. When you got there, who was there?

11 A. On scene was a [REDACTED] and a Katlyn
12 Cisson.

13 Q. Do you know [REDACTED] full name?

14 A. Child [REDACTED] Child [REDACTED]

15 Q. Was [REDACTED] -- what was her demeanor
16 like?

17 A. As I recall, she was quite calm and
18 collected at that time. So quite calm and
19 collected.

20 Q. Did you get a statement from [REDACTED]

21 A. I did.

22 Q. I am going to ask you some things
23 about [REDACTED] statement but this is just in
24 reference to time and place. Okay?

25 A. Okay.

1 Q. Did [REDACTED] tell you a time when any
2 of the abuse may have occurred?

3 A. She told me between the ages of
4 seven and eight to twelve years of age.

5 Q. Did she tell you any places or
6 locations that the abuse occurred?

7 A. Yes, ma'am. She mentioned one
8 occurrence was in Pickens City jurisdiction,
9 others in Six Miles and another -- or others
10 in Pickens off of High Top Drive.

11 Q. Is High Top Drive in Pickens County?

12 A. It is.

13 Q. So other than getting the statement
14 from [REDACTED] did you have any other dealings
15 with this case?

16 A. I did not.

17 SOLICITOR ODOM: Please answer any
18 questions that Mr. Dover may have for you.

19 THE COURT: Cross-examination?

20 CROSS EXAMINATION

21 BY SCOTT DOVER:

22 Q. Officer Rackley, in all of the
23 thousands and thousands of hours of training
24 that you've had, is there any training that
25 you have received that allows you to tell who

1 is telling the truth in a matter such as
2 this?

3 A. I have not.

4 SCOTT DOVER: Thank you. That's all
5 that I have for you.

6 THE COURT: Any redirect?

7 SOLICITOR ODOM: No, sir. I ask that he
8 be excused from his subpoena.

9 THE COURT: Any objection?

10 SCOTT DOVER: None.

11 THE COURT: You may step down and you
12 are excused.

13 (WITNESS STEPS DOWN)

14 THE COURT: You may call your next
15 witness.

16 SOLICITOR ODOM: The State calls Bobby
17 Skelton.

18 (WITNESS TAKES STAND)

19 BOBBY SKELTON, having been sworn to tell
20 the truth, and nothing but the truth,
21 testified as follows:

22 DIRECT EXAMINATION

23 BY SOLICITOR ODOM:

24 Q. Mr. Skelton, where do you work?

25 A. I work for the School District of

1 Pickens County.

2 Q. How long have you been working
3 there?

4 A. Eleven years.

5 Q. Can you tell me what your job duties
6 include?

7 A. I'm the coordinator of student
8 services. My job duties include acting as
9 the hearing officer for the district, working
10 with enrollment, as a liaison with outside
11 agencies that include DSS, the Department of
12 Juvenile Justice.

13 Q. Do you help keep track of school
14 records?

15 A. Yes, ma'am, I do.

16 Q. Can you tell me a little bit about
17 how a student's school record is kept?

18 A. We have a database system that
19 tracks their school records and has current
20 demographic information in it. Each student
21 also has a permanent record that stays with
22 them at the school that they are attending.

23 Q. What kind of things are in their
24 permanent record?

25 A. Report cards, home language surveys,

1 enrollment information, State testing
2 information, those sorts of things.

3 Q. So from looking at a student's
4 school records, you can tell what grade they
5 were in at a certain age?

6 A. Yes.

7 Q. Is there also a way by looking at
8 the records that you can tell what address
9 they lived at?

10 A. By looking at the permanent record,
11 report cards and some of the various forms
12 that were filled out by date, I can tell what
13 the address was on a specific date and time.

14 Q. So the address that the parent gave
15 the school will be in the file?

16 A. Yes. It'll be on the report card.
17 For example, if a student has moved several
18 times the only address that would be in our
19 database through the power school would be
20 the current address. But by looking back
21 through the record you could see some other
22 addresses where they had been at certain
23 times when they were enrolled in school.

24 Q. Have you had a chance to look over
25    school records?

1 A. Yes, ma'am.

2 Q. Can you tell what the first school
3 in Pickens County that she was enrolled at,
4 what that school was?

5 A. Yes. She was first enrolled at
6 Pickens Elementary School in the 2001-2002
7 school year.

8 Q. Do you know what grade she was in?

9 A. She was a kindergarten student at
10 that time.

11 Q. How many years or through what
12 grades was she at Pickens Elementary School?

13 A. She was at Pickens Elementary School
14 in kindergarten, first grade, second grade,
15 third grade and fourth grade.

16 She started her fifth year in Pickens
17 Elementary and then transferred to Holly
18 Springs Elementary during that school year.

19 Q. What year was that?

20 A. Her fifth grade year was 2006-2007
21 school year.

22 Q. Do you have an address on file for
23 when she was at Pickens Elementary?

24 A. Yes, I actually have two addresses
25 on file that I was able to find. On her

1 report cards at the end of the second and
2 third grade years, she was at 1002 South
3 Lewis Street in Pickens and then for her
4 fourth grade year, beginning the fifth grade
5 year, she was at 1008 Jane Lane in Pickens.

6 Q. Now, when she went to Holly Springs
7 Elementary, was she still at Jane Lane?

8 A. No, ma'am. They had moved to 133
9 High Top Drive, Pickens.

10 Q. All right. After Holly Springs
11 Elementary, what is the next school that you
12 have listed.

13 A. The next school that I have listed
14 is Pickens Middle, which would be consistent
15 with her having been at Holly Springs
16 Elementary.

17 Q. What year did she start Pickens
18 Middle?

19 A. She started in August of 2007 at
20 Pickens Middle.

21 Q. Do you have an updated address?

22 A. I do. During that school year she
23 moved in April, and the address was 141 Wiley
24 Road in Liberty.

25 Q. And what school did she go to after

1 Pickens Middle?

2 A. She went to Liberty Middle.

3 Q. How long did she go there?

4 A. She visited the 2007-2008 school
5 year and started the 2008-2009 school year at
6 Liberty Middle.

7 Q. So she was at Liberty Middle for a
8 year and then a few months?

9 A. I show that she was at Liberty
10 Middle beginning in April 2008 and that she
11 then transferred to Pickens Middle in
12 December of 2008. So that would be for about
13 eight months.

14 Q. When she transferred back to Pickens
15 Middle, what address did you have?

16 A. I have 133 High Top Drive, Pickens.

17 Q. And how long was she at that
18 address?

19 A. She completed her seventh grade year
20 at that address, so she was there December
21 2008, which was her seventh grade year.

22 Then she completed her eighth grade year,
23 still at Pickens Middle, and the address that
24 we have is 133 High Top Drive.

25 Then the next school year she started at

1 Liberty High School.

2 Q. What year was that?

3 A. That was August 2010.

4 Q. What was the next school year?

5 A. It was at Liberty High School and
6 the address that we have is 17 Lee Street,
7 Liberty.

8 Q. Did she change schools again?

9 A. She did. She left Liberty High
10 School and went to Prevost Academy for part
11 of the 2010-2011 school year.

12 Then she came back to Liberty High School
13 for the 2011-2012 school year.

14 Then in August of 2012, she left Liberty
15 High School and enrolled in the parenting and
16 literacy program.

17 SOLICITOR ODOM: Please answer any
18 questions that Mr. Dover has for you.

19 THE COURT: Cross-examination.

20 CROSS EXAMINATION

21 BY SCOTT DOVER:

22 Q. Mr. Skelton, the school district is
23 really not interested, nor do they go out and
24 investigate where someone is actually
25 spending the night on a nightly basis, do

1 they?

2 A. On rare occasions, we do. But only
3 when a question comes up that someone might
4 not be being honest with us about where they
5 reside.

6 Q. And the power school that you
7 testified to is this document that shows the
8 progression of a young lady through the
9 school system?

10 A. Yes, sir.

11 Q. In looking at -- if you go into more
12 detail in the record, you can find where at
13 times the child's mother was signing as
14 guardian and at times the child's grandmother
15 was signing as guardian. Is that a fair
16 statement?

17 A. Yes, sir. I see a record where she
18 was with her grandparents, I believe, when
19 she was in Liberty Middle School.

20 Q. And where if a parent comes in at
21 the beginning of a school year and says 'my
22 child is living with me' at High Top Drive,
23 the School District, unless somebody calls it
24 to your attention, you're not looking to see
25 where the child is actually spending the

1 night every night, are they?

2 A. No, sir.

3 SCOTT DOVER: Thank you. That's all the
4 questions that I have for you, Mr. Skelton.

5 THE COURT: Any redirect?

6 SOLICITOR ODOM: No, sir. I ask that
7 he be excused from his subpoena.

8 THE COURT: You're excused -- no
9 objection from the defense, is there?

10 SCOTT DOVER: No objection.

11 (WITNESS STEPS DOWN)

12 THE COURT: Ladies and gentlemen, we
13 are now going to take a very short break.
14 This is the time that y'all need to select
15 your foreperson. It can be any of the first
16 twelve seated. Alternates, I'm sorry, but
17 you do not qualify to serve as foreperson.
18 If you would, select your foreperson, write
19 down the name and give that to the bailiff.
20 We will have you back out shortly.

21 (JURY OUT @ 11:08 A. M.)

22 THE COURT: All right. We said that we
23 would take a break. I wanted to let us get
24 into the case a little bit so that I'd have a
25 better idea of the case.

1 You generally come up with an agreement
2 as to what you're going to be able to ask as
3 far as previous ---

4 SCOTT DOVER: If it pleases the Court,
5 I can give you sort of a summary of where I
6 think that I need to be going.

7 THE COURT: That would be fine.
8 Whatever I need to educate me.

9 SCOTT DOVER: I'm going to share with
10 counsel -- (tendering to Solicitor).

11 While she is looking over that, there are
12 references in the Behavioral Health Services
13 of Pickens County record of the victim
14 reporting acts of sexual abuse.

15 During the case -- during her counseling
16 there, and Ms. Farmer I believe is going to
17 be the witness that testifies, there are
18 handwritten letters where the victim had
19 accused others of raping her and doing
20 similar acts that she is now complaining of
21 in this act.

22 Those were investigated, at times by
23 Pickens City and at times by Pickens County.
24 Officer Kelley was involved in some of that
25 as well. There are statements that I would

1 like to pass up to counselors as to, you
2 know, that this young lady was certainly able
3 and willing, candid in coming forward and
4 saying that these other two people had done
5 these things to her. At the same time, she
6 never once reported that my client did those
7 things to her. I think that is a fair
8 question under the situation.

9 The counselors that are going to be
10 called by the State to testify, there is
11 evidence that, you know, they were counseling
12 her for sexual abuse. It would be confusing
13 to this jury if you did not allow me to ask
14 those questions because it might infer that
15 that counseling was as to my client, and it
16 was not. It was sexual abuse that she had
17 alleged by these two other individuals.

18 And, Your Honor, during the period of
19 time that these offenses allegedly occurred,
20 she was actually assaulted by another
21 individual, Tyler Gilstrap, who went to court
22 and was found -- pled guilty and went to jail
23 for abusing her.

24 During that entire time she never once
25 said that my client was doing that. She

1 complained about three other individuals
2 doing these things to her and didn't -- not
3 once did she say that my client was guilty of
4 the same thing.

5 I believe that was does not violate the
6 rape shield statute by me asking her and the
7 counselors and Mr. Kelley, Detective Kelley,
8 those questions.

9 Thank you.

10 THE COURT: Does that ---

11 SOLICITOR ODOM: Yeah, that pretty much
12 spot on violates the rape shield statute.
13 What the rape shield statute is designed to
14 prevent is asking a victim, you know, the
15 specific details about prior sexual
16 experiences, whether consensual or non-
17 consensual.

18 I think that he could be limited in how
19 he asks it and that would kind of split the
20 baby a little bit. But he can't get up there
21 and say, 'Isn't it true that you said some-
22 body raped you, and they didn't?' That's
23 just -- that's unacceptable. That's a
24 violation.

25 If he says, 'Were you in counseling for

1 other abuse unrelated to the defendant?' I
2 think that's okay. But to say, 'you accused
3 someone else and that was unfounded.' That's
4 an improper comment on the case.

5 Furthermore, this written statements that
6 he has handed over that supposedly that my
7 victim write and signed in cursive, she was
8 four and five years old. There is no way
9 that she wrote this statements, much less
10 signed them her name in cursive. Also the
11 dates on these statements do not coincide
12 with the dates from Behavioral Health. So
13 these statements would have been written
14 before Behavioral Health, before she was seen
15 by them.

16 He's asking to get into cases of other
17 people, other sexual acts that may or may not
18 have been done to my victim. That is a
19 violation of the rape shield. If he says --
20 like I said earlier, -- 'were you in counsel-
21 ing for an unrelated matter' -- and he can
22 even say of a sexual nature but he can't get
23 into the facts of those cases. That is
24 intrusive and that's what the rape shield is
25 meant to protect against.

1 THE COURT: Let me ask you this, the
2 statements that you are referring to, those
3 related to the other matters and have nothing
4 to do with this one; is that correct?

5 SOLICITOR ODOM: Exactly.

6 SCOTT DOVER: And, Your Honor, those
7 were written by her in 2009 when she was in
8 counseling and they asked her to put a date,
9 as best she could, when those events
10 occurred. That's where those dates come
11 from. She wasn't four or five when she wrote
12 the letters out. She couldn't have done
13 that.

14 I would never ask her the questions that
15 Ms. Odom -- you know, 'did you accuse some-
16 body and it was later unfounded.' That would
17 absolutely be impermissible.

18 I certainly think that I can ask her the
19 question, 'In 2009, in counseling didn't you
20 report, you know, report A, B and didn't
21 report my client?'

22 SOLICITOR ODOM: And I disagree with
23 that wording as well because if she didn't
24 report it but her mother reported, but yet
25 the victim says 'no, I didn't report it.'

1 Then it's going to call into questioning her
2 credibility.

3 If she is in counseling for potential
4 sexual abuse, that is one thing. But saying,
5 'well, you said these guys did it and now
6 you're saying these guys didn't do it', but
7 'your mother said you said this', -- it's
8 hearsay on hearsay and complicates the issue.
9 It needs to be streamline and concise.

10 So if counsel on either side strays from
11 what we've agreed to, then an objection will
12 be clear.

13 THE COURT: Right. Let me take a
14 minute and review one of the cases on the
15 rape shield statute and then I'll let you
16 know. Quick break.

17 (BRIEF RECESS)

18 (DEFENDANT PRESENT)

19 THE COURT: I've re-read this and
20 looked at a couple of cases. Go through
21 exactly what you propose that you're going to
22 ask.

23 SCOTT DOVER: The victim was in
24 counseling at Behavioral Health Services for
25 Pickens County from at least 2002 through

1 2011. That encompasses the entire time
2 period that she now testifies these acts were
3 being perpetrated upon her by my client.

4 Nowhere in any counseling session did she
5 ever utter the words that her stepfather was
6 doing anything to her.

7 But she did, during that same period of
8 time, indicate that three other individuals
9 were. Those were talked about and she
10 received counseling for them.

11 I don't think the status of those are
12 relevant, of what happened. But the fact
13 that she was accusing others -- here you've
14 got -- I submit that it is fair for the
15 jurors to believe that this young lady just
16 felt so much, whatever her feelings were,
17 that she did not feel comfortable discussing
18 those type matters with her counselor at that
19 time. Yet in this particular case, that is
20 not true. She was talking about it with ---

21 THE COURT: Well, your question --
22 again, -- what questions would you
23 specifically ask the victim. Let's talk
24 about the victim first.

25 SCOTT DOVER: 'Isn't it true, Miss

1 Child that during this same period of time
2 that you discussed to your counselors that
3 the same type of events had occurred with
4 three other individuals?'

5 THE COURT: Okay. Yes?

6 SOLICITOR ODOM: They are not the same
7 type of events.. It's different sexual acts
8 with people who are not the same familial
9 relationship.

10 The rape shield statute is clear that
11 specific instances of victim sexual contact,
12 opinion evidence of the victim's sexual
13 conduct reputation evidence is not admissible
14 unless it shows source or origin of semen,
15 pregnancy or disease. That does not fit
16 here. To the specific instances, it does not
17 fit.

18 Now, if he wants to say -- I do think
19 that he is allowed somewhat to get into that,
20 'Well, you were able to speak to a counselor
21 about possible sexual abuse with other
22 perpetrators, why didn't you speak to the
23 counselor about this supposed sexual abuse?'

24 But for him to say 'you made allegations'
25 that is not necessarily correct. For him to

1 say, 'you made allegations of similar
2 conduct' is not necessarily correct. That is
3 going to paint for the jury that it is a
4 family member, that it started out as
5 rubbing, progressed to oral. It's just
6 painting/presenting testimony in a light that
7 isn't correct.

8 THE COURT: I guess then that what
9 you're saying is that don't have a problem if
10 it is limited to words 'did you have
11 discussion about sexual abuse with other
12 individuals.'

13 SOLICITOR ODOM: Yes, but not that she
14 made allegations. Not that it was similar.

15 SCOTT DOVER: I think you're right that I
16 should not use the word "similar."

17 THE COURT: Okay.

18 SCOTT DOVER: But ---

19 THE COURT: It sounds like y'all are
20 fairly close on what you agree on. And I
21 think that -- in looking at the rape shield
22 statute, the way that it has been discussed,
23 that it's all for purposes -- and I look at
24 *Grovenstein* and the *Williams* case, which both
25 have pretty good analyses.

1 I think that you get into the fact that
2 she was in counseling, that she discussed
3 sexual abuse with other individuals. But I
4 don't any further specifics or discussions of
5 similar ---

6 SCOTT DOVER: Those are questions that I
7 will be asking her, Ms. Farmer and Detective
8 Kelley. I need to ask your guidance on those
9 questions with Detective Kelley -- and I
10 guess the victim too. She actually reported
11 that another person had perpetrated a sexual
12 crime on her, and reported to the authorities
13 -- that individual was arrested. Can I not
14 get -- I mean, I don't know how I could
15 handle that. Detective Kelley, I think, was
16 involved with that as well.

17 SOLICITOR ODOM: That's just irrele-
18 vant. There is no need for that testimony
19 to come in through Detective Kelley. That is
20 just irrelevant.

21 THE COURT: I think it would also be --
22 I don't think that I am going to allow that
23 one.

24 SCOTT DOVER: Okay. I have one other
25 questions that I wanted to address with

1 Detective Kelley, but I want to save that
2 until we get ---

3 THE COURT: So we're good on where we
4 are with the rape shield statute.

5 Based on the discussion with the
6 attorneys, there was also another matter with
7 another victim and all parties have agreed
8 that that will not be mentioned in any way by
9 any witnesses. Make sure that all witnesses
10 are instructed that they are not to refer to
11 or to go into any victim -- any matter with
12 any other victims.

13 SOLICITOR ODOM: That's correct, Your
14 Honor. The State will not elicit testimony
15 and I've let witnesses know that we're not
16 talking about the sister's case, Katlyn
17 Cisson. We're not going to be discussing any
18 possible sexual abuse with her, that we are
19 solely here today about [REDACTED]

20 SCOTT DOVER: And, I understand, Your
21 Honor, that the next witness is going to be
22 [REDACTED] Child [REDACTED] Child who is present in the
23 courtroom, the victim.

24 It might be good to go ahead and call
25 her, put her under oath and admonish her that

1 she's not to talk about Katlyn in any form or
2 fashion whatsoever.

3 SOLICITOR ODOM: And I don't think that
4 is necessary. She's heard us.

5 THE COURT: You've heard us?

6 [REDACTED] Child [REDACTED] Yes, sir.

7 THE COURT: She's heard us.

8 SCOTT DOVER: Thank you.

9 THE COURT: Are we ready for the jury?
10 Did we get a note from the jury? Did they
11 choose a foreperson?

12 SOLICITOR ODOM: Your Honor, could I
13 say one thing for scheduling? I know that we
14 are still pretty early in the day but I
15 anticipate this witness taking about an hour.
16 Then I'd like to do Ms. Galloway-Williams
17 because she has to leave Pickens.

18 THE COURT: Okay, let's do her before
19 lunch, run a late lunch.

20 SCOTT DOVER: That's fine.

21 THE COURT: The foreperson is Forrest
22 A. Ballew.

23 (JURY IN @ 11:34 A.M.)

24 SCOTT DOVER: Your Honor, may we
25 approach?

1 THE COURT: I understand, Mr. Ballew,
2 that you have been selected as the foreperson
3 -- did y'all need to speak with me?

4 SCOTT DOVER: Yes, sir, I forgot
5 something.

6 (OFF RECORD BENCH CONFERENCE)

7 THE COURT: All right. Ms. Odom,
8 please call your next witness.

9 SOLICITOR ODOM: Your Honor, the State
10 calls Child [REDACTED] Child [REDACTED]

11 (WITNESS TAKES STAND)

12 Child [REDACTED] Child [REDACTED] having been sworn to
13 tell the truth, and nothing but the truth,
14 testified as follows:

15 DIRECT EXAMINATION

16 BY SOLICITOR ODOM:

17 Q. What is your name?

18 A. Child [REDACTED] Child [REDACTED]

19 Q. What is your date of birth?

20 A. 7-8-1996.

21 Q. How old are you now?

22 A. Twenty-one (21).

23 Q. Tell me about your family. Do you
24 have any kids?

25 A. I do, I have three little boys:

1 a five-year-old, an eighteen-month-old and a
2 four-month-old.

3 Q. What town do you live in now?

4 A. I live in Liberty, South Carolina.

5 Q. Who do you live with?

6 A. I actually stay with my grandparents
7 and am in the process of getting my own
8 place.

9 Q. Do you have any brothers and
10 sisters?

11 A. I do. I have a sister, Katlyn, and
12 two brothers, Matthew and Alex.

13 Q. Does your -- how old is your sister?

14 A. My sister just turned nineteen and
15 my brothers are twelve and fourteen. They
16 were born in 2000 and 2002, I think. I
17 haven't got to see them a lot in the last few
18 years.

19 Q. Do you have any nieces or nephews?

20 A. I do. I have two nieces, one is
21 five and one is two months.

22 Q. Who is their parent?

23 A. My sister, Katlyn.

24 Q. So your sister has a five-year-old
25 and a newborn?

1 A. Yes, ma'am.

2 Q. What about your mom and dad, do you
3 -- tell me their names?

4 A. My dad Ernest Allen Cisson and my
5 mom's name is Faye Williams (phonetic).

6 Q. And do you have much of a
7 relationship with your dad?

8 A. Not really. It's been kind of in
9 and out my whole life.

10 Q. Were your parents married?

11 A. They were but they separated when I
12 was around two or three, I was really small.

13 Q. Where is the first address that you
14 remember living when you were little?

15 A. The first address I remember living
16 at was South Lewis Street. My grandparents
17 actually lived there and I stayed there.
18 That was before my mom and daddy moved into
19 the exact same place where my grandparents
20 had moved out. That's when I started staying
21 with them.

22 Q. So who is Jodie?

23 A. Joseph Williams is my stepdad.

24 Q. And do you remember how old you were
25 when you met him?

1 A. I was around four or five when I met
2 him. I believe that I was four when they
3 first got together, but my mom was like --
4 they dated for a while before she actually
5 took me around him. The first time that I
6 met him was at him mother's house, Judy
7 Williams'.

8 Q. So did you ever come to live with
9 the defendant? You said that he moved in
10 when your grandparents moved out?

11 A. South Lewis Street, (affirmative
12 nod). That's actually when -- when Jodie and
13 my mom started dating, my grandparents lived
14 at 1002 South Lewis Street.

15 My grandparents actually moved out when I
16 was around six, almost seven. That's when my
17 mom and Jodie moved into their house and took-
18 over payments on the trailer that they were
19 purchasing. That's when we -- like when I
20 started living with him.

21 Q. Can you describe the trailer?

22 A. On South Lewis Street?

23 Q. How many bedrooms did it have?

24 A. It had three. You walk in, there
25 was the living room, kitchen was to the left,

1 the master bedroom that was my mom's and
2 Jodie's was on the far end. There was a
3 little washroom like in between the kitchen
4 and the bedroom. To the right there was a
5 middle bedroom, then another bedroom and a
6 bathroom.

7 Q. Did you have your own bedroom
8 there?

9 A. We did have our own room there, the
10 back room. But when we was there, I would
11 sleep in the living room floor and watch TV
12 until I fell asleep. I have really bad night
13 terrors when I was young.

14 Q. Did you start school when you lived
15 there?

16 A. I did. I had always went to Pickens
17 Elementary and then whenever Mama and Jodie
18 moved into South Lewis Street is whenever I
19 started -- I was like seven and my sister was
20 five, my brother was -- I can't remember, but
21 he wasn't -- Matthew wasn't born then. But I
22 do know that I had to walk me and my sister
23 to school from South Lewis Street when we
24 stayed with my mama and Jodie.

25 Q. How far is the school from the

1 trailer?

2 A. Not far. If you're familiar with
3 Pickens Elementary School, there is a
4 Catholic church in between and there was a
5 trailer park right below. We lived in that
6 trailer park, in the first trailer. So we
7 had to cross two roads and go through the
8 church parking lot to get to the school.

9 Q. Now, [REDACTED] I know this is going to
10 be hard but I need to get into some detail
11 about why we're here today. Do you remember
12 when any abuse started?

13 A. The first time that anything started
14 with me and Jodie Williams, I was around
15 seven -- in between seven and eight. I was
16 in first grade at Pickens Elementary School
17 and I lived on South Lewis Street.

18 I was laying in the floor one night in
19 the living room. Him and my mama had been
20 arguing, Jodie was up drinking. My sister,
21 she was already in bed. My mom, she has
22 already went to her room and laid down.
23 Jodie had been outside and, you know, the
24 majority of that time while I was watching
25 TV.

1 I was scared. I was, like, always scared
2 for some reason. I had night terrors.

3 Jodie come in there one night, he laid
4 down in the floor beside me on the pallet.
5 He was playing with my ear. He was rubbing
6 my back. He started rubbing me on the legs.
7 You know, kissing me on the side of the head.
8 Telling me everything was going to be okay.

9 Then it went from like everything being
10 okay to he wanting to talk about my mom, him
11 and my mom's problems. That kind of like
12 where the rubbing started. Then later on,
13 throughout the time from that very first
14 incident until I was twelve, it steadily led
15 up to more and more.

16 Q. That first night though when you
17 said that he started rubbing on you and he
18 was rubbing on your legs and -- where else
19 was he rubbing?

20 A. He was rubbing on my -- close to my
21 privates, like right at my leg and my groin.
22 But he didn't do anything that first time
23 besides rub on me and like kiss me on the
24 cheek and stuff.

25 He tried to make it out like he was just

1 trying to help me go to sleep, that my mama
2 wouldn't talk to him and he needed, you know,
3 to talk to somebody. It was just really -- I
4 don't know how to explain it. That was the
5 first time that he'd ever really touched me
6 like that.

7 Q. Did he rub you on your chest?

8 A. He basically rubbed me like every-
9 where.

10 Q. Did he rub you under your clothes?

11 A. Under my shirt, on my stomach and on
12 my back. But at that point he'd never put
13 his hands in my pants at that time.

14 Q. And you said that your mom was in
15 the bed at this point?

16 A. Yes, ma'am.

17 Q. Tell me how the abuse progressed
18 from there.

19 A. Well, it kinda just happened like
20 that several times. You know, he would get
21 drunk, him and my mom would argue, then he
22 would come talk to me about my mom not
23 wanting to have anything to do with him. I
24 am not sure why I was being talked to about
25 that. But, uh, my mom wouldn't have sex with

1 him and he was always drinking and cheating
2 on my mom.

3 Then we had moved to Jane Lane in Six
4 Mile, uh, and that is when he started like
5 kissing on my private area and stuff like
6 that. And also a lot of the -- the first
7 time -- the first time he made me su-- --
8 (emotional) -- made me put my mouth on his
9 penis, the first time was right before I had
10 to leave Jane Lane. Then I had to go stay
11 with my grandparents for a little while
12 because my mom and my youngest brother,
13 Matthew, broke out in some kind of rash at
14 Jane Lane. They'd found out that whoever
15 lived there prior had cooked meth or
16 something the trailer and me and my sister
17 went to my grandparents. My grandparents at
18 the time lived on Railroad Street and we
19 stayed there until my mom and Jodie moved to
20 133 High Top Drive. That is where the
21 majority of everything that he done to me
22 happened at.

23 Q. Going back to Jane Lane, describe
24 that trailer to me.

25 A. You walked in, it was kind set up

1 the same way as Lewis Street, three bedrooms.
2 You go in the living room and the kitchen and
3 living room was kind of together.

4 There was a very back bedroom on the end
5 that was supposed to be my brothers, that had
6 all their toys and stuff in it. But, you
7 know, they didn't stay in it. My brother
8 never stayed in their own room.

9 On the other end there was a bedroom -- a
10 middle bedroom that was mine and Katlyn's, me
11 and Katlyn had the smallest room in the house
12 with a twin-size mattress that we shared when
13 we stayed there.

14 Jodie and Matthew and Alex, my two
15 brothers, slept in the back bedroom.

16 My mother slept on the couch.

17 Q. Now, you say when you stayed there.
18 Was it common for y'all to stay somewhere
19 else from time to time?

20 A. We have always, our entire lives,
21 been out and back between my mom and Jodie's
22 and my grandparents. We have been out and
23 back so many times that it is very hard for
24 me to tell you dates and exact times, because
25 my life was never stable enough for me to do

1 that.

2 But on Jane Lane, we would stay with them
3 some, but we was out and back until the whole
4 thing with the rash happened with my mom and
5 my brothers, and we had to stay with Nana and
6 Papa there completely for a couple of months
7 until they moved to High Top.

8 Q. Now, I need to talk about the abuse
9 in a little more detail. You stated that at
10 South Lewis ---

11 SCOTT DOVER: I'm going to object to her
12 leading. She was leading her a little bit
13 before, suggesting where he'd touched her and
14 stuff like that.

15 THE COURT: All right. Don't lead,
16 please.

17 SOLICITOR ODOM: I was just stating her
18 exact testimony, what she'd said. I was not
19 leading.

20 THE COURT: Okay.

21 DIRECT EXAMINATION CONTINUED

22 BY SOLICITOR ODOM:

23 Q. So what you said was that the abuse
24 began at South Lewis.

25 A. (Affirmative nod).

1 Q. And you said that he touched you.

2 A. (Affirmative nod).

3 Q. At Jane Lane, what was the abuse
4 escalating to?

5 A. Like I said, when it started on
6 Lewis Street it kept happening, talking about
7 my mom and his situation, trying to make me
8 feel like it was my job to fill her shoes, to
9 watch after my brothers, to be there for him,
10 that he loved me. That's how it all started.
11 He made me feel like I, as a child, should be
12 an adult.

13 Then at Jane Lane, the times that I would
14 stay by myself -- because there were times
15 when my sister would go to my grandparents
16 and I would still be there, because I had a
17 friend that lived next door that I would hang
18 out with there as well.

19 There were times that he would come in my
20 room there. That was the first time -- it
21 was maybe a week or two before I moved in
22 with my grandparents from Jane Lane, was the
23 first time he had made me -- (pause) -- made
24 me suck his penis.

25 Q. Did he ever perform oral on you?

1 A. Yes.

2 Q. Tell me about that. When would that
3 occur? What time of day would it be?

4 A. It happened a couple of times on
5 Jane Lane. That's the first time he ever --
6 as far as oral sex happened, was Jane Lane.
7 Up until that point it was always just
8 rubbing and like kissing on me and talking to
9 me about stuff.

10 He put his mouth on my private area. He
11 rubbed my privates with his hands, with his
12 fingers. He never fully penetrated me with
13 his fingers but he did, like, -- this is
14 really hard to explain.

15 Q. Take your time.

16 A. He would take his fingers and, you
17 know, rub them on the outside of -- and have
18 his mouth on me.

19 Q. Where would your mom be?

20 A. A lot of times my mom was in bed in
21 her room or on the couch -- (emotional),
22 sorry. My mom slept on the couch on Jane
23 Lane. I don't really understand why she -- I
24 don't know why they were together, they never
25 slept together.

1 Q. What rooms would the abuse occur in?

2 A. Usually when -- like on Jane Lane,
3 it was always when my sister would spend the
4 night somewhere else. It would happen in my
5 room.

6 Q. Were you still having night terrors
7 at this point?

8 A. I still have them to this day.

9 Q. Where would your brothers be?

10 A. My brothers were always asleep in
11 the back room, the very back room. At that
12 time on Jane Lane they had a queen size bed
13 mattress and my brother had twin size
14 mattresses kind of like pushed up against the
15 queen size mattress. That is where my
16 brothers slept, was on the twin mattresses.

17 Q. Moving on to High Top, do you
18 remember how old you were when you lived
19 there, what grade you were in?

20 A. I know that when we lived on High
21 Top, that when we moved there that I was
22 starting fifth grade and that was the first
23 time that I'd ever switched schools, was
24 Holly Springs. In the fifth grade I was --
25 (pause) -- I was ten, I believe, when we went

1 to High Top.

2 Q. And where did ---

3 A. Eleven, I was almost eleven. Ten,
4 almost eleven.

5 Q. Where did your grandparents live
6 when y'all lived at High Top?

7 A. My grandparents? We lived at 133
8 High Top and my grandparents actually lived
9 -- I can't remember their house number but it
10 was actually like a couple of driveways down
11 from us.

12 Q. What happened at High Top, what sort
13 of abuse?

14 A. The continuance of making me suck
15 his dick, several times repeatedly it
16 happened. Nine times out of ten he would be
17 drunk or high when this happened.

18 I tried to stay at my grandparents when I
19 lived on High Top Drive. I did stay with
20 them some there. I tried my best to stay
21 with my grandparents as much as I could.

22 But my grandparents at that time had
23 tried to talk to someone to get custody of me
24 and my sister. When they done that, DSS was
25 involved and we were forced to go back and

1 live with my mom and Joseph on High Top
2 Drive.

3 Q. Now, when the oral sex would occur,
4 when you would perform oral sex on the
5 defendant, would he ejaculate?

6 A. Most of time when I -- I had -- when
7 I had to do it, whenever he would start to
8 get off I would spit, because it was nasty.
9 Then after I -- after I'd done that he would
10 make me go brush my teeth.

11 Q. Did you have to brush your teeth
12 every time?

13 A. Every time.

14 Q. Did you do that on your own or at
15 his instruction?

16 A. At his instruction and on my own,
17 because it was nasty.

18 Q. At High Top, do you remember where
19 your mom or Jodie worked?

20 A. My mom, at High Top Drive, worked at
21 where she still works at now, the Pickens
22 County Board of Disabilities and Special
23 Needs.

24 Joseph at that time, he had done side
25 jobs for people and stuff like that, but

1 Joseph -- my mom, as far as financial and
2 stuff like that would -- was the family
3 provider. It was not him.

4 Q. When this abuse was occurring, was
5 the defendant -- you've touched on it a
6 little bit, but what kind of things would he
7 say to you?

8 A. Well, when -- like I said, you know,
9 with it starting earlier with him talking to
10 me about stuff with my mom, uh, my mom -- my
11 mom and my biological dad had a lot of
12 problems. In return, I did have a lot of
13 issues because I didn't understand, being so
14 young, why my dad was taken away from me and
15 stuff. And Jodie was always there to comfort
16 me through that and, you know, be there for
17 me and make me feel that my mom hated me.
18 You know, that she was a bitch, that she did
19 not love me. I -- to this day, it is still a
20 struggle to try to work through that with my
21 mom because he turned me against her. He
22 made me feel that I had to do things for him
23 to have a life, for him to do things to me.

24 Q. When you say that, what do you mean
25 that you had to do things to him?

1 A. My mom, she -- I don't know or know
2 -- I know that she didn't mean to hurt me but
3 she did by staying locked up in her room,
4 because Joseph abused everybody. It was not
5 just ---

6 Q. All right. Getting back to the
7 things that he would say, were you ever -- is
8 there anything else that he would say while
9 he was abusing me?

10 A. He would tell me that the only
11 reason he was doing it was because he loved
12 me and that he didn't have a choice because
13 my mom would not have anything to do with
14 him, that it was my job to protect my
15 brothers, to be there for them. That I
16 couldn't tell anybody because if I told
17 anybody that we would all be ripped away.

18 So I was scared, I was terrified. My
19 brothers and my sisters, I took care of them.
20 I didn't want to see anything happen to them.

21 But he made me feel it was normal. He
22 did. I really thought that what I was doing
23 was normal.

24 Q. Would he ever give you anything?

25 A. He'd give me cigarettes, he'd give

1 me beer, he'd give me liquor, pot, stuff that
2 I -- you know, I cannot believe. I was so
3 young. Just having kids now just makes me
4 more disgusted with it. I mean, I spent most
5 of my childhood doing drugs.

6 Q. Did your mom ever catch you smoking?

7 A. My mom did catch me smoking
8 cigarettes a few times. Every time she would
9 take them and tell me not to do it, but she
10 never really knew that the whole time that
11 Jodie was the one buying them for me either.

12 Q. Did you feel special when he would
13 give you stuff?

14 A. Yeah, it made me feel kinda like I
15 was -- I don't know, an adult maybe. I mean,
16 I was young and he'd kind of put me up on a
17 pedestal like. You know, anything that I'd
18 done he'd give me cigarettes and the like.
19 I felt like I was my brothers' mom. I felt
20 like I was the woman of the house, if that
21 makes any sense.

22 Q. Did they ever talk to you about
23 other adult things, like bills or anything?

24 A. Not really like that because my mom
25 always took -- that's the only thing that my

1 mom really done, was work and take care of
2 bills.

3 Q. Do you remember the last time that
4 any abuse occurred?

5 A. The very last time that the abuse
6 occurred, it was around like the week before
7 I turned thirteen. Because I'd gotten my
8 first boyfriend, his name was Jimmy. And
9 then I actually found out that Jodie knew my
10 boyfriend's mother, they went to school
11 together. And I lost my virginity, I'd had
12 sex for the first time about a week before I
13 turned thirteen. At the time that I had sex
14 with Jimmy, Joseph was also at the same time
15 having sex with Jimmy's mom. When that
16 happened, ---

17 SCOTT DOVER: Objection, Your Honor.
18 Unless there is some foundation -- I object
19 to that and ask that that be stricken from
20 the record.

21 THE COURT: Sustained.

22 SCOTT DOVER: Thank you.

23 THE COURT: Ladies and gentlemen, I've
24 ordered that be stricken. You are not to
25 consider that in any way during your

1 deliberations.

2 DIRECT EXAMINATION CONTINUED

3 BY SOLICITOR ODOM:

4 Q. You were just saying that you lost
5 your virginity when you were twelve.

6 A. (Affirmative nod).

7 Q. What location were you at?

8 A. I was at my boyfriend's mom's house.
9 It was over off of Reece Mill Road. I don't
10 remember the address. We didn't date long.

11 Q. Were you -- how did you get to the
12 house?

13 A. Jodie took me.

14 Q. So Jodie took you over there that
15 night?

16 A. Yes.

17 Q. After you had sex with your
18 boyfriend, did you tell Jodie?

19 A. He knew. We were all given alcohol
20 that night. It was a party.

21 SCOTT DOVER: Objection. The question
22 was did she tell Jodie.

23 THE COURT: Please respond to the
24 question.

25 WITNESS: Yes, sir.

DIRECT EXAMINATION CONTINUED

BY SOLICITOR ODOM:

Q. You said that he knew, but did you tell him?

A. (No verbal response).

Q. Did y'all discuss it?

A. Yes.

Q. After that, did the abuse stop?

A. About a week after that happened, Jodie come to me and he told me that he asked God to forgive him, and he asked me to forgive me. He swore to me that if I would forgive him that he would never touch me again. At that time, I was really kind of confused because of what I thought was normal. I said 'I forgive you' and I started dating other people. It never happened again.

Years went by and that's when -- that's when it stopped.

Q. You said earlier that you still have night terrors.

A. (Affirmative nod).

Q. Do you have any other issues?

A. I suffer from anxiety and PTSD. I

1 was recently diagnosed in the last few years.
2 I've been struggling with it.

3 Q. Do you ever have trouble with
4 relationships?

5 A. I've had a lot of issues. My oldest
6 son's dad was -- I've allowed myself to be
7 hurt by many people because of what I've been
8 through. I've went through a lot of
9 counseling and classes here the last few
10 months to try to learn what healthy relation-
11 ships are because that was something that I
12 was never taught.

13 Q. Does this abuse affect your intimate
14 life, your intimate relationship?

15 A. Sometimes it does. It used to a lot
16 more than it does now, but through the lady
17 that I've been talking to about it I've
18 become more of what I feel is a survivor than
19 a victim and that's helped a lot.

20 Q. Now, tell me -- do you remember how
21 old you were when you disclosed about the
22 abuse?

23 A. When I reported it, it was in
24 November of 2013. I was 17.

25 Q. What prompted you to report?

1 A. I don't want to say anything that I
2 am not allowed to say. There were some
3 things going on in my mom's, uh, with my
4 sister and her friends. There was some
5 partying going on there. My niece was there,
6 involved.

7 Q. How old was your niece at that time?

8 A. She was about two.

9 Q. So were you and your sister pregnant
10 at the same time?

11 A. Yes. My oldest little boy and her
12 oldest little girl are like seven weeks
13 apart.

14 Q. So how old were you when you had
15 your little boy?

16 A. I was fifteen.

17 Q. And how old was your sister?

18 A. Thirteen.

19 Q. So your niece was living at the
20 home?

21 A. Yes.

22 Q. Why would that have prompted you to
23 tell?

24 A. There was an incident that happened
25 a couple of days before I made the report.

1 Jodie and a friend of his ---

2 SCOTT DOVER: Your Honor, I would object
3 unless she has some foundation for what
4 happened. If she was there and has an
5 independent recollection of this -- I don't
6 know what she's getting into. If it is based
7 on what was going on at ---

8 THE COURT: Hold on. If you could ask
9 the questions ---

10 SOLICITOR ODOM: I can rephrase it.

11 THE COURT: Rephrase it.

12 SCOTT DOVER: Thank you.

13 DIRECT EXAMINATION CONTINUED

14 BY SOLICITOR ODOM:

15 Q. Were you worried about your niece?

16 A. Yes, I was.

17 Q. How old did you say your niece was?

18 A. She was two.

19 Q. Where were you living at that point
20 when you disclosed?

21 A. They was living at my mom's at that
22 point.

23 Q. Where were you living?

24 A. I was living with my grandparents.
25 I moved in with my grandparents again after

1 -- when I found out that I was pregnant.

2 Q. Who was living at your mom's house
3 on Lee Street?

4 A. At that time it was Jodie, my mom,
5 my brothers, my sister, my niece.

6 Q. Did your mom work?

7 A. She did, at the Board of
8 Disabilities.

9 Q. Who kept your niece?

10 A. My sister was supposed to be the one
11 that took care of her but ---

12 SCOTT DOVER: Your Honor, this is where I
13 would the Solicitor -- I would object except
14 as to what this witness knows of that. Not
15 what she heard. Now, if she knows who was
16 keeping the niece, then that is a proper
17 question. But if it is based on hearsay or
18 speculation, I would object.

19 THE COURT: You may ask her that
20 question -- and make sure that you respond to
21 the question.

22 WITNESS: Yes, sir.

23 DIRECT EXAMINATION CONTINUED

24 BY SOLICITOR ODOM:

25 Q. Do you have personal knowledge?

1 A. I have personal knowledge that my
2 mom took care of my niece through the week
3 and when she worked on the weekends that my
4 sister was leaving my niece under the care of
5 Joseph.

6 Q. Would you still -- even though you
7 lived with your grandparents, would you still
8 go visit with your mom and them?

9 A. Yes, I would go see my sister, my
10 brothers and my niece.

11 Q. All right. So when you told -- let
12 law enforcement know, where were you?

13 A. I actually called the police from
14 Lee Street, at my mom's house. The police --
15 because of my mom leaving work and actually
16 coming over there to her house where I had
17 called the police, Pickens County asked if we
18 could move it to my grandparents to take the
19 statements, at 141 Wiley Road in Liberty.

20 So I was followed by the police to my
21 grandparents, to give the statement there.

22 Q. So which officer did you speak with
23 at that point?

24 A. It was a Pickens County deputy and,
25 honestly, -- I reported almost four years ago

1 and I cannot remember his name.

2 Q. After you gave your initial
3 statement, did you speak with any other
4 officers?

5 A. Yes, ma'am.

6 Q. Who did you speak with?

7 A. Jan Kelley.

8 Q. Did you also give him a statement?

9 A. I did.

10 Q. Do you have personal knowledge about
11 how the defendant is?

12 A. (No verbal response).

13 Q. Do you know how old Jodie is?

14 A. Yes, ma'am.

15 Q. How old is he?

16 A. He's 44.

17 Q. How do you know that?

18 A. Because his birthday was April 8th,
19 1972.

20 Q. And how do you know his birth date?

21 A. Am I allowed to say? I just know
22 his birthday. When we were little and my mom
23 got food stamps, that was our pin code -- his
24 date of birth. That's how I've always known.

25 Q. Is Jodie Williams in the courtroom

1 today?

2 A. Yes, he is.

3 Q. Can you point him out to me?

4 A. He's sitting right there.

5 Q. Can you tell me what color shirt

6 that he has on?

7 A. He has a blue shirt on.

8 SOLICITOR ODOM: Your Honor, at this
9 time I would like the record to reflect that
10 she is pointing out the defendant.

11 SCOTT DOVER: Without objection.

12 DIRECT EXAMINATION CONTINUED

13 BY SOLICITOR ODOM:

14 Q. Is he the man who molested you?

15 A. He is.

16 Q. I just have a few more questions for
17 you, [REDACTED] Were there times when you lived
18 with your mom and Jodie that she worked late
19 or where she was at work and you were at
20 home?

21 A. Can you repeat that?

22 Q. Sure. Were there times when you
23 lived with your mom and Jodie that she worked
24 late or where she was at work and you were at
25 home?

1 A. Yes.

2 Q. Were there times when you were alone
3 with Jodie?

4 A. Yes.

5 Q. Would you go to visit Jodie's mother
6 any?

7 A. There were some times when we would
8 go to Judy's. Me and my sister never really
9 got invited to stuff at his mom's house. His
10 mom did not like us at all. But there was
11 times when I would be riding with Jodie to go
12 drop my brothers off, for him to go out to,
13 uh, what he'd say was band practice.

14 Q. Do you remember any times when you
15 were living with your mom and Jodie that he
16 would just stay at his mom's house?

17 A. There were times that Jodie stayed
18 at his mom's house, but he did not always
19 stay at his mom's house. Only if him and
20 mama was arguing.

21 SOLICITOR ODOM: Beg the Court's
22 indulgence one moment.

23 THE COURT: Sure.

24 DIRECT EXAMINATION CONTINUED

25 BY SOLICITOR ODOM:

1 Q. Do you remember how often the abuse
2 would occur?

3 A. It was often but it was like random.
4 It was a lot, too many times for me to count.

5 Q. Did it occur before you turned
6 eleven?

7 A. It's hard for me to remember exactly
8 ages. I know that the first time that it
9 happened was not long before we left Jane
10 Lane and went to stay with my grandparents.
11 That was the first time he made me do that
12 oral sex to him.

13 Then after High Top is when the majority
14 of when that happened, of the oral sex.

15 Then it stopped about a week before I
16 turned thirteen.

17 SOLICITOR ODOM: Please answer any
18 questions that Mr. Dover has for you.

19 THE COURT: Cross-examine.

20 SCOTT DOVER: May it please the Court.

21 CROSS EXAMINATION

22 BY SCOTT DOVER:

23 Q. Ma'am, the offense that you just
24 told the jury about, would you agree with me
25 that had that happened that would be one of

1 the most traumatic things in a person's life?

2 A. It has been.

3 Q. And it is one that people -- it
4 would be etched in your memory forever?

5 A. It has been.

6 Q. And you would remember exactly the
7 way that it occurred?

8 A. I would.

9 Q. And isn't it true, ma'am, that if
10 these events happened the way that you said
11 they did that the only witnesses to these
12 events would be yourself and Jodie Williams?

13 A. That's correct.

14 Q. There is no physical evidence,
15 correct?

16 A. (No verbal response).

17 Q. You never went to the doctor and got
18 checked out or anything like that?

19 A. No, sir.

20 Q. And you never uttered a word to
21 anybody about my client, Jodie Williams,
22 doing any of these thing to you for ten
23 years. Is that correct?

24 A. (Affirmative nod). No, sir, I did
25 not.

1 Q. So that is correct?

2 A. That is correct.

3 Q. And you just told this jury today
4 that the first time that it occurred was when
5 you were living at South Lewis Street, when
6 you were about seven or eight years old.
7 That you were lying on the floor, that your
8 mom had already laid down -- am I correct
9 about those two things?

10 A. Yes.

11 Q. That you were on a pallet in the
12 floor, is that right?

13 A. Correct.

14 Q. That Jodie laid down beside you,
15 started talking to you, kissing you,
16 caressing you and rubbing on you. Is that
17 the truth?

18 A. That is the truth.

19 Q. But, ma'am, earlier -- I've asked
20 you these same questions before, haven't you?

21 A. You sure have.

22 SCOTT DOVER: Your Honor, if I could
23 approach the witness.

24 SOLICITOR ODOM: Your Honor, if I could
25 see ---

1 SCOTT DOVER: Sure, (tenders).

2 SOLICITOR ODOM: (Review).

3 CROSS EXAMINATION

4 BY SCOTT DOVER:

5 Q. Turn with me in that document to
6 Page 10.

7 A. Okay.

8 Q. You were placed under oath and sworn
9 to tell the truth when these questions were
10 asked of you. Is that correct?

11 A. Give me just a second to read this.

12 Q. Yes, take your time.

13 A. What ---

14 Q. Turn back with me to the cover page.
15 This testimony was provided by you on June
16 22, 2015. Is that right?

17 A. Yes, sir.

18 Q. Two years ago?

19 A. Yes, sir.

20 Q. Turn with me to Page 16. I am going
21 to stand over here next to Ms. Odom so that
22 she can see what I am asking. When you were
23 asked what happened two years ago, please
24 tell the jury, starting on Line 4 of what you
25 said happened then. Just read it.

1 A. (Reading): *"I was around seven or*
2 *eight years old. It was while I was still at*
3 *Pickens Elementary. I am pretty sure I was*
4 *in first or second grade. My mom had done*
5 *went to bed. It was late. I was still up.*
6 *Jodie was still up. Jodie had been*
7 *drinking."*

8 Q. Go ahead.

9 A. (Reading): *"It started off with,*
10 *'Do you want to try this cigarette?' It was*
11 *a different flavored cigarette. I'm sure, I*
12 *was little. I didn't know anything about it*
13 *and I started smoking vanilla-flavored*
14 *cigarettes. The next thing I know he asked*
15 *me if I wanted to go lay on the floor and*
16 *watch a movie and he'd make a pallet."*

17 Q. All right. Now, you also told this
18 jury just a few moments ago that my client
19 required you or asked you to perform oral sex
20 on him while you were living at Jane Lane in
21 Six Mile, South Carolina. Didn't you tell
22 tem that?

23 A. Yes, the first time that it happened
24 was at Jane Lane.

25 Q. And that would certainly be

1 something that a young woman at your age
2 would certainly remember in her life, your
3 life; wouldn't it?

4 A. Yes.

5 Q. Where that occurred, don't you
6 think?

7 A. I do remember.

8 Q. Turn over to Page 18, ma'am, of your
9 same testimony, two years ago.

10 A. Okay.

11 Q. Under oath when I asked you that
12 question, starting on Line 5, tell this jury
13 what you testified to under oath then.

14 A. Where do you want me to ---

15 Q. Line 5, that's your answer.

16 A. (Reading): "One of the first times
17 he put his mouth on me is when we had -- it
18 was right we had moved to High Top Drive in
19 Pickens, is when the oral sex had started,
20 around ten or eleven years old. That is the
21 only place the oral sex happened at, was High
22 Top Drive."

23 Q. Over two years ago you stated that
24 the only place the oral sex occurred was at
25 High Top Drive. Didn't you tell us that?

1 A. Yes. I've also spoken with them as
2 well because this happened to me so many
3 times that I had to go back -- there was
4 times in counseling, trying to get this out
5 of my head that I was confused about dates
6 and times because of being so young when this
7 happened to me.

8 Q. But, ma'am, you would agree with me,
9 just like you told this jury a few moments
10 ago, that if that had occurred to you that
11 you would have remembered exactly the place
12 you were living when it occurred. Don't you
13 think?

14 A. I can ---

15 Q. Don't you think?

16 A. I can remember seeing him do it to
17 me. I suffer from PTSD, like I can visually
18 see it.

19 Q. And for someone to do that, you
20 would be going back in time to that very
21 place where it occurred. People have a vivid
22 memory, to where you can -- people can
23 remember where you were, what you were
24 wearing, what ---

25 SOLICITOR ODOM: I am going to object.

1 I'm not sure what his question actually is or
2 if he has one.

3 SCOTT DOVER: I'll re-ask it.

4 THE COURT: Okay.

5 CROSS EXAMINATION CONTINUED

6 BY SCOTT DOVER:

7 Q. Wouldn't you believe that you'd be
8 able to go back and remember exactly where
9 you were when that happened to you?

10 A. I can remember several places
11 visually.

12 Q. And you told us two years ago --
13 strike that, I withdraw that question.

14 Is your memory better today of these
15 events that happened fourteen years ago than
16 they were two years ago?

17 A. I have went back and really, really
18 made sure that I went over little detail.
19 This was over a five-year period of time that
20 this happened to me. I'm sorry if I can't
21 remember every single little detail but the
22 main things that hurt me, that traumatized me
23 is what I remember and have to live with
24 every day of my life.

25 Q. Ma'am, you just told this jury that

1 at ten years of age, that you had to put your
2 mouth on your stepfather's penis; didn't you
3 tell them that?

4 A. Yes, because I did.

5 Q. And wouldn't you think that you
6 would remember where you were when that
7 happened?

8 SOLICITOR ODOM: Your Honor, I am going
9 to object. This has been asked and answered.

10 THE COURT: I'll let her answer this
11 question.

12 WITNESS: The first time ---

13 CROSS EXAMINATION CONTINUED

14 BY SCOTT DOVER:

15 Q. Don't you think you'd remember?

16 A. The first time ---

17 SOLICITOR ODOM: Objection, he needs to
18 let her answer.

19 THE COURT: She can answer the
20 question, then explain.

21 WITNESS: The first time I ever put
22 my mouth ---

23 SCOTT DOVER: Please answer my question.

24 CROSS EXAMINATION CONTINUED

25 BY SCOTT DOVER:

1 Q. Please answer my question, don't you
2 think that you would remember where you were
3 when that type event occurred to you at ten
4 year old?

5 A. I do remember. I do remember.

6 Q. And you just told this jury that it
7 was in Six Mile, South Carolina not at High
8 Top in Pickens County; didn't you?

9 A. Correct.

10 Q. And you told ---

11 A. I didn't have -- it happened so many
12 times that it is very hard to remember. I
13 was seven to twelve years old.

14 Q. You remember ---

15 A. I'm sorry if I make a mistake.

16 Q. --- vividly the first time that you
17 had sex and where that was. Correct?

18 A. Yes.

19 Q. Don't you think you -- is it not
20 reasonable to believe that you would remember
21 the first time that you put your mouth on a
22 male's penis?

23 A. I do.

24 Q. And don't you think you'd be able to
25 tell consistently where that happened?

1 A. At that time the Family Court was
2 very, very stressful for me.

3 Q. You -- I'm sorry, I didn't mean to
4 cut you off.

5 A. I remember visually the first time
6 that I had to put my mouth on his penis. I
7 will sit here if I need to and give detail as
8 to where and when.

9 Q. You just told this jury that it
10 happened in Six Mile and you told us two
11 years ago that it happened on High Top Drive.
12 Didn't you?

13 A. The majority of the stuff happened
14 on High Top Drive.

15 Q. Well, am I quoting you right that
16 "the only place that the oral sex happened
17 was at High Top Drive", Lines 7 and 8. Did
18 I read that right?

19 A. That's correct. I made one mistake,
20 because the last time -- the last week that I
21 stayed in Six Mile was the first time that he
22 made me put my mouth on his penis, and then I
23 went to my grandparents.

24 Q. So that's one of those little things
25 that you made a mistake about?

1 A. I did make a mistake.

2 Q. You told us -- isn't it true, ma'am,
3 that you made this report and told the police
4 about it while you were in the presence of
5 your father, your biological father?

6 A. Yes, the first person that I
7 reported to was my biological father. And my
8 biological father did tell me ---

9 SCOTT DOVER: I object. Your Honor, I
10 didn't ask her to say what ---

11 THE COURT: Sustained. Don't say
12 what anyone else said. Just answer the
13 question.

14 CROSS EXAMINATION CONTINUED

15 BY SCOTT DOVER:

16 Q. And would you also agree with me
17 that at the time that you told this that you
18 were in a pretty difficult argument/fuss with
19 your mother?

20 A. Am I allowed to say what went on?

21 Q. Were y'all having a fuss, an
22 argument?

23 A. There was a dispute. Yes, there was
24 a fuss.

25 Q. And you were upset that your mother

1 was allowing your sister to be around a boy
2 that she wouldn't allow you to be around, by
3 the name of Joseph Bates? Isn't that
4 correct?

5 A. No.

6 Q. Was law enforcement on November of
7 2013, the first people that you told that
8 Jodie Williams had abused you?

9 A. The first person that ever knew
10 anything, my oldest son's dad, I'd told him
11 that stuff had happened. I never told him
12 details. But the very first person that I
13 fully come out to and finally opened up to
14 was my biological father, Ernest Cisson.

15 Q. But you did tell any individual
16 named David Baker, the father of your first
17 child, you did tell us that you told him
18 about this earlier on; didn't you?

19 A. I was fourteen years old and he had
20 questioned me about me and Jodie being around
21 each other. He was very controlling and he
22 asked me if anything had ever happened. I
23 said stuff had happened but that I didn't
24 want to talk about it. It was not his
25 concern. I never went into detail with him.

1 Q. You didn't in 2010 tell me that you
2 told David Baker that Jodie Williams had
3 required you to have oral sex with him?

4 A. I remember talking to you.

5 Q. Turn to your testimony on Page 19.
6 Let's look at that question. Line 14, your
7 answer -- the question was, who was the very
8 first person who you told what was going on?
9 Am I reading this correctly, (reading): *"The*
10 *first person that I ever told was my son's*
11 *dad. I was fourteen years old. It was not*
12 *long after I got pregnant with my little*
13 *boy...* "

14 SOLICITOR ODOM: Your Honor, I am going
15 to object. He's just reading off the
16 transcript. He's not actually asking ---

17 SCOTT DOVER: I'm asking her.

18 CROSS EXAMINATION CONTINUED

19 BY SCOTT DOVER:

20 Q. Isn't that what you said to us?

21 A. What I said in that statement is
22 true. I had always struggled with oral sex
23 with anybody that I'd been in a relationship
24 with and that did bring on him questioning me
25 about Jodie.

1 Q. So you would expect us, if the jury
2 is going to listen to this testimony, that
3 David Baker is going to be a witness that is
4 going to come forward and be a witness and
5 say that you told him this in 2010?

6 SOLICITOR ODOM: Objection to this,
7 because he is asking her ---

8 THE COURT: Sustained.

9 CROSS EXAMINATION CONTINUED
10 BY SCOTT DOVER:

11 Q. Did you tell David Baker that this
12 happened to you in 2010?

13 SOLICITOR ODOM: Objection to the
14 wording of the question. That could be
15 answered in two different -- two completely
16 different ways.

17 CROSS EXAMINATION CONTINUED
18 BY SCOTT DOVER:

19 Q. Did you tell David Baker that you
20 had a problem with oral sex because of your
21 abuse by Jodie Williams in 2010?

22 A. I did.

23 Q. Are you telling this jury under
24 oath, let's make sure that I've got this
25 correct, that there were nights that you

1 spent at the home of your mother when your
2 sister was not present. Is that what you are
3 telling this jury?

4 A. Yes.

5 Q. And are you telling this jury also
6 that there were nights that you spent alone
7 with Jodie Williams while she was at work.
8 Did I get that right?

9 A. Can you repeat that?

10 Q. Are you telling this jury that there
11 were many nights when your mother worked that
12 you were left alone in that home with Jodie
13 Williams?

14 A. Yes.

15 Q. Is it true that you told Detective
16 Kelley on November 30th, 2013, -- you said
17 that -- you said that Jodie -- "he", Jodie --
18 "did use his fingers on several occasions" by
19 inserting them into your vagina. Did you
20 tell him that?

21 A. Yes, as I said earlier.

22 Q. Turn over to Page 33 in your
23 testimony in 2015.

24 A. (Complies).

25 Q. Was the question posed to you, "Did

1 he ever put any part of his body in your
2 vagina?" What was your answer.

3 A. His penis. Speaking of his penis,
4 he never penetrated me with his penis.

5 Q. So I misquoted that? The question
6 was, "Did he ever put any part of his body in
7 your vagina?"

8 A. Yes, it was.

9 Q. And your answer was "No, ma'am."

10 A. Yeah.

11 Q. Is a finger a part of your body?

12 A. At that time I thought she meant by
13 rape. I've never said that he raped me.

14 Q. Just another one of those little
15 things that you made a mistake on?

16 SOLICITOR ODOM: Objection, Your Honor.
17 That's completely inappropriate. It's a
18 comment about the testimony.

19 THE COURT: Sustained.

20 CROSS EXAMINATION CONTINUED

21 BY SCOTT DOVER:

22 Q. In 2009, -- let me ask this
23 question. You were in counseling from 2002
24 through 2011 with Behavioral Health Services
25 of Pickens County; isn't that correct?

1 A. I've been in and out of Behavioral
2 Health my entire life, sir.

3 Q. And in 2009, your counselors asked
4 you specifically had your stepfather ever
5 abused you; didn't they?

6 A. I don't remember that.

7 Q. Do you remember what your answer was
8 to them?

9 A. In 2009?

10 Q. Yes.

11 A. That was eight years ago. Nope,
12 nothing was ever mentioned about my stepdad
13 at that point. I never reported anything
14 until I was seventeen.

15 Q. When you were seven years of age, if
16 my math is right that would be 2003; correct?

17 A. Yes.

18 Q. And these indictments that the jury
19 heard earlier was that these events allegedly
20 occurred to you from the date of your seventh
21 birthday, July the 8th, 2003, until July 8th of
22 2009, when you turned thirteen. Is that what
23 you have charged Jodie Williams with?

24 SOLICITOR ODOM: Objection.

25 SCOTT DOVER: I apologize. I will

1 rephrase the question.

2 CROSS EXAMINATION CONTINUED

3 BY SCOTT DOVER:

4 Q. Is that what your allegations have
5 been towards Jodie Williams?

6 A. Yes.

7 Q. So in 2009, if someone asked you if
8 you had been abused or touched or messed with
9 by Jodie Williams and you answered no, would
10 that be a lie?

11 A. I never was asked anything. I never
12 reported anything about it.

13 Q. If someone asked you that questions
14 specifically in 2009 and you said that "he
15 never messed with me", would that have been a
16 lie?

17 A. Could you please explain that to me
18 a little bit?

19 Q. Yes.

20 A. I am really confused on what you're
21 asking.

22 Q. I apologize. I'm sorry. You've
23 told this jury that my client has done some
24 very horrible things to you from the time of
25 your seventh birthday in 2003 until your

1 thirteenth birthday in 2009. Has that been
2 your testimony?

3 A. Yes. Not my exact birthdays but,
4 yes, seven to twelve.

5 Q. So in 2009, you would have been
6 thirteen. Correct?

7 A. Yes.

8 Q. The question is, if your counselor
9 had asked you at that time if your stepfather
10 had ever messed with you and you answered
11 that "he never messed with me", would that
12 have been a lie?

13 A. (No verbal response).

14 Q. Did you lie to cover up for Jodie?

15 A. He ---

16 SOLICITOR ODOM: I am going to object.
17 He's calling for speculation. He asked her
18 if she remembers that and she said no. So
19 now he is getting into some hypothetical?

20 THE COURT: No, I think it's
21 appropriate.

22 SCOTT DOVER: Thank you.

23 CROSS EXAMINATION CONTINUED

24 BY SCOTT DOVER:

25 Q. There were times, ma'am, when your

1 mother was very supportive of you and your
2 counseling at Behavioral Health Services,
3 wasn't she?

4 A. No.

5 Q. Never?

6 A. No. Me and my mom had a lot of
7 disagreements. The problems that I had from
8 all the issues between her and my dad and her
9 and Jodie, I never got any help with anything
10 that I was going through.

11 My mom felt like she was doing everything
12 right and wasn't doing anything wrong. So
13 counseling never was helpful to me, because
14 instead of me being allowed to speak for
15 myself, my mother told them what she thought
16 my problem was and they went from there.

17 Q. Isn't it true that you went to
18 counseling when you lived with your grand-
19 parents and your grandmother went up there
20 with you?

21 A. I don't recall that.

22 Q. While you were in counseling in
23 2002, 2011, you informed your counselors that
24 there had been ---

25 SOLICITOR ODOM: Objection. He's not

1 asking the question. He's attempting to
2 testify that ---

3 SCOTT DOVER: I will rephrase the
4 question.

5 THE COURT: Yes, please.

6 SOLICITOR ODOM: Thank you.

7 CROSS EXAMINATION CONTINUED

8 BY SCOTT DOVER:

9 Q. Isn't it true that when you were in
10 counseling at Behavioral Health Services from
11 2002 to 2011, that there were times when you
12 told your counselor that your mother had
13 physically abused you?

14 A. Yes. There was times when there
15 were physical altercations between me and my
16 mother.

17 Q. Isn't it also true that you told
18 them that other men had physical abused you?

19 A. I don't recall that.

20 Q. You don't recall anybody else -- but
21 it is also true, isn't it, that you never
22 once told your counselors that your
23 stepfather, Jodie Williams, was physically
24 abusing you?

25 A. That's true. I never told them

1 anything about it.

2 Q. Do you recall, ma'am, when you were
3 eight years of age and you were in the third
4 grade at Pickens Elementary School, getting
5 referred to Behavioral Health Services in
6 Pickens County for lying and telling
7 exaggerated stories?

8 A. I don't recall that.

9 Q. You don't recall that?

10 A. I remember in the third grade, I
11 remember my teacher -- actually my teacher
12 involved herself in my life and I done
13 spelling bees and things in third grade. I
14 don't ever remember being called a liar or
15 anything of that sort in third grade. I was
16 eight years old.

17 Q. Do you remember in 2005 -- strike
18 that. Isn't it true, [Child] [Child] that you
19 lived the majority of your time in 2007 and
20 2008 with your grandparents and not your
21 mother?

22 A. 2008, I would have been -- as I said
23 before, those times at High Top Drive, my
24 grandparents did live below my mother and we
25 stayed with my grandparents, I'd say, for a

1 good two to three months there before my
2 grandparents tried to obtain custody and we
3 were forced to go back to live with my mother
4 and Jodie on High Top Drive.

5 Q. You were required to leave your
6 mother and Jodie in April of 2008 by the
7 Department of Social Services, were you not?

8 A. Well, see, I'm confused on which
9 time you're talking about because I was
10 placed out and back so many times.

11 Q. Mr. Skelton testified a few moments
12 ago that in 2008 that you made a change, you
13 changed living with your mother -- that you
14 changed schools -- from living with your
15 mother to your grandmother. My question is,
16 were you not with your grandparents from
17 April of 2008 to December of 2008?

18 A. Okay. Right before -- on High Top
19 Drive, like I just stated, I would live with
20 my grandparents. Then I was forced to go
21 back to stay with my mother and Jodie.

22 Now, after that we stayed with mama and
23 Jodie at High Top Drive for several months
24 and finally it was lifted from DSS to where I
25 could go back to my grandparents.

1 I mean, I was screaming to go back to my
2 grandparents and my mom finally let me go
3 back to my grandparents. Nobody understood
4 why I didn't want to stay there at the time
5 but it was because I was being abused and
6 couldn't open my mouth about, out of fear
7 about my brothers and my sister being taken.

8 Q. And that was before 2009 when you
9 were in counseling at Behavioral Health
10 Services.?

11 A. I've been in counseling several
12 times. Most of the time -- anytime that I
13 went it was two or three sessions and then it
14 would be nothing because my mom done my
15 counseling with me. I was not the one that
16 really was receiving any treatment.

17 Q. Were you fearful -- are you telling
18 this jury that you were fearful of telling
19 the people, your counselors, at Behavioral
20 Health Services that people had sexually
21 abused you?

22 A. I've always been fearful of saying
23 anything about what Jodie done to me.

24 Q. But you weren't fearful of telling
25 them about others?

1 A. I don't know what you're talking
2 about.

3 SOLICITOR ODOM: Objection, Your Honor.
4 I think we need to approach.

5 THE COURT: How much more time do you
6 think you have?

7 SCOTT DOVER: Probably about ten more
8 minutes.

9 THE COURT: All right. I'm going to
10 ask you to go back to your jury room. The
11 reason I am doing this is because the next
12 witness -- I know it's getting kind of late
13 but the next witness has to leave and we are
14 going to try to get them in before lunch.
15 There may be some scheduling issues that we
16 need to address. I think that may be some
17 snacks back there that will tide you over
18 until lunch.

19 So if y'all will step back to your jury
20 room, we will be with you shortly.

21 Don't discuss the case. We will be with
22 you as quickly as we can. Thank you.

23 (JURY OUT @ 12:40 P.M.)

24 THE COURT: All right.

25 SCOTT DOVER: Could you read back my

1 question? I don't remember what I asked her
2 that you objected to.

3 COURT REPORTER: "But you weren't
4 fearful of telling them about others?"

5 SCOTT DOVER: I thought that is what I
6 could ask her.

7 SOLICITOR ODOM: I thought you said
8 that, "you weren't fearful of telling about
9 others" -- that "you weren't fearful of
10 telling them about others" as though she's
11 the one making allegations that other people
12 had molested her. I thought that is what we
13 weren't going to say, that she made these
14 allegations but that allegations had been
15 made, because it makes a difference if she
16 was going to say, 'no, I didn't make the
17 allegation' and then you get into that.

18 Just that small change in order could
19 potentially make a huge difference. Because
20 if she says, 'I didn't make the allegations',
21 then he says, 'really, you didn't make these
22 allegations but you were in counseling?' You
23 know, it's -- then he would say, 'well,
24 didn't you tell your counselor that this
25 happened' when it's an ancillary incident of

1 sexual abuse by a completely different
2 defendant. So ---

3 THE COURT: Well, I think -- as far as
4 the question he has asked now, that's what I
5 thought y'all had kind of agreed to as being
6 ---

7 SOLICITOR ODOM: If I misheard, I
8 apologize. But it seems like we're tumbling
9 down a rabbit hole and I just don't want to
10 further get bogged down. I apologize if I
11 misheard but I thought he had asked something
12 that didn't comport with -- but I apologize.

13 THE COURT: What I heard was, 'when you
14 were counseling at that time, you weren't
15 scared about talking about others.'

16 SCOTT DOVER: And I didn't say "similar"
17 and all that.

18 SOLICITOR ODOM: But she didn't report.

19 THE COURT: She didn't say that. It
20 was about discussing others. The counselors
21 are here, aren't they?

22 SOLICITOR ODOM: I thought that he was
23 talking about abusers.

24 SCOTT DOVER: I just asked her if she
25 reported, that she wasn't fearful about

1 telling them about others.

2 SOLICITOR ODOM: Yeah. If she's
3 telling about other abuse, when her mother
4 doing the intake is telling who abused.

5 SCOTT DOVER: I agree I didn't ask her
6 about her mother. I just asked her about
7 what she was doing.

8 THE COURT: Discussing with the
9 counselors.

10 SOLICITOR ODOM: So if she says that
11 nothing happened ---

12 THE COURT: First of all, I don't think
13 we need to instruct the witness. Coaching
14 the witness is kind of what you're ---

15 SOLICITOR ODOM: I don't think we'll
16 get into it at all.

17 THE COURT: I am talking about now.
18 We don't need to be coaching any witnesses or
19 anything. So ---

20 SOLICITOR ODOM: I understand, Judge,
21 but I don't think that we would even get to
22 that point.

23 THE COURT: I think it's a proper
24 question. You are worried about some
25 additional follow up, it sounds like.

1 SOLICITOR ODOM: Yes, it would ---

2 SCOTT DOVER: I really wasn't going to
3 ask another question about it.

4 SOLICITOR ODOM: Well, if he is not
5 going to ask another question, I'm good.

6 I just don't want it being an issue. I
7 suppose I'm -- I've been known to be overly
8 cautious and so that's probably the case.

9 THE COURT: There are some landmines
10 here.

11 SCOTT DOVER: I will tell you that when
12 we go back on, if the Judge allows me to ask
13 the question, I am going to get Ms. Garrison
14 (court reporter) to tell me what it was again
15 and that is exactly the question that I am
16 going to ask her and it is the only question
17 that I will ask her. Then I will move on to
18 the next topic.

19 SOLICITOR ODOM: I think if he just
20 asks it, I don't think that he needs to get
21 Ms. Garrison to read it.

22 SCOTT DOVER: Well, no, -- tell me
23 right now what it was and I'll write it down.

24 COURT REPORTER: "But you weren't
25 fearful of telling counselors about what

1 happened to you with Jodie?"

2 Then she answered, "I was always fearful
3 of telling the counselors."

4 Then, "But you weren't fearful of telling
5 about others?"

6 SCOTT DOVER: Thank you. That's all I
7 am going to ask her.

8 THE COURT: Okay. Do you have any
9 objection to that?

10 SOLICITOR ODOM: No, if he asks that
11 and moves on, I think we're fine.

12 THE COURT: If they are ready, bring
13 the jury back in. We need to get Ms.
14 Galloway on the stand before lunch.

15 SOLICITOR ODOM: Yes, sir, I'm going to
16 get her on the stand immediately after Miss

17 Child

18 THE COURT: Right.

19 (JURY IN @ 12:48 P.M.)

20 THE COURT: Thank you, ladies and
21 gentlemen. Mr. Dover, you may continue your
22 examination.

23 CROSS EXAMINATION RESUMED

24 BY SCOTT DOVER:

25 Q. Ma'am, before the break I believe

1 you had testified that you were fearful of
2 telling your counselors what Jodie, your
3 stepfather had done to you. Is that what you
4 said?

5 A. Correct.

6 Q. And my question was, you weren't
7 fearful of telling your counselor that others
8 had sexually abused you, were you?

9 A. I am still confused on what you're
10 talking about with that. I don't recall
11 telling them about any other incidents.

12 Q. I want you to go with me to Page 36.
13 That's all that I am going to ask you about
14 that line of questioning. I want to go back
15 to a question I asked you earlier. Go with
16 me to Page 36 of your prior testimony.

17 A. Okay.

18 Q. Remember me asking you questions in
19 front of the jury a few moments ago about if
20 your counselors asked you in 2009 if Jodie
21 Williams had sexually abused you. . Do you
22 remember me asking you that question?

23 A. (No verbal response).

24 Q. If you could answer that question
25 first. It's not about your testimony. Do

1 you remember me asking you that a few moments
2 ago?

3 A. About. ---

4 Q. Yes, and you said that you didn't
5 remember the counselors asking you that?

6 A. (No verbal response).

7 Q. Do you remember saying that? Did I
8 get that right?

9 A. Yeah, I don't remember the
10 counselors, besides the one time that there
11 was an incident that I'm not allowed to speak
12 of that happened that I was ---

13 Q. You're reading that, but that's not
14 my question. My question to you is, just a
15 few moment ago -- do you remember me asking
16 you some questions and I asked you if you
17 recalled your counselor asking you in 2009 if
18 your stepfather had sexually abused you.

19 A. (No verbal response).

20 Q. Do you remember me asking you that
21 question?

22 A. My counselor never asked me ---

23 Q. Ma'am, if you'd try to answer my
24 question.

025 THE COURT: Answer his question and

1 then you can explain.

2 CROSS EXAMINATION CONTINUED

3 BY SCOTT DOVER:

4 Q. Do you remember me asking that
5 question a few moments ago?

6 A. Yes.

7 Q. And you told the jury that you
8 didn't remember telling your counselor that,
9 didn't you?

10 A. Can you please repeat that? I
11 thought you asked me if my counselor had
12 asked me that.

13 Q. I did. I thought you told the jury
14 that you didn't recall them asking you that.

15 A. No, I don't recall my counselor
16 asking me that.

17 Q. So let's turn to Page 36.

18 A. (Complies).

19 Q. My question to you back two years
20 ago was, on October 2nd, 2009, if your
21 therapist asked you if that had happened,
22 that the sexual assault had happened to you.
23 Didn't I ask you that question?

24 A. (Affirmative nod).

25 Q. And what did you respond on Line 15.

1 What did you tell us?

2 A. (Reading): *"They asked me, I never*
3 *told them anything."*

4 Q. Didn't I ask you this follow up
5 question, "And you denied it, didn't you?"
6 Did I ask you that?

7 A. Yes, I did.

8 Q. And what was your answer at that
9 time? Line 17.

10 A. (Reading): "I told them that
11 nothing ever happened with me.." ---

12 Q. That's all that you need, that's all
13 that is relevant. Just a few more questions.
14 At that same time in 2009, weren't you in
15 counseling for problems with telling the
16 truth when you didn't get your way?

17 A. No.

18 Q. You do remember going, in 2011, to
19 get some assistance for your child at the
20 parenting place, do you not?

21 A. I went to get assistance in 2011 at
22 the parenting place for my child.

23 Q. On November 2nd, 2011, you went to
24 the Healthy Families intake to get assistance
25 for your child and yourself. Do you remember

1 that?

2 A. I was pregnant with my oldest child
3 and I -- I went to -- (pause).

4 Q. So 2011 would be two years before
5 you were with your dad and you reported this
6 on Jodie, is that correct? 2013 is when you
7 reported this to law enforcement?

8 A. Yes.

9 Q. And you were with your biological
10 father when that happened. Correct?

11 A. Yes.

12 Q. In 2011, November the 2nd, 2011, is
13 that your signature right there?

14 A. (Upon review), yes. I went there
15 for parenting classes and stuff. I was a new
16 mother and I was pregnant with ---

17 Q. And didn't they ask you ---

18 SOLICITOR ODOM: Your Honor, I am going
19 to object on Rule 5 grounds. I've never seen
20 this before.

21 SCOTT DOVER: I think we should take that
22 up in a sidebar.

23 THE COURT: Objection is overruled.

24 SCOTT DOVER: Thank you.

25 (OFF RECORD SIDEBAR)

1 CROSS EXAMINATION CONTINUED

2 BY SCOTT DOVER:

3 Q. On November 2nd, 2011, in the forms
4 that you have pleaded there were a couple of
5 questions there. One of the questions says,
6 "I am now under eighteen years of age and I
7 am/have been a . . ." -- and the first
8 question is, "The victim of sexual abuse by a
9 relative or family member such as a parent,
10 stepparent or guardian." Was that question
11 asked of you at that time, in 2011?

12 A. Yes, and I did not check anything.
13 I did not say anything about it. This was
14 before I ever reported it.

15 Q. And it keeps on going down there,
16 they ask you if you were the victim of sexual
17 abuse by a nonfamily member such as a rape,
18 date rape, sexually unwanted touches. You
19 told them that you had been that, didn't you?

20 A. Am I allowed to explain.

21 THE COURT: Answer the question.

22 WITNESS: I did. Am I allowed to
23 explain?

24 CROSS EXAMINATION CONTINUED

25 BY SCOTT DOVER:

1 Q. So you were asked in 2011 and you
2 denied it. Right?

3 A. I did.

4 Q. You were asked ---

5 A. I never denied it. I just never
6 said about it.

7 Q. And in 2009, we now know that you
8 were specifically asked by your counselor and
9 you denied it. Correct?

10 A. DSS workers and a guidance counselor
11 at school questioned me when an incident had
12 been reported to DSS, that I'm not allowed to
13 speak of.

14 Q. Ma'am, in 2013, ten hours before you
15 called the sheriff's department, you issued a
16 whole bunch of e-mails out, didn't you?

17 A. (No verbal response).

18 Q. FaceBook?

19 A. (No verbal response).

20 Q. Is that a copy of your son there,
21 your child, is that his picture on your
22 FaceBook page?

23 A. (No verbal response).

24 Q. Is that his picture, in a swing?

25 A. Yes, that's a picture of my child in

1 his swing. What does that have ---

2 Q. Let me ask you this question, did
3 you publish on your FaceBook page, ten hours,
4 before you made these allegations, (reading):
5 "I think its funny people wanna say they beat
6 someones ass when in reality they the ones
7 who got beat. Pussy ass niggas wanna run wont
8 face a man but wanna talk shit when
9 everybodys gone. world war 3 is about to
10 begin and everybody gonna wish they never
11 fucked with me ! that aint a threat , that's
12 a promise!"

13 Ten hours before you did that, didn't you
14 put that on your FaceBook page?

15 A. You know, I make a lot of posts on
16 FaceBook. I don't have the prettiest mouth
17 but this was not posted anywhere the time
18 that any of this happened. So I -- I really
19 -- the stuff that was on it, my mom and my
20 sister and stuff partying ---

21 Q. Just answer my question, did you
22 post this ten hours before you went to law
23 enforcement?

24 A. Yeah.

25 Q. That's all I ---

1 A. It was way before that.

2 Q. --- asked. Remember me asking you
3 those questions a while ago about you having
4 a falling out with your mom about this Joseph
5 Bates being able to hang around your sister
6 you not being able to hang around with Joseph
7 Bates. Do you remember asking me those
8 questions?

9 A. I do, but I don't understand what
10 you're getting at.

11 Q. Well, let me help you understand
12 that.

13 SOLICITOR ODOM: Your Honor, if I could
14 just see what ---

15 WITNESS: There was never an argument
16 about me being around Joseph Bates. Joseph
17 was my sister's friend. He was not my
18 friend.

19 CROSS EXAMINATION CONTINUED

20 BY SCOTT DOVER:

21 Q. Now, this one happens on Facebook to
22 be posted November 29th, 7:38 p.m. -- that's
23 when your post here is. Correct.

24 THE COURT: Are you objecting?

25 SOLICITOR ODOM: I object. I think

1 that if he is going to read it out that he
2 needs to give her a chance to review it, to
3 say if it is even her or not.

4 CROSS EXAMINATION CONTINUED

5 BY SCOTT DOVER:

6 Q. Under your FaceBook post on November
7 29th at 7:38 p.m., is this a copy of it?

8 A. (Upon review), that was an argument
9 between me and my mom.

10 Q. Now, going back, for the record, I
11 think Officer Rackley said that he was
12 alerted at -- do you remember when Officer
13 Rackley said that he went out there to take a
14 statement from you?

15 A. (No verbal response).

16 Q. Do you remember that?

17 A. (No verbal response).

18 Q. I know that it was November 30th, but
19 do you remember what time he testified to?

20 A. It was during the daytime and it was
21 on a weekend. It was on a Saturday. It was
22 actually the -- about two hours before the
23 Clemson game started that day.

24 Q. So the 29th at 7:38 p.m. would have
25 been the day before you called law enforce-

1 ment in the middle of the day before the
2 Carolina-Clemson game?

3 A. Yes, we were all arguing.

4 Q. Why don't you just go ahead and read
5 to this jury what you posted on FaceBook at
6 7:38 p.m. on November 29th?

7 SOLICITOR ODOM: I am going to object
8 to her just having this like reading for
9 several minutes from this FaceBook post.
10 It's not relevant. He hasn't established
11 anything showing it is relevant. I think he
12 needs to lay a little bit better foundation
13 than having the witness read a narrative.

14 SCOTT DOVER: Your Honor, I asked her
15 the question earlier if she and her mom was
16 in a fight over Joseph Bates and him being
17 allowed to be around her sister, Katlyn. She
18 said that was not what it was about. So this
19 should tell us what the fuss was about.

20 SOLICITOR ODOM: Your Honor, also if he
21 is seeking to have a witness publish
22 something to the jury, I think that he needs
23 to try to introduce it into evidence.

24 THE COURT: I think that's proper. You
25 have to introduce it into evidence.

1 CROSS EXAMINATION CONTINUED

2 BY SCOTT DOVER:

3 Q. Please publish -- please read to the
4 jury what you put on your FaceBook page on
5 the 29th day of November at 7:38 p.m.

6 A. This was a private message.

7 Q. Please read to the jury what you
8 said.

9 A. This was not a post, though.

10 Q. Your private message.

11 A. This was a private message to my
12 mother.

13 Q. Please tell us what you you're your
14 mother.

15 A. (Reading): "You tell daddy I aint
16 gonna control your house ? I aint trying to
17 control your house that's what all them
18 teenagers are there for you and your fucked
19 up daughter kaitlyn . you sit there and allow
20 all those punks at your house and let them
21 come back after they get kaitlyn to fight me
22 and are doin all those drugs at your house
23 smoking weed in the building and letting
24 alexa come right in there with em."

25 Q. This was your niece, right?

1 A. Yes, Alexa is my niece. This was my
2 main concern.

3 Q. Go ahead.

4 SOLICITOR ODOM: Objection. I am going
5 to ask that she be allowed to read the whole
6 thing and that he not insert ---

7 THE COURT: Right, then you can explain
8 later.

9 SCOTT DOVER: I apologize.

10 CROSS EXAMINATION CONTINUED

11 BY SCOTT DOVER:

12 Q. Please continue.

13 A. (Reading): "alexa is wondering
14 around inside and outside not bein watched
15 walkin around with knives outta the
16 dishwasher cuz she aint bein watched last
17 time I checked dss has done said if they get
18 a wiff of this shit again that shit would be
19 done . and its like no one down there cares
20 and obviously you don't neither cuz you allow
21 them down there anyway Katie is gonna end up
22 dead or in jail because of them and you aint
23 doin shit to stop it and I'm here to tell you
24 that your being there doesn't make a damn bit
25 of a difference and your indenial if you

1 think it does I get treated like shit for
2 givin a fuck about my brothers and my niece
3 because they dont deserve to be taken away
4 from their family because of everyone elses
5 bullshit but no I'm always the bitch startin
6 shit and I'm put down and everyone else comes
7 before me and you let them . you're my mom
8 and I feel like you don't give a fuck about
9 me so guess what i'm gonna quit givin a fuck
10 about everyone and everything and worry about
11 me because all yall are doing is distracting
12 me from what I need to be focused on . i'm
13 tired of worryin bout my niece all the time n
14 whether she's watched or not I shouldnt have
15 to . that's my babygirl and I'm no longer
16 gonna be there for her because its hurting me
17 way too much and i can't take it anymore i'm
18 coming to get my shit from your house and I'm
19 not comin back bye."

20 Q. Now, you told this jury earlier in
21 direct examination that the reason that you
22 went to law enforcement and complained was
23 because you were fearful about your niece,
24 Alexa, and Jodie Williams. Isn't that what
25 you told them?

1 A. But that ---

2 Q. Isn't that what you told them? Yes
3 or no?

4 A. Yes, but -- the day before. This is
5 from the day before. I never told my mother
6 about Jodie. I ain't never told my mother
7 about Jodie.

8 Q. Ma'am, the truth of the matter is
9 that you were worried about your niece,
10 Alexa, being about these fucked up boys as
11 you called Joseph Bates.

12 A. Yes, Joseph was -- but Jodie
13 Williams was one of them. He was giving them
14 the drugs. I witnessed it, I watched him
15 doing it, giving them alcohol. They was
16 drinking. My niece was a baby running
17 around.

18 Q. That's all that I have for you.
19 Thank you.

20 THE COURT: Redirect?

21 REDIRECT EXAMINATION

22 BY SOLICITOR ODOM:

23 Q. [REDACTED] sometimes it seems like you
24 would get a little confused by Mr. Dover's
25 questions. Would you say that?

1 A. There were ---

2 SCOTT DOVER: I object to that.

3 WITNESS: There were some questions
4 that got me a little confused. I mean ---

5 THE COURT: Overruled.

6 WITNESS: --- like I said, it's very
7 hard to remember exact dates and times
8 because we were out and back between my
9 grandparents and -- not only did my mom and
10 stepdad move constantly but my grandparents
11 did as well, so there were so many places we
12 were out and back. I was seven to twelve
13 years old. I'm sorry if I misplaced a place
14 for the wrong place.

15 REDIRECT EXAMINATION CONTINUED
16 BY SOLICITOR ODOM:

17 Q. Are you confused, though, about who
18 molested you for years?

19 A. No, I know who molested me.

20 Q. And who was that?

21 SCOTT DOVER: Your Honor, I object to
22 that. I didn't ask her any questions about
23 that. That's not proper ---

24 WITNESS: I'm sorry.

25 THE COURT: I am going to let her.

1 REDIRECT EXAMINATION CONTINUED

2 BY SOLICITOR ODOM:

3 Q. Go ahead.

4 A. I'm sorry. I just screamed from my
5 anxiety. Can you repeat that, please?

6 Q. Who molested you?

7 A. My stepdad, Joseph Williams.

8 Q. And is there any doubt about that?

9 A. There is ---

10 SCOTT DOVER: Objection to a leading
11 question, Your Honor.

12 THE COURT: Yeah, ---

13 SCOTT DOVER: That's an improper
14 question.

15 SOLICITOR ODOM: That's ---

16 REDIRECT EXAMINATION CONTINUED

17 BY SOLICITOR ODOM:

18 Q. Do you know who molested you?

19 A. Yes, I know who molested me.

20 SCOTT DOVER: That has been asked and
21 answered twice. I object to her asking her
22 again.

23 SOLICITOR ODOM: Judge, ---

24 THE COURT: Proceed.

25 SOLICITOR ODOM: That's my last

1 question. I would like to just get it out.
2 I know it's been asked and answered. I was
3 trying to finish this.

4 THE COURT: All right.

5 SOLICITOR ODOM: [REDACTED] thank you for
6 testifying. Judge, that is all I have.

7 SCOTT DOVER: Nothing further.

8 THE COURT: You may step down.

9 (WITNESS STEPS DOWN)

10 THE COURT: It's five around 1:00.

11 The State has indicated that they have
12 another witness who has to leave by 2:00.

13 SOLICITOR ODOM: Yes, sir.

14 THE COURT: Are y'all okay if we go a
15 little late on lunch? (Affirmative response
16 by various jurors). All right, proceed.

17 SOLICITOR ODOM: Thank you, Your Honor.

18 The State calls Shauna Galloway-Williams.

19 (WITNESS TAKES STAND)

20 SHAUNA GALLOWAY-WILLIAMS, having been
21 sworn to tell the truth, and nothing but the
22 truth, testified as follows:

23 DIRECT EXAMINATION

24 BY SOLICITOR ODOM:

25 Q. Ms. Williams, where do you work?

1 A. I am the Executive Director of the
2 Julie Valentine Center.

3 Q. How long have you been working
4 there?

5 A. I have been the Executive Director
6 since 2009, so going on eight years.

7 Prior to that I was the Clinical Director
8 there and also a forensic interviewer and
9 counselor.

10 Q. What kind of education do you have?

11 A. I have Bachelor's Degree in
12 Psychology from Winthrop University and a
13 Master's degree in counseling from Clemson
14 University.

15 Q. Do you have any specialized training
16 beyond your degrees?

17 A. I do. Most of my continuing
18 education has specialized in the area of
19 continuing education in child abuse and
20 sexual assault. Assessment and treatment of
21 those.

22 I also am licensed as a professional
23 counselor in the state of South Carolina.

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

1 A. In counseling and assessment, I'd
2 say over fifteen hundred.

3 Q. Do you work with others in addition
4 to children?

5 A. I do. I mean, I've worked with
6 adults, adult caregivers of children and I
7 also counsel adults who are survivors as
8 well.

9 Q. In what circumstances do you provide
10 assistance?

11 A. Well, currently I continue to
12 provide forensic interviews or assessments of
13 children.

14 I also co-facilitate a group for care-
15 givers of children who have been sexually
16 abused.

17 I also provide training for new child
18 professionals or new professionals in the
19 field of child abuse.

20 I also provide training to professionals
21 who are already in the field.

22 Q. So not only do you continue your
23 education but you educate others?

24 A. I do. I'm an adjunct faculty member
25 at USC Upstate in the Child Advocacy Studies

1 Program. I teach two courses there, one is
2 the Child Maltreatment course and I also
3 teach Gender Violence in Society.

4 Q. Have you previously been qualified
5 as an expert?

6 A. I have.

7 Q. How many times, would you say?

8 A. At least forty times.

9 SOLICITOR ODOM: Your Honor, at this
10 time I request that she be qualified as an
11 expert in the field of child sexual abuse
12 dynamics and disclosure.

13 THE COURT: Any objection?

14 SCOTT DOVER: I have a couple of
15 questions on *voir dire*, if it pleases the
16 court.

17 THE COURT: Yes.

18 SCOTT DOVER: Ms. Williams, you've
19 never met any of the parties in this case,
20 is that correct?

21 WITNESS: That's correct.

22 SCOTT DOVER: You don't know [REDACTED]

23 [REDACTED] Child, [REDACTED]

24 WITNESS: I do not.

25 SCOTT DOVER: You've never had any

1 dealings or talked with her at all?

2 WITNESS: I have not.

3 SCOTT DOVER: But you are hired by the
4 State of South Carolina for your expertise in
5 this particular area?

6 WITNESS: I was subpoenaed by the
7 State to testify as an expert in this
8 particular area, yes.

9 SCOTT DOVER: Based upon your prior
10 contact with other legitimate cases, correct?
11 Other people that you've dealt with; children
12 who had been abused?

13 WITNESS: Right. Based on my
14 experience and training.

15 SCOTT DOVER: And I understand that you
16 have counseled with, assisted upward of
17 fifteen hundred kids who have actually been
18 physically abused.

19 WITNESS: Children who have
20 experienced child maltreatment of some kind
21 or where there may have been allegations of
22 such.

23 SCOTT DOVER: And you're not saying
24 anything about Miss Child you're just
25 talking about your expertise with other

1 people who have been abused?

2 WITNESS: Right. Based on my
3 experience and training.

4 SCOTT DOVER: No objection to her being
5 qualified as an expert in that field, Your
6 Honor.

7 THE COURT: Again, the field?

8 SOLICITOR ODOM: Child sexual abuse
9 dynamics and disclosure.

10 THE COURT: All right. Ladies and
11 gentlemen, normally a person -- a lay person
12 can only testify about what they directly
13 observed, tasted, smelled, using their
14 senses. If someone is qualified as an
15 expert, as this witness is in the field of
16 sexual abuse dynamics and disclosure, then
17 they can testify about their opinion(s) in
18 the field of their expertise based on their
19 training and experience.

20 Now, that does not mean that you have to
21 accept an expert's testimony. You are to
22 give their testimony the same weight that you
23 give any testimony, the weight that you feel
24 is appropriate. You may proceed.

25 DIRECT EXAMINATION CONTINUED

1 BY SOLICITOR ODOM:

2 Q. Are you paid by my office to be
3 here?

4 A. No, I am not.

5 Q. How is your position funded?

6 A. The Julie Valentine Center is a
7 501(c)3. That means that we are a nonprofit.
8 My position is funded through general
9 operating funds of the Center.

10 Our Center is funded through Federal
11 funds such as Victims of Crimes Act, Violence
12 Against Women Act funding. We are also are
13 Greenville and Pickens County United Way
14 partners.

15 We have two fundraisers each year and do
16 a significant amount of fundraising in
17 addition to those things.

18 Q. Can you explain to the jury exactly
19 what the Julie Valentine Center is?

20 A. Sure. The Julie Valentine Center is
21 the child abuse and sexual assault recovery
22 center that serves Greenville and Pickens
23 counties. That means that we provided
24 intervention and educational services as well
25 as investigation, intervention and treatment

1 services and counseling. We do individual
2 and family counseling to children and
3 families which may have been impacted by
4 child abuse and/or sexual assault as well as
5 education and training.

6 Additionally, we provide a twenty-four
7 hour crises intervention hotline, twenty-four
8 hours a day, seven days a week.

9 Q. Have you read any statements or seen
10 any evidence about the case that you've been
11 subpoenaed for here today?

12 A. I have not.

13 Q. You said a few minutes ago that
14 you've never met with the victim?

15 A. I have not.

16 Q. So you know -- as far as that goes,
17 you know nothing about the case other than
18 what I've said to get you here, as far as the
19 subpoena?

20 A. That's correct.

21 Q. All right. So what is disclosure?
22 What does disclosure mean?

23 A. "Disclosure" is a term that we use
24 for referring to when a child or an adult
25 states or shares information about an abuse

1 incident.

2 Q. What may affect a disclosure that is
3 not immediate?

4 A. There are numerous factors that
5 affect disclosure. In fact, we refer to that
6 with the term "delayed disclosure" because it
7 happens so often.

8 One of the main factors for delayed
9 disclosure is fear. Children are often
10 fearful of the consequences of telling
11 someone that this happened.

12 In particular, many children are abused
13 by someone that they know, they love and they
14 trust. It may be someone that is known,
15 loved and trusted by their family or by the
16 community. Those relationship dynamics make
17 it very difficult for children to tell right
18 away.

19 They have a relationship with this person
20 that is a loving, trusting relationship in
21 one sense and at the same time abuse may be
22 occurring. So children are faced with making
23 very challenging decisions about disclosing.

24 Children may have been threatened.

25 Children may have been told that if they tell

1 that something is going to happen to them or
2 to someone else in their family. Threats can
3 also be indirect, where the child has
4 witnessed the alleged offender being violent
5 or doing something to someone else and they
6 internalize that 'if I tell, this will happen
7 to me.'

8 Children, depending on their age and
9 developmental level, may not have the
10 capacity to tell. They may not have the
11 words to describe what has happened to them.

12 Then there is also shame and guilt
13 associated with sexual abuse. Many children
14 are embarrassed and ashamed about what has
15 happened.

16 They may be internalizing and feeling
17 responsible for what's happened, as well.
18 They may even have been told that they are
19 responsible for what's happened to them.

20 Q. How common is it to have a victim
21 delay disclosure?

22 A. The research and my experience
23 supports that many, many -- most children do
24 not tell right away. Meaning that there
25 could be delays of weeks, years and many

1 adults even report that they never told as a
2 child.

3 Q. Would -- what sort of factors might
4 -- let me reword. What are things that might
5 affect how a child would answer a direct
6 question about if they were abused or not?

7 A. There are numerous answers. One of
8 the first things that comes to mind is who is
9 asking the questions. Who asks the question
10 may determine how the child decided to answer
11 it. Whether that is a family member, whether
12 it is a police officer, a counselor. You
13 know, who is this person asking them the
14 question.

15 It also may be dependent upon on how the
16 question is asked of them, depending on the
17 age and developmental level of the child.
18 You know, children often things that we
19 already know the answers when we ask
20 questions so they may be thinking that before
21 they answer the question.

22 And the way that the question is phrased
23 may determine how the child answers.

24 Q. Does a child's surroundings, like
25 what is going on in their life, has anything

1 to do with how they may answer a question?

2 If they are under stress in other parts of

3 their life?

4 A. Well, that certainly could be a
5 factor. You know, if they -- if there are
6 other circumstances going on in a child's
7 life, if they are being questioning about
8 a behavior or something that may seem
9 associated with an abuse event. In their
10 lives, that may not be the most important
11 thing that is going on. There may be other
12 things that take precedent or seem more
13 important than to report to someone.

14 Often children that I have worked in
15 that are in complex dramas have had multiple
16 things that they have experience, so
17 sometimes the abuse that the person had may
18 not be the thing that is most pressing in
19 their lives.

20 Q. Would a nonoffending parent's view
21 of the situation affect disclosure?

22 A. That could certainly have an impact
23 on a child's disclosure. If the parent is
24 supportive and believing of the child when
25 they disclose, that is one of the number one

1 factors that impacts a child's ability to
2 cope with this moving forward.

3 When a caregiver is nonbelieving and
4 nonsupportive, they may question the child's
5 statement and may not believe what the child
6 is saying, that could impact the child's
7 statement as well. Particularly for a child
8 who was already fearful or tentative about
9 disclosing. They may fear the consequences
10 of what will happen to that relationship with
11 their caregiver. They may wonder, 'How is
12 anyone going to believe me if my own parent
13 doesn't believe and support me?'

14 In fact, the group that I co-facilitate
15 for caregivers is primarily for those parents
16 who did not initially believe and support
17 their children.

18 Q. Does delay affect the completeness
19 of the disclosure?

20 A. Well, when we talk about disclosure
21 of abuse, we tend to talk about disclosure as
22 being a process, meaning that we don't expect
23 when a child discloses abuse that they will
24 provide every single detail and every single
25 aspect of that event or events that may have

1 taken place.

2 You know, children may not even purposely
3 make an effort to disclose. Many
4 accidentally disclose, meaning that someone
5 may observe their behavior or see something
6 and ask them a question and then the child
7 starts some information.

8 A child purposely disclosing may be very
9 careful about what information that they do
10 share. They may share some information and
11 see what kind of response that they get to
12 that, 'are they going to believe me', 'will
13 they be supportive', 'is this something that
14 is helpful in my situation', 'am I being
15 removed from my home' or staying there. So
16 they may share bits and pieces of information
17 over time.

18 The process is not just the process of
19 the child sharing information but really the
20 investigative process. Often children -- the
21 first person that they disclose to or the
22 first person that they share information with
23 may not be the only person that they talk to.
24 Once they've shared that information with
25 maybe a family member, a teacher, a friend,

1 they often then have to talk to other people:
2 law enforcement, forensic interviewers,
3 counselors who may ask them additional
4 questions. So the more question and the
5 different questions that they are asked, the
6 more information that they may share.

7 Q. When we are talking about a child,
8 what age range would you classify a child to
9 be?

10 A. Zero to age eighteen.

11 Q. Now, if an older child -- how does
12 the age of the child potentially affect the
13 disclosure? If an older child discloses, it
14 is potentially going to be different than if
15 a younger child discloses?

16 A. Meaning if an older child disclosing
17 abuse that might have happened to them when
18 they were younger?

19 Q. Yes.

20 A. Certainly as children get older,
21 they become more knowledgeable about sex in
22 general. They become more knowledgeable
23 about sexual abuse and relationships, so they
24 have a little bit more information about how
25 those things work.

1 They also have -- their language
2 development, their cognitive development has
3 changed. So the way that they share
4 information about it may be a little bit
5 different. They may be able to be more
6 conscientious and more specific about which
7 pieces of information that they share or
8 don't share, because they are more aware of
9 their own responsibility in this or feeling
10 more responsible for it, understanding how
11 this might affect other people.

12 Whereas with a younger child disclosing,
13 they may not be able to think far enough
14 ahead about some of those issues.

15 Q. Would a child being out of the home,
16 away from the offender affect disclosure?

17 A. It could, (affirmative nod). It
18 certainly -- you know, if a child remains in
19 the household or remains in close proximity
20 to someone who has abused them, it poses
21 particular challenges to the child disclosing
22 if this person still has access to them.

23 Many times when children are removed from
24 close proximity to the offender or when the
25 offender is removed, many children feel safer

1 at that point to share information because
2 they know that they are safe.

3 The other side of that is that if the
4 child fears that they are going to have to
5 continue to have contact with them, or if
6 they have been removed and there is some
7 possibility that they are going to have to
8 have that contact with this person ago, that
9 might impact their disclosure as well.

10 Q. Do children necessarily recall the
11 chronological order of events in these types
12 of cases?

13 A. Well, sequencing of events can be
14 challenging for kids, particularly when we
15 are talking about traumatic events, which
16 sexual abuse would be one of those.

17 It's similar to asking someone to recount
18 the experience of being in a car accident or
19 a natural disaster and having them recall the
20 specific linear sequence in which things
21 happened. They might be able to report all
22 of the different things that happened but may
23 not necessarily get them in chronological
24 order.

25 It also would be dependent upon, you

1 know, is the child reporting one particular
2 incident or are they reporting multiple
3 incidents over the course of time.

4 You know, children who have been
5 repeatedly abused and there have been
6 multiple incidents, it may be very
7 challenging for them to sort out the sequence
8 of events of when they were abused or even to
9 specifically clarify each of those individual
10 events.

11 Q. Is it true -- sorry. The younger
12 the child is, does that affect how they view
13 chronological events?

14 A. I'd say younger children would have
15 a much more difficult time putting things in
16 linear order and remembering them that way.
17 So the younger a child was, the more
18 difficult that it may be for them to remember
19 that. Sequencing and time, those are really
20 abstract concepts for children, that they are
21 still learning over time.

22 Q. Tell us what grooming is.

23 A. In our field, grooming is a term
24 used to describe how someone might develop a
25 more trusting relationship with a child in

1 order to essentially test the waters with
2 them, possibly to see how far they could go
3 in abusing them.

4 Developing a more trusting relationship
5 with them. For example, giving a child more
6 attention. Giving them treats in exchange
7 for certain behaviors or certain responses.

8 It could mean introducing children to
9 sexualized behavior in a way that normalizes
10 it or confuses it for the child. For
11 example, introducing a child to sexual jokes,
12 pictures, pornography or maybe progressively
13 showing them images that aren't so "dirty"
14 and then progressing to different images to
15 see how the child responds to those.

16 It also could be grooming in the sense of
17 getting a child more used to different kinds
18 of touching. Confusing the child around
19 touch that could be seen as normal
20 affectionate touch but could progress to
21 where it could be seen as also sexual touch.
22 You know, perhaps touching a child on their
23 bottom accidentally and then touching them a
24 little bit further, such as handling them
25 under their clothes. Progressing in that

1 sense.

2 It becomes confusing for children,
3 particularly if this is a trusted adult that
4 is introducing them to this information and
5 this behavior because children just sort of
6 naturally trust that adults have their best
7 interest in mind. So 'if someone is showing
8 this or sharing this with me' it becomes
9 somewhat confusing for them as to whether or
10 not this is appropriate or not.

11 Q. You spoke a little bit about making
12 sex normal, how does that play into grooming?

13 A. Well, you know, introducing a child
14 to sexual behavior and materials in a way
15 that seems normal. That may in some ways
16 make them responsible for it as well.

17 So if a child is engaging in watching a
18 video or a movie or looking at a magazine or
19 if in some way they feel they are a
20 participant in the behavior, that makes --
21 can make a child make them feel responsible,
22 as if they were a part of that, making it
23 even more difficult for them to determine if
24 they want to disclose this information. For
25 many children, the more responsible that they

1 feel for it, the more that they feel like
2 they were a part of the abuse themselves and
3 the less likely they are to disclose. It
4 significantly delays their disclosure or
5 their ability to disclose.

6 Q. What are some factors that make sex
7 abuse of victims more likely? What are some
8 of the surrounding social circumstances that
9 might make ---

10 SCOTT DOVER: I think that I will
11 object to that question. I think that's a
12 little -- in light of the case law in South
13 Carolina, I think that's an improper
14 question.

15 SOLICITOR ODOM: I disagree.

16 SCOTT DOVER: Maybe I need to listen
17 -- maybe we should take this up outside the
18 presence of the jury. I object to that
19 question.

20 THE COURT: I have to send you back to
21 your jury room. Don't discuss the case,
22 we'll have you back out in a few minutes.

23 (JURY OUT @ 1:29 P.M.)

24 THE COURT: All right? Your question
25 was?

1 SOLICITOR ODOM: What factors that make
2 sex abuse of a victim more likely to occur?

3 SCOTT DOVER: Yeah, and I object to
4 that, the "more likely." That, I think, the
5 Supreme Court has said that this witness
6 cannot say -- that bolsters the testimony of
7 the alleged victim. She can't testify as to
8 the "more likely."

9 Everything that she has said so far is
10 time tested and I don't have a problem with,
11 the Supreme Court has said okay.

12 But I don't think that she can testify as
13 to something is more likely than not to be
14 occurring. There are cases that have stated
15 that is not a proper question. Those words
16 just always -- I bristle when I hear them
17 because the Supreme Court has said time after
18 time that you may not -- that an expert may
19 not say that it is more likely than not for
20 something to occur, because that is a back-
21 handed way of bolstering the credibility of
22 the victim.

23 SOLICITOR ODOM: So *State v. Brown*
24 deals with one expert directly and says that
25 as long as she is not stating directly that

1 'yes, this victim had x-y-z and these are
2 factors' -- she doesn't know anything about
3 the victim, so this list that she gives may
4 or may not have factors that the victim has.
5 It may have factors that are relevant to the
6 victim.

7 She can testify through studies, through
8 her own personal experience with child abuse
9 victims indicators that -- that more children
10 have 'this' or more children have 'that',
11 just through her own personal experience with
12 victims, in working with them.

13 She is not bolstering if she is not
14 commenting on the victim directly. If she
15 were bolstering, then every -- then all of
16 her testimony thus far would be.

17 If it is the wording, I can change the
18 wording.

19 THE COURT: I think using the term
20 "more likely" -- but she can still give the
21 indicators of a possibility. I think if you
22 use the term "more likely" that tends to go
23 more to the facts of this case. You can do
24 the indicators.

25 SCOTT DOVER: I agree.

1 THE COURT: But not using the term
2 "more likely." And I can tell you that the
3 closer that you all get to lunch, the more
4 irritated that this jury is getting. I can
5 tell you that, all of you.

6 SOLICITOR ODOM: I am very close, I can
7 tell you that. I understand.

8 SCOTT DOVER: Thank you.

9 THE COURT: They're getting hungry.
10 Okay, bring in our jury.

11 (JURY IN @ 1:32 P.M.)

12 THE COURT: You may proceed.

13 DIRECT EXAMINATION CONTINUED

14 BY SOLICITOR ODOM:

15 Q. So what are some indicators of sex
16 abuse in victims?

17 A. You mean, risk factors that ---

18 Q. Yes.

19 A. There are certain risk factors that
20 make children more vulnerable to abuse. One
21 of the biggest ones is their age. The
22 younger a child is the more dependent that
23 they are on others to carry for them, the
24 less verbal they are, the less ability that
25 they have to make an outcry or to tell

1 someone what has happened to them.

2 Children who have some type of disability
3 or delay may also be at higher risk, again
4 because they may be more dependent on adults
5 for care and they also have some limitation
6 in their ability to communicate or articulate
7 what's happened to them.

8 Other risk factors include family risk
9 factors:

10 Substance abuse within a household is a
11 risk factor for all types of child mal-
12 treatment.

13 Multiple caregivers in a child's life or
14 family -- even single parent households where
15 there are multiple, uh, multiple caregivers
16 or multiple people in and out of the home,
17 that may have access to a child can
18 considerably increase the risk for a child
19 being abused.

20 Q. How can abuse affect a victim's
21 behavior?

22 A. So there are certainly children who
23 may display absolutely no symptoms of abuse
24 at all. There are many children who, on the
25 outside, you'd never know that anything had

1 ever happened to them.

2 There are other children who may
3 experience depression, anxiety.

4 Many children experience the need to
5 self-harm or the feeling to hurt themselves
6 or end their lives.

7 Children may exhibit behavior problems.

8 They may have anger problems at home.

9 They may have behavioral problems at
10 school.

11 We know that many children who have been
12 abused or have some history of child
13 maltreatment are more at risk for substance
14 abuse, using drugs and/or alcohol, as a way
15 of coping with the experiences that they've
16 had.

17 Q. Would it affect promiscuity?

18 A. It could. It could go one way or
19 the other. You know, some children may want
20 to have nothing to do with sexual behavior.
21 For many children being exposed to them at a
22 young age, it exposes them to behavior that
23 they have not yet been prepared for and many
24 children, without proper treatment and
25 understanding around it, may have a -- may

1 engage in promiscuous behavior as a way of
2 coping with what has happened to them,
3 challenges them with having a healthy
4 understanding of sexual relationship and
5 healthy sexual behavior.

6 Q. After the abuse stops, is it still
7 -- could a child still be facing -- could the
8 abuse that has been stopped affect a child's
9 behavior years later?

10 A. Certainly. There is research to
11 support that adverse childhood experiences
12 that we experience in childhood can have
13 long-term effects on not only our emotional
14 and behavioral health but our physical
15 health. That has been studied and proven
16 over and over again. Many adults are still
17 demonstrating and showing the signs and
18 symptoms of having been abused as a child,
19 particularly if they have not received proper
20 treatment or care for what has happened to
21 them.

22 SOLICITOR ODOM: Thank you. That's all
23 the questions that I have.

24 THE COURT: Cross-examination.

25 SCOTT DOVER: May it please the

1 Court.

2 CROSS EXAMINATION

3 BY SCOTT DOVER:

4 Q. Ms. Williams, thank you for being
5 here. I will be brief. I know that it is
6 getting close to the time you need to leave.

7 But those same studies show that some-
8 times children that are not held or that are
9 left in a crib to cry, they may experience
10 the same type of emotional disruptions in
11 their life, equal to sex abuse; right?

12 A. Right. In reference to those
13 childhood experiences, those include sexual
14 abuse, physical abuse, neglect, uh, exposure
15 to domestic violence in the home. All of
16 those things can have devastating effects on
17 someone's emotional and behavioral health.

18 Q. So a child that is being abused by
19 their mom or being neglected by their mom or
20 others in their household may show these same
21 characteristics later in life?

22 A. Yes, they could.

23 Q. And some children in your experience
24 and studies have been found to manipulate the
25 system, too; correct?

1 A. It's very rare to see that a child
2 is able to manipulate the system by creating
3 false allegations or ---

4 Q. Right, but there have been plenty of
5 studies about false allegations or false
6 reporting that later on the victim comes up
7 and says, 'I did that for ulterior motives
8 and it wasn't true.' You're aware of that,
9 too?

10 A. There are far fewer instances of
11 that than studies that show -- studies that
12 show that than those that show where children
13 have been abused.

14 Q. But children are smart and they will
15 pick up on what others are telling them. If
16 other people are being abused in the
17 community, that is what they are learning and
18 hearing, they can adapt and manipulate the
19 system if they care to; to get their way,
20 correct?

21 A. Well, it would be challenging for a
22 child to do that given the checks and
23 balances within the system.

24 Q. When a child is eighteen years old,
25 it's not that difficult; is it?

1 A. I would say that it still would be
2 very challenging for an eighteen-year-old, an
3 adult or a child, to manipulate the system by
4 way of a sex abuse allegation. Or that
5 someone would really desire to do that.

6 Q. In your personal dealings with
7 others -- again, you've never met [REDACTED]
8 [REDACTED] you've had nothing to do with her.

9 Correct?

10 A. That's correct.

11 Q. You have not offered any counseling
12 to her?

13 A. I have not.

14 Q. But with others that you have
15 offered counseling to, wouldn't you be
16 suspect if the kids coming before you, being
17 referred by their teacher in the third grade
18 for lying and exaggerating stories -- isn't
19 that going to get your attention?

20 A. Would it get my attention as ---

21 Q. When this child is coming to you and
22 reporting something, if the third grade
23 teacher is also reporting that she is lying
24 and exaggerating stories at school, causing
25 disruptions, are you going to be looking at

1 that?

2 A. I certainly would look into it.
3 Many of the children that I've worked with
4 have had behavior such as -- they were
5 described as children who had behavior
6 problems such as lying. When we looked
7 further into it, the type of lies that they
8 were telling were the kind of lies that
9 children tell to keep themselves out of
10 trouble, to explain why they didn't hit their
11 brother when they did hit their brother. You
12 know, typical childhood kind of lies and
13 experiences. Very different from a child
14 making a statement about sexual abuse.

15 Q. Isn't there a reason for delayed --
16 that one of the reasons for delayed
17 disclosure could be for the simple fact that
18 it didn't happen at all? That they're using
19 it to manipulate and to get their way ten
20 years later?

21 A. Well, if it didn't happen at all,
22 then I wouldn't refer to that as a delayed
23 disclosure.

24 Q. If they didn't disclose it until
25 they say ten years after the fact, one of the

1 reason that they didn't disclose is because
2 it happen at all. Is that not a legitimate
3 concern of your studies?

4 A. So you're saying -- if that is one
5 hypothesis?

6 Q. Yes.

7 A. If someone waits -- if someone is
8 making disclosure, could it be that it didn't
9 really happen?

10 Q. Yes.

11 A. That is one hypothesis. We would
12 take that into consideration when evaluating
13 all the other aspects of disclosure.

14 Q. One of the reasons that you just
15 told this jury was that sometimes kids don't
16 disclose is because of the embarrassment by
17 the act. That would be taken away if they
18 were able to disclose other acts of sexual
19 abuse by others?

20 A. (No verbal response).

21 Q. If you've been abused by four
22 individual in the community and you tell of
23 three but not the fourth, doesn't that come
24 into play in your studies?

25 A. I am not sure that I understand what

1 you're asking me.

2 Q. It would take away the
3 embarrassment. I took your answer to be that
4 some kids just don't want to talk about being
5 sexually abused. That is one reason for
6 delay in disclosure. Is that what you told
7 us?

8 A. Yes, it is an embarrassing thing for
9 people to talk about.

10 Q. But that wouldn't be relevant, would
11 it, if they are not embarrassed at all and
12 they're talking about having sex with --
13 having other acts perpetrated against them?

14 A. Embarrassment may be one of the
15 factors that influences someone to delay
16 disclosure. It may not be in very
17 situation. Even if someone is comfortable
18 talking about sexual behavior, they may not
19 be necessarily be comfortable talking about
20 sexual abuse that has happened to them. They
21 may not be comfortable talking about multiple
22 perpetrators of abuse.

23 Q. But is they're comfortable talking
24 about sex abuse being perpetrated against
25 them, that would take away some of that;

1 wouldn't it?

2 A. Not necessarily. Many of the
3 survivors that I've worked with, even today,
4 even those who are very comfortable speaking
5 about their experience and may even do it in
6 public, still feel some shame and embarrass-
7 ment about aspects of that experience at
8 times.

9 Q. And you talk about the way that the
10 kids have asked. If you have trained
11 counselors, that is what their training is,
12 and they ask the child when they are
13 reporting sexual abuse if another individual
14 has sexually abused them, wouldn't you expect
15 that answer to be more true?

16 A. So -- can you repeat that question?

17 Q. If a trained counselor, a licensed
18 counselor such as yourself, if you're talking
19 to an individual client who is relating other
20 sexual abuse to you, do you think that child
21 is more likely to tell you the truth if you
22 ask them about sexual abuse by another?

23 A. Again, that could be dependent on
24 the child and circumstances. Myself, as a
25 trained counselor, I -- I'm a licensed

1 professional counselor specifically trained
2 in the area of child abuse and sexual
3 assault. The way that I question a child or
4 conduct an assessment might be very different
5 than a licensed professional counsel or a
6 licensed social worker who is not trained in
7 my area of expertise.

8 Q. Two last questions. Wouldn't you
9 expect a child who has testified that they
10 were screaming to get out of the home, that
11 if they were being abuse by somebody in that
12 home that they would be more likely -- strike
13 that. I will rephrase that question.

14 Last question. I think you've taught me
15 over the years that when we are talking about
16 these type incidents that children frequently
17 -- that it is a post-trauma stress disorder
18 situation. Is that correct?

19 A. That's correct.

20 Q. That these kids that this really
21 happens to, that when they are disclosing
22 what happened ten, fifteen, thirty years
23 before that it is almost like they can go,
24 you've told me before that it is almost like
25 they can go back in their brain and it is so

1 vivid that they can remember what people were
2 wearing, what they were wearing, exactly
3 where the event occurred thirty years later
4 at times.

5 A. Yes. There's certainly some aspects
6 of that that they would remember.

7 SCOTT DOVER: Thank you.

8 THE COURT: Redirect?

9 SOLICITOR ODOM: No, sir.

10 THE COURT: Any objection to her being
11 excused?

12 SOLICITOR ODOM: No, sir.

13 SCOTT DOVER: No objection.

14 THE COURT: You may step down.

15 (WITNESS STEPS DOWN)

16 THE COURT: Ladies and gentlemen, this
17 is a late lunch. I do apologize for that.
18 We were able to get a lot done this morning.
19 The lines are not long when you go anywhere
20 to eat at this time.

21 Again, please be back in your jury room
22 at 3:00 o'clock and we will proceed with the
23 case.

24 Do not discuss the case at all, with
25 anybody. Do not do any research about it.

1 Do not listen to any media reports. Should
2 someone contact you, let the bailiffs know.

3 Have a good lunch, we will see you back
4 at 3:00 o'clock.

5 (JURY OUT @ 1:46 P.M.)

6 THE COURT: For planning purposes, what
7 do you anticipate at 3:01?

8 SOLICITOR ODOM: Angie Farmer?

9 THE COURT: Then?

10 SOLICITOR ODOM: Jan Kelley.

11 THE COURT: Are those your final two
12 witnesses?

13 SOLICITOR ODOM: Yes, sir.

14 THE COURT: So with that, we will get
15 in your case this afternoon.

16 SCOTT DOVER: Yes, sir.

17 THE COURT: Plan accordingly. Anything
18 else before we break for lunch?

19 SOLICITOR ODOM: No, sir.

20 SCOTT DOVER: He is okay to be out
21 at lunch? You said just overnight?

22 THE COURT: Well, not outside the
23 building.

24 SCOTT DOVER: So he's got to stay here.
25 They will bring him something?

1 DEFENDANT: May I step down for a
2 cigarette, sir? I've been out on bond for
3 three and a half years.

4 THE COURT: All right.

5 DEFENDANT: Thank you.

6 THE COURT: All right, we back at 3:00
7 o'clock.

8 (LUNCH RECESS)

9 (DEFENDANT PRESENT)

10 THE COURT: If they're ready, we are.

11 (JURY IN @ 3:03 P.M.)

12 THE COURT: Thank you, ladies and
13 gentlemen. I hope everyone had a good, quick
14 lunch. Solicitor, you may call your next
15 witness.

16 SOLICITOR ODOM: The State calls Angie
17 Farmer.

18 (WITNESS TAKES STAND)

19 ANGELA FARMER, having been sworn to tell
20 the truth, and nothing but the truth,
21 testified as follows:

22 DIRECT EXAMINATION

23 BY SOLICITOR ODOM:

24 Q. Where do you work?

25 A. Behavioral Health Services in

1 Pickens County.

2 Q. What is that?

3 A. Behavioral Health Services is a
4 private nonprofit agency that offers
5 counseling services for a variety of issues?

6 Q. How long have you been working
7 there?

8 A. Twenty years next week.

9 Q. What kind of education do you have?

10 A. I have a Master's in Education,
11 Community Counseling, and am licensed by the
12 State with a professional counselor's
13 license.

14 Q. Where did you get your degree?

15 A. Clemson University.

16 Q. What kind of specific services does
17 Behavioral Health Services provide?

18 A. We do addiction services, family
19 therapy, individual therapy for all major
20 mental health issues excluding severe
21 persisting mental health issues like
22 schizophrenia. Trauma specifically, post-
23 trauma stress disorder, child abuse, neglect,
24 pretty much anything else.

25 Q. Through your work and through your

1 license, are you required to take classes
2 every year?

3 A. Yes, we are required to attend forty
4 hours of continuing education every two
5 years.

6 Q. Do you ever teach classes?

7 A. Yes, I've done several different
8 trainings throughout the years on addictions,
9 mental health issues, diagnosing trauma,
10 trauma care, effects of abuse on children and
11 families.

12 Q. Have you testified in court before?

13 A. Yes, ma'am.

14 Q. How many times would you say that
15 you have testified?

16 A. At least twenty.

17 Q. Are you -- can you estimate the
18 number of patients that you've seen over the
19 years?

20 A. In twenty years?

21 Q. Yes.

22 A. Let me think -- at least fifteen
23 hundred.

24 Q. And have you -- would you say that
25 you have a good amount of experience

1 counseling victims of sexual assault?

2 A. Yes, it's been an area of specialty
3 for me for at least fifteen years.

4 SOLICITOR ODOM: Your Honor, at this
5 time I would like to offer her as an expert
6 in the field of child sexual abuse counseling
7 and treatment.

8 THE COURT: Any objection or *voir dire*?

9 SCOTT DOVER: Yes. Ms. Farmer, your
10 goals at Behavioral Health Services is that
11 you provide a realm of counseling services to
12 adults and children. Correct?

13 DEFENDANT: Yes, sir.

14 SCOTT DOVER: And I -- the varied-
15 ness of the qualification gives me some
16 concern. Let me ask you some questions about
17 that.

18 WITNESS: Okay.

19 SCOTT DOVER: Wouldn't you say that
20 the majority of your services as counseling
21 are provided outside of the specialty that
22 the solicitor is asking that you be qualified
23 in?

24 WITNESS: Actually not. My caseload
25 has been mostly child sexual abuse and

1 trauma.

2 SCOTT DOVER: For how long?

3 WITNESS: At least ten years.

4 SCOTT DOVER: I thought that you
5 were doing other type services, that's why I
6 was asking.

7 WITNESS: I do everything, but a
8 heavy portion of my caseload is trauma,
9 because that's the area that I work with.

10 SCOTT DOVER: And you are still
11 doing that with all of the increased
12 administrative duties that you have?

13 WITNESS: Yeah, currently I still
14 have -- I have had a very small caseload
15 since September, since I've had the
16 promotion. I would say that fifty percent of
17 the cases that I work with now are still
18 trauma related.

19 SCOTT DOVER: Let me hear the
20 Solicitor's offer one more time, the area in
21 which you're asking to have her qualified as
22 an expert?

23 SOLICITOR ODOM: Child sexual abuse
24 counseling and treatment.

25 SCOTT DOVER: Based on her

1 testimony, no objection.

2 THE COURT: All right. I qualify her
3 as an expert in the area of child sexual
4 abuse counseling and treatment.

5 Ladies and gentlemen, as I told you
6 before, a layperson is restricted as to what
7 they can testify. It has to be of their
8 direct observations or senses.

9 An expert who is qualified in a
10 particular field because of their expertise,
11 their education and so forth can testify
12 about their opinions within that field.

13 Again, as I told you before, you don't
14 have to accept that testimony. You are to
15 give that testimony the weight that you feel
16 that it should be given in your
17 deliberations.

18 Please proceed, Solicitor.

19 SOLICITOR ODOM: Thank you, Your Honor.

20 DIRECT EXAMINATION CONTINUED

21 BY SOLICITOR ODOM:

22 Q. Ms. Farmer, I want to start out by
23 asking you a little bit about y'all's record
24 keeping policies. How long do y'all keep a
25 patient's records?

1 A. The standard that we have to adhere
2 to through DHEC and our governing bodies
3 require that we keep our records for seven
4 years.

5 Q. Do you keep paper or electronic ---

6 A. In 2013, we switched from paper
7 files to an electronic health record called
8 CareLogic. So we still have the physical
9 paper records that are beyond 2013, then from
10 2013 forward it's an electronic record.

11 The one caveat to that is that if an
12 individual has come into services within that
13 seven years, that seven-year-time starts
14 over.

15 Q. Okay. Who has access to the
16 records?

17 A. Staff. Primarily the clinical staff
18 that works with them or any administrative
19 staff necessary to work with that file.

20 Q. Is it possible for you to change
21 anything in the record?

22 A. No, not now. Especially with the
23 electronic health record system, anytime you
24 sign a document in the health record system
25 it cannot be altered or changed.

1 Previously before then, in a physical
2 record if there were any record changes it
3 could only be marked with one line, initial
4 and date. That's a universal clinical record
5 standard.

6 Q. Was [REDACTED] ^{Child} [REDACTED] ever seen at
7 Behavioral Health?

8 A. Yes.

9 Q. Do you know how many times that she
10 was seen?

11 A. Approximately nine separate cases.

12 Q. So when someone comes in for a case,
13 what is the procedure? What happens?

14 A. When a person comes in for a case,
15 the first thing that has to happen is what we
16 call an intake. Intake is where they sign
17 the appropriate consent and forms to open a
18 record, a medical record. HIPPA
19 confidentiality releases, etc.

20 Then they go through an assessment
21 process. That assessment process looks at a
22 person's medical history, physical history,
23 family history, substance abuse history,
24 trauma history, education history. It is an
25 extensive biopsychosocial assessment.

1 Then based on that assessment it is
2 determined what level of counseling or
3 treatment is best appropriate for them.

4 Q. So after the assessment y'all
5 determine what kind of counseling that they
6 need?

7 A. Correct.

8 Q. What happens from that point?

9 A. Then we schedule whatever treatment
10 is better for them. We do individual and
11 group therapy and family therapy.

12 Q. If the patient is a child, who does
13 the assessment?

14 A. When we do an assessment with a
15 child, we meet with a child and the parent.
16 We also try to meet with the child
17 independently because we know that some kids
18 are not comfortable sharing some information
19 with the parents in the room. Not all the
20 time is a child willing to do that, and we do
21 not force them if they are not comfortable
22 with doing it.

23 Q. When you get a history as part of
24 the assessment ---

25 A. With a small child, a lot of that

1 comes from the parent.

2 Q. Can you tell me when [REDACTED] first
3 case was?

4 A. Her first case was opened March 5th,
5 2003. She was six years old at the time.

6 Q. Did you see her?

7 A. Her initial assessment, yes.

8 Q. Who referred her?

9 A. Initially she was referred by a
10 Kathy Stone with DHEC.

11 Q. I know that there are a number of
12 different cases. I'm going to try to hit on
13 them chronologically. When was her second
14 case?

15 A. The second case was November 23,
16 2004, when she was eight years old.

17 Q. And who referred her?

18 A. Referred by Pickens Elementary
19 School.

20 Q. Going back to that first case, how
21 many times did y'all see her?

22 A. She attended one session.

23 Q. So that would be the assessment?

24 A. The assessment and then she had one
25 individual session, and that was all. Failed

1 to return.

2 Q. You said that was in March of 2003?

3 A. March 2003 was her assessment. The
4 session that she actually attended was April
5 30th, 2003 and then she failed to return for
6 services after that.

7 Q. Do you know why?

8 A. No. A lot of times what will happen
9 is that they will either schedule an
10 appointment and they won't come or -- we have
11 a standard where we try to reach out to the
12 family, the client, to see if they want to
13 continue services. If they don't respond, we
14 close their case.

15 Q. I guess this case got closed?

16 A. It closed because they failed to
17 respond to contacts.

18 Q. Do you know how old she was?

19 A. She was six years old for that
20 initial case.

21 Q. And the second case?

22 A. The second case was November 23rd,
23 2004. She was eight years old. She was
24 referred by Pickens Elementary School.

25 Q. And can you tell me how many

1 sessions that she had?

2 A. Yes. During that time she was
3 actually seen at school, which is one of the
4 services that we provide our School District.
5 With her being able to be seen at school
6 there was more consistency and she was seen
7 twelve times for individual sessions by Liz
8 Rampey. It was closed at the end of the
9 school year because they wouldn't come in for
10 services, but she was doing well at the end
11 of that school year.

12 Q. But she didn't -- nobody brought her
13 in over the summer?

14 A. No. That was the suggestion but no
15 appointments were scheduled.

16 Q. What was the third case that she
17 had?

18 A. The third case was May 7th, 2007.
19 She was ten years old. Referred by the
20 Department of Social Services.

21 Q. How you tell me how many visits she
22 had?

23 A. She attended the assessment and that
24 was it.

25 Q. Just the assessment?

1 A. (Affirmative nod) and the case was
2 closed after attempts to follow through with
3 treatment in November of 2007.

4 Q. Do you know which parent attended
5 the assessment with her?

6 A. Mom. Mom would consistently attend
7 the sessions with her.

8 Q. What about the fourth case, what is
9 the date on that?

10 A. The fourth case was September 4th,
11 2008. She was twelve years old. Referred by
12 Liberty Middle School. She attended -- let's
13 see (reviewing). She attended -- there was a
14 lot of cancellations, reschedules, and
15 attempts to communicate with the mom. But no
16 follow through with the appointments.

17 Q. What about the fifth case?

18 A. November 4th, 2009. She was
19 thirteen. Referred by DSS.

20 Q. How many appointments?

21 A. After the assessment, no follow
22 through.

23 Q. And the sixth case?

24 A. May 19th, 2011. She was fourteen.
25 Referred by Bonnie Forbes. I believe at that

1 time that Bonnie was working with the
2 Solicitor. At that time she was recommended
3 to individual and group therapy, and she
4 attended two group therapy sessions and two
5 IT sessions.

6 Q. Then what happened? Did she
7 successfully complete ---

8 A. No. There were a lot of broken
9 appointments and cancellations. She failed
10 to return for services and the case was
11 closed.

12 Q. The seventh case?

13 A. The seventh, she actually never came
14 in. She was referred by the Department of
15 Social Services in July -- July 24th, 2013.
16 There was an appointment made for August 15th
17 and she did not come.

18 Q. The next one?

19 A. The same one for the eighth session.
20 October 2nd, 2013, she was re-referred by the
21 Department of Social Services. She had no
22 appointments scheduled. She didn't follow
23 through.

24 Q. The next one?

25 A. The next one was March of 2016. DSS

1 referred. This one kind of blends into the
2 following case. She was referred but it was
3 actually -- (reviewing). She was referred
4 for group and individual therapy. She
5 attended group one time, IT one time and then
6 dropped out after having a child.

7 She was re-assessed -- her case didn't
8 actually close. It was kept open because
9 they were trying to communicate with her, get
10 her back in services.

11 She was re-assessed in March of 2017, the
12 21st of March, 2017, and recommended for group
13 therapy and IT. She attended six individual
14 sessions and seven group sessions.

15 She is still currently enrolled in this
16 case. She has not been closed. But she has
17 not been seen since July.

18 Q. Okay. So let's go back through now
19 and talk about some of her counseling.

20 A. Okay.

21 Q. Can you tell me about the first time
22 when you saw her back in March of '03, some
23 of the issues that she was having?

24 A. Yes. Like I said, she was
25 originally referred at six years of age.

1 She was having some behavioral issues:
2 lying, defiance, foul language, false reports
3 of abuse, some anger issues. She was having
4 night terrors. She refused to sleep alone,
5 she always slept with her mom or her grand-
6 mother.

7 There were some allegations of physical
8 abuse by DSS but those were unfounded at the
9 time.

10 Yet she failed to return to services
11 after one session.

12 Q. When you say that she failed to
13 return, it was that no one brought her?

14 A. Yes. She was six years old. She
15 wasn't driving herself, so the parent would
16 have to bring her, so the parent failed to
17 bring her back in to Services.

18 Q. So that time was -- was mother in
19 the room?

20 A. Yes, at six children are not really
21 very comfortable about seeing a stranger by
22 themselves. So mom was present for the
23 assessment.

24 Q. On the second case, in 2004, what
25 were some of the issues that she was having?

1 A. Again, she was eight years old at
2 time. She was referred by Pickens Elementary
3 School for lying, telling exaggerated
4 stories, behavior problems, being defiant.
5 She did meet with the therapist at the school
6 during that time and made some progress with
7 that.

8 There were reports during this time that
9 she had been touched inappropriately by two
10 separate men. That was addressed in some of
11 the therapy sessions there. She had seen
12 some pornographic materials.

13 Q. So did she have a knowledge of sex?

14 A. Yes. One of the things that was
15 clearly written in the therapy notes was that
16 at eight years old she had knowledge of adult
17 ideas, experiences and desires to engage in
18 adult behaviors more than an eight-year-old
19 child would developmentally at that time.

20 For example, she wanted to watch soap
21 operas or she wanted to talk about relation-
22 ships between boys and girls, things that
23 eight-year-olds don't typically talk about.

24 Q. During those sessions, since they
25 were at the school, was mom present?

1 A. No, they were with her and the
2 therapist.

3 Q. The third visit, what kind issues --
4 the third case, what kind of issues did ---

5 A. The third case, she was ten years
6 old. She was referred by DSS at that time
7 because she had made reports at school that
8 her mom was being physically abusive to her.

9 She was living with grandparents at that
10 time. DSS had made that recommendation, so
11 they went and lived with the grandparents.

12 Mom stated that she was defiant. Quote,
13 that she may have been sexually abused. The
14 client had accused the two men of previously
15 trying to rape her, was her terms.

16 Uh, she was having a lot of issues just
17 coping. So we had actually recommended her
18 to have an evaluation through Upstate
19 Psychiatry for the depression and the anxiety
20 that she was having. Mom did not take her to
21 that.

22 Q. You said that some of the issues
23 that she was having was lying. Who gave you
24 that history?

25 A. Mom.

1 Q. On the fourth visit, what kind of
2 issues was she having?

3 A. Twelve years old, referred by
4 Liberty Middle School. She made a statement
5 at school that she felt like killing a girl.
6 She was still living with her grandparents at
7 the time. The sexual abuse history was
8 identified during that assessment also. She
9 reported having bruises, being hit by her
10 mom. She was dysthymia, which is a low-grade
11 pervasive depression symptoms, just -- lack
12 of pleasure in things, not being happy,
13 feeling hopeless, not very energetic.

14 She was diagnosed with a new disorder at
15 that time, because of those symptoms that she
16 was having.

17 DSS was recommending family therapy
18 during that time also. So we recommended
19 some family therapy and individual therapy.
20 Again, she was twelve years old, so mom
21 didn't follow through with services.

22 Q. On the fifth one it looks like it
23 was an assessment as well and mom didn't
24 follow through.

25 Then the sixth one ---

1 A. Now, the fifth one was referred by
2 DSS because -- okay.

3 Q. Okay. So moving on to the sixth
4 one, ---

5 A. Yes.

6 Q. What kind of issues or anxiety or
7 anything was she having?

8 A. She was having a lot of issues
9 during this time. She was fourteen years
10 old. She was running away.

11 She reported being raped by another
12 individual, his name wasn't listed in our
13 record. She had medical issues as a result
14 of that rape, so that was hard for her to
15 deal with; that was addressed in that
16 assessment.

17 The mental health issues she was dealing
18 with at that time was that she was having a
19 hard time being in crowds; noises and
20 movements would startle her; she would freak
21 out easily; panic; she was having problems
22 sleeping; she was depressed; she would get
23 combative with people; she was having
24 nightmares; avoided relationships. She was
25 hyper vigilant, which meant that she felt

1 kind of on guard all the time; which is a
2 common symptom.

3 Q. Now, in this visit was she pregnant
4 on in this case?

5 A. I am trying to remember when that
6 happened. That might have been the sixth.

7 SCOTT DOVER: Excuse me. We are in the
8 sixth, aren't we?

9 WITNESS: Yeah. I have it noted that
10 this is the time when she found out that her
11 sister was pregnant. I don't have an exact
12 time frame for that.

13 DIRECT EXAMINATION CONTINUED

14 BY SOLICITOR ODOM:

15 Q. All right. The next case, what kin
16 of issues?

17 A. The other two after that were just
18 referrals that weren't followed through.

19 The ninth case was when she -- she was
20 involved with DSS after having a child. She
21 had a positive hair strand test for
22 marijuana, and that is what initiated the
23 referral from the Department of Social
24 Services. She was seen in individual and
25 group therapy.

1 Q. So we've gone over the symptoms in
2 each case but what were her main issues over
3 the years?

4 A. From the beginning she had struggled
5 with some behavioral problems, anxiety,
6 depression, anger, other issue. Nightmares,
7 trouble being alone. Difficulty in
8 relationship. Sexually acting out behavior.
9 Substance abuse.

10 Q. Would you say that nine cases is a
11 lot of cases for someone that ---

12 A. At her age, that's pretty common. We
13 have several clients that have had multiple
14 cases, been in and out of services. But with
15 her being as young as she is, that's several
16 entries into treatment.

17 Q. All right. Can you tell me what
18 symptomology is?

19 A. Symptomology is just identified
20 symptoms of a related disorder. Common
21 symptoms that might be seen or observed or
22 experienced of a particular diagnosis.

23 Q. Talking specifically about sexual
24 abuse, child sexual abuse, as far as
25 counseling and treatment goes, what is the

1 symptomology of child sexual abuse?

2 A. It's pretty pervasive. Child sexual
3 abuse can affect an individual on many
4 different levels, physically, psycho-
5 logically, mentally, emotionally. Some of
6 the symptoms are behaviors like acting out,
7 being aggressive, defiant, uh, lying,
8 stealing, running away, emotional depression,
9 anxiety, fear, hopelessness, fear, despair,
10 guilt. Nightmares, flashback, -- flashbacks
11 are a re-experiencing of the trauma. There
12 are hundreds of symptoms.

13 Q. How specifically could it affect a
14 child's sexual behavior?

15 A. A lot of children who area exposed
16 to sexual abuse tend to act out sexually.
17 They have knowledge of knowledge of sex that
18 really prepubescent children should not have
19 knowledge of. So they will either talk about
20 it or re-enact it, act it out on other
21 children, engage in sexual behavior. That's
22 pretty common.

23 Q. Do you think that it may later
24 affect how a child views love and sex?

25 A. Absolutely. It has a huge impact on

1 relationships. Most children who have
2 experienced sexual trauma have difficulty
3 truly trusting and engaging in a healthy
4 relationship with another individual. A lot
5 of times, especially young female victims of
6 sexual abuse, they see sex as a way of
7 gaining love and affection or acceptance from
8 another person. That is one of the reasons
9 that they attempt to act out sexually with
10 individuals at a younger age.

11 Q. Circling back around to [REDACTED] do
12 you think that the counseling helped to
13 address her issues?

14 A. We never got her long enough to help
15 her. Historically is you look at her cases,
16 she would come in for one or two sessions.
17 She was a child, so she was depending on a
18 parent to bring her. She never really got to
19 receive therapy because they didn't follow
20 through, the parent didn't follow through
21 with bringing her.

22 Q. Can you tell us why some children
23 may cooperate with an abuser?

24 A. Most abusers, if you look at
25 statistics, most of the time it's a family

1 member. A lot of times children will -- not
2 quite "allow" but will go along, for a term,
3 with the abuse out of fear. Fear of
4 retribution.

5 Most perpetrators will groom the child
6 and they will threaten in some form or
7 fashion that if the child doesn't engage in
8 the behavior that some consequence will
9 occur. That consequence could be threatening
10 that nobody would believe them. It could be
11 lots of different things. Children are very
12 susceptible for that when they have a
13 caregiver or an adult that they trust telling
14 them that something bad is going to happen if
15 they don't follow through with a behavior.

16 SOLICITOR ODOM: Please answer any
17 questions that Mr. Dover has for you.

18 THE COURT: Cross-examination.

19 CROSS EXAMINATION

20 BY SCOTT DOVER:

21 Q. Ms. Farmer, I just have a few
22 questions for you this afternoon. I think
23 you have covered most of my questions.

24 Miss Child Miss Child has
25 taken the stand and she has testified that my

1 client sexually abuse her at times after July
2 8th, 2003, her eighth birthday.

3 So I guess my first question, let's
4 assume for a moment that Miss Child is
5 telling us the truth, that Mr. Williams
6 started these acts on her after her eighth
7 birthday on July 8th, 2003.

8 I want you to go back to that first case.
9 I heard your testimony and I think the jurors
10 heard your testimony about how kids act after
11 they have been sexually abused. But you
12 encountered her on March 5th, 2003; correct?

13 A. Correct.

14 Q. That would have predated her eighth
15 birthday?

16 A. Correct.

17 Q. And even as a six-year-old child,
18 something was going on in her life that gave
19 her the same characteristics that you
20 described from sex abuse. Correct?

21 A. Correct.

22 Q. She was defiant, telling lies, using
23 foul language, making false reports and
24 abuse. But at that time she denied any
25 physical abuse or sexual abuse. Correct?

1 A. Correct. There was denial of sexual
2 abuse but there were allegations of physical
3 abuse.

4 Q. There is one thing that I questioned
5 -- and I know that you didn't bring your
6 records with you here today -- I'm trying to
7 get it out. I've heard your testimony, Ms.
8 Farmer. I was just a little confused about
9 this. This is your signature from March
10 2003, ---

11 A. Right.

12 Q. ---- where it says "CL denies PA."

13 A. Right.

14 Q. I would have thought that was the
15 physical abuse, is that right?

16 A. That's true.

17 Q. So are you telling us that there
18 were some accusations of physical abuse but
19 then -- who is saying ---

20 A. Mom.

21 Q. Mom denied it?

22 A. (Affirmative nod).

23 Q. Okay, I was just a little confused
24 about that. Now, when she came into
25 treatment as an eight-year-old child, that

1 was by Ms. Medlin at Pickens Elementary
2 School?

3 A. Correct.

4 Q. In 2005, she reported that she could
5 not sleep alone in her own bedroom. Correct?
6 She was sleeping either with her mother or
7 with her grandmother?

8 A. I've got that as 2003.

9 Q. 2003?

10 A. (Affirmative nod).

11 Q. Okay. Let me show you an entry --
12 you've been qualified as an expert and you
13 were the child's counselor, so I want to ask
14 you some questions about the overall record;
15 which I know that you didn't bring with you
16 today, correct?

17 A. Correct.

18 Q. According to the records of your
19 agency, in January of 2005 apparently the
20 mother had a communication with your employee
21 that the prior acts of the rape that you
22 talked about with the two other men had been
23 unfounded. Then there is some entry about
24 Lt. Kelley in there. What does your
25 clinician say that the mother told her about

1 that?

2 SOLICITOR ODOM: I am going to object
3 on hearsay grounds.

4 THE COURT: Yeah, how does that get
5 around hearsay?

6 SCOTT DOVER: It's a record. She's an
7 expert. I think if she -- I guess I should
8 ask her if she relied on the record ---

9 THE COURT: But she hasn't really given
10 an opinion on it. I am going to sustain the
11 objection.

12 SCOTT DOVER: Thank you.

13 CROSS EXAMINATION CONTINUED

14 BY SCOTT DOVER:

15 Q. At the time of the -- I lost count
16 of the -- of the number. In 2007, I guess
17 that was the third treatment that she entered
18 into. At that time your testimony was that
19 she was living with her grandparents?

20 A. That is what I have documented, yes.

21 Q. When she was referred to your agency
22 in 2009 by the Department of Social Services,
23 isn't it true that she was referred there for
24 problems in telling stories when she couldn't
25 get her way?

1 A. What I have documented is that she
2 was referred due to the sexual abuse
3 allegations. That is what I have documented.

4 Q. Let me show you, (tendering).

5 A. (Review).

6 Q. I'm asking about [REDACTED] ---

7 SCOTT DOVER: Should we have a sidebar
8 to discuss this?

9 SOLICITOR ODOM: I think the witness is
10 aware that it's [REDACTED]

11 CROSS EXAMINATION CONTINUED

12 BY SCOTT DOVER:

13 Q. The entry of March -- excuse me.
14 The entry of March 2nd, 2009, from the
15 referral from DSS, in part does it state that
16 she in the past had a problem with telling
17 stories when she couldn't get her way?

18 A. That has been consistent. However,
19 mom has also reported that consistently with
20 every case.

21 Q. What I've seen as a thread in all of
22 these things is that the child has a pretty
23 difficult home life with her mother. Is that
24 fair to say?

25 A. That's fair.

1 Q. Are you aware of law enforcement
2 being involved in incidents between her and
3 her mother?

4 A. Not specifically because, again, she
5 has not followed through with bringing her in
6 consistently for treatment.

7 Q. But from your involvement with her,
8 was it your impression that it was a
9 difficult relationship between mother and
10 child?

11 A. Yes.

12 Q. As part of your records, -- can you
13 identify this document from the referral of
14 2011? Did you guys refer her to the Healthy
15 Parenting group or not?

16 A. 2011?

17 Q. Yes, ma'am.

18 A. (Upon review), ---

19 Q. I guess my question is, are you
20 familiar with that document? Is that part of
21 your record?

22 A. This was completed by one of our
23 clinicians. It is a referral to Healthy
24 Families.

25 Q. If you could turn over to page two

1 of that assessment where the young lady was.
2 asked about sexual abuse. Did she report any
3 sexual abuse to that ---

4 SOLICITOR ODOM: I am just going to
5 object. She hasn't said this was part of her
6 records. This is just something ---

7 WITNESS: It's a referral form. It was
8 completed by one of our clinicians.

9 SCOTT DOVER: This is what I asked Miss
10 Child herself about. I was just going to
11 ask her to ---

12 SOLICITOR ODOM: And I would say that
13 this witness doesn't have any ---

14 THE COURT: You might need to lay a
15 better foundation.

16 CROSS EXAMINATION CONTINUED

17 BY SCOTT DOVER:

18 Q. Did you have anything to do with --
19 did your agency or your oversight of Miss
20 Child have anything to do with that form?

21 A. We completed the form, yes.

22 Q. So someone in your agency completed
23 the form?

24 A. Right.

25 Q. I asked Miss Child to the question

1 whether or not her stepfather had physically
2 assaulted her, in 2011 what was her -- did
3 she respond to that?

4 SOLICITOR ODOM: Judge, I just have a
5 problem with publishing this.

6 SCOTT DOVER: I will withdraw the
7 question. WE asked Miss ^{Child} [REDACTED]

8 CROSS EXAMINATION CONTINUED

9 BY SCOTT DOVER:

10 Q. There is no question based on your
11 involvement with Miss ^{Child} [REDACTED] that she has
12 reported to you from 2003 to 2009, dates that
13 these indictments cover, that she reported
14 that she was raped or sexually assaulted by
15 three other men? Three men. Correct?

16 THE COURT: Hold on. Did you have an
17 objection?

18 SOLICITOR ODOM: No, sir.

19 CROSS EXAMINATION CONTINUED

20 BY SCOTT DOVER:

21 Q. Maybe I misunderstood but I thought
22 you testified on direct that she reported
23 being raped by three different individuals
24 other than my client during that period of
25 time. Did you say that on direct

1 examination?

2 A. I would not use the word "raped."
3 She was sexually assaulted by two men. She
4 used the word "rape", "attempted rape." She
5 was sexually assaulted by two men and then
6 raped by another. Uh, -- I have documenta-
7 tion in a later file of where she gave
8 details of her sexual assault by ---

9 Q. I am talking about between 2003 and
10 2009, she was able to tell you and others in
11 your ---

12 SOLICITOR ODOM: Your Honor, I object
13 to relevance. I think we're getting out of
14 the scope here of the statute. I am not sure
15 with where he is going.

16 THE COURT: And you need to stick with
17 cross based on her direct testimony.

18 CROSS EXAMINATION CONTINUED
19 BY SCOTT DOVER:

20 Q. Ms. Farmer, I thought you said on
21 direct examination that in one of the cases
22 that was referred to you that there was
23 allegations of sexual abuse by two men that
24 were not my client. Correct?

25 A. Correct.

1 Q. Then another one later on when she
2 reported -- and I thought you used the word
3 "raped", and that's why I said that.

4 A. She ---

5 Q. That she reported a rape by another
6 individual other than my client?

7 A. She did. She used the word "raped."

8 Q. So there is no question that this
9 young lady has been sexually abused during
10 the time in which this indictment covers?

11 A. That's correct.

12 Q. But according to your recollection,
13 did she ever during that period of time
14 report that it was the stepfather?

15 A. She did report the stepfather during
16 that particular timeframe.

17 Q. It was only done after November 30th,
18 2013?

19 A. (No verbal response).

20 Q. Isn't that true?

21 A. Yeah, I was looking to get the date
22 to make sure that I was correct before I
23 answered -- that is correct.

24 Q. Could I get that form from you?

25 A. Yes, I handed it to you.

1 Q. Thank you. Thank you, Ms. Farmer,
2 those are all the questions that I have.

3 THE COURT: Redirect?

4 SOLICITOR ODOM: No, sir.

5 THE COURT: You may step down. Any
6 reason why she cannot be excused?

7 SCOTT DOVER: No objection from me.

8 SOLICITOR ODOM: No objection.

9 THE COURT: You are also excused.

10 (WITNESS STEPS DOWN)

11 SCOTT DOVER: Your Honor, could we have
12 about a five-minute break before the next
13 witness?

14 THE COURT: Short break. Don't discuss
15 the case. We will bring you right back out.
16 Five minutes.

17 SCOTT DOVER: Thank you.

18 THE COURT: Five minutes.

19 (JURY OUT @ 3:50 P.M.)

20 (BRIEF RECESS)

21 (DEFENDANT PRESENT)

22 THE COURT: Invite the jury to return.

23 (JURY IN @ 3:56 P.M.)

24 THE COURT: Thank you, ladies and
25 gentlemen. Solicitor, you may call your

1 next witness.

2 SOLICITOR ODOM: The State calls J.B.
3 Kelley.

4 (WITNESS TAKES STAND)

5 JAN B. KELLEY, having been sworn to tell
6 the truth, and nothing but the truth,
7 testified as follows:

8 DIRECT EXAMINATION

9 BY SOLICITOR ODOM:

10 Q. Where do you work?

11 A. Pickens County Sheriff's Office.

12 Q. How long have you been there?

13 A. Thirty-nine years this past August
14 1st. Thirty-nine years.

15 Q. In 2013, what was your position?

16 A. Lieutenant of Special Victims Unit.

17 Q. What do you mean by Special Victims
18 Unit?

19 A. I investigated all sexual assault
20 crimes, adults or children, and criminal
21 domestic violence assaults.

22 Q. Did you have any involvement in this
23 case?

24 A. I did.

25 Q. When did you become involved?

1 A. I become involved after Lieutenant
2 Rackley had took the initial report. It was
3 referred to me and I became involved with the
4 case on 12/2/2013.

5 Q. What did you do on that date?

6 A. That date, after receiving the
7 report and reviewing it, I initiated a
8 meeting with the victim. I met with Child
9 and her aunt, Sherry Phillips,
10 at Pumpkin Town General Store. She was
11 working on 288 in Pumpkin Town, so she didn't
12 have a way to meet with me at the office that
13 day, because her aunt was working up there.
14 So I agreed to meet them. She was working
15 with her aunt, doing some landscaping. So I
16 met with her.

17 Q. After that, what was the basis for
18 that meeting?

19 A. The basis was so that I could do an
20 interview with Miss Child have her come to
21 my office. In my office I have a video
22 system and when I do interviews, I like to do
23 video the interview, especially if it is
24 between me, being a male, and a female.
25 Since it's a one on one interview, I like to

1 have it recorded.

2 Q. When did y'all agree to meet again?

3 A. She agreed to meet me the next day.
4 Her aunt agreed to bring her to my office the
5 next day on 12/3, that afternoon. When she
6 got off work, she came to my office.

7 Q. And did you take a statement from
8 her?

9 A. Yes, I took a verbal statement. Not
10 a written. I took a verbal statement from
11 her that was recorded, video recorded.

12 Q. As to time and place only, did she
13 disclose anything about abuse?

14 A. Yes, she disclosed -- as far as the
15 -- from the time -- her age range from seven
16 or eight years of age to right before her
17 thirteenth birthday that she had been
18 sexually abused by her stepfather.

19 Q. And can you say a place?

20 A. In talking with her, the different
21 places that she had lived -- from July 2002
22 to July 2005, she lived on Lewis Street in
23 Pickens. From July and August of 2005 to
24 September 11th, 2006, she lived at 108 Jane
25 Lane in Six Mile.

1 Q. Is this -- are this times that she
2 disclosed to you that you're reading or are
3 these times that you found out through your
4 investigation?

5 A. Through my investigation.

6 Q. Just from her, tell me the places
7 that she told you.

8 A. When she lived on South Lewis Street
9 in Pickens, when she lived on Jane Lane in
10 Six Mile, and High Top Drive in Pickens, then
11 on Lee Street in Liberty.

12 Q. What else did you do as far as this
13 case goes?

14 A. Well, of course I interviewed her.
15 Based on interviewing her, she advised me ---

16 Q. Don't tell me anything that she said
17 other than time and place. But based on
18 anything you told her, what did you then do?

19 A. Based on information that I received
20 from her, I went and interviewed her mother.
21 Her mother gave me statements, some of her
22 mother's friend, some of Mr. Williams'
23 friends, took statement from them.

24 During the course of investigation, I
25 learned that the mom was never supportive of

1 her in the allegations.

2 Q. Do you know how old the defendant
3 is?

4 A. At the time he was forty-one years
5 of age in 2013.

6 Q. Do you know his date of birth?

7 A. 4/8/1972.

8 Q. Those addresses that you told me --
9 South Lewis, Jane Lane, and High Top Drive --
10 are those in Pickens County?

11 A. They are.

12 Q. Where is Jane Lane? Is that Pickens
13 or Six Mile?

14 A. It's towards Six Mile.

15 SOLICITOR ODOM: Please answer any
16 questions that Mr. Dover has for you.

17 THE COURT: Cross-examination.

18 SCOTT DOVER: I have no questions.

19 THE COURT: You may step down.

20 (WITNESS STEPS DOWN)

21 THE COURT: You may call your next
22 witness.

23 SOLICITOR ODOM: Your Honor, at this
24 time the State rests.

25 THE COURT: Ladies and gentlemen, the

1 State has rests their case in chief, which
2 means that they've put forth the evidence
3 that they plan to present at this time.

4 We have to take another break so that we
5 can go over some things with the attorneys.

6 Please go back to your jury room. Do not
7 discuss the case. We will bring you back out
8 as soon as possible.

9 (JURY OUT @ 4:03 P.M.)

10 THE COURT: All right, any Motions?

11 SCOTT DOVER: I make a Motion for a
12 directed verdict. I don't think the
13 testimony and the evidence presented by the
14 victim herself has been corroborated by any
15 other evidence, sufficient evidence beyond a
16 reasonable doubt enough to send the case to
17 the jury.

18 THE COURT: I believe that there has
19 been sufficient evidence to send the case to
20 the jury.

21 SCOTT DOVER: Yes, sir.

22 THE COURT: Anything else from the
23 defendant?

24 SCOTT DOVER: No, but I need a few
25 minutes to go over with him -- I talked to

1 him at lunch and I sort of know what he
2 wanted to do but I need a few minutes to ---

3 THE COURT: All right. At what point
4 do you want me to give him my spiel.

5 SCOTT DOVER: You can go ahead and give
6 him your spiel now. Then I'd like maybe ten
7 or fifteen minutes to meet with him and his
8 family.

9 THE COURT: Anything else before we do
10 that? From the State?

11 SOLICITOR ODOM: No, sir.

12 THE COURT: All right. Mr. Williams,
13 if you will stand and raise your right hand.

14 DEFENDANT: (Complies).

15 THE COURT: Do you swear to tell the
16 truth, the whole truth and nothing but the
17 truth?

18 DEFENDANT: Yes, sir, I do.

19 THE COURT: You are Joseph Williams, is
20 that correct?

21 DEFENDANT: Yes, sir.

22 THE COURT: Joseph Campbell Williams,
23 II?

24 DEFENDANT: Yes, sir.

25 THE COURT: Now, you -- under these

1 indictments -- I'm sure that your attorney
2 has gone through this with you, but I need to
3 ask you about it.

4 You have the absolute right to testify on
5 your behalf. Okay?

6 DEFENDANT: Yes, sir.

7 THE COURT: If you testify, the you
8 could be subject to cross examination the
9 same as any other witness. Is there a
10 criminal record that could be used?

11 DEFENDANT: (Negative gesture).

12 SOLICITOR ODOM: No, sir.

13 THE COURT: All right. The reason that
14 I ask that is because if you did have a
15 criminal record, they could use that to bring
16 up against you.

17 You also have the right not to testify.
18 If you decide not to testify, then that could
19 not be used against you. I would instruct
20 this jury that you have the absolute right
21 not to testify, that the State still has the
22 burden of proof beyond a reasonable doubt and
23 that they were not to consider if you
24 testified or not.

25 It is totally your decision whether you

1 testify or don't testify. I just need to
2 make sure that you understand that right. Do
3 you understand your right?

4 DEFENDANT: Yes, sir, so it won't
5 affect me either way?

6 THE COURT: Well, I'm not going to -- I
7 am not saying that. I am just saying that
8 you have the right to testify, that you also
9 have the right not to testify, and that
10 cannot be used against you.

11 DEFENDANT: Yes, sir.

12 THE COURT: Do you have any questions
13 about that right?

14 DEFENDANT: No, sir.

15 THE COURT: That decision is totally
16 yours. That is a decision that you need to
17 make after consultation with your attorney,
18 your family, anyone else that you want to
19 talk to. I am not going to ask you at this
20 moment if you plan to testify or not. I'm
21 going to let you take to your attorney, take
22 a few minutes and then I will ask to let me
23 know your decision when you come back in.

24 I will ask you again if you understand
25 your rights, have you had sufficient time to

1 talk to your attorney, and at that point I'll
2 need for me to tell me your decision whether
3 you plan to testify or plan to not testify.
4 Okay?

5 DEFENDANT: Yes, sir.

6 SCOTT DOVER: Your Honor, I'm going to
7 ask for about ten minutes. I'm going to go
8 down to that big conference room outside the
9 courtroom on the second floor, so that I can
10 have a little privacy with his family.

11 THE COURT: All right.

12 SCOTT DOVER: I'll be back as soon as I
13 can.

14 THE COURT: We will be at-ease until
15 then.

16 (BRIEF RECESS)

17 (DEFENDANT PRESENT)

18 THE COURT: Back on the record. Mr.
19 Williams, you've had ten or fifteen minutes
20 now to talk with your attorney additionally
21 about your rights to testify or not to
22 testify.

23 First of all, do you understand your
24 right to testify?

25 DEFENDANT: Yes, sir.

1 THE COURT: Do you understand your
2 right not to testify?

3 DEFENDANT: Yes, sir.

4 THE COURT: Do you have questions about
5 that?

6 DEFENDANT: No, sir.

7 THE COURT: Do you need any more time
8 to talk to your attorney or to anyone else?

9 DEFENDANT: No, sir.

10 THE COURT: What is your decision? Do
11 you wish to testify or not testify?

12 DEFENDANT: Yes, sir, I wish to
13 testify.

14 THE COURT: All right. Is that
15 something that y'all are going to do ---

16 SCOTT DOVER: I am going to put up two
17 witnesses this afternoon if you will go on
18 through with it. I'd like to make sure that
19 he is going to testify.

20 THE COURT: Is he going to testify
21 today?

22 SCOTT DOVER: No, he'll testify tomorrow.

23 THE COURT: Okay. And we can go over
24 it again. I don't mind that. Are these
25 witnesses fairly short?

1 SCOTT DOVER: They are very short.

2 THE COURT: Okay.

3 SCOTT DOVER: I had a third one, Your
4 Honor, who has been here all afternoon but he
5 is not here now.

6 THE COURT: All right. Let's go ahead
7 with these two witnesses. That should be a
8 pretty good time to break. I'll make sure
9 that the jury doesn't mind if we go a bit
10 longer. Bring the jury in, please.

11 I am going to tell them that you have two
12 short witnesses, so that they can get mad at
13 you and not me.

14 SCOTT DOVER: Yes, sir.

15 (JURY IN @ 4:28 P.M.)

16 THE COURT: All right, ladies and
17 gentlemen. At least y'all have a window so
18 you all can look outside and realize that at
19 least you're not missing any wonderful day
20 out there.

21 As I indicated, the State has rested.

22 Now the defense has the opportunity to
23 present whatever evidence that they feel is
24 appropriate.

25 It is 4:30 now and the defense has

1 indicated that they have two short witnesses.
2 That may put us a little past 5:00 but I
3 don't think it would be much past 5:00. Is
4 everybody okay with that?

5 We've made some great progress today, so
6 -- and I appreciate your patience.

7 Mr. Dover, you may proceed. Call your
8 first witness.

9 SCOTT DOVER: May it please the Court,
10 Wendy Williams.

11 (WITNESS TAKES STAND)

12 WENDY WILLIAMS, having been sworn to
13 tell the truth, and nothing but the truth,
14 testified as follows:

15 DIRECT EXAMINATION

16 BY SCOTT DOVER:

17 Q. Ms. Williams, how are you related to
18 my client Jodie Williams?

19 A. We were married by currently are
20 separated.

21 Q. Pardon?

22 A. We were married. We're separated.

23 Q. You are separated now?

24 A. Yes.

25 Q. Tell me how you are related to Miss