

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Pickens County

Edward W. Miller, Circuit Court Judge

RECEIVED

Dec 21 2020

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

JASON RILEY GALLOWAY,

APPELLANT

APPELLATE CASE NO. 2020-000382

RECORD ON APPEAL

SUSAN B. HACKETT
Appellate Defender

ALAN WILSON
Attorney General

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

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

ATTORNEY FOR APPELLANT

ATTORNEYS FOR RESPONDENT

INDEX

INDEX	i
JURY SELECTION TRANSCRIPT DATED FEBRUARY 18, 2020	1
JURY VOIR DIRE	5
JURY SELECTION.....	24
TRIAL TRANSCRIPT DATED FEBRUARY 18-19, 2020	33
MOTION TO QUASH SUBPOENA FOR LAY GUARDIAN <u>AD LITEM</u>	38
RULING OF THE COURT	40
OPENING INSTRUCTIONS BY THE COURT	42
TESTIMONY	
CHRISTINE CARLBERG (IN CAMERA)	52
OPENING STATEMENT BY MR. HILL	59
OPENING STATEMENT BY MR. CANTRELL.....	61
TESTIMONY	
BRADEN WIMPEY	63
JENNIFER RAINES.....	68
MINOR 1 (IN CAMERA)	88
MINOR 2 (IN CAMERA)	90
MINOR 1	95
MINOR 2	110
CHRISTINE CARLBERG	120
ASHLEY GREEN	133
VICTORIA TATE	136

DIANNA BOLT	139
PAM BELKEVITZ.....	141
MICHAEL HENDRICKS	151
COLLOQUY WITH DEFENDANT ON HIS RIGHT TO TESTIFY	159
TESTIMONY	
MARY-FRAN CROSSWELL.....	163
SHAUNA GALLOWAY-WILLIAMS	175
STATE RESTS	189
MOTION FOR DIRECTED VERDICT AND RENEWAL OF PRIOR MOTIONS	190
RULING OF THE COURT	190
TESTIMONY	
SARA GALLOWAY	193
JASON RILEY GALLOWAY	205
DEFENSE RESTS	223
RENEWAL OF MOTION FOR DIRECTED VERDICT	224
RULING OF THE COURT	224
CLOSING ARGUMENT BY MS. MCCALL.....	227
CLOSING ARGUMENT BY MR. CANTRELL.....	235
REPLY CLOSING ARGUMENT BY MS. MCCALL.....	241
CHARGE ON THE LAW	242
ADDITIONAL CHARGE ON THE LAW.....	252
JURY QUESTION.....	255
RECHARGE ON THE LAW	256

JURY QUESTION.....257

VERDICT260

RENEWAL OF MOTIONS AND MOTION FOR NEW TRIAL262

 RULING OF THE COURT262

SENTENCING267

INDICTMENTS AND SENTENCE SHEETS.....269

CERTIFICATE OF COUNSEL275

THE FOLLOWING EXHIBIT IS ON FILE WITH THIS COURT:

STATE’S EXHIBIT #7 (PHOTO); STATE’S EXHIBIT #8 (PHOTO).

1 STATE OF SOUTH CAROLINA
2 IN THE GENERAL SESSIONS
3 COUNTY OF PICKENS

4 The State of South Carolina,
5 Plaintiff,

6 vs. Transcript of Record
2017-GS-39-03060, 03061, 03062

7 Jason Riley Galloway,
8 Defendant.

9

10

11 February 18, 2020
12 Pickens, South Carolina

13 B E F O R E:

14 The HONORABLE LETITIA H. VERDIN

15

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

17 Britni McCall, Representing the State of South
18 Carolina

19

20 David Cantrell, Representing the Defendant

21

22

23

24 SHARON G. HARDOON, CSR
25 Official Circuit Court Reporter, II

26

27

1 (Judge Verdin presiding over jury selection
2 in State of South Carolina vs. Jason Riley Galloway.)

3 THE COURT: Now, let's turn to
4 Miss McCall and Mr. Cantrell. You're ready to go?
5 You are okay with my selecting the jury for your
6 trial MR. CANTRELL: Yes, ma'am.

7 THE COURT: All right.

8 MS. MCCALL: Here's our witness list.
9 I've given Mr. Cantrell a copy.

10 THE COURT: This is Jason Riley Galloway.
11 Any matters we need to take up with the Court
12 before we pick a jury in this one?

13 MS. MCCALL: I don't believe so, Your
14 Honor. I think all the other matters we can take
15 up before Judge Miller.

16 MR. CANTRELL: I think so. There are
17 some, but I think, yeah, they'd be better before
18 Judge Miller.

19 THE COURT: All right. Thank you all.
20 Do you have the indictments, Pat?

21 THE CLERK: Yes, sir.

22 MS. MCCALL: Your Honor, the indictments
23 on this case, they do reference both the options
24 for CSC 1st. When they were indicted previously,
25 they mentioned the children in this case are well

1 within the age range for it to be a CSC 1st with a
2 minor. The defendant is also a registered
3 convicted sex offender, so that also fits within
4 the CSC 1st, but the State would concede, that
5 given the recent case law with having issues with
6 bifurcated sentencing in these cases, that issue
7 would not go before the jury at this point.

8 THE COURT: So, I'm just going to find he
9 was less than 11, or he was -- is less than --
10 it's less than 11. So the victim is less than 11?

11 MS. MCCALL: Correct, Your Honor. Yes.
12 Just given the recent case law, I wouldn't want to
13 make any kind of law on this particular case.
14 Although I'd love for that to come in, of course,
15 since we do have victims that are clearly -- I
16 mean, at this point, the oldest one is 7, so
17 they're well within that age range to justify
18 that.

19 THE COURT: Understood.

20 All right. We ready to bring the jury
21 back in?

22 MR. CANTRELL: Yes, ma'am. I need to get
23 my client, too.

24 THE COURT: Oh, okay. I'll tell you
25 what, let's take a five-minute break while you get

1 your client.

2 MR. CANTRELL: I'll have to bring him in
3 through the hallway. We can take care of that.

4 THE COURT: We're in recess for five
5 minutes.

6 (A break was take from 10:45 a.m. to 10:53 a.m.)

7 THE BAILIFF: Court come to order.

8 THE COURT: All right. Are we ready to
9 bring the jury back in?

10 MR. CANTRELL: Yes, Your Honor, except I
11 do want to, after talking to the solicitor, add
12 one more name to my witness list.

13 THE COURT: Oh, please.

14 MR. CANTRELL: If I can hand that up to
15 you.

16 THE COURT: Thank you. You all want to
17 bring the jury pool back in.

18 (Qualified jurors brought into courtroom
19 at 10:54 a.m.)

20 THE COURT: Five and 10, and two
21 alternates.

22 THE BAILIFF: We may be short one. We're
23 checking on it.

24 THE COURT: Okay.

25 THE COURT: All right. Let's begin --

1 we're going to begin by picking a jury. I'm
2 actually going to pick both juries that are going
3 -- that we're going to have going. The first jury
4 is going to win the jackpot and get to go to
5 Judge Miller's courtroom upstairs. I'm going to
6 go ahead and pick that jury so that those folks
7 can head on to where they're supposed to be.

8 All right. Ladies and Gentlemen, we are
9 selecting a jury in the case of the State of South
10 Carolina vs. Jason Riley Galloway.

11 And I'll begin by asking, Miss McCall,
12 will you introduce yourself?

13 MS. MCCALL: Certainly, Your Honor.
14 Thank you.

15 My name is Britni McCall and this is
16 Durham Hill. We are assistant solicitors with the
17 Pickens County Solicitor's Office, and we are
18 representing the State in this matter.

19 THE COURT: All right. Ladies and
20 Gentlemen, a few minutes ago when we qualified you
21 as jurors to serve this week, I asked you to wait
22 and hold your answers until the end. I'm going to
23 ask you to change that up now.

24 If any member of jury panel believes he
25 or she is acquainted with or related to in any way

1 to Miss McCall or Mr. Hill with the 13 Circuit
2 Solicitor's Office, please stand. And none are
3 standing.

4 I will ask this more generally. If any
5 member of the jury panel believes he or she is
6 related to or acquainted with anyone who works in
7 the 13th Circuit Solicitor's Office, if you would,
8 please stand. And the 13th Circuit Solicitor's
9 Office, as I told you earlier, the 13th Circuit is
10 Pickens and Greenville County, and the
11 Solicitor's Office is what some people call in
12 other states, the prosecutor's office or the DA's
13 office, but here, for some reason, in
14 South Carolina, we call them the solicitor.

15 Is any member of the jury panel
16 acquainted with or related to anyone in the
17 13th Circuit Solicitor's office? And, if so,
18 please stand. And none are standing.

19 Mr. Cantrell, I'm going to ask you to
20 introduce yourself and introduce your client,
21 please.

22 MR. CANTRELL: Thank you, Your Honor.

23 THE COURT: Thank you.

24 MR. CANTRELL: My name is David Cantrell.
25 I represent Jason Galloway, who is seated here to

1 my left. Jason, stand up.

2 Thank you.

3 THE COURT: Any member of the jury panel
4 related by blood or marriage, or otherwise
5 acquainted with, in any way, Mr. Cantrell, an
6 attorney here in Pickens County? And, if so,
7 please stand.

8 And I'll ask it a little bit more
9 pointedly. Anybody ever been involved in a case
10 with, represented by, anything with Mr. Cantrell?
11 And, if so, please stand. And none are
12 standing.

13 Does any member of the jury panel believe
14 he or she is acquainted with or related to
15 Jason Riley Galloway, the defendant in this case,
16 whom you just met? And if so, please stand. And
17 none are standing.

18 Ladies and Gentlemen, I am going to -- if
19 you actually serve on this jury in Judge Miller's
20 courtroom, you will hear a lot about what an
21 indictment is and what an indictment is not. But
22 for purposes of us here right now, I am going to
23 read to you the indictments in this case, but I
24 want to tell you an indictment is in no way
25 evidence of anybody's guilt whatsoever. It merely

1 contains the allegations that the State is
2 required to prove at trial. And it also is just
3 the document by which somebody is charged with
4 something and brought into court. That's it.
5 Okay?

6 But these indictments do allege that --
7 I'm going to read them to you. Let me back up
8 because I want to know if anybody, any juror
9 thinks you know anything about this particular
10 case. And so the best way for me to do that is to
11 give you barest bones of the allegations contained
12 in the indictment.

13 The first indictment alleges that between
14 the dates of January 1, 2016 and August 22, 2017
15 that the defendant, Jason Riley Galloway, did
16 commit a sexual battery on a minor **Minor 1** who is
17 less than 11 years of age. It also alleges that
18 between the dates -- there's another indictment
19 that covers the exact same dates and the exact
20 same allegations. And then a third indictment
21 that says that -- that alleges that
22 Jason Riley Galloway did in Pickens County between
23 the dates of February 26, 2016 and August 22, 2017
24 commit a sexual battery on **Minor 2** who was less than is
25 11 years of age.

1 And the second indictment alleges that he
2 committed a sexual battery on **Minor 2** rather than
3 **Minor 1** **Minor 2** being under the age of 11.

4 Any member of the jury panel believe he
5 or she knows anything about the allegations in
6 this particular case? And if so, please stand.
7 And none are standing.

8 All right. I'm going to read to you a
9 witness list in this case. And it is just a
10 proposed witness list. And if any member of the
11 jury panel believes you are related to or
12 acquainted with any of these potential witnesses,
13 please stand. But if you'll wait until I finish
14 the list to stand, I'd appreciate it.

15 All right. Any member of jury panel
16 acquainted with or related to Michael Hendricks,
17 Braden Wimpey, Christine Carlberg, Shauna Galloway
18 Williams, Mary-Fran Crosswell, Pam Belkevitz,
19 Ashley Green, Victoria Tate, Dianna Bolt,
20 Jennifer Raines, **Minor 1** **Minor 2**,
21 Sarah Galloway, and Gina Raines, Jennifer Gina
22 Raines? Any member of the jury panel related in
23 any way or acquainted with, in any way, any of
24 these potential witnesses in this case? And, if
25 so, please stand.

1 Yes, ma'am, on the front row in the
2 striped shirt, can you tell me your name and juror
3 number?

4 JUROR 178: Amelia Smith, 178.

5 THE COURT: Yes, ma'am.

6 JUROR 178: I believe you said Braden
7 Wimpey.

8 THE COURT: I did.

9 JUROR 178: I think that's probably my
10 daughter's cousin.

11 THE COURT: Okay. Braden Wimpey? Okay.
12 And how often do you think you would see
13 Braden Wimpey?

14 JUROR 178: Never.

15 THE COURT: Okay. All right. But you
16 recognize the name as possibly being a relative of
17 your daughter.

18 JUROR 178: Her dad and I are not
19 together, so her relative. But I know him.

20 THE COURT: I got you. I see exactly
21 what you're saying. Okay, perfect. Let me ask
22 you this: Knowing that Braden Wimpey might be a
23 witness in this trial, do you think you could be a
24 fair and impartial juror in the trial of this
25 case?

1 JUROR 178: Absolutely.

2 THE COURT: Okay, thank you so much. I
3 appreciate it.

4 Yes, ma'am, on the back row.

5 JUROR 168: My name is Terri Teramano and
6 I'm number 168.

7 THE COURT: Yes, ma'am.

8 JUROR 168: Dianna Bolt, I go to church
9 with her.

10 THE COURT: Okay.

11 JUROR 168: And I'm not related to her.
12 I just know her.

13 THE COURT: You just know her and see her
14 at church. Do you think -- you know, at my church
15 there's a lot of people I see them, but don't
16 really have a lot of contact with them. Is she
17 somebody that you have a lot of contact with at
18 church?

19 JUROR 168: I'd say no. A pleasant
20 acquaintance.

21 THE COURT: I got you. Okay, very well.
22 Knowing that she is a potential witness in this
23 case, do you think you could be a fair and
24 impartial juror in the trial of this case?

25 JUROR 168: Yes.

1 THE COURT: Thank you so much.

2 All right. Yes, ma'am.

3 JUROR 69: My name is Angela Hayes,
4 Juror 69.

5 THE COURT: Yes, ma'am.

6 JUROR 69: Victoria Tate, is she the
7 counselor at DSS?

8 THE COURT: She is.

9 JUROR 69. Okay. I am a former guardian
10 ad litem.

11 THE COURT: Okay.

12 JUROR 69: I've worked cases with her.

13 THE COURT: Okay. That's good
14 information. Well, I'll just ask you this: Do
15 you think that -- that, kind of, gets to some
16 information here. You, having served as a
17 guardian ad litem and knowing the nature of these
18 charges, do you think you could be a fair and
19 impartial juror in the trial of this case? And I
20 don't need a lot of explanation.

21 JUROR 69: I don't think I could.

22 THE COURT: I want you to be honest about
23 it. Thank you so much. I appreciate it. I
24 appreciate it. And you're number?

25 JUROR 69: 69.

1 THE COURT: 69. Thank you so much.
2 That's what I needed to know, but I just didn't
3 want anybody else to -- okay, thank you so much.

4 All right. Yes, ma'am. Tell me your
5 name and juror number.

6 JUROR 98: Sure. Jessica Lowe and I'm
7 Juror Number 98.

8 THE COURT: Yes, ma'am.

9 JUROR 98: I also serve as a guardian ad
10 litem for Pickens County.

11 THE COURT: You're presently a guardian
12 ad litem?

13 JUROR 98: Not right now. I don't have
14 any cases right now.

15 THE COURT: Okay. Do you think that you
16 could be a fair and impartial juror in the trial
17 of this case?

18 JUROR 98: Yes, ma'am.

19 THE COURT: Okay, thank you so much.
20 That's the information we needed to know. Thank
21 you. I appreciate it from both you. Thank you.

22 All right. Anyone else think you might
23 know any potential witnesses in this case? And if
24 so, please stand. And no further are standing.

25 All right. Ladies and Gentlemen, I'm

1 going to ask a series of a few questions -- and
2 I'm going to change it up on you again -- a series
3 of a few questions, and that's this: I will go
4 through these questions and some of them call for,
5 potentially, some personal information, and it's
6 unavoidable. However, I don't want you to feel
7 like you need to stand up and talk about anything
8 that you need to talk about in front of everybody.

9 So here's what we're going to do: I'm
10 going to ask these questions, and, if you need to
11 respond to any of them, then you can just come up
12 one by one and speak with us privately up here
13 where the court reporter is taking down what we
14 say. Okay?

15 My first questions is: Is any member of
16 the jury panel related to or acquainted with
17 anyone who works at the Julie Valentine Center in
18 Greenville? Okay, first question.

19 My question is: Has any member of the
20 jury panel or a close family member, brother,
21 sister, mother, father, child, spouse, close
22 family member been accused of a sexual offense, or
23 been the victim of a sexual offense? Any member
24 of the jury panel or any member of your close
25 family been a victim or been accused of a sexual

1 offense?

2 And then finally: You've heard all the
3 witnesses, you have -- you have heard the nature
4 of the allegations, you've met the attorneys,
5 you've met the defendant in this case, is there
6 any member of the jury panel who believes, for any
7 reason whatsoever, other than you, ma'am, who I've
8 excused, that you could not be a fair and
9 impartial juror in the trial of this case, for any
10 reason whatsoever? And if so, if you would please
11 speak with me about that at the end.

12 So Julie Valentine Center, ever been
13 accused of or victim of sexual offense, you or
14 anyone in your immediate family, and is there any
15 reason that you could not be a fair and impartial
16 juror. If you need to speak with me about any of
17 those questions, if you would please just form a
18 line just like we did earlier.

19 It tried to ask some questions that
20 didn't have anything to do with any --

21 JUROR 4: That's okay. My brother was
22 convicted of a sex crime, and he served ten years
23 in prison for it.

24 THE COURT: Okay. Knowing what
25 Mr. Galloway is charged with, do you think you

1 could be a fair and impartial juror in the trial
2 of this case.

3 JUROR 4: I don't know.

4 THE COURT: That's exactly what I need to
5 know. That's exactly what I need to know.

6 JUROR 4: I don't know. It's just hard.
7 That's a hard thing.

8 THE COURT: I understand. Let me ask you
9 this: Do you think that you would be any more or
10 less able to be a fair and impartial juror?

11 JUROR 4: Because of my brother?

12 THE COURT: Because of your brother.

13 JUROR 4: No.

14 THE COURT: Okay. But just, you
15 recognize it's a hard case.

16 JUROR 4: Yeah.

17 THE COURT: Let me ask you this: Do you
18 think you could have an open mind and not make up
19 your mind about any fact whatsoever until you've
20 heard all the testimony and evidence in the case
21 and then base your verdict solely on the evidence
22 presented?

23 JUROR 4: I do.

24 THE COURT: Okay. Thank you so much.
25 That's exactly what I needed to know.

1 JUROR 4: Okay.

2 THE COURT: Thank you.

3 Hey there. How you doing? Juror Number
4 74.

5 JUROR 74: Actually, when I was seven
6 yours old, I was a party to a case where they got
7 25 years. I was sexually abused.

8 THE COURT: I am so sorry. And here's my
9 question for you: Do you think -- and I really
10 want to you to kind of search. Do you think you
11 could be fair and impartial?

12 JUROR 74: No.

13 THE COURT: I'm going to excuse you. And
14 I'm not only going to excuse you for this case,
15 but I'm going to excuse you for the next case
16 because it's the same thing.

17 JUROR 74: Okay.

18 THE COURT: So if you would speak to this
19 lady right here. Thank you so much.

20 Yes, ma'am.

21 Jury Number 5.

22 JUROR 5: Ma'am, I don't think I could be
23 impartial. My first husband sexually molested his
24 own children, and I don't think I can sit here and
25 listen to all this.

1 THE COURT: Don't you worry about it.

2 JUROR 5: This is --

3 THE COURT: Okay. So here's what we're
4 going to do.

5 JUROR 5: Sorry.

6 THE COURT: Take your time. And if you
7 want to just take a minute and take a deep breath,
8 here's what we're going to do. I'm going to let
9 you speak with this lady right here and we're
10 going to excuse you. Okay? That's the
11 information I needed. I am just so, so sorry.
12 Okay? Just take a breath. Take a minute. We're
13 not in a hurry.

14 JUROR 5: He's still in prison. Back
15 when the children were 10 and 11 years old.

16 THE COURT: I'm sorry. I'm so sorry.

17 JUROR 5: I can't talk. I'm sorry.

18 THE COURT: It's okay. It's okay. This
19 lady is going to excuse you. Okay? All right.
20 If you want to go sit down, you can go sit down.
21 If you want walk around, you can walk around.

22 Can I just give her this and excuse her?

23 THE CLERK: I'll take care of her.

24 THE COURT: You just head on out.

25 Yes, ma'am. Jury number, please.

1 JUROR 85: Number 85.

2 THE COURT: 85.

3 JUROR 85: I was sexually molested.

4 THE COURT: I am so sorry. I hate to ask
5 the next question, but do you think you could be a
6 fair and impartial juror in the trial of this
7 case?

8 JUROR 85: Yes, I do.

9 THE COURT: You do?

10 JUROR 85: Yes.

11 THE COURT: And --

12 JUROR 85: I just become of it really
13 happening, and I seen a couple of the stuff and it
14 keeps happening.

15 THE COURT: Wow, you're a pretty amazing
16 person.

17 JUROR 85: I did testify in a rape case
18 in Greenville County, the guy pled guilty.

19 THE COURT: Okay. Well, I appreciate it
20 so much. And if you'll stay with us, then we'll
21 leave you in the jury pool.

22 JUROR 85: Okay. Thank you so much.

23 THE COURT: Number 3. Yes, ma'am. Now,
24 I almost kind of hesitate to ask you the next
25 question, but I will. Do you think you could be a

1 fair and impartial juror in the trial of this case
2 knowing the allegations in this case?

3 NUMBER 3: I don't think so.

4 THE COURT: I appreciate your honesty.
5 The next case is very similar to this, so here's
6 what I'm going to do. I'm going to excuse you as
7 a juror for this week, and then we'll call you for
8 another time. How about that?

9 NUMBER 3: Okay.

10 THE COURT: You just speak to this lady
11 right here.

12 NUMBER 3: Thank you.

13 THE COURT: Yes, sir. Jury Number 182.

14 JUROR 182: I was molested as a kid by a
15 baby-sitter.

16 THE COURT: I'm very sorry. Let me ask
17 you this: Do you -- knowing the allegations in
18 this case, do you think you could be a fair and
19 impartial juror in the trial of this case?

20 JUROR 182: No. I feel pressure right
21 now.

22 THE COURT: I absolutely certain of it.
23 Okay. Our next case is, unfortunately, the exact
24 same type thing, so I'm going to excuse you from
25 jury duty this week. If you want to go, you give

1 your tag to this lady. If you want to go sit down
2 and have anything to talk about, you can. Or if
3 you want to walk out that door, you can walk out
4 the door. It's up to you, but you're done for the
5 week. Thank you.

6 JUROR 104: I know Mr. Cantrell from
7 church.

8 THE COURT: Tell me your juror number.
9 104.

10 MR. CANTRELL: I didn't recognize you
11 until right now.

12 THE COURT: Tell me your jury number.

13 JUROR 104: 104.

14 THE COURT: Knowing that Mr. Cantrell is
15 going to be an attorney in this case, do you think
16 you could be fair and impartial?

17 JUROR 104: Yes.

18 THE COURT: Thank you so much.

19 All right. Ladies and Gentlemen, I
20 appreciate speaking with each of you who I spoke
21 with, and we are now, in just a moment, going to
22 turn to jury selection.

23 THE COURT: I'm sorry. I've already
24 excused her on this case. Stay right there for
25 just a second. No, I just excused you from this

1 case. We'll talk about the next one. Thank you.
2 I appreciate it.

3 Okay. Now, we're going to do, it's 5 and
4 10, and then we'll do two alternates on this
5 one.

6 THE CLERK: Okay.

7 THE COURT: Thank you.

8 I'm ready. Any other matters we need to
9 take up before we run our jury list.

10 MS. MCCALL: None from the State, Your
11 Honor?

12 THE COURT: Any from the defense? Any
13 other matters before we pick our jurors?

14 MR. CANTRELL: No, Your Honor.

15 THE COURT: All right. Thank you so
16 much.

17 All right. Ladies and Gentlemen, not too
18 long ago, not too many years ago, and, in fact, I
19 think they still got one around the courthouse, we
20 used to have your jury number in something that
21 looked like we were playing bingo, and we spun it
22 around and pulled out a ball with a number on it.
23 But with the magic of computers, we are now
24 generating -- not "we," the clerk of court is
25 generating -- I would not know how to do it -- is

1 generating a potential juror list. And from that
2 list, we are now going to turn to jury selection.

3 As we are going through, if you hear your
4 name and juror number -- well, juror number
5 called, then I'm going to ask you just to stand
6 right where you are. Okay? You don't have to do
7 anything. Just stand up right where you are. You
8 will hear the State say something like "please
9 present this juror," or "please excuse this
10 juror." You will hear the defense say something
11 like, "please seat this juror," or "please excuse
12 this juror," and you will get some instructions
13 after that on what to do.

14 If you're told that you're a juror in the
15 case, you will come sit in the jury box. And if
16 you're excused, then you will just have a seat
17 right where you are. That's it.

18 Couple quick things, if you are chosen,
19 if you would bring all your belongings with you
20 when you come up here, because you won't be
21 returning to that seat. And the second thing is,
22 if you are excused for any reason, I know you
23 probably won't be too heart broken, but don't take
24 it personally. From time to time, I'll see a
25 juror in the courthouse later on who will say, why

1 was I excused from that case? I promise you, when
2 I was practicing law, I struck jurors for lots of
3 reasons and none of them were personal in any way,
4 so I promise you that. Okay?

5 All right. Yes, sir.

6 THE CLERK: As I call your name, if you
7 would please stand so the attorneys can see you.

8 Juror Number 70, Larry G. Hayes. What
9 says the State?

10 MS. MCCALL: Please present Mr. Hayes.

11 THE CLERK: And the defense?

12 MR. CANTRELL: Please swear Mr. Hayes.

13 Judge, if you would come forward and have a
14 seat in the jury box, sir.

15 Juror Number 168, Terri A. Teramano. What
16 says the State?

17 MS. MCCALL: Please present
18 Miss Teramano.

19 THE CLERK: And the defense?

20 MR. CANTRELL: Please excuse
21 Miss Teramano from this trial.

22 THE CLERK: If you would return to your
23 seat, please, ma'am.

24 Juror Number 35, Laura G. Coggins. What
25 says the State?

1 MS. MCCALL: Please present Miss Coggins.

2 THE CLERK: And the defense?

3 MR. CANTRELL: Please seat the juror.

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

6 Juror number 189, James A. Zwahlen. What
7 says the State?

8 MS. MCCALL: Please present Mr. Zwahlen.

9 THE CLERK: And the defense?

10 MR. CANTRELL: Please seat, Mr. Zwahlen.

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

13 Juror Number 104, Allyssa F. Mathis. What
14 says the State?

15 MS. MCCALL: Please excuse Miss Mathis.

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

18 Juror Number 128, Lannie B. Perry. What
19 says the State?

20 MS. MCCALL: Please present Mr. Perry.

21 THE CLERK: And the defense?

22 MR. CANTRELL: Please excuse Mr. Perry
23 from this trial.

24 THE CLERK: If you would return to your
25 seat, please, sir.

1 Juror Number 23, Christopher L. Burr. What
2 says the State?

3 MS. MCCALL: Please present Mr. Burr.

4 THE CLERK: And the defense.

5 MR. CANTRELL: Please seat Mr. Burr.

6 THE CLERK: Please come forward and have
7 a seat in the jury box.

8 Juror Number 49, Tonya M. Smith. What says
9 the State?

10 MS. MCCALL: Please present Miss Smith.

11 THE CLERK: And the defense?

12 MR. CANTRELL: Sorry. Could you give me
13 the number again?

14 THE CLERK: 49.

15 MR. CANTRELL: Please seat Miss Smith.

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

18 Juror Number 88, Michael L. Keith. What
19 says the State?

20 MS. MCCALL: Please present Mr. Keith.

21 THE CLERK: And the defense?

22 MR. CANTRELL: Please excuse Mr. Keith
23 from this trial.

24 THE CLERK: If you would return to your
25 seat, please, sir.

1 Juror Number 27, Debbi Cannizzaro. What
2 says the State?

3 MS. MCCALL: Please present
4 Miss Cannizzaro.

5 THE CLERK: And the defense?

6 MR. CANTRELL: Please seat
7 Miss Cannizzaro.

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

10 THE CLERK: Juror Number 93,
11 Zachary Lance. What says the State?

12 MS. MCCALL: Please present Mr. Lance?

13 THE CLERK: And the defense?

14 MS. MCCALL: Please seat Mr. Lance.

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

17 THE CLERK: Juror Number 107,
18 Robert W. Mcalister. What says the State?

19 MS. MCCALL: Please present
20 Mr. Mcalister.

21 THE CLERK: And the defense?

22 MR. CANTRELL: Please seat Mr. Mcalister.

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

25 Juror Number 16, Thomas F. Bradley. What

1 says the State?

2 MS. MCCALL: Please excuse Mr. Bradley.

3 THE CLERK: If you would return to your
4 seat, please, sir.

5 Juror Number 184, Julie Willis. What says
6 the State?

7 MS. MCCALL: Please present Miss Willis.

8 THE CLERK: And the defense?

9 MR. CANTRELL: Please seat Miss Willis.

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

12 Juror Number 22, Bobby J. Burnett. What
13 says the State?

14 MS. MCCALL: Please present Mr. Burnett.

15 THE CLERK: And the defense?

16 MR. CANTRELL: Please seat Mr. Burnett.

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

19 Juror Number 78, Shannon E. Howell. What
20 says the State?

21 MS. MCCALL: Please present Mr. Howell.

22 THE CLERK: And the defense?

23 MR. CANTRELL: Please seat Mr. Howell.

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

1 Juror Number 147, Noelle S. Roy. What
2 says the State?

3 MS. MCCALL: Please present Miss Roy.

4 THE CLERK: And the defense.

5 MR. CANTRELL: Please seat Miss Roy.

6 THE CLERK: Please come forward and have
7 a seat in the jury box.

8 THE COURT: All right. And two
9 alternates.

10 THE CLERK: Okay. This will be for the
11 first alternate. Juror Number 98,
12 Jessica N. Lowe. What says the State?

13 MS. MCCALL: Please present Miss Lowe.

14 THE CLERK: And the defense?

15 MR. CANTRELL: Please excuse Miss Lowe
16 from this trial.

17 THE CLERK: If you would return to your
18 seat, please, ma'am.

19 Juror Number 113 Gary S. Merrill, II. What
20 says the State?

21 MS. MCCALL: Please present Mr. Merrill.

22 THE CLERK: And the defense?

23 MR. CANTRELL: Please seat Mr. Merrill.

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

1 And for the second alternate, Juror
2 Number 130, Raymond Pryor. What says the State?

3 MS. MCCALL: Please present Mr. Pryor.

4 THE CLERK: And the defense?

5 MR. CANTRELL: Please seat Mr. Pryor.

6 THE CLERK: Please come forward and have
7 a seat in the jury box.

8 THE COURT: All right. Ladies and
9 Gentlemen, you will be taken upstairs to be with
10 Judge Miller, as I told you. He is a great judge.
11 I don't really have words for him. He's a
12 fantastic judge, and I think you are going to
13 enjoy being with him. I'm going to send everybody
14 up there now and he's going to give you further
15 instructions on what do. All right?

16 I won't see you for the rest of the week,
17 and so I just wanted to tell you, once again, how
18 much I appreciate what you're doing. Thank you so
19 much.

20 And I did not ask, but was there any
21 objection to the manner in which the jury was
22 selected from the State?

23 MS. MCCALL: No, Your Honor.

24 THE COURT: Any from the defense?

25 MR. CANTRELL: No, Your Honor.

1 THE COURT: Okay, very well. Thank you
2 so much.

3 All right. If you all want to head on up
4 there, that will be fine.

5 (Counsel for State vs. Jason Riley Galloway
6 was excused at 11:35 a.m.)

7 (Jury panel for State vs. Jason Riley
8 Galloway exits courtroom at 11:35 a.m.)

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

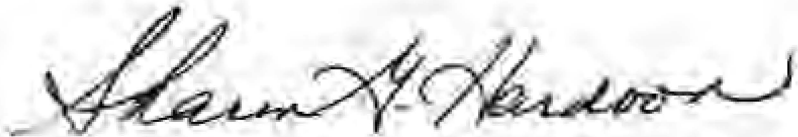
25

CERTIFICATE OF REPORTER

1
2
3 I, SHARON G. HARDOON, Official Circuit
4 Court Reporter, II for the State of South Carolina at
5 Large, do hereby certify that the foregoing is a true,
6 accurate and complete Transcript of Record of the
7 proceedings had and evidence introduced in the trial
8 of the captioned case, relative to appeal, in General
9 Sessions for Pickens County, South Carolina.

10
11 I do further certify that I am neither kin,
12 counsel, nor interest to any party hereto.
13
14

15
16 February 18, 2020
17
18

19
20
21
22
23
24
25


26
27
28
29
30
31
32

Sharon G. Hardoon, CSR
Official Circuit Court Reporter, II

STATE OF SOUTH CAROLINA)
)
 COUNTY OF PICKENS)
)
)
)
)
)
)
)
)
 STATE OF SOUTH CAROLINA,)
)
)
 vs.)
)
 JASON RILEY GALLOWAY,)
 DEFENDANT.)
 _____)

COURT OF GENERAL SESSIONS
 2017-GS-39-03060
 2017-GS-39-03061
 2017-GS-39-03062

TRANSCRIPT OF RECORD

ORIGINAL

February 18 and 19, 2020
 Pickens, South Carolina

B E F O R E:

THE HONORABLE EDWARD W. MILLER, JUDGE; and a jury.

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

BRITNI M. MCCALL, ESQ.
 J. DURHAM HILL, ESQ.
 Assistant Solicitors

DAVID D. CANTRELL, JR., ESQ.
 Attorney for the Defendant

HOLLIE M. JENKINS
 Circuit Court Reporter

I N D E X

(SW) - Denotes State's Witness
 (DW) - Denotes Defense Witness
 (IC) - Denotes In Camera

Page No.

Pre-Trial Motions.....	6
Introductory Remarks by the Court.....	10
<u>(SW) CHRISTINE CARLBERG (IC):</u>	
Direct Examination by Ms. McCall.....	20
Opening Statement by Mr. Hill.....	27
Opening Statement by Mr. Cantrell.....	29
<u>(SW) BRADEN WIMPEY:</u>	
Direct Examination by Ms. McCall.....	32
<u>(SW) JENNIFER RAINES:</u>	
Direct Examination by Ms. McCall.....	36
Cross-Examination by Mr. Cantrell.....	48
Redirect Examination by Ms. McCall.....	53
<u>(SW) Minor 1 [REDACTED] (IC):</u>	
Direct Examination by Ms. McCall.....	56
<u>(SW) Minor 2 [REDACTED] (IC):</u>	
Direct Examination by Ms. McCall.....	58
Examination by the Court.....	61
<u>(SW) Minor 1 [REDACTED]</u>	
Direct Examination by Ms. McCall.....	64
Cross-Examination by Mr. Cantrell.....	71
Redirect Examination by Ms. McCall.....	75
Recross-Examination by Mr. Cantrell.....	76
Further Examination by Ms. McCall.....	77
<u>(SW) Minor 2 [REDACTED]:</u>	
Direct Examination by Ms. McCall.....	78
Cross-Examination by Mr. Cantrell.....	86
<u>(SW) CHRISTINE CARLBERG:</u>	
Direct Examination by Ms. McCall.....	88

INDEX (CONTINUED)

WEDNESDAY, FEBRUARY 19, 2020

Page No.

(SW) ASHLEY GREEN:
Direct Examination by Mr. Hill.....101

(SW) VICTORIA TATE:
Direct Examination by Mr. Hill.....105

(SW) DIANNA BOLT:
Direct Examination by Mr. Hill.....107

(SW) PAM BELKEVITZ:
Direct Examination by Mr. Hill.....110
Cross-Examination by Mr. Cantrell.....118

(SW) MICHAEL HENDRICKS:
Direct Examination by Ms. McCall.....119

(SW) MARY-FRAN CROSSWELL, M.D.:
Direct Examination by Mr. Hill.....131
Cross-Examination by Mr. Cantrell.....142

(SW) SHAUNA GALLOWAY-WILLIAMS:
Direct Examination by Ms. McCall.....143
Cross-Examination by Mr. Cantrell.....155

State Rests.....157
Motions.....158
Questioning of the Defendant.....158

(DW) SARA GALLOWAY:
Direct Examination by Mr. Cantrell.....161
Cross-Examination by Mr. Hill.....170

(DW) JASON RILEY GALLOWAY:
Direct Examination by Mr. Cantrell.....173
Cross-Examination by Ms. McCall.....182
Redirect Examination by Mr. Cantrell.....190

INDEX (CONTINUED)WEDNESDAY, FEBRUARY 19, 2020

	<u>Page No.</u>
Defense Rests.....	191
Motions.....	192
Matters of Law.....	192
Closing Argument by Ms. McCall.....	195
Closing Argument by Mr. Cantrell.....	203
Further Closing Argument by Ms. McCall.....	209
Charge on the Law by the Court.....	210
Matters of Law.....	218
Further Charge on the Law by the Court.....	220
Questions from the Jury.....	223
Verdict of the Jury.....	228
Motions.....	230
Sentencing by the Court.....	235
Certificate of the Court Reporter.....	236

INDEX (CONTINUED)

E X H I B I T S

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EVD.</u>
(State's Exhibits)			
S-1	DVD-Forensic Interview of Minor 1 [REDACTED]	92	93
S-2	DVD-Redacted Forensic Interview of Minor 2 [REDACTED]	92	93
S-3	Anatomical Drawing of Female by Minor 1 [REDACTED]	90	91
S-4	Anatomical Drawing of Male by Minor 1 [REDACTED]	90	91
S-5	Anatomical Drawing of Female by Minor 2 [REDACTED]	90	91
S-6	Anatomical Drawing of Male by Minor 2 [REDACTED]	90	91
S-7	Photograph of Residence.....	39	40
S-8	Photograph of Residence.....	39	40
S-9	CV of Shauna Galloway-Williams.....	160	160
S-10	CV of Mary-Fran Crosswell, M.D.....	160	160
S-11	DVD-Reacted Forensic Interview of Minor 1 [REDACTED]	223	223
(Court's Exhibits)			
C-1	Note from the Jury.....	19	19
C-2	DVD-Redacted Forensic Interview of Minor 1 [REDACTED] (Remarkd as State's Exhibit No. 11).....	94	94
C-3	DVD-Forensic Interview of Minor 2 [REDACTED]	94	94
C-4	Certified Conviction #2000-GS-39-01293.....	94	94
C-5	Forensic Interview Proposed Redactions.....	94	94
C-6	Note from the Jury.....	225	225
C-7	Note from the Jury.....	225	225
C-8	Note from the Jury.....	226	226

All Exhibits were retained by the Clerk of Court for Pickens County.

P R O C E E D I N G S

1
2 THE COURT: All right. I understand we've got some
3 motions, the guardian and the...

4 MR. ALEXANDER: I do, Your Honor.

5 Steven Alexander.

6 The State has subpoenaed Dianna Bolt, who is the lay
7 guardian in the DSS case connected with these minor
8 children. And I'm handing up the relevant statute on
9 this, Your Honor.

10 The second page is the statute that the first page
11 refers to. And I -- I kind of cut it down to the -- the
12 reference sections. The entire statute is on the last
13 page, if Your Honor wants to see it.

14 But the confidentiality requirements for the guardian
15 ad litem prevent the guardian from speaking to -- or
16 disseminating any information to anybody outside the
17 case -- outside the DSS case, Your Honor. And so we would
18 move to quash the subpoena. However, if Your Honor orders
19 her to testify, she will, of course, do so.

20 And it's my understanding the State would like to
21 speak with her prior to her testimony, which we
22 understand -- if you allow that, we would just ask that
23 the State be bound by a protective order to not reveal
24 whatever they learn out -- you know, outside -- whatever
25 she ends up testifying to, if they do call her. But

1 that's the basis of it.

2 Section 63-11-550, basic -- is the non-dissemination.

3 They can face contempt of court if they violate it. It

4 does provide a few exceptions referenced in 63-7-1990(c).

5 And those are the ones in -- on the second page there.

6 And the State -- and testimony in court is not one of

7 them, or even talking with law enforcement, unfortunately.

8 So -- so that's what --

9 THE COURT: Okay.

10 MR. ALEXANDER: I would move to quash the subpoena,
11 but, certainly, in the alternative seek a protective order
12 regarding that.

13 THE COURT: All right. What's the Defendant's --

14 Well, go ahead. The State's position?

15 MR. HILL: Thank you, Your Honor.

16 Durham Hill on behalf of the State.

17 The State's position is that the guardian ad litem
18 statute makes direct reference to 63-7-1990, as
19 Mr. Alexander stated, which grants access to information
20 to numerous agencies, specifically, in Subsection B(19) to
21 the solicitor's office when prosecuting crimes against
22 children.

23 I think it's clear the intent of the guardian ad
24 litem statute by referencing the DSS statute is to make
25 this information available to the solicitor's office.

1 Because it directly cites this section.

2 Here, we're not necessarily asking for a report of
3 records. We just have some information that leads us to
4 believe that Ms. Bolt would have some relevant testimony
5 in this case with respect to the abuse of these children.
6 We're not asking for disclosure of any records, or
7 anything like that, what we say -- that it would be overly
8 burdensome.

9 And that's the State's position at this time.

10 THE COURT: All right. Mr. Cantrell, any position on
11 this?

12 MR. CANTRELL: Your Honor, I would just simply join
13 in with the motion of Mr. Alexander. Because I believe
14 the statute is clear as to the limitations. And that what
15 is being requested by the State does not come within any
16 of the exceptions that are listed, including that just
17 cited by the solicitor.

18 THE COURT: Okay.

19 MR. CANTRELL: And so I would just leave it to the
20 fact that I do concur with Mr. Alexander's motion.

21 THE COURT: All right. Well, I'm going to deny your
22 motion. I don't think the State can determine whether or
23 not there's any relevant, competent evidence that this
24 witness could present without speaking with her prior to
25 calling her as a witness.

1 So I'm going to allow them to speak with her and
2 require Ms. Bolt to speak with them, and do it subject to
3 the protective order so that she is shielded from any sort
4 of contempt or prosecution in this matter.

5 And I would require the State not to disclose matters
6 outside their potential testimony that may be offered.

7 Okay.

8 MR. HILL: Thank you, Your Honor.

9 MR. ALEXANDER: Thank you, Your Honor.

10 THE COURT: All right. Is there anything else before
11 we start?

12 MS. MCCALL: Nothing from the State, Your Honor.

13 THE COURT: I understand there's some -- some
14 forensic interviews that I need to examine.

15 MS. MCCALL: That is correct, Your Honor. I'll
16 provide you those copies. If I may approach just so that
17 I may explain them. This is -- and they're labeled by
18 victim. So that is all you need to see. That is the
19 redacted version of that one. This is the majority of the
20 redacted version.

21 And then I've noted on the sticky -- I'm sorry that
22 it may be a little confusing -- but the time to go to.
23 That will pick up where that one leaves off. And then the
24 redacted portion on there as well.

25 THE COURT: All right. And my computer does not have

1 a disk player. I understand that you've got one that I
2 can use.

3 MS. MCCALL: I do, Your Honor.

4 MR. CANTRELL: Your Honor, just to clarify and make
5 sure out of an abundance of caution that -- as to the
6 motion to quash. It was -- it is my position that I
7 joined in that motion.

8 THE COURT: Yeah, yeah. I mean, I don't -- we don't
9 know if they're even going to call the woman until they
10 get a chance to speak to her. And then we'll discuss
11 further if they do intend to do that.

12 All right. We'll -- we'll clear up, Ms. McCall,
13 doing -- getting this computer set up after we -- what I
14 would intend to do is bring the jury in, make some opening
15 comments to them, swear them, release them for lunch. And
16 then you all do your opening statements after we come back
17 from the -- the midday break. All right.

18 (WHEREUPON, the jury came into open court at
19 approximately 12:00 p.m.)

20 INTRODUCTORY REMARKS

21 THE COURT: All right. Ladies and gentlemen, welcome
22 up here to the third floor of the courthouse. It was a
23 little bit of an unusual process this morning. I was very
24 fortunate to have Judge Verdin to qualify you all to serve
25 in this case and have this jury selected downstairs.

1 Let me introduce myself to you. My name is Ned
2 Miller. I am one of your Thirteenth Circuit judges. My
3 home base is in Greenville. But I have been pleased to be
4 coming over here for the last 18 years to hold court in
5 Pickens. I'm very fond of being here.

6 As you all are aware, we're about to begin the trial
7 in the -- in three counts, the State v. Jason Riley
8 Galloway.

9 Now, I want to tell you that -- that we have a
10 dispute about the facts in this case, which requires a
11 jury to listen to the evidence presented and to -- and the
12 law as I will give it to you, and come to a resolution of
13 this factual dispute. And that's your job.

14 I would remind you that the indictments that have
15 been read to you are not evidence. And you should make no
16 presumption or take any inference from the fact that they
17 issued. They are just the formal documents which allow
18 this matter to wind its way through our court system to
19 arrive here for resolution.

20 I would, also, tell you and emphasize that every
21 person who is charged with a crime in this county, in this
22 state, and in this country is presumed to be innocent,
23 unless and until the charging body -- in this case, the
24 State of South Carolina -- can prove to a jury, to you
25 all, beyond any reasonable doubt each and every element of

1 each offense that that person is charged with. So I ask
2 you to keep that in mind throughout the course of these
3 proceedings.

4 For your benefit, I break a trial into five parts, or
5 maybe it's for my benefit as well. And it's so that you
6 all would have a procedural road map about where you are
7 in the trial and what you can expect to come next. We
8 will begin the first part of the trial after we break --
9 have the midday break for lunch.

10 I describe that first part as being the opening
11 statements to you by the attorneys in the case. And the
12 opening statements are brief and non-argumentative
13 statements by the lawyers about their perception of the
14 case.

15 The second part of the trial is the meat and potatoes
16 of each and every case. And that is the presentation of
17 the evidence in a case. And, generally, evidence will
18 come to you in one of three ways. In my mind, the most
19 common way is through the introduction of oral testimony
20 from this witness stand. The second most common way is
21 through the introduction of tangible items or documents.
22 And the third most common way is when the parties agree
23 that some fact is so beyond dispute that you should accept
24 it as being true, or what we call a stipulation of the
25 parties. I don't know the combination of -- that the

1 evidence will come to you in, but, generally, it would
2 come in one of those three ways.

3 Now, after all of the evidence has been presented, we
4 move to the third part of the trial, which is -- which are
5 the closing arguments of the attorneys. And it's an
6 opening statement, which is brief and non-argumentative,
7 and a closing argument in which the attorneys advocate
8 their position and urge you all to resolve the dispute in
9 their favor.

10 The fourth part of the trial will be when I charge
11 you as to what the law is in the case. And the fifth part
12 of the trial will be when you all retire to the jury room
13 to deliberate the case and to resolve this dispute.

14 So if you can keep that in mind, you'll -- you'll
15 have an idea about sort of where you are procedurally in
16 the process. Generally, the second part of the trial, the
17 evidence, is almost always the longest part of the trial.

18 Now, I'm sure throughout the case I'll ask you to do
19 a number of things. There are three main things I ask you
20 to do, the first is to keep an open mind. We go through
21 the process of qualifying you all to serve to ensure that
22 we have a fair and impartial jury that doesn't come in
23 with some preconceived notion about how the case should be
24 resolved. And we ask juries to weigh all of the
25 evidence -- weigh the law after they have heard it all so

1 that there's no preconceived notion prior to trial.

2 The second thing that I would ask you to do sometimes
3 can be difficult is to pay attention. If you let your
4 mind wander off during the course of the trial, you may
5 miss the testimony of a witness or even how a witness
6 responds to the question, which we call a witnesses
7 demeanor. And that might be important in your
8 deliberations at the end of the trial. And if you had let
9 your mind wander off, you would be at a disadvantage when
10 you all are discussing the outcome of the case.

11 The third thing that I ask you to do and instruct you
12 to do -- and this is vital -- is that you not discuss the
13 facts of this case with anyone until you are free to
14 deliberate at the conclusion of the trial. That means
15 when you break for lunch, you can't go -- you don't know
16 anything really about the case now, but you can't go talk
17 about it.

18 I suspect the case will go into tomorrow. And so
19 when you go home tonight, you cannot talk about it with
20 family members, friends, coworkers, or anybody. You can't
21 go online and do research. You can't look at a book and
22 do research. Please do not -- I instruct you not to
23 discuss it on social media. Everything you need to know
24 to resolve this case, you will hear in this courtroom.
25 And all of that will be subject to Constitutional

1 protections and scrutiny. So don't discuss it.

2 Even an innocent comment from someone who you like
3 and trust may impact your state of mind. And that
4 wouldn't be fair to the parties involved in this case. It
5 would not be fair to your fellow jurors. And it would not
6 be fair to yourself to allow someone who is not making the
7 sacrifices that each of you are making to be here to have
8 any input in the outcome of this case. We don't care what
9 those people think. They're not in here listening to it,
10 watching it, and seeing this -- the facts -- the evidence
11 being presented to you. So don't discuss the case.

12 You may see some other things -- a couple other
13 things I want to tell you. I may from time to time ask
14 the lawyers to come up and speak with me individually so
15 you can't hear, or I may ask you all to leave the
16 courtroom so I can discuss some legal matter.

17 When I do that, I might be -- we may be talking about
18 how long a witness is going to be and can we -- when we
19 should break. Or we may be talking about whether a piece
20 of evidence should be introduced. And if it should not be
21 introduced, I think you can understand why you shouldn't
22 hear it. So we may be trying to keep something from you,
23 but I will tell you that we are not trying to deceive you
24 in any way. We just want to ensure that what you hear is
25 Constitutionally correct and proper.

1 I'm going to -- the one thing I'm going to ask you to
2 do when you come back is to see if you all can decide who
3 you would like your Foreperson to be. It has to come from
4 the first 12. The alternates don't -- don't get to run
5 for this exalted position of Foreperson.

6 And the Foreperson is just the moderator of the
7 discussions during your deliberations at the conclusion of
8 the trial and the juries spokesperson here in the
9 courtroom, should that become necessary. So when y'all
10 come back after lunch, see if you all can decide who you
11 would like to serve in that capacity. I can help if you
12 can't do it. But I always like to give a jury a chance
13 to -- to do that.

14 I would tell you that you all are the sole judges of
15 the facts in the case. The trial judge by law is not
16 allowed to have an opinion about the facts of the case.
17 It's up to you all to decide what to believe and what not
18 to believe.

19 So, please, don't think by anything I might say or do
20 during the course of the trial that I have an opinion. I
21 don't. The law doesn't allow it. It's up to you all to
22 determine what to believe.

23 That same law makes me the sole judge of the law in
24 the case. So if you have some idea or opinion as to what
25 the law is and it disagrees with what I tell you the law

1 is throughout the course of the trial and at the
2 conclusion of the trial, you're going to swear an oath in
3 just a second to set aside your own opinion and apply the
4 law precisely as I state it to you. And that ensures that
5 everybody who's tried in -- in these courts is tried under
6 the same law. So there's a very valid reason for that.

7 All right. With that, ladies and gentlemen, I'm
8 going to ask your clerk of court to place you all under
9 oath. Then I will excuse you all for lunch.

10 And I'm going to ask you to be back at -- I've got a
11 number of things that I have to do relative to this case.
12 It's 10 after 12:00 right now. If I could get y'all to be
13 back here at -- at 2:15. That will give me time to have
14 the -- handle the matters, which I assure you will shorten
15 the trial.

16 So with that, ladies and gentlemen, if you would,
17 please, stand and take the oath.

18 THE CLERK: If you would raise your right hand.

19 (WHEREUPON, the jury was sworn at approximately
20 12:11 p.m.)

21 THE CLERK: Okay. Thank you.

22 THE COURT: Thank y'all very much.

23 We will see you at 2:15.

24 (WHEREUPON, the jury was excused from open court at
25 approximately 12:11 p.m.)

1 THE COURT: All right. Anything before we break?

2 MS. MCCALL: Your Honor, the State would request that
3 the Defendant be taken into custody given the seriousness
4 of these charges.

5 THE COURT: Anything from the Defense?

6 MR. CANTRELL: Your Honor, only that he's been out on
7 bond and house arrest for two years, always reported. As
8 far as I know, he's still on -- monitoring still under
9 house -- well, he's still being monitored at this time.

10 THE COURT: Well, he's off bond. This is an
11 extraordinarily -- this carries life in prison without
12 parole. And we're going to take him into custody.

13 MS. MCCALL: Thank you, Judge.

14 THE COURT: So we'll -- you have to help --

15 Mr. Cantrell, if you'll kind of state -- and monitor
16 that it's set up and --

17 MR. CANTRELL: Sure.

18 THE COURT: All right.

19 MR. CANTRELL: And if I can take a couple minutes
20 with him just back here. He's got some family. And I
21 just want to talk to them all at one time for a minute or
22 two before he goes back, if you'll give me a minute.

23 THE COURT: All right. If y'all -- yeah. Just --
24 you can't leave the courtroom.

25 Go ahead.

1 (WHEREUPON, a lunch break was taken.)

2 (WHEREUPON, Court's Exhibit No. 1 was marked for
3 identification and admitted into evidence.)

4 THE COURT: All right. Yes, ma'am.

5 MS. MCCALL: I just wanted to ask if I could have
6 just about three minutes to show the forensic interviewer
7 those disks so that she could authenticate them prior to
8 any testimony, the ones that you viewed.

9 THE COURT: When do you want to do that?

10 MS. MCCALL: Well, whenever you prefer. Obviously,
11 before she testifies.

12 THE COURT: Well, what's -- I don't know what your
13 plan -- what your --

14 MS. MCCALL: Well, Mr. Cantrell wants -- of course,
15 wants us to have the hearing to determine whether the
16 interviews are admissible. So she is prepared to testify
17 in camera.

18 Then we anticipate calling her as a witness after the
19 victims testify. So she will be our fifth witness today,
20 if we -- if we make it that far, Your Honor.

21 THE COURT: Yeah. Who else is --

22 MS. MCCALL: So we'll have an officer, the responding
23 officer first, then a lay witness, Jennifer Raines, and
24 then the two victims.

25 THE COURT: And how long do you anticipate this

1 in-camera hearing's going to last?

2 MS. MCCALL: I believe it will be very brief.

3 THE COURT: Well, let's go ahead and do that right
4 now, if she's here.

5 MS. MCCALL: Okay. Certainly. The State calls
6 Ms. Christine Carlberg to the stand.

7 WHEREUPON,

8 CHRISTINE CARLBERG,
9 after first having been duly sworn, testified as follows:

10 THE CLERK: Thank you, ma'am.

11 If you would have seat.

12 And state your name for the record, please.

13 THE WITNESS: Christine Carlberg.

14 DIRECT EXAMINATION

15 BY MS. MCCALL:

16 Q Ms. Carlberg, where do you work?

17 A I'm employed by the Greenville Department of Mental
18 Health. And I'm contracted to work at the Julie Valentine
19 Center.

20 Q And what is your occupation there?

21 A I'm a forensic interviewer.

22 Q And what is the Julie Valentine Center?

23 A The Julie Valentine Center is a local rape crisis and
24 child abuse center that serves Pickens and Greenville
25 Counties.

1 Q What -- what is -- or what are some of your
2 responsibilities as -- there at the Julie Valentine
3 Center?

4 A My sole responsibility is to conduct forensic
5 interviews on children who have allegations of abuse. And
6 I, also, see delayed adults.

7 Q On September 25th of 2017, did you work in that role
8 at the Julie Valentine Center?

9 A Yes, ma'am.

10 Q And what education, training, and experience have you
11 received that has prepared you for that position?

12 A I have my Bachelor's of Science Degree with a major
13 in rehabilitation services education and a minor in
14 psychology from the Pennsylvania State University. And I
15 have a Master's of Arts in Marriage and Family Therapy
16 from Reformed Theological Seminary.

17 And I have been trained in -- at CornerHouse, which
18 is a nationally recognized training program for forensic
19 interviews, which is in Minneapolis. And then I've, also,
20 been through Finding Words, which is now called Child
21 First, in Mississippi and in South Carolina, and then just
22 various conferences and trainings. Those were the main
23 ones.

24 Q Okay. Is Child First the protocol that you use when
25 conducting forensic interviews?

1 A Child First, yes.

2 Q Child First?

3 A Uh-huh.

4 Q Okay. How many forensic interviews would you
5 estimate that you've conducted?

6 A I've conducted 3,588.

7 Q Okay. And just briefly, what is a forensic
8 interview?

9 A A forensic interview is a non-leading and
10 non-suggestive manner of gathering information from a
11 child or a delayed adult for purposes of an investigation.

12 Q Okay. And you stated that you worked at the Julie
13 Valentine Center on September 25th of 2017 in that role
14 and conducted forensic interviews. Do you recall
15 interviewing a **Minor 1** and **Minor 2** on that
16 date?

17 A Yes, ma'am.

18 Q Would those interviews have been audio and visually
19 recorded?

20 A Yes, ma'am.

21 MS. MCCALL: Your Honor, that is the determination
22 for her qualifications as a forensic interviewer.

23 At this point, I would move to admit the videos that
24 I would need to -- her to authenticate and to -- to be
25 used as evidence at a later point in the trial. But I

1 don't believe, as we've spoken, Ms. Carlberg feels
2 confident doing that at this point without just briefly
3 looking at the videos to confirm that that is, in fact,
4 what this is.

5 THE COURT: All right. Well, when do you propose to
6 do that?

7 MS. MCCALL: I can show her right now, if you are
8 okay with --

9 THE COURT: That will be fine.

10 BY MS. MCCALL:

11 Q I'll show you that copy. Do you recognize the title
12 on that copy of the disk?

13 A Yes, ma'am.

14 MS. MCCALL: Okay. And for the Court's purposes,
15 this is the original disk from the Julie Valentine Center
16 for **Minor 2**'s forensic interview. I'm just going
17 to briefly show the witness so that she can confirm that
18 that is the interview she conducted. And I will
19 fast-forward to get to the point where the parties are in
20 the room.

21 BY MS. MCCALL:

22 Q Ms. Carlberg, do you recognize those parties that are
23 in that forensic interview room?

24 A Yes, ma'am.

25 Q Okay. And is that a forensic interview that you

1 conducted with **Minor 2** on September 25th of
2 2017?

3 A Yes, ma'am.

4 MS. MCCALL: Okay. Now, I'm showing Ms. Carlberg the
5 second disk, which is the Julie Valentine Center forensic
6 interview for **Minor 1**.

7 BY MS. MCCALL:

8 Q And do you recognize the writing on that --

9 A Yes, ma'am.

10 Q -- as being from a forensic interview?

11 Ms. Carlberg, do you recognize the parties in that
12 interview room?

13 A Yes, ma'am.

14 Q Okay. And is that you as well as **Minor 1** in
15 that interview room?

16 A Yes, ma'am.

17 Q And do these recordings accurately reflect the
18 forensic interview as you conducted it that day?

19 A Yes, ma'am.

20 Q And prior to today, have you had an opportunity to
21 review your forensic interviews and prepare a report in
22 connection to that?

23 A Yes, ma'am.

24 MS. MCCALL: Your Honor, for the record, these will
25 be marked as exhibits for these purposes and just referred

1 to as Court's Exhibits. And then if they are entered into
2 evidence later as State's Exhibits.

3 Your Honor, at this point, the State would,
4 obviously, allow Mr. Cantrell to ask any questions. And
5 then we would have a motion to -- to admit that -- those
6 disks.

7 THE COURT: All right. Any cross-examination?

8 MR. CANTRELL: None, Your Honor.

9 THE COURT: Okay.

10 MS. MCCALL: Your Honor, at this point, the State
11 moves to have a ruling that these interviews -- these
12 forensic interviews possess or -- or I forget the precise
13 language. But that they possess particularized guarantees
14 of trustworthiness based on the protocol used. And that
15 they would be admissible subject to the victims
16 testifying, which the State intends to call them as
17 witnesses.

18 THE COURT: All right. And I will -- for the record,
19 during the lunch break, I watched the proposed exhibits.
20 And based on the totality of the circumstances, I'm going
21 to find that the out-of-court statement by the child does
22 meet the standards of guarantees of trustworthiness.

23 I have considered that the interviewer did not
24 illicit the substance by leading questions, that she
25 clearly has been trained in conducting investigative

1 interviews of children. The statements do represent
2 detailed accounts of the alleged offense. The statements
3 do have internal coherence.

4 And depending on the -- when the witness -- after the
5 witnesses testify, that would meet the final prong of the
6 requirements. All right.

7 MS. MCCALL: Thank you, Judge.

8 THE COURT: Thank you, Ms. Carlberg.

9 You can stand down.

10 For the record, I will report that Juror #23,
11 Christopher Burr, is the Foreperson.

12 All right. Are y'all ready to go? Anything else?

13 MR. CANTRELL: Nothing, Your Honor.

14 THE COURT: Okay.

15 MR. CANTRELL: Your Honor, I would state to the Court
16 that we have, I think, agreed to sequestration of non-law
17 enforcement witnesses.

18 THE COURT: Okay.

19 (WHEREUPON, the jury came into open court at
20 approximately 2:33 p.m.)

21 THE COURT: All right. Welcome back, ladies and
22 gentlemen.

23 And we are now prepared to move into the first part
24 of the trial. So I will turn it over to the attorneys for
25 their opening statements.

OPENING STATEMENTS

1
2 MR. HILL: Thank you, Your Honor.

3 May it please the Court.

4 THE COURT: Yes, sir.

5 MR. HILL: Mr. Cantrell.

6 Ladies and gentlemen of the jury, as you now know,
7 you are here for the trial of Mr. Jason Galloway, who's
8 charged with three counts of criminal sexual conduct with
9 a minor. And what you're going to hear over the next
10 couple days is us, the State, presenting evidence to you
11 all as to how Mr. Galloway sexually abused his three young
12 children, all of which were under the age of seven years
13 old.

14 Now, sexual conduct cases are important because of
15 how unique they are. This isn't something that occurs,
16 typically, out in the public view. Rather, it happens
17 behind closed doors out of sight and potentially out of
18 mind.

19 Mr. Galloway came in -- comes into this courtroom, as
20 the Judge mentioned to you, an innocent man. And it's our
21 job, as the State of South Carolina, to prove to you this
22 case beyond a reasonable doubt.

23 So what is proof beyond a reasonable doubt? Well,
24 it's not proof beyond any doubt or proof beyond all doubt.
25 Rather, it's proof that leaves you, the jury, firmly

1 convinced of the Defendant's guilt. It doesn't require
2 you to hesitate to act when you find the Defendant guilty.

3 Now, this isn't an impossible burden, but, rather,
4 it's one that we welcome. And it's the same burden in
5 every other criminal case in this country where a jury
6 like yourselves has found a defendant guilty of a crime.

7 So what is your role here today? You are the finder
8 of the facts. You get to determine what really happened.
9 And, as the Judge mentioned, everything you're going to
10 need to do that is going to come through this witness
11 stand right here, whether it's through a witnesses
12 testimony, or whether it's through some type of physical
13 evidence that you can see or listen to that's put through
14 that witness.

15 I want to thank each and every one of you for being
16 here today. Because without people like yourselves who
17 are willing to come in and serve on a jury and sacrifice
18 your own time, our court system simply does not function.

19 And we believe that at the end of this case, after
20 you've heard all the evidence, that you will be firmly
21 convinced of the Defendant's guilt. And that when we
22 stand back up here at the close of this case and ask you
23 to find Mr. Galloway guilty of three counts of criminal
24 sexual conduct with a minor, you will be able to do just
25 that and find him guilty.

1 Thank you.

2 THE COURT: Mr. Cantrell.

3 MR. CANTRELL: May it please the Court.

4 Solicitor.

5 Ladies and gentlemen, you took an oath a while ago,
6 you will well and truly try the matter before you and
7 render a verdict which, basically, speaks the truth,
8 according to the law and the evidence. And that's all you
9 have to do. That is exactly what you have to do. And
10 that's a huge burden. That's a huge responsibility.

11 You've heard the Solicitor tell you what they intend
12 to try to prove and what they -- evidence -- what type of
13 evidence they intend to submit to you about this case.

14 There will be points in this trial where you will
15 really want to convict somebody based on what you're
16 hearing, based on who you're hearing it from. But you
17 don't convict anybody in any case in any trial because you
18 want to. You only convict someone because you have to,
19 because you have no choice, because the evidence has been
20 proven to you beyond a reasonable doubt, and you have no
21 choice after you've heard all of the evidence, after
22 you've heard all of the testimony. Do you have a choice?
23 Do you have a reasonable doubt?

24 You're going to hear testimony from a lot of
25 different directions, a lot of different sources, a lot of

1 different context. Almost all of them will come from
2 people who are going to be telling you what they heard or
3 what they were told, not what they observed as far as the
4 crime alleged in this case, but what they were told by
5 someone else.

6 You'll even have one witness, I suspect, that the
7 State will present that will tell you that she knows
8 nothing about the facts of this case. For this type of
9 allegation, for this type of trial, the State is allowed
10 to present that witness. But because they're allowed to
11 present that witness, who knows nothing about the facts of
12 this case, don't take that to mean that that is proof of
13 guilt. You're the only ones that make that decision.

14 Jason Galloway is from Pickens County. He's been
15 here all his life. His home is here. His family is here.
16 His job is here. And he's been here for pretty close to
17 40 years.

18 When he was arrested on this charge, he was living in
19 his home with his children raising them, providing food
20 for them, and supporting them. He had been doing this for
21 quite sometime because their mother had been in prison.
22 And he had these children in the home where he was taking
23 care of them, and raising, and supporting them. And he
24 did that.

25 Then -- and, also, after that or about that time, the

1 mother of these children got out of prison, got back into
2 the picture. And it was not too long after that that
3 these allegations came up.

4 You're going to need to listen to everything that's
5 presented to you. You're going to need to analyze it.
6 And you're going to need to determine what you believe the
7 facts to have been, the proof to have been, then to render
8 a verdict which, as you heard from your oath, is based on
9 the law and the facts in this case, a verdict which speaks
10 the truth.

11 I believe when you hear all of that, consider the
12 sources, consider the -- the layers of testimony that you
13 will be able to say that your verdict is not guilty.

14 Thank you.

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

16 MS. MCCALL: Thank you, Judge.

17 The State calls Deputy Braden Wimpey to the stand.

18 WHEREUPON,

19 BRADEN WIMPEY,

20 after first having been duly sworn, testified as follows:

21 Swear

22 THE CLERK: Thank you, sir.

23 If you would have a seat.

24 And state your name for the record, please.

25 THE WITNESS: Braden Wimpey.

DIRECT EXAMINATION

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

BY MS. MCCALL:

Q Deputy Wimpey, where do you work?

A The Pickens County Sheriff's Office.

Q And what is your job there?

A I am a road -- road patrol officer.

Q What does that entail?

A I do -- I answer calls for service, traffic control, anything of that nature, 911 calls.

Q On August 22nd of 2017, do you recall responding to an elementary school in Pickens County?

A Yes, ma'am.

Q And tell me what the basis for that dispatch was.

A I responded to the elementary school in reference to a sexual assault claim.

Q Okay. And when you arrived at the school, who did you meet with?

A I met with Jennifer Raines.

Q And was anyone else present when you met with her?

A There was, also, a -- the resource officer had come down.

Q And you stated that you were dispatched there in response to a sexual assault claim; is that correct?

A That's correct.

Q When you spoke to Ms. Raines, did you determine that

1 you needed to continue an investigation?

2 A Yes, ma'am.

3 Q And who did you speak with next?

4 A I had spoke with -- I had called for detective --
5 Sergeant Hendricks at the time.

6 Q Okay. And did he respond to the school as well?

7 A Yes, ma'am.

8 Q At any point, did you meet with **Minor 1**?

9 A I did.

10 Q And do you know the relation between **Minor 1**
11 and this Jennifer Raines that you mentioned?

12 A I believe she said that she was her stepmother --
13 yes, her stepdaughters, yes.

14 Q And so the stepmother is the one that made the
15 allegation; is that correct?

16 A That's correct.

17 Q And you stated that you talked to **Minor 1**.
18 When you spoke with her, did she make a disclosure of
19 sexual abuse to you?

20 A She did.

21 Q And did she tell you where that sexual abuse had
22 occurred?

23 A Yes, ma'am. It was at **█** Cabot Cove. And that is
24 located within Pickens County.

25 Q Did she tell you any other specifics about where the

1 sexual abuse had occurred?

2 A In the bedroom.

3 Q Did she tell you when the sexual abuse had occurred?

4 A She had said when they had got their new beds for the
5 house.

6 Q Okay. Do you recall how old **Minor 1** was that day that
7 you met her?

8 A I can't recall.

9 Q Okay. Was that an elementary school that you
10 responded to?

11 A Yes.

12 Q Did you, also, meet with **Minor 2** that day?

13 A I did.

14 Q And who is **Minor 2** to **Minor 1**?

15 A That is her sister.

16 Q And did **Minor 2** disclose sexual abuse to you?

17 A No. She did not say anything to me.

18 Q Okay. What was her demeanor like that day?

19 A Just kind of scared, just nervous, just didn't want
20 to talk.

21 Q What was **Minor 1**'s demeanor like?

22 A The same thing. She was more scared and nervous.
23 But, you know, she was more forthcoming.

24 Q You stated that you called an investigator out to the
25 scene, Sergeant Hendricks at the time. Did you call for

1 any other -- anyone else to respond?

2 A Yeah, DSS.

3 Q Okay. And did they respond while you were there?

4 A Yes, ma'am.

5 Q After calling an investigator out to the scene, did
6 that end your involvement in this case?

7 A Once he -- Sergeant Hendricks arrived on scene,
8 that -- the scene was turned over to him.

9 MS. MCCALL: Okay. I have no further questions.

10 Thank you, Deputy Wimpey.

11 THE COURT: Any cross?

12 MR. CANTRELL: None, Your Honor.

13 THE COURT: All right. Thank you.

14 You can step down.

15 MS. MCCALL: May this witness be excused, Your Honor?

16 THE COURT: Any objection?

17 MR. CANTRELL: None, Your Honor.

18 THE COURT: Okay.

19 MS. MCCALL: The State calls Jennifer Raines to the
20 stand.

21 THE CLERK: Ma'am, if you would place your left hand
22 on the Bible and raise your right.

23 WHEREUPON,

24 JENNIFER RAINES,

25 after first having been duly sworn, testified as follows:

1 THE CLERK: Thank you, ma'am.
2 If you would have seat.
3 And state your name for the record, please.

4 THE WITNESS: Jennifer Raines.

5 DIRECT EXAMINATION

6 BY MS. MCCALL:

7 Q Ms. Raines, do you know Minor 1 [REDACTED] ?

8 A Yes.

9 Q And do you know Minor 2 [REDACTED] ?

10 A Yes.

11 Q Do you, also, know Minor 3 [REDACTED] ?

12 A Yes.

13 Q And how do you them?

14 A They was my stepkids.

15 Q Okay. And you said they were your stepkids. Were
16 you married to their father?

17 A No.

18 Q Okay. Were you in a relationship with their father?

19 A Yes.

20 Q And who is their father?

21 A Jason Galloway.

22 Q When did you meet those three girls?

23 A It was July.

24 Q Of what year?

25 A '16.

1 Q 2016?

2 A (There was no verbal response.)

3 Q And at any point, did you live with those girls?

4 A Yes.

5 Q Okay. And tell me about where y'all lived.

6 A What? The address?

7 Q Yes, please.

8 A [REDACTED] Cabot Cove.

9 Q Okay. Is that in Pickens County?

10 A Yes, ma'am.

11 Q All right. And then tell me a little bit about who
12 all lived there at the house with you when you lived with
13 the girls.

14 A Jason, his sister, and his sister's three kids, and
15 his three girls, and then his sister's boyfriend was
16 there, too.

17 Q Okay. Let's back up. When did you move into that
18 house on Cabot Cove?

19 A I'm not sure.

20 Q Okay. How long had you known Jason when you moved in
21 with him?

22 A I think it was about a month.

23 Q All right. And did you have any children at the
24 time?

25 A Yes.

1 Q How many children?

2 A Three.

3 Q Did they live with you?

4 A Not -- just one.

5 Q Okay. Tell me about the one that lived with you.

6 How old was that child?

7 A He was, like, not even six months.

8 Q At that time, he was six months?

9 A Yes, ma'am.

10 Q Okay. And tell me about your other kids. How old
11 were they at the time?

12 A I think eight and -- eight and 11.

13 Q How long did you live with Jason at that house?

14 A About a year.

15 Q Where do you live now?

16 A The same place.

17 Q Okay. So how long did Jason live in that house with
18 you?

19 A About a year.

20 Q Okay. When you moved in -- when you first moved in,
21 who all lived there?

22 A Jason, his sister, and her three girls, and his three
23 girls, and her boyfriend.

24 Q Did they live there the whole time that you lived
25 there with them?

1 A Not the whole time, but most of the time.

2 Q Okay. Tell me about when they didn't live there.

3 When was that?

4 A I don't remember.

5 Q Okay. How long did they live there? Do you remember
6 that?

7 A No.

8 Q Let's talk about what the house looked like on Cabot
9 Cove. What type of house is it?

10 A It's a trailer.

11 (WHEREUPON, State's Exhibit Nos. 7 and 8 were marked
12 for identification only.)

13 BY MS. MCCALL:

14 Q Ms. Raines, I'm going to show you a photo --
15 photograph. I want you to tell me if you recognize that.

16 A Yes.

17 Q Is that the house that you lived in on Cabot Cove?

18 A Uh-huh.

19 Q And you recognize that photograph to be that house?

20 A Yes, ma'am.

21 Q Okay. Ms. Raines, I'm, also, going to show you a
22 second photograph, State's Exhibit No. 8. Do you
23 recognize that photograph?

24 A No -- wait. Yes.

25 Q What is in that photograph?

1 A Tires, and a trailer, and the playhouse.

2 Q And what do you recognize that house to be?

3 A (There was no response.)

4 Q Is that the house on Cabot Cove?

5 A Uh-huh.

6 Q Yes?

7 A Yes.

8 Q Okay. Ms. Raines, based on these photographs, is
9 this what this house looked like in 2017 when you lived
10 there?

11 A Yes.

12 MS. MCCALL: Your Honor, at this time, the State
13 moves to enter State's Exhibit Nos. 7 and 8 into evidence
14 and publish those for the jury.

15 THE COURT: Any objection?

16 MR. CANTRELL: Yes. I would like to be heard on
17 that, Your Honor.

18 THE COURT: Y'all come up here for a second.

19 (WHEREUPON, a bench conference was held.)

20 MS. MCCALL: Your Honor, permission to publish to the
21 jury.

22 THE COURT: Yes. Go ahead.

23 MS. MCCALL: Thank you.

24 (WHEREUPON, State's Exhibit Nos. 7 and 8 were admitted
25 into evidence.)

1 BY MS. MCCALL:

2 Q Ms. Raines, you stated this is the house that you
3 lived in on Cabot Cove?

4 A Yes, ma'am.

5 Q Will you explain to me what -- and I'm going to,
6 also, put up State's Exhibit No. 8 with State's Exhibit
7 No. 7 so you can look at both of them together. And will
8 you explain to me the setup of the interior of that home?
9 So what was the layout, the floor plan of that house?

10 A It's wood.

11 Q I'm sorry?

12 A Like, wood.

13 Q Well, when you walk in the house, what are the rooms
14 like? How are they set up?

15 A The girl rooms was in the middle and they had bunk
16 beds.

17 Q Okay. How many bedrooms were in the house?

18 A Two.

19 Q Two bedrooms. Okay. And you said the girls rooms
20 had bunk beds. What girls are you referring to?

21 A Jason's girls.

22 Q Okay. And did all three of the girls live in that
23 room, sleep in that room?

24 A Yes. **Minor 3** had a playpen.

25 Q Okay. So there was a set of bunk beds and a playpen

1 in that room; is that correct?

2 A Yes.

3 Q Okay. And do you remember anything else about their
4 bedroom, what type of bedding they had, or anything else?

5 A Frozen.

6 Q Okay. Frozen sheets?

7 A (There was no verbal response.)

8 Q When you lived at the house with the girls and Jason,
9 did you help take care of those girls?

10 A Yes.

11 Q Okay. Did Jason work at the time?

12 A Yes.

13 Q Did you work?

14 A No.

15 Q When did you get a job?

16 A When he went to jail the first time.

17 Q Okay. Where did you work at then?

18 A Subway.

19 Q Do you remember what year that was?

20 A No.

21 Q Okay. Let's talk about August 22nd, of 2017. Were
22 you living with Jason and the girls on that date?

23 A Yes.

24 Q And on that morning, do you remember **Minor 1** -- and I
25 don't want you to tell me what she said. But do you

1 remember **Minor 1** sleeping and making some statement while
2 she was sleeping?

3 A Yes.

4 Q Okay. And did that concern you?

5 A Yes.

6 Q And did you ask her what she was talking about when
7 she woke up?

8 A Yes.

9 Q And, at that point, did **Minor 1** disclose that someone
10 had sexually abused her?

11 A Yes.

12 Q What did you do after that?

13 A I got them ready. And we went to the school.

14 Q Okay. Why did you go -- why did you take her to the
15 school that day?

16 A Because they had testing.

17 Q Okay. And let's back up just a little bit. Was --
18 were any of the other kids home at that time?

19 A **Minor 2** was.

20 Q **Minor 2** Okay. Anyone else?

21 A No.

22 Q Okay. Did you have another small child at that -- at
23 that time?

24 A Yes, Dalton.

25 Q Okay. How old was Dalton?

1 A He wasn't even six weeks old.

2 Q Okay. And you said that you took the girls to the
3 school for testing; is that right?

4 A Yes.

5 Q And what testing was it?

6 A It's, like, for the K-5 testing.

7 Q For them to start school, is that what it was?

8 A Yes.

9 Q Okay. And when you got to the school, who did you
10 talk to?

11 A The guidance counselor.

12 Q Did you go to the guidance counselor yourself?

13 A Me and **Minor 1**.

14 Q Okay. And after talking to the guidance counselor,
15 did law enforcement come to the school?

16 A Yes.

17 Q Okay. And did you speak with law enforcement there
18 at the school?

19 A Yes.

20 Q All right. You've stated that **Minor 1** disclosed sexual
21 abuse to you. Did she tell you where that sexual abuse
22 happened at?

23 A No.

24 Q Did she tell you when it happened?

25 A No.

1 Q Okay. Did you talk to her younger sister, **Minor 2**
2 **[REDACTED]**? Did she disclose sexual abuse to you?

3 A Yes.

4 Q Did she tell you where it happened at?

5 A No.

6 Q Did she tell you when it happened?

7 A No.

8 Q You stated that **Minor 1** and **Minor 2** went for testing at
9 the school. What grade were they testing to go into?

10 A K-5.

11 Q Both of them; is that correct?

12 A Yes.

13 Q Okay. And how old was **Minor 3** at that time?

14 A I think she was a year old.

15 Q All right. And is she, also, about the same age as
16 one of your other children?

17 A Yes, Billy.

18 Q How close in age are they?

19 A A month apart.

20 Q But Billy -- is Billy -- is his father Jason --

21 A No.

22 Q -- or does he have a different father?

23 Okay. When you spoke with law enforcement that day
24 and reported the disclosure of sexual abuse, did the girls
25 go home with you that day?

1 A No.

2 Q Did **Minor 1**, and **Minor 2**, and **Minor 3** ever return to
3 live with you after that day?

4 A No.

5 Q Have you seen the girls since that day?

6 A No.

7 Q Prior to that day, when you lived with Jason and the
8 girls, was the Defendant ever alone with the girls?

9 A No.

10 Q So you're saying that the Defendant was never alone
11 with his children?

12 A I mean, like, if I went to the store, like, some he
13 was, but...

14 Q Okay. Why is that? Why was he never alone with
15 them?

16 A Because they -- they always wanted to go with me.

17 Q Okay. How about at nighttime, did -- did Jason ever
18 go into their room at nighttime?

19 A No.

20 Q He never went in their room?

21 A (There was no verbal response.)

22 Q Is that a "yes" or "no"?

23 A No.

24 Q Why did he never go in their room?

25 A I don't know.

1 Q So of the approximately -- a little over a year that
2 you lived there, you never saw the Defendant go in his
3 daughters bedroom?

4 A Like, if it was bedtime, he gave them hugs. But
5 other than that, no.

6 Q Were you always in there with him when he went in
7 their bedroom?

8 A No.

9 Q When you were pregnant with Dalton and you had
10 Dalton, did you have Dalton at a hospital?

11 A Yes.

12 Q Okay. And who stayed with the girls when you were in
13 the hospital?

14 A I think his sister had them.

15 Q Okay. Was the Defendant at the hospital with you the
16 whole time?

17 A Yes.

18 Q Ms. Raines, I want to back up just briefly and ask
19 you again about the disclosure. When **Minor 1** disclosed
20 sexual abuse to you and **Minor 2** disclosed sexual abuse to
21 you, did they tell you when the sexual abuse happened?

22 A No.

23 Q Do you remember providing a statement to law
24 enforcement around that time?

25 A Yes.

1 Q I'm going to show you your statement. And tell me if
2 you recognize that.

3 A Yes.

4 Q Does that help refresh your memory about what they
5 told you about when it happened?

6 A Yes.

7 Q And when did the girls tell you that the sexual abuse
8 happened?

9 A When they were asleep.

10 Q And, Ms. Raines, just one final question. What did
11 the girls refer to you as? Did they call you "Jennifer"?

12 A They called me "Gina."

13 MS. MCCALL: Gina. All right.

14 Thank you.

15 I have no further questions.

16 THE COURT: Cross.

17 CROSS-EXAMINATION

18 BY MR. CANTRELL:

19 Q Gina, when you were asked if the girls told you when
20 that happened, did they tell you what date, or how long
21 before, or anything like that?

22 A No.

23 Q And when you were talking first that morning after
24 she woke up to **Minor 1**, where was **Minor 2** at that time?

25 A Getting ready for school.

1 Q Was she in the same room with you and **Minor 1**?

2 A Yes.

3 Q Okay. So did she hear what **Minor 1** had to say?

4 A Yes.

5 Q And did she say, well, me, too, or something to that
6 effect?

7 A No.

8 Q What did she say when she heard **Minor 1** talking about
9 this?

10 A She didn't say anything.

11 Q Okay. She didn't disclose anything?

12 A No.

13 Q Okay. Just to back up a little bit, when you first
14 moved in, I think you said there were a good number of
15 people in the house, including Jason's sister and her
16 children; is that correct?

17 A Yes.

18 Q But they did move out at some point. You may not
19 remember when. But they did later on move out; is that
20 right?

21 A Yes.

22 Q But for a fair period of time, there were a lot of
23 people in the house. And where they always there, pretty
24 much always in the house?

25 A Yes.

1 Q In this two-bedroom house?

2 A Yes.

3 Q Did that make it really crowded?

4 A Yes.

5 Q Was there kind of a lack of alone time between
6 individuals, people couldn't be by themselves very much?

7 A Yes.

8 Q Now, nothing that you -- you've been asked about --
9 or these disclosures or anything like that had anything to
10 do with outside the -- the mobile home, did they?

11 A No.

12 Q Okay. Now, while -- you were there close to a year,
13 I believe; is that right?

14 A Yes.

15 Q Who was primarily responsible for giving **Minor 2**, and
16 **Minor 1**, and **Minor 3** their baths?

17 A I did.

18 Q So would you be the one that went in there if they
19 needed help or assistance taking their baths?

20 A Yes.

21 Q Okay. Not Jason?

22 A No.

23 Q During this same period of time, you talked about him
24 not being there or alone with the girls very much. Was he
25 working?

1 A Yes.

2 Q Did his hours vary as far as how late he had to work
3 or how long he had to work?

4 A I mean, there was times he had to work over, but...

5 Q Okay. And when he got home, everybody else was
6 there?

7 A Yes.

8 Q About what time did he normally leave in the
9 mornings?

10 A About 6:30.

11 Q Okay. Now, on this date where you took the girls to
12 school for testing, was he still there or was he already
13 gone?

14 A He was at work.

15 Q Now, you had your own car to drive at that point --
16 or a car to drive?

17 A Yes.

18 Q Okay. So you drove them to school and drove them
19 other places, too?

20 A Yes.

21 Q The fact of the matter is after all of this, you have
22 ended up staying there in that -- that house. And -- and
23 Jason is living somewhere else at this point; is that
24 right?

25 A Yes.

1 Q So he allowed you to stay there and have your
2 children there; is that true?

3 A Yes.

4 Q When Jason was there interacting with the children,
5 with his daughters, did they seem to have a good
6 relationship?

7 A Yes.

8 Q Did they play together?

9 A Yes.

10 Q Jason, and **Minor 2**, and **Minor 1**?

11 A Yes.

12 Q Did they react to him as though they enjoyed being
13 around him?

14 A Yes.

15 Q Did they laugh, or play, or joke with him?

16 A Yes.

17 Q Did he laugh, and play, and joke with them?

18 A Yes.

19 Q And that was all right up till the day you took them
20 to school for this testing?

21 A Yes.

22 MR. CANTRELL: I have no further questions.

23 Thank you. Thank you, Gina.

24 THE COURT: Any redirect?

25 MS. MCCALL: Just briefly, Your Honor.

REDIRECT EXAMINATION

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

BY MS. MCCALL:

Q Gina, you stated that they had bunk beds in the bedroom. Were those new?

A No.

Q How long had they had those?

A When I moved in, they was already there.

Q They were there from before you moved in?

A Yes.

Q Okay. How long after the girls mom -- mom moved out did you move in? Do you know?

A No.

MR. CANTRELL: Your Honor, I would object. These are questions that have nothing to do with cross-examination. This is new territory.

MS. MCCALL: I just have one final question, Your Honor. I'll -- I'll retract that last question.

THE COURT: Okay. Go ahead.

BY MS. MCCALL:

Q Ms. Raines, are you still in a relationship with the Defendant?

A Yes.

MS. MCCALL: Thank you.

I have nothing further.

THE COURT: Okay. You can step down.

1 Call your next witness.

2 MS. MCCALL: Thank you, Your Honor.

3 At this time, the State calls Miss **Minor 1** to
4 the stand -- oh, actually, hold on.

5 Your Honor, may we approach about this particular
6 witness?

7 THE COURT: All right.

8 (WHEREUPON, a bench conference was held.)

9 THE COURT: All right. Ladies and gentlemen, there's
10 a matter I need to take up outside your presence for just
11 a few minutes. So, please, retire to your jury room.

12 Don't discuss the case. We'll be back with you
13 shortly.

14 (WHEREUPON, the jury was excused from open court at
15 approximately 3:06 p.m.)

16 THE COURT: All right. Call your next witness.

17 MS. MCCALL: Thank you.

18 The State calls Miss **Minor 1** to the stand.

19 MR. CANTRELL: Your Honor, before she steps in and
20 maybe without the jury, I probably do need to put an
21 objection on the record that I raised.

22 THE COURT: Yes.

23 Would y'all turn these lights back on again?

24 Thank you.

25 Okay. We had a bench conference. Go ahead. Tell

1 us --

2 MR. CANTRELL: Your Honor, during the bench
3 conference earlier when the State sought to admit two
4 photographs of the outside of the residence, I objected.
5 My basis for the objection is that the allegations in this
6 case involve exclusively incidents that are alleged to
7 have happened inside the residence.

8 Also, that the outside of the residence is
9 admittedly -- appears to be in an inappropriate condition
10 or just bad condition. And that that could only serve to
11 be prejudicial, but irrelevant information as to the
12 allegations in this case.

13 So I objected to the admission of those photographs
14 as being unduly prejudicial. And the Court ruled that
15 they were admissible. And I would like that noted for the
16 record as to my objection.

17 THE COURT: Okay. It's the location of the offense.
18 And I don't find that the -- I find the probative value
19 outweighs any prejudicial effect, if there is any.

20 All right. Call your next witness.

21 MS. MCCALL: Thank you.

22 Miss **Minor 1** to the stand, please.

23 THE CLERK: Place your left hand on the Bible and
24 raise your right hand.

25 THE COURT: Other way.

1 Q Is that a tough question?

2 A Art and drawing.

3 Q Okay. Good. Do you know what the difference between
4 a truth and a lie is?

5 A Yes.

6 Q What is a truth?

7 A A truth means you tell something that really
8 happened.

9 Q And what is a lie?

10 A Something that really didn't happen.

11 MS. MCCALL: Your Honor, at this time, the State
12 asserts that this witness is competent to testify in the
13 trial of this case.

14 THE COURT: Any objection? Any voir dire?

15 MR. CANTRELL: No voir dire, Your Honor. I would
16 just ask the Court to rule on -- on --

17 THE COURT: I'm going to find -- I'm going to find
18 her to be competent.

19 MS. MCCALL: Thank you, Your Honor.

20 We will, also, have a second witness that is one year
21 younger than Miss **Minor 1**. Would you like to, also, have
22 this --

23 THE COURT: Let's go ahead and go through that
24 process now.

25 MS. MCCALL: Certainly.

1 Miss Minor 1, will you step down for me for a moment,
2 please? You'll get back up in just a moment. Okay. Step
3 outside for just one moment.

4 The State calls Miss Minor 2 to the stand.

5 THE CLERK: Come around here.

6 MS. MCCALL: Go up to the witness stand.

7 THE CLERK: Can you put your left hand on the Bible
8 and raise your right? Other way. Put this hand on the
9 Bible. There you go.

10 WHEREUPON,

11 Minor 2,

12 after first having been duly sworn, testified as follows:

13 THE CLERK: All right. And can you tell us your
14 name?

15 THE WITNESS: Minor 2 .

16 DIRECT EXAMINATION

17 BY MS. MCCALL:

18 Q Miss Minor 2, what's your last name?

19 A Galloway.

20 Q How old are you?

21 A Seven.

22 Q When is your birthday?

23 A [REDACTED]

24 Q [REDACTED] How old will you be this June 21st?

25 A Eight.

1 Q Eight. And what grade are you in in school?

2 A Second.

3 Q Who is your teacher?

4 A Ms. Clark.

5 Q Are you and your sister in the same grade?

6 A Yes.

7 Q Okay. Miss **Minor 2**, do you know what the difference
8 is between a truth and a lie?

9 A Kind of.

10 Q Okay. Tell me what a truth is.

11 A (There was no response.)

12 Q What does it mean to tell the truth?

13 A (There was no response.)

14 Q If I said you have on a brown bow in your hair, what
15 would -- what would that be, a truth or a lie?

16 A A lie.

17 Q Okay. And if I said you have a black bow in your
18 hair, what would that be, a truth or a lie?

19 A A lie.

20 Q What color is your bow in your hair?

21 A Black.

22 Q Black. So would that be a truth if --

23 A Yes.

24 Q -- I said that your bow is black?

25 A Uh-huh.

1 Q Yes?

2 A (There was no verbal response.)

3 Q Okay. So what is a lie? Is a lie something that,
4 actually, happened?

5 A No.

6 Q Okay. Is a truth something that, actually, happened?

7 A Yes.

8 Q Okay. Do you know the difference between what it
9 means to tell the truth and to not tell the truth?

10 A (There was no response.)

11 Q If I told you that you have to tell the truth and
12 only talk about things that really happened, do you know
13 what that means?

14 A It's the truth.

15 Q Would -- so if I told you to tell the truth, would we
16 talk about things that really happened?

17 A Yes.

18 MS. MCCALL: Your Honor, at this time, the State has
19 no further questions. I would reserve -- or ask
20 Mr. Cantrell if he does. And, otherwise, I would reserve
21 my -- my argument.

22 MR. CANTRELL: No questions, Your Honor.

23 MS. MCCALL: Your Honor, at this time, the State
24 moves to allow Miss Minor 2's testimony in, based
25 on her competency to establish what it means to tell what

1 really happened and what -- and to know the difference
2 between only talking about things that really happened
3 and -- and not things that didn't.

4 EXAMINATION

5 BY THE COURT:

6 Q Minor 2, how are you doing?

7 A Good.

8 Q Yeah. Are you a little scared?

9 A (There was no verbal response.)

10 Q You have to speak. Can you speak?

11 A (There was no verbal response.)

12 Q You have to talk. Are you -- are you a little
13 afraid?

14 A Yes.

15 Q Okay. Have you ever been in a courtroom like this
16 before?

17 A (There was no verbal response.)

18 Q What did -- what did I ask you to do? Speak.

19 So have you ever been in a courtroom like this
20 before?

21 A No.

22 Q Okay. What is your favorite subject at school?

23 A Math.

24 Q Math. Oh, good. Okay. And so if I was to tell you
25 that two plus two equals 10, would that be a truth or a

1 lie?

2 A A lie.

3 Q Okay. And if I was to tell you that one plus one is
4 two, would that be a --

5 A Truth.

6 Q That would be a truth. Okay. And is it good or bad
7 to tell a lie?

8 A Bad.

9 Q Okay. So you know when you're asked questions today
10 that you should tell the truth; is that right?

11 A (There was no verbal response.)

12 Q Can you speak?

13 A Yes.

14 THE COURT: All right. Any -- any other questions
15 from anyone?

16 MS. MCCALL: None from the State, Your Honor.

17 MR. CANTRELL: None from the Defense, Your Honor.

18 THE COURT: Okay. Thank you, young lady.

19 You may step down.

20 I'm going to grant the State's motion.

21 MS. MCCALL: Thank you, Judge.

22 At this time, the -- we'll -- we'll wait for the
23 jury. Sorry. My apologies.

24 THE COURT: Okay. Bring the jury in.

25 THE BAILIFF: Judge, we have several of the jurors

1 who have some hearing limitations. They are asking for
2 the volume to be up.

3 THE COURT: I don't control the volume here.

4 Pat, can you --

5 THE CLERK: I will turn it up.

6 (WHEREUPON, the jury came into open court at
7 approximately 3:17 p.m.)

8 THE COURT: Okay. Ladies and gentlemen, if you have
9 trouble hearing, if we're not speaking loudly enough,
10 please, signal. And we'll make sure we try to get it --
11 get the decimal level up.

12 Okay. Call your next witness.

13 MS. MCCALL: Thank you, Judge.

14 At this time, the State calls Miss **Minor 1** to
15 the stand.

16 THE CLERK: Can you stand up. There you go.

17 Raise your right hand.

18 WHEREUPON,

19 **Minor 1**

20 after first having been duly sworn, testified as follows:

21 THE CLERK: Thank you.

22 Will you tell us your name?

23 THE WITNESS: **Minor 1**

24 THE CLERK: Okay. You can sit down now.

25 Thank you.

DIRECT EXAMINATION

1
2 BY MS. MCCALL:

3 Q Miss Minor 1, how old are you?

4 A Eight years old.

5 Q When is your birthday?

6 A [REDACTED]

7 Q How old will you be this year on July the 6th?

8 A Nine.

9 Q Where do you go to school at?

10 A (There was no response.)

11 Q Do you know the name of the school? What is your
12 teacher's name?

13 A Ms. Clark.

14 Q And what grade are you in?

15 A Second grade.

16 Q Okay. How do you feel here today, Miss Minor 1?

17 A Good.

18 Q Good. Where do you live at right now?

19 A I live at Tabernacle Children's Home.

20 Q And how many siblings do you have?

21 A (There was no response.)

22 Q Well, let me ask it this way, do you have two
23 sisters?

24 A Yes.

25 Q What are your sisters names?

1 A I have Alaina, Minor 3, and Minor 2.

2 Q Okay. How old is Minor 2?

3 A Seven.

4 Q How old is Minor 3?

5 A Four.

6 Q All right. Do Minor 2 and Minor 3, also, live with
7 you at Tabernacle?

8 A Yes.

9 Q I'm going to show you a picture. It's marked as
10 State's Exhibit No. 7. And I just want you to tell me if
11 you recognize what's in that picture.

12 A It looks kind of like where we used to live.

13 Q Okay. Tell me about where you used to live. Who did
14 you live there with?

15 A Gina and Billy. We lived with Billy and Gina.

16 Q Okay. Tell me again who you lived with. Can you
17 repeat those people?

18 A Billy, Gina, and our real dad.

19 Q Okay. And what is your real dad's name?

20 A Jason.

21 Q All right. And you said, "We lived" there. Who
22 lived there other than you, Gina, your dad, and Billy?

23 A Minor 2, Minor 3, and me.

24 Q Okay. Do you know your real dad's sister, Sara? Did
25 she ever live with you there?

1 A (There was no verbal response.)

2 Q Is that a "yes" or a "no"?

3 A No.

4 Q Okay. Did she ever stay with you there?

5 A No.

6 Q Tell me about your bedroom at that house when you
7 lived with your dad, Miss Minor 1 .

8 A We had bunk beds and one bed over beside our bunk
9 beds.

10 Q Okay. Who slept in the bunk beds?

11 A Me and Minor 2 .

12 Q Did you sleep on the top or the bottom?

13 A I slept on the top, which I think Minor 2 slept on --
14 we -- we -- Minor 2 slept on the bottom, I think.

15 Q Okay. And you said there was another bed in that
16 room. Who slept in that bed?

17 A Minor 3 .

18 Q Okay. How old was Minor 3 when y'all lived in that
19 house?

20 A Two.

21 Q Was she walking then?

22 A Yes.

23 Q Okay. And how old were you when you lived in that
24 house?

25 A Six -- five.

1 Q Okay. When you lived with your dad, Jason, how did
2 he treat you?

3 A Some good and some bad.

4 Q Okay. Well, tell me about the good.

5 A The good was, sometimes, we would -- we would go to
6 bed and we would get to sleep -- most of the times --
7 like, on Saturday or Sunday, we get to sleep in.

8 Q All right. Miss Minor 1, tell me about the bad.

9 A The bad was that he done stuff that wasn't good.

10 Q Okay. Tell me what he did to you.

11 A He done bad things to us.

12 Q Tell me a little bit more about what those bad things
13 are.

14 A Bad things were that he -- he done it in the -- in
15 the front butt.

16 Q Can you tell me what the bad things are that he did
17 to you? Explain that for me.

18 A He -- he did stick his private into mine. And --

19 Q Miss Minor 1, can we go back? Can you say that again,
20 what you just said, please.

21 A Yes.

22 Q I couldn't hear you.

23 A He -- he sticked [sic] his private part into mine.

24 Q All right. Did he put his private part in your front
25 private?

1 A Yes.

2 Q Did he put it in your back private?

3 A Yes, when Gina was gone.

4 Q Okay. And did he ever put it in any other part of
5 your body or do anything else with his private to you?

6 A No.

7 Q Okay. Where did this happen at in your house?

8 A In our bedroom and in the -- where the couches are.

9 Q When would he do this to you?

10 A When Gina's asleep or when she's gone.

11 Q Did you say that you shared a bedroom with your two
12 sisters?

13 A Yes.

14 Q Okay. Did you ever see your dad do bad things to
15 them?

16 A Yes.

17 Q Can you tell me about that?

18 A He done -- he done the -- the same thing in our
19 bedroom with -- with us in it. And he done it when Gina
20 was gone. He done it when we were looking [phonetic].

21 Q Can you tell me who "us" is? You said he did it to
22 "us." Who is "us"?

23 A Minor 2, and Minor 3, and me.

24 Q Tell me what you saw your dad do to Minor 2.

25 A He done -- he sticked his private part into her front

1 one.

2 Q Did he do anything to Minor 3 ?

3 A Yes.

4 Q What did he do to her?

5 A He done the same thing to Minor 3 .

6 Q Tell me about when it would happen. Would you --

7 A It would happen at night and at -- at day.

8 Q Would you all be in the same room together or
9 separate?

10 A Same room.

11 Q What did your dad's private part look like?

12 A It had hair on it and...

13 Q Do you remember anything else about it?

14 A (There was no verbal response.)

15 Q "Yes" or "no"?

16 A No.

17 Q Okay. Miss Minor 1, do you remember telling anyone
18 that your dad did this to you and your sisters?

19 A I remember telling Gina. I remember telling Gina.

20 Q Do you remember what happened after you told Gina?

21 A We went to -- to the sheriff's.

22 Q Okay. So did you talk to a police officer?

23 A I talked to the two boys and the one girl.

24 Q Okay. Do you remember having to go to the hospital
25 after this happened?

1 A No.

2 Q Okay. When your dad did these things to you, did he
3 ever say anything to you?

4 A He told us to not tell anybody, which we didn't.

5 Q Okay. When your dad did these things to you, how did
6 it make you feel?

7 A It made us feel bad.

8 Q Miss **Minor 1**, tell me where in the bedroom y'all were
9 when it happened.

10 A There were -- we were on the same bed. We were all
11 on the bottom bed.

12 Q Okay. Did you all stay on the bottom bed the whole
13 time?

14 A **Minor 2** and **Minor 3** did while he was doing it. He was
15 doing it on -- where **Minor 3** used to sleep.

16 Q Okay. And where would you be when you said they were
17 on the bottom bunk -- or on the bed. Where would you be
18 while they were there?

19 A Laying on **Minor 3**'s bed.

20 Q Okay. And whenever it was over, what happened?

21 A We -- we went to bed then. Then -- then that's --
22 then we went to school. And we came back home.

23 Q After it happened, would you go back to sleep at
24 night?

25 A When he done it in our room, we went back to bed and

1 then woke up in the morning.

2 Q When your dad did this, tell me what your body felt
3 like when it happened.

4 A It felt like -- it felt like -- but when -- when --
5 it felt bad, because he done it to all three of us.

6 MS. MCCALL: Thank you, Miss Minor 1 .

7 I don't have any other questions for you.

8 THE COURT: All right. Cross-examination.

9 CROSS-EXAMINATION

10 BY MR. CANTRELL:

11 Q Hey, Minor 1 .

12 A Hey.

13 Q I'm just going to ask you a couple of questions.
14 Okay.

15 A Okay.

16 Q You said that a lot of times this happened -- or at
17 times, this happened when Gina was gone. Where would Gina
18 be gone to?

19 A Well, she would be where -- where -- where he would
20 tell us to go.

21 Q But, now, Gina -- was Gina gone away from the house
22 sometimes?

23 A She leaves and goes somewhere.

24 Q Okay. Do you know where?

25 A I don't know where.

1 Q Okay. And there were times when she was in the house
2 and you said this happened?

3 A Yes.

4 Q Okay. Do you know where she was in the house then?

5 A She was on the couch laying down and sleeping.

6 Q Now, one thing I wasn't sure and I just need for you
7 to remind me or tell me again. When things were -- you
8 were talking about things happening to Minor 2 or Minor 3,
9 were you awake and saw that, or did somebody tell you
10 about it?

11 A I was awake and seen that.

12 Q Okay. And would that be more than one time?

13 A Yes.

14 Q Okay. Now, were you visiting -- were you getting to
15 see your -- your mother then, Heather? Were you getting
16 to visit her along this time?

17 A Well, when he was doing it, we were -- she was -- she
18 was, like, in jail. And then she went to house arrest.

19 Q And when she was on house arrest, did you go visit
20 her?

21 A Yes.

22 Q Okay. And that was before any of this happened?

23 A It was after.

24 Q After this happened?

25 A Or before.

1 Q Okay. I'm sorry. What now?

2 A Before or after.

3 Q Okay. So had you gone a while without seeing your
4 mother while she was in jail?

5 A Yes.

6 Q Okay. And then you started seeing her when she was
7 home on house arrest; right?

8 A Yes.

9 Q Okay. Did you go and stay overnight there?

10 A Well, we would stay there with her when she was on
11 house arrest.

12 Q Okay. And did you talk with her -- or did y'all talk
13 about you living there or coming to stay with her?

14 A We talked about -- about -- about living there.

15 Q Okay. Did she want -- did she say she wanted to get
16 you to live there?

17 A Yes.

18 Q Did she say that a lot?

19 A Well, she said that she wanted us to be with her.

20 Q Okay. Did she say if she talked to your dad about
21 doing that?

22 A (There was no response.)

23 Q Or do you remember?

24 A I can't remember.

25 Q All right. But she did talk to you a lot about you

1 coming to live with her?

2 A Yes.

3 Q And did she talk to Minor 2, also, about that?

4 A She told me, Minor 2 --

5 MS. MCCALL: Objection, Your Honor. He's asking for
6 hearsay.

7 THE COURT: Yeah. Don't -- don't illicit hearsay.

8 MR. CANTRELL: Okay.

9 BY MR. CANTRELL:

10 Q That's okay on that.

11 Did you end up going and living with your mother?

12 A Yes.

13 Q Okay. After this happened -- after what -- what you
14 were talking about happening with your dad, did you then
15 go live with your mother?

16 A After it happened, we went to -- yes.

17 Q Okay. Did -- then did you go live with your mother?

18 A Yes.

19 Q Okay. So you went to DSS, and then DSS -- from DSS,
20 you went to live with your mother?

21 A Well, with DSS, we had three -- three places that we
22 had -- had to live at. First, it was Momma T, then Miss
23 Mary, then -- I can't remember my -- my third house. But
24 then after that, we went to -- we went -- we waited until
25 it was time to go home with --

1 Q Okay. And did -- I'm sorry. Go ahead.

2 A With our mom.

3 Q So -- and how long did you stay at your mother's
4 house?

5 A A long -- a long time.

6 Q Okay. But then you moved to where you are now?

7 A Yes.

8 Q At Tabernacle?

9 A Uh-huh.

10 MR. CANTRELL: Thank you.

11 I appreciate you answering my questions. Okay.

12 MS. MCCALL: Just a few questions, Your Honor.

13 REDIRECT EXAMINATION

14 BY MS. MCCALL:

15 Q Miss **Minor 1**, did you like living with Gina?

16 A Well, some -- yes.

17 Q Was she nice to you?

18 A Gina was nice.

19 Q Okay. And how old were you when your dad did these
20 things to you?

21 A I was -- I was six. I was six or five that time.

22 Q Okay. Did you tell your mom what your dad did to
23 you?

24 A Yes.

25 Q Okay. And when did you tell her?

1 A I told her when -- when she told us what -- what
2 happened.

3 Q So did you tell her after you were taken out of
4 your -- taken out of your dad's house or before?

5 A After, I think.

6 Q Okay. And you don't live with your mom anymore, do
7 you?

8 A No.

9 MS. MCCALL: Okay. Thank you, Miss Minor 1 .

10 I don't have any further questions for you.

11 MR. CANTRELL: Your Honor, can I ask one quick
12 question just to clarify? I couldn't hear what she said --

13 THE COURT: Yeah. Go ahead.

14 RE CROSS-EXAMINATION

15 BY MR. CANTRELL:

16 Q So, Minor 1, did you say when talking to your mother
17 that -- that it was after she told you what had happened?

18 A Well, it was when we -- we were living at -- at the
19 house where it had spiders at.

20 Q At the house what now?

21 A At the house where outside, it had spiders at and
22 where the house -- it had brown. It was brown. It was a
23 brown house.

24 Q Now, was that your mother Heather's house or someone
25 else's?

1 A Ours.

2 Q And she -- you said she told you what had happened?

3 A Yes.

4 MR. CANTRELL: Okay. Thank you.

5 THE COURT: Anything else?

6 MS. MCCALL: Your Honor, I would just like to clarify
7 briefly.

8 FURTHER EXAMINATION

9 BY MS. MCCALL:

10 Q Miss **Minor 1**, did your mom tell you what the Defendant
11 did to you or did you tell your mom what -- what your dad
12 did to you --

13 MR. CANTRELL: Your Honor, that's a leading --

14 A I told her --

15 THE COURT: Whoa, whoa. Hang on one second.

16 MR. CANTRELL: I know we've got a young witness, but
17 that is adding information or leading.

18 MS. MCCALL: Your Honor, I'm just trying to clarify
19 what she --

20 THE COURT: Yeah. I'm going to allow it.

21 Go ahead.

22 MS. MCCALL: Thank you, Your Honor.

23 BY MS. MCCALL:

24 Q Miss **Minor 1**, do you want me to repeat that question?

25 A (There was no response.)

1 THE COURT: Yes. Repeat the question.

2 MS. MCCALL: Okay. Thank you.

3 BY MS. MCCALL:

4 Q Miss Minor 1, did your mom tell you what your dad did
5 to you, or did you tell your mom what your dad did to you?

6 A I told my mom.

7 MS. MCCALL: Okay. Thank you, Miss Minor 1
8 I have no further questions for this witness.

9 THE COURT: All right. Thank you.

10 You can step down.

11 Thank you very much.

12 MS. MCCALL: The State calls Miss Minor 2 to
13 the stand.

14 THE CLERK: Put your left hand on the Bible and raise
15 your right.

16 WHEREUPON,

17 Minor 2
18 after first having been duly sworn, testified as follows:

19 THE CLERK: Thank you.

20 Can you tell us your name?

21 THE WITNESS: Minor 2

22 THE CLERK: Thank you, Minor 2.

23 DIRECT EXAMINATION

24 BY MS. MCCALL:

25 Q Miss Minor 2, how old are you?

1 A Seven.

2 Q What is your birthday?

3 A [REDACTED]

4 Q Okay. And how old will you be this year on your
5 birthday?

6 A Eight.

7 Q Where do you go to school?

8 A Tabernacle Christian School.

9 Q What grade are you in?

10 A Second.

11 Q Who is your teacher?

12 A Ms. Clark.

13 Q And what is your favorite class?

14 A (There was no response.)

15 Q Do you have a favorite class?

16 A No.

17 Q Okay. How do you feel here today?

18 A Nervous.

19 Q Okay. That's okay. I'm nervous, too.

20 Where do you live at?

21 A Tabernacle.

22 Q Does it have the same name as your school?

23 A Yeah. Tabernacle --

24 Q Does --

25 A -- Children's Home.

1 Q Oh, okay. Good. Does your sister, Minor 1 live there
2 with you?

3 A Yes.

4 Q Do you have a sister named Minor 3 ?

5 A Yes.

6 Q Does she live there with you?

7 A Yes.

8 Q How old is Minor 3 now?

9 A Three.

10 Q Okay. Does she have a birthday coming up?

11 A Yes.

12 Q How old will she be?

13 A Four.

14 Q Are you excited about her birthday?

15 A Yes.

16 Q Miss Minor 2 , I'm going to show you a picture. It's
17 marked State's Exhibit No. 7. And I want you to tell me
18 if you recognize what is in that picture.

19 A A house.

20 Q Have you ever seen that house before?

21 A I don't remember.

22 Q Did you ever live with your dad, Jason Galloway?

23 A Yes.

24 Q Do you remember how old you were when you lived with
25 him?

1 A No.

2 Q Were you in school yet?

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

4 Q Who -- when you lived with your dad, who else lived
5 there in the house?

6 A My mom and Gina.

7 Q Did they live there at the same time?

8 A No.

9 Q Okay. Who lived there first?

10 A My mom.

11 Q And did Gina move in later?

12 A Uh-huh.

13 Q Tell me when she moved in.

14 A After my momma left.

15 Q Okay. And when Gina moved in, who all lived in that
16 house with you?

17 A My dad, Gina, me, Minor 1 and Minor 3.

18 Q Do you remember if Gina had any children?

19 A She had a baby.

20 Q Okay. Was she pregnant when she lived with you?

21 A Yeah.

22 Q Did you have a bedroom at your dad's house?

23 A Yes.

24 Q Tell me about that bedroom.

25 A There was a top bunk. And -- and there was a little

1 bed. Minor 3 slept in that bed. And we had -- me and
2 Minor 1 were sharing top bunks -- top bunks and bottom
3 bunks.

4 Q Were those the only beds you ever had in that bedroom
5 or did you used to have different ones?

6 A Those were the only ones.

7 Q Okay. Do you remember what kind of sheets you had on
8 those beds?

9 A No.

10 Q Okay. When you lived in that house with your dad,
11 did your dad do things you didn't like?

12 A Yes.

13 Q Tell me about that.

14 A I don't remember all the stuff.

15 Q Okay. Well, Miss Minor 2, tell me what you do
16 remember.

17 A I remember I was in the bed.

18 Q Okay. And what happened when you were in the bed?

19 A I don't remember.

20 Q Tell me what types of things he did.

21 A Bad things.

22 Q Bad things. Okay. What are bad things?

23 A I don't know.

24 Q Explain to me what -- what bad things are.

25 A I don't know.

1 Q Okay. Did the Defendant ever -- or did your dad ever
2 touch you in a way you didn't like?

3 A Yes.

4 Q Okay. How did he touch you?

5 A I can't remember.

6 Q How do you remember that you didn't like it?

7 A I only remember that I don't like it because you just
8 said it.

9 Q Okay. When your dad did bad things to you, as you
10 said, how did it make you feel?

11 A Bad.

12 Q What do you mean by "bad"?

13 A Like, I do not know.

14 Q Do you remember talking to a police officer two years
15 ago at your school?

16 A No.

17 Q Okay. Do you remember Miss Gina taking you to
18 school?

19 A Yes.

20 Q Okay. Tell me about that.

21 A Gina used to wake me up. And I used to go to school.

22 Q Who took care of you when Gina lived there?

23 A Gina.

24 Q Did your dad ever take care of you?

25 A Yeah.

1 Q Tell me how he took care of you.

2 A Like, feeding me.

3 Q Okay.

4 A But not that much.

5 Q Not feeding you that much?

6 A No. Like, he -- he only done good sometimes and bad
7 sometimes.

8 Q Okay. Well, what do you mean by that?

9 A Like, sometimes he done bad things. And sometimes,
10 he forgot all about them, I think.

11 Q Okay. Well, tell me what the bad things are.

12 A I don't remember.

13 Q Did you ever see your dad do bad things to your
14 sister, Minor 1?

15 A Yes.

16 Q Tell me what you saw.

17 A His front private sticking in my sister's front
18 private.

19 Q What did his front private look like?

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

21 Q Did you ever see him do anything to Minor 3?

22 A The same thing he did to Minor 1.

23 Q Where did this happen at?

24 A In the woods, on the couch, and in the bedroom.

25 Q When would he do those things?

1 A At some point.

2 Q Do you remember anything about if anybody else was
3 around when he did those things?

4 A Gina was sleeping, I think. Sometimes, she was at
5 work.

6 Q Okay. Did your dad do those bad things to you?

7 A Yes.

8 Q Can you tell me about that?

9 A He did the same thing to Minor 3, and Minor 1, and me.

10 Q How old were you when your dad did those things to
11 you?

12 A I think I was four, or five, or six. I don't
13 remember.

14 Q Did it happen when you lived with your dad?

15 A Yes.

16 Q Do you remember the last time that you slept at your
17 dad's house?

18 A No.

19 Q Do you remember going to the hospital at any point
20 and having an examination?

21 A No.

22 Q Okay. When your dad did these bad things to you, how
23 did it make did you feel?

24 A Bad.

25 Q What do you mean by "bad"?

1 A Like, I don't know.

2 Q How did it make your body feel?

3 A Bad.

4 Q Do you live with your mom right now?

5 A No.

6 Q Have you seen your dad since he did these things to
7 you?

8 A I don't know.

9 Q Okay. Did he do them one time or more than one time?

10 A More than one time.

11 MS. MCCALL: All right. Thank you, Miss Minor 2 .

12 I don't have any further questions.

13 THE COURT: Cross.

14 CROSS-EXAMINATION

15 BY MR. CANTRELL:

16 Q Hey, Minor 2 .

17 A Hi.

18 Q How are you are?

19 A Good.

20 Q Other than being nervous. I understand.

21 Just a couple of questions, not many. Now, when you
22 were living with your dad, I think you said that both of
23 your sisters were there, and Gina, and your dad; is that
24 right?

25 A (There was no verbal response.)

1 Q Okay. Were you able while you were living there to
2 go visit your mother, Heather? Do you remember visiting
3 her?

4 A I remember living with her.

5 Q Okay. Was that after these things that you're
6 talking about at your dad's house?

7 A They were after my mom left.

8 Q Okay. So did you go -- were there times when you
9 would go visit and stay with your mom a little bit and
10 then go back to your dad's house?

11 A No.

12 Q You don't remember that?

13 A (There was no verbal response.)

14 Q But you do remember living with your mom a little bit
15 later?

16 A Uh-huh.

17 Q Okay. At her house?

18 A Uh-huh.

19 Q All right. And how long has it been since you lived
20 with your mom? Do you have any idea?

21 A No.

22 MR. CANTRELL: All right. That's fine.

23 Thank you.

24 No further questions.

25 MS. MCCALL: The State has no further questions for

1 this witness.

2 THE COURT: Thank you, ma'am.

3 You may step down, young lady.

4 Okay. Call your next witness.

5 MS. MCCALL: The State calls Ms. Christine Carlberg
6 to the stand.

7 WHEREUPON,

8 CHRISTINE CARLBERG,

9 after first having been duly sworn, testified as follows:

10 THE CLERK: Thank you, ma'am.

11 If you would have a seat.

12 And state your name for the record, please.

13 THE WITNESS: Christine Carlberg.

14 DIRECT EXAMINATION

15 BY MS. MCCALL:

16 Q Ms. Carlberg, where do you work?

17 A I'm employed by the Greenville Department of Mental
18 Health. And I'm contracted to work at the Julie Valentine
19 Center.

20 Q Okay. And just briefly, what do you do at the Julie
21 Valentine Center?

22 A I'm a forensic interviewer.

23 Q Okay. And just very briefly, what is a forensic
24 interview?

25 A A forensic interviewer interviews children or delayed

1 adults for allegations of abuse for purposes of an
2 investigation.

3 Q Okay. And were you working on September 25th of
4 2017?

5 A Yes, ma'am.

6 Q And did you conduct an interview on **Minor 1**,
7 and then a separate interview on **Minor 2**?

8 A Yes, ma'am.

9 Q How old were the girls during those interviews?

10 A **Minor 1** was six, and **Minor 2** was five.

11 Q And during **Minor 1**'s interview, the older one that is
12 six, do you recall what her demeanor was like during the
13 interview?

14 A She seemed to be fine. She sat and talked with me.

15 Q During that interview, did she disclose sexual abuse
16 to you?

17 A She did.

18 Q Did she tell you when it happened?

19 A She said she was four and five years old when it
20 happened.

21 Q And did she tell you where it happened at?

22 A At her dad's house.

23 Q And did **Minor 2** disclose sexual abuse to you?

24 A Yes, ma'am.

25 Q And did she tell you where it happened at?

1 A She said it happened at her father's house.

2 Q Okay. And did she tell you when it happened?

3 A When she was four.

4 (WHEREUPON, State's Exhibit Nos. 3, 4, 5, and 6 were
5 marked for identification only.)

6 BY MS. MCCALL:

7 Q Ms. Carlberg, I'm going to hand you what has been
8 pre-marked as State's Exhibit Nos. 3 through 6. I'd like
9 you to tell me if you recognize what those are.

10 A These are copies of the anatomical drawings I used
11 with both girls.

12 Q And how do you recognize those?

13 A I put their names at the top, and I signed and dated
14 the bottom of each copy.

15 Q Are these copies a true and accurate depiction of the
16 drawings used during those interviews?

17 A Yes, ma'am.

18 Q Okay. And I'm going to refer, first, to State's
19 Exhibit Nos. 3 and 4. Can you tell me which child these
20 were drawn with?

21 A **Minor 1**.

22 Q And then for State's Exhibit Nos. 5 and 6, which
23 child drew those or labeled those?

24 A **Minor 2**.

25 MS. MCCALL: Your Honor, at this time, the State

1 moves to enter State's Exhibit Nos. 3, 4, 5, and 6 into
2 evidence and publish to the jury.

3 THE COURT: Any objection?

4 MR. CANTRELL: No objection.

5 THE COURT: Without objection.

6 MS. MCCALL: Thank you.

7 (WHEREUPON, State's Exhibit Nos. 3, 4, 5, and 6 were
8 admitted into evidence.)

9 BY MS. MCCALL:

10 Q Ms. Carlberg, I'm going to place these on the
11 overhead. And if you could, please, just explain to the
12 jury what it is they're seeing and what -- what is labeled
13 there.

14 A This is a female anatomical drawing. And so I have
15 the child's name, the body parts on the front and the back
16 of the female.

17 Q And, specifically, on this exhibit, which child
18 labeled these body parts?

19 A **Minor 1**.

20 Q Okay. And can you tell the jury what she called
21 those private parts?

22 A She called her vaginal area a top and the "P." And
23 then she called her buttocks a bottom and where she poops.

24 Q Okay. This is State's Exhibit No. 4. Can you tell
25 the jury what that is?

1 A That's **Minor 1**'s anatomical drawing of a male where
2 she, also, identified body parts.

3 Q And what did she identify the private parts of the
4 male as?

5 A She identified the penis as the top, and the buttocks
6 as the bottom.

7 Q I'm going to show you State's Exhibit No. 5. If you
8 can explain what that shows, and what child identified
9 those parts?

10 A That's **Minor 2**'s anatomical drawing of a female.

11 Q And what did **Minor 2** indicate the private parts were
12 called?

13 A She identified the vaginal area as the front and the
14 buttocks as the back.

15 Q And then, finally, for the drawing on State's Exhibit
16 No. 6, what does this indicate?

17 A That's the male anatomical drawing that we used with
18 **Minor 2**. And she identified the penis as a pee pee. And
19 it doesn't -- there's no name for the buttocks.

20 Q Okay. And were those created during the forensic
21 interview with each child?

22 A Yes, ma'am.

23 Q Now, I'm going to show you what --

24 (WHEREUPON, State's Exhibit Nos. 1 and 2 were marked
25 for identification only.)

1 BY MS. MCCALL:

2 Q I'm going show you what has been pre-marked as
3 State's Exhibit Nos. 1 and 2. And I'd like for you to
4 tell me if you recognize what those are.

5 A These are copies of the forensic interview with each
6 child.

7 Q And how do you recognize those?

8 A They are labeled by our -- the person who was doing
9 the copying of the videos at the Julie Valentine Center.

10 Q And just briefly, who will be shown on those disks?

11 A It will be myself and one of the girls on each disk.

12 Q Okay. And does that recording reflect accurately the
13 interview that took place at your center?

14 A Yes, ma'am.

15 Q Okay. And were those interviews conducted on
16 September 25th of 2017?

17 A Yes, ma'am.

18 MS. MCCALL: Your Honor, at this time, the State
19 moves to enter State's Exhibit Nos. 1 and 2 into evidence,
20 and publish to the jury either at this time or at a later
21 time whenever you -- Your Honor prefers.

22 MR. CANTRELL: No objection, Your Honor.

23 THE COURT: All right. Without objection.

24 (WHEREUPON, State's Exhibit Nos. 1 and 2 were admitted
25 into evidence.)

1 THE COURT: Before we start, ladies and gentlemen,
2 does anyone need a break? This is going to take a little
3 over an hour, I believe.

4 Is that correct?

5 MS. MCCALL: That is correct, Your Honor.

6 THE COURT: Does anyone want to take -- all right.
7 Let's just take a short break and we'll come right back to
8 you.

9 Thanks.

10 (WHEREUPON, the jury was excused from open court at
11 approximately 4:00 p.m.)

12 THE COURT: All right. We'll just take a short
13 break.

14 Ms. Carlberg, you can step down. Don't discuss your
15 testimony.

16 Thank you.

17 (WHEREUPON, a break was taken.)

18 (WHEREUPON, Court's Exhibit Nos. 2, 3, 4, and 5 were
19 marked for identification and admitted into evidence.)

20 THE COURT: All right. Are you ready?

21 (WHEREUPON, there was no response.)

22 (WHEREUPON, the jury came into open court at
23 approximately 4:13 p.m.)

24 THE COURT: Where is Ms. Carlberg?

25 (WHEREUPON, there was no response.)

1 (Pause.)

2 (WHEREUPON, Christine Carlberg entered the
3 courtroom.)

4 THE COURT: All right. Proceed.

5 MS. MCCALL: Thank you, Your Honor.

6 At this time, the State will publish for the jury the
7 forensic interview of **Minor 1**

8 (WHEREUPON, Court's Exhibit No. 2 was played in open
9 court.)

10 THE COURT: All right. Ladies and gentlemen, with
11 the consent of the parties, we're going to fast-forward
12 until the interviewer returns to the room.

13 (WHEREUPON, Court's Exhibit No. 2 continued to be
14 played in open court.)

15 THE COURT: All right. Ladies and gentlemen, I -- I
16 think what we're going to do is break for the day and ask
17 you all to be back at -- get here about 9:45. Okay. And
18 I'll just -- the --

19 You can step down, if you would, so I can see the
20 jury.

21 And we will resume -- we have another video to play.
22 And that's what we'll start out with in the morning.

23 So it's human nature to want to talk about what
24 you've done all day. And what you all are doing is out of
25 the usual, out of the normal. And the people who you're

1 going to see tonight are going to want to ask you about
2 it. And just explain to them when they ask that you have
3 given your oath that you won't discuss it. You won't go
4 to some -- visit some -- some location that you may have
5 heard about. And you won't do any kind of independent
6 research.

7 It is vital and important that you all, as part of
8 our justice system, protect the rights of everyone. And
9 that includes not doing independent research, not talking
10 about it.

11 Okay. So we'll see y'all in the morning at about
12 9:45.

13 Thank you.

14 (WHEREUPON, the jury was excused from open court at
15 approximately 5:06 p.m.)

16 THE COURT: Okay. Anything before we break?

17 MS. MCCALL: Your Honor, I would like to just put on
18 the record how we played those videos so if there's any
19 question later that there is a Court's Exhibit with the
20 redactions that were redacted from the original version.
21 And we are playing the redacted versions, which will be
22 entered as Court's Exhibits.

23 THE COURT: Okay.

24 MR. CANTRELL: That's correct. Yes, sir.

25 THE COURT: All right. Well, good.

1 We'll see everybody in the morning then.

2 Thank you.

3 (WHEREUPON, the proceedings were concluded at
4 approximately 5:07 p.m., to be reconvened on
5 Wednesday, February 19, 2020.)

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 THE COURT: All right. Do you want to start without
2 her? What do you want to do?

3 MR. CANTRELL: Certainly, I'd be -- I'd be agreeable.

4 THE COURT: For the record, has she identified this
5 disk as well?

6 MS. MCCALL: Yes, Your Honor. She did do that. I
7 had her identify both prior to playing them and entered as
8 exhibits.

9 THE COURT: All right.

10 MR. CANTRELL: Your Honor, let me -- we've looked at
11 the video. I've seen it. We've talked about the
12 redactions. I just don't think there will be any need for
13 her to be here.

14 And I've just talked to Mr. Galloway. He understands
15 and is agreeable. So I would say we will waive her
16 presence. If she -- if she wants to stay, that's fine.
17 But I would waive her being here --

18 MS. MCCALL: She's offered to be here. I was just
19 trying to avoid --

20 THE COURT: I think we'll keep her here. This is a
21 serious case. She can stay.

22 MS. MCCALL: Sure. That's fine. Yeah. That's fine.

23 MR. CANTRELL: All right.

24 MS. MCCALL: We can begin, Your Honor, if you just
25 want her to have -- want her to sit in the courtroom. And

1 then if Mr. Cantrell needs her --

2 THE COURT: That'll be fine.

3 MS. MCCALL: Okay.

4 THE COURT: That'll be fine.

5 Okay. Bring the jury in.

6 (WHEREUPON, the jury came into open court at
7 approximately 9:57 a.m.)

8 THE COURT: All right. Ladies and gentlemen, welcome
9 back. I hope y'all had a pleasant evening. And we are
10 ready to resume with the -- the next video.

11 MS. MCCALL: Thank you, Your Honor.

12 This is State's Exhibit No. 2. And it is the
13 forensic interview of Minor 2.

14 (Pause.)

15 MS. MCCALL: My apologies. That was the wrong disk.

16 (WHEREUPON, State's Exhibit No. 2 was played in open
17 court.)

18 MS. MCCALL: Your Honor, I'm going to fast-forward
19 while she's out of the room.

20 (WHEREUPON, State's Exhibit No. 2 continued to be
21 played in open court.)

22 MS. MCCALL: Your Honor, that concludes the portion
23 of the forensic interview that will be played.

24 THE COURT: All right. Call your next witness.

25 MS. MCCALL: Thank you, Your Honor.

1 were you employed?

2 A Pickens County DSS.

3 Q Okay. And about how long were you employed there?

4 A A little over two years.

5 Q While you were there, what was your job?

6 A I was a foster care caseworker.

7 Q And some of the duties of a foster care caseworker
8 would be what?

9 A So I would have a caseload of children who were in
10 foster care. And I would do family visits with them,
11 visit the foster home, and just spend time with the
12 children.

13 Q Okay. And about how long did you work for DSS?

14 A A little over two years.

15 Q Were you employed there in August of 2017?

16 A I was.

17 Q Did you have occasion to come into contact with **Minor 1**

18 **██████████**, **Minor 2** **██████████**, and **Minor 3** **██████████**

19 **██████████**?

20 A Yes.

21 Q And what was your involvement with the three of them?

22 A I was the foster care caseworker for all three.

23 Q And how long were you their caseworker?

24 A From the time they entered foster care in August of
25 2017, until my last day at DSS in February of 2019.

1 Q And during your involvement, did **Minor 1** ever disclose
2 sexual abuse to you?

3 A She did.

4 Q Did she tell you -- did she tell you where that abuse
5 took place?

6 A Yes, in her bedroom.

7 Q Okay. Do you know the address of where she was
8 living?

9 A I don't remember the number. It was on Cabot Cove in
10 Pickens.

11 Q And did she tell you when it would happen?

12 A Usually at night.

13 Q And during your course of -- your involvement with
14 **Minor 2**, did she ever disclose sexual abuse to you?

15 A She did.

16 Q And where did she say that the abuse took place?

17 A In her bedroom.

18 Q And her bedroom is at that same address?

19 A It is, yes.

20 Q Did she tell you what time it would happen?

21 A At night.

22 Q And what -- when discussing this with **Minor 2**, what
23 was her demeanor?

24 A Very reluctant. She -- it took her a while to
25 disclose to us.

1 Q Okay. And were you ever really able to communicate
2 with Minor 3 about this?

3 A No. Minor 3 was an infant at the time, a small
4 toddler.

5 MR. HILL: No further questions at this time. Please
6 answer any questions Mr. Cantrell may have.

7 MR. CANTRELL: No questions.

8 Thank you.

9 THE COURT: All right. Thank you.

10 You may step down.

11 MR. HILL: May this witness be excused, Your Honor?

12 THE COURT: All right. Any objection to excusing the
13 witness?

14 MR. CANTRELL: No objection, Your Honor.

15 THE COURT: Okay.

16 MR. HILL: The State would call Victoria Tate.

17 THE CLERK: If you would place your left hand on the
18 Bible and raise your right.

19 WHEREUPON,

20 VICTORIA TATE,

21 after first having been duly sworn, testified as follows:

22 THE CLERK: Thank you, ma'am.

23 If you would have a seat.

24 And state your name for the record, please.

25 THE WITNESS: Victoria Tate.

DIRECT EXAMINATION

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

BY MR. HILL:

Q Good morning, Ms. Tate.

How are you today?

A Good.

Thank you.

Q Can you, please, tell us where you are employed?

A I'm employed at the Julie Valentine Center in
Greenville.

Q And what's your position there?

A I'm a child therapist.

Q And are you familiar with **Minor 1**?

A Yes.

Q And **Minor 2**?

A Yes.

Q And are you familiar with a **Minor 3** or
McMakin?

A Yes.

Q And how long have you known them?

A I've known them since October of 2017.

Q And since knowing **Minor 1**, has she ever disclosed
sexual abuse to you?

A Yes, she has.

Q And did she say where that took place?

A She said it took place in her bedroom.

1 Q Okay. Did she tell you when it would happen to her?

2 A She said it would happen at night.

3 Q And when **Minor 1** disclosed sexual abuse to you, what
4 was her demeanor?

5 A She would be tapping her foot. She would shake her
6 leg, twist her hair. And she would pull out the Kleenex
7 out of the box until it was empty.

8 Q And during your involvement with **Minor 2**, did she ever
9 disclose sexual abuse to you?

10 A Yes, she did.

11 Q And where did she say that that occurred?

12 A She said it happened in her bedroom.

13 Q Did she tell you when that would happen to her?

14 A She said it would happen at night.

15 Q And what was **Minor 2**'s demeanor like when she was
16 disclosing?

17 A She would cry. She had trouble making eye contact.
18 She would be rocking in her chair until she nearly fell
19 down.

20 Q And did you ever communicate with **Minor 3** about this?

21 A No, I did not.

22 MR. HILL: No further questions at this time. Please
23 answer any questions Mr. Cantrell may have.

24 MR. CANTRELL: No questions of this witness, Your
25 Honor.

1 THE COURT: All right. Thank you, ma'am.

2 You may step down.

3 MR. HILL: Your Honor, may this witness be excused?

4 MR. CANTRELL: No objection.

5 THE COURT: Without objection.

6 MR. HILL: And may Mr. Cantrell and I approach
7 briefly?

8 THE COURT: Okay.

9 (WHEREUPON, a bench conference was held.)

10 MR. HILL: The State would call Dianna Bolt.

11 THE CLERK: Ma'am, if you would place your left hand
12 on the Bible and raise your right. Other way. There we
13 go.

14 WHEREUPON,

15 DIANNA BOLT,

16 after first having been duly sworn, testified as follows:

17 THE CLERK: Thank you, ma'am.

18 If you would have a seat.

19 And state your name for the record, please.

20 THE WITNESS: My name is Dianna Bolt.

21 DIRECT EXAMINATION

22 BY MR. HILL:

23 Q Good morning, Ms. Bolt.

24 How are you?

25 A I'm good.

1 Q Can you, please, tell us where you're employed?

2 A I am currently a volunteer -- full-time volunteer
3 guardian ad litem.

4 Q Okay. And how long have you been doing that?

5 A Seven years.

6 Q And are you familiar with **Minor 1**, **Minor 2**
7 , and **Minor 3**?

8 A Yes.

9 Q And how do you know the three of them?

10 A I was their guardian.

11 Q And about how long have you known them?

12 A Since 2017, August of 2017.

13 Q Okay. And since knowing **Minor 1**, has she ever
14 disclosed sexual abuse to you?

15 A Yes.

16 Q And did she tell you where that sexual abuse took
17 place?

18 A At her home.

19 Q And do you know the address of that location?

20 A Cabot Cove Road, Pickens.

21 Q And with respect to **Minor 2**, did she ever disclose
22 sexual abuse to you?

23 A Yes.

24 Q And when she disclosed, what was **Minor 2**'s demeanor
25 like?

1 A She was reluctant.

2 Q And were you ever able to communicate with **Minor 3**
3 about any of this?

4 A No. She was very young. So she was one-word -- very
5 non -- nonverbal.

6 Q Okay. And during your involvement with the children,
7 who did you -- did you ever know of the Defendant's
8 sister, Sara Galloway, to live in the home?

9 A No.

10 MR. HILL: No further questions at this time. Please
11 answer any questions Mr. Cantrell may have.

12 MR. CANTRELL: No questions, Your Honor.

13 THE COURT: All right. Thank you.

14 You may step down.

15 MR. HILL: May this witness be excused, Your Honor?

16 MR. CANTRELL: No objection.

17 THE COURT: Okay.

18 MR. HILL: The State would next call Pam Belkevitz.

19 THE CLERK: If you would place your left hand on the
20 Bible and raise your right.

21 WHEREUPON,

22 PAM BELKEVITZ,

23 after first having been duly sworn, testified as follows:

24 THE CLERK: Thank you, ma'am.

25 If you would have a seat.

1 And state your name for the record, please.

2 THE WITNESS: It's Pam Belkevitz.

3 DIRECT EXAMINATION

4 BY MR. HILL:

5 Q Good morning, Ms. Belkevitz.

6 How are you?

7 A Good.

8 Q Can you, please, tell us where you are currently
9 employed?

10 A I work in the emergency room at Easley Baptist.

11 Q Okay. And how long have you been there?

12 A On and off 34 years.

13 Q And what is your position there?

14 A I'm the ED coordinator.

15 Q And what -- to hold your position there at the
16 hospital, what type of education have you received?

17 A I've got a Bachelor's of Science in Nursing. I have
18 my SANE national certification, pediatric SANE teaching.
19 And I've got a national certification in emergency
20 nursing.

21 Q Okay. And you said "SANE"?

22 A Uh-huh.

23 Q Can you, please, tell us what that stands for?

24 A Sexual assault nurse examiner.

25 Q And what type of requirements are there to become --

1 are you certified in SANE?

2 A I am, a national certification.

3 Q Okay. And -- and what all does that require?

4 A Well, the initial teaching is a 40-hour class within
5 a week. And then you have to do certain components, like,
6 go to an advocacy center. You have to do so many cases
7 where an adult -- pediatrics is a lot harder because you
8 have to do a lot more cases. With an adult, you have to
9 do, like, 10 or 15 cases. With a pediatric, it's 50.

10 And then you have to do -- go with a police officer
11 for a certain amount of time to see what they do. Gosh.
12 I think that's all for the -- the initial stuff.

13 And then for the certification, it's a national test
14 for an adult. You sit for a test. And it's, you know,
15 300 questions. And if you pass, you're nationally
16 certified.

17 Q Okay. And are you still certified as a SANE nurse?

18 A I am.

19 Q Okay. How many SANE examinations have you done?

20 A Adult, probably over a thousand. Pediatrics,
21 probably less than a hundred. Because you don't have --
22 we didn't really start doing pediatric cases until about
23 2015.

24 Q And so you were employed at the hospital on -- in
25 August of 2017?

1 A Yes.

2 Q What's the general procedure when a patient is
3 admitted and there's a SANE examination requested?

4 A They come in. If they come in the front door without
5 the police, then we ask them if they want to file, you
6 know, a police report or they can do it anonymously,
7 either way, or they can just be checked by a doctor and
8 then go home. They don't have to -- you know, they don't
9 have to report it.

10 If they want to report it, we call the advocacy
11 center first. They come in. They come sit with them,
12 explain things as we do it. If they want a report, then
13 we call where it happened at, like, if it happened at
14 Clemson University or if it happened in Pickens County.
15 So we call that agency. And they come in and take a
16 report.

17 Then the nurses do the total exam. The physician
18 does the medical screening exam to make sure there's
19 nothing other physically wrong with them, like if they've
20 got a broke arm or if they've got a head injury. They'll
21 do all of that first to make sure they're medically
22 stable.

23 And then we'll do the SANE exam after that, which
24 includes a pelvic exam. We take pictures of everything.
25 We do hair, saliva. We, you know, test everything that

1 they think the person touched. We'll swab it. And that's
2 mainly for adults.

3 With kids, it's a little bit different. Kids is more
4 of a -- taking their statement, looking to see -- and we
5 try to only do children if we think it's within 24 hours.
6 Mainly, because children don't like you looking down
7 there. They don't like it. So you really only get a
8 couple of chances to do that. I mean, if you do a full
9 exam, then Dr. Henderson, who does Pickens County, she has
10 a harder time.

11 So we do just an external exam. We talk a lot about
12 what happened. They tell us. If they -- if they openly
13 tell us, great. We don't ask them a lot of questions
14 about what happened. It's a -- generally, if they just
15 tell us, we take a statement on that.

16 Q Okay. And was a SANE examination requested in this
17 case?

18 A Yes.

19 Q Okay. And do you remember who all you saw?

20 A Three children. I don't remember their names.

21 Q Okay. **Minor 1** ?

22 A Yeah. I mean, that's --

23 Q Do you remember seeing her?

24 A Uh-huh.

25 Q And how was she treated?

1 A Well, they come in -- they came in as a group. So we
2 did an exam one at a time. The other children, we'd take
3 them to another room, and stuff. And we just talked a
4 little bit. They put on a gown. And we just sort of
5 looked over everything to see if there was anything -- I
6 think on a couple of them, we got a urine specimen.

7 And then we just looked at their -- at their bottom
8 to see if there's anything wrong down there, if there's
9 any, you know, old scars, tears, anything like that. But
10 we don't do a full exam like Dr. Henderson does. We do
11 a -- a smaller exam kind of deal.

12 Q And during your -- when you saw **Minor 1**, did
13 she disclose sexual abuse to you?

14 A Now, is she the oldest one?

15 Q That's correct.

16 A Yeah. The oldest one did. She was very verbal about
17 what happened.

18 Q Okay. Did she tell you when it would have happened
19 to her?

20 A She wasn't real -- at one point, she said it was last
21 night. So she wasn't real clear about when it happened.

22 Q Okay. Did she tell you where it took place, the
23 location of it?

24 A Yeah. It was in her bed. It was always in her bed
25 in her room.

1 Q Okay. And what was her demeanor like when she
2 disclosed?

3 A Yeah. I mean, she was quiet. They were all real
4 quiet. The second one was kind of bouncy. But, you know,
5 we asked if she knew why she was here, then she got real
6 quiet. She was real quiet, you know, real -- didn't --
7 wasn't real happy about having to talk about everything.

8 Q Okay. Did you attempt to collect any evidence from
9 **Minor 1**, the oldest?

10 A We looked. We did some external swabs. We got a
11 urine and looked over everything, you know. If they were
12 bruised, we asked her what happened, that kind of deal.

13 Q Okay. And why would you collect urine?

14 A A lot of times, you can collect things from children
15 just by getting a urine specimen. It's just that,
16 sometimes, they don't light [phonetic] real good, so.

17 And, also, we want to make sure they don't have any
18 kind of medical issues going on, like a -- a bladder
19 infection or something like that, which is fairly common
20 sometimes with -- with sexual assaults.

21 Q And you mentioned the middle child, was that **Minor 2**
22 **██████████**?

23 A Okay. Yeah.

24 Q And how was she treated -- or was she examined?

25 A She was. Yeah. She was real -- she was real sweet.

1 And she was kind of real active, and stuff.

2 And then when we got to -- when we got down to doing
3 the exam, we asked her, you know, why she was there -- did
4 she know what was going on. And she got really quiet.
5 She did not want to talk about that. And we don't push
6 it, you know. We don't push them to talk about what's
7 going on. Because that's -- you know, I'm not the expert
8 in doing forensic exams in that way, so.

9 Q Okay. Did she ever deny any sexual abuse to you,
10 though?

11 A No.

12 Q And you may have already mentioned it, but what was
13 her demeanor like?

14 A She was -- she was a little child when she first come
15 in. She was, you know, talking, and where we at? And we
16 got them all little toys and stuff -- little stuffed
17 animals.

18 And then she got really quiet and didn't want to
19 talk, and didn't want to, you know, do anything. She
20 didn't want to be there anymore. She didn't want to talk
21 about daddy. So we didn't, you know, ask anymore.

22 Q Okay. And did you attempt to gather any evidence
23 from her?

24 A We did, same thing. We did swabs, just external.

25 Q Okay. And --

1 A Just external.

2 Q Okay. Where would you -- well, I'll move on.

3 Was **Minor 2** treated for anything during the visit?

4 A She's the middle child; right?

5 Q That's correct?

6 A Okay. She had a UTI. She had a bladder infection.

7 Q Okay. And did you examine **Minor 3** or

8 **Minor 3** as well?

9 A And that's the baby; right? Yeah, we did. We just
10 did a cursory look over her. She's a toddler. She's --
11 you know, again, not much there, but it was normal.

12 Q Okay. So you did the same type of things to attempt
13 to gather evidence from **Minor 3** as well?

14 A Yeah.

15 Q Were you really able to communicate with **Minor 3**?

16 A No. She was just a little baby.

17 Q Okay. Was there anyone else present in the room
18 during the exam with you?

19 A Me and Jennifer, which she's the other SANE nurse.

20 Because there were three of them. We usually just have

21 one at a time. Jennifer is the other pediatric nurse.

22 And she was documenting through the exam and stuff.

23 Because it was -- you know, it would take a long time if
24 you had to do that by yourself, so.

25 Q And are you familiar with Dr. Mary-Fran Crosswell?

1 A Uh-huh, I think.

2 MR. HILL: I don't have any further questions at this
3 time. Please answer any questions Mr. Cantrell may have.

4 CROSS-EXAMINATION

5 BY MR. CANTRELL:

6 Q Ms. Belkevitz, other than the UTI that you found with
7 **Minor 2**, did you find any other issues with any of these
8 children?

9 A No.

10 Q No marks, no injuries, everything was normal?

11 A Yes, sir.

12 Q And with this UTI, would **Minor 2** have been
13 experiencing pain and discomfort at that time?

14 A Sometimes.

15 Q The best you could tell?

16 A Right. Sometimes, they do, sometimes, they don't.
17 It just depends on how far along they are into it.

18 MR. CANTRELL: All right. No further questions.

19 Thank you.

20 MR. HILL: No further questions, Your Honor.

21 THE COURT: All right. Thank you, ma'am.

22 You can step down.

23 MR. HILL: May this witness be excused?

24 MR. CANTRELL: No objection.

25 THE COURT: Without objection.

1 MS. MCCALL: The State calls Lieutenant Michael
2 Hendricks to the stand.

3 WHEREUPON,

4 MICHAEL HENDRICKS,
5 after first having been duly sworn, testified as follows:

6 THE CLERK: Thank you, sir.

7 If you would have a seat.

8 And state your name for the record, please.

9 THE WITNESS: My name is Michael Hendricks.

10 DIRECT EXAMINATION

11 BY MS. MCCALL:

12 Q Lieutenant Hendricks, where do you currently work?

13 A I work for the Pickens County Sheriff's Office.

14 Q And what is your job title currently?

15 A I'm a lieutenant over general investigations
16 currently.

17 Q Okay. And in August of 2017, did you, also, work at
18 the Pickens County Sheriff's Office?

19 A I did.

20 Q And what was your role then?

21 A I was a sergeant in the special victims unit.

22 Q And what are the duties required in that role?

23 A The special victims unit investigate crimes against
24 children and crimes that are sexual in nature.

25 Q Okay. And on August 22nd of 2017, were you -- did

1 you respond to Pickens Elementary School?

2 A I did.

3 Q And was it in relation to this case that we're here
4 about today?

5 A It was.

6 Q When you arrived at the school, who did you meet
7 with?

8 A I met with Deputy Wimpey. And I, also, met with
9 Jennifer Raines, who is -- was the children's stepmother.
10 And, also, I met with -- I believe it was the school
11 counselor there.

12 Q And when you arrived, what was your understanding
13 about why you were there?

14 A I was there in reference to a -- a criminal sexual
15 conduct with a minor that had been reported.

16 Q And did you determine who made that report?

17 A Jennifer Raines.

18 Q And was that the girls stepmom or their dad's
19 girlfriend?

20 A It was, yes.

21 Q Okay. When you began your investigation there at the
22 school, did you speak with **Minor 1** and **Minor 2**?

23 A I did, yes.

24 Q And did you speak with them individually or together?

25 A Individually.

1 Q Who did you speak to first?

2 A **Minor 1**.

3 Q Okay. And when you were talking to **Minor 1**, did she
4 disclose sexual abuse to you?

5 A She did, yes.

6 Q Did she tell you where the sexual abuse happened?

7 A She did, yes.

8 Q And where did she tell you it happened?

9 A She said it was in the bedroom of her father's house
10 at **██████████** Cabot Cove in Pickens.

11 Q Okay. Did she tell you when the sexual abuse
12 happened?

13 A I -- I don't believe -- I don't believe we got into
14 that.

15 Q Okay. Did you speak with **Minor 2** after that?

16 A I did, yes.

17 Q And did **Minor 2** disclose sexual abuse to you?

18 A She was very reluctant to talk to us.

19 Q Okay. Did she deny that any sexual abuse had
20 occurred?

21 A No.

22 Q Were **Minor 1** and **Minor 2** in school at that
23 time?

24 A I -- I know that the -- the stepmom was there to
25 enroll them, I believe, in school.

1 Q Okay. And it was near -- was it near the beginning
2 of the school year that you were there?

3 A Yes, August 22nd.

4 Q What is **Minor 2**'s birth date? Do you know that?

5 A Yeah. **Minor 2**'s birth date would be [REDACTED]

6 [REDACTED].

7 Q Okay. And what is **Minor 1**'s birthday?

8 A **Minor 1**'s birthday was [REDACTED].

9 Q All right. So they're about one year apart; is
10 that right?

11 A They are, yes.

12 Q And how old -- or what is **Minor 3**'s birthday?

13 A Her birthday is [REDACTED].

14 Q On August 22nd when you met with **Minor 1** and **Minor 2**
15 there at the school, do you know how old they were then?

16 A Yes. **Minor 1** was six. **Minor 2** was five. And
17 **Minor 3** -- of course, **Minor 3** was not at the school, but
18 is -- she was 16 months, I believe.

19 Q Okay. And after meeting with the girls and their
20 stepmom there, Jennifer, what did you do next?

21 A After I met with them, we coordinated with DSS. We
22 EPC'd the two girls there, turned them over to DSS. Then
23 we -- me and [inaudible], along with DSS, went and located
24 the other child and took her into emergency protective
25 custody as well.

1 Q Okay. So I think you just said it, but what does
2 "EPC" mean?

3 A Emergency protective custody.

4 Q Okay. And so who was the third child that you said
5 you went and located?

6 A **Minor 3**.

7 Q In relation to the investigation that you were
8 conducting, did you do anything else that day?

9 A We -- we did. We -- we scheduled -- we coordinated
10 through DSS to have the children taken to the hospital for
11 a medical exam. We, also, scheduled a -- through the
12 Julie Valentine Center a forensic medical exam, and, also,
13 scheduled a forensic interview.

14 Q At any point, did you go to **████** Cabot Cove Lane?

15 A I did.

16 Q And did you go more than one time?

17 A I went several times.

18 Q What did you do when you went there?

19 A When I would go, I was there to try to make contact
20 with someone in the home. The times I went, I was not
21 able to make contact with anyone there.

22 Q Did you take any photographs when you were there?

23 A I did. On one of -- on one of the visits, I took
24 some pictures of the outside of the residence.

25 Q To your knowledge, who lived in the home with Jason

1 Galloway at that time?

2 A Jennifer Raines and his three girls.

3 Q Did Jennifer Raines, also, have children that you
4 know of?

5 A Yeah. She had a -- she had a small child, too, yes.

6 Q Did that small child live there?

7 A My understanding, yes.

8 Q Okay. Do you have any personal knowledge of where
9 the Defendant's sister, Sara Galloway, lived at the time?

10 A She lived with her father at [REDACTED] Poinsett Circle
11 in -- I believe it's Pickens.

12 Q How long does it, generally, take for the medical
13 examination and the forensic interview, those interviews,
14 to be conducted? Is that something that, generally,
15 happens that same day?

16 A No. And, in particular, in this incident, the
17 forensic interview was scheduled and then cancelled and
18 then had to be rescheduled.

19 Q At what -- well, did you seek an arrest warrant on
20 Jason Galloway?

21 A I did, yes.

22 Q And at what point was that done?

23 A That was done on September 26th, 2017.

24 Q And do you recognize in the courtroom Jason Galloway,
25 the man that you arrested?

1 A I do.

2 Q And can you point him out, please?

3 A He's right there.

4 MS. MCCALL: Let the record reflect that Lieutenant
5 Hendricks has identified the Defendant as Jason Galloway.

6 I have no further questions.

7 Thank you.

8 THE COURT: Cross.

9 MR. CANTRELL: Just one second, Your Honor.

10 (Pause.)

11 MR. CANTRELL: Your Honor, I have no questions of
12 this witness.

13 Thank you.

14 THE COURT: All right. Thank you, sir.

15 You may step down.

16 MR. HILL: Your Honor, may we approach for scheduling
17 purposes?

18 THE COURT: Okay.

19 (WHEREUPON, a bench conference was held.)

20 THE COURT: All right. Ladies and gentlemen, we're
21 just going to take a -- a morning break. Please don't
22 discuss the case. And I'll get back with you shortly.

23 Okay. Thank you.

24 (WHEREUPON, the jury was excused from open court at
25 approximately 11:08 a.m.)

1 THE COURT: Okay. Let's see what we can find out.

2 MR. HILL: Thank you, Your Honor.

3 THE COURT: All right. We'll be at ease for a break.

4 (WHEREUPON, a break was taken.)

5 THE COURT: Bring the jury in.

6 (WHEREUPON, the jury came into open court at

7 approximately 11:20 a.m.)

8 THE COURT: All right. Ladies and gentlemen, this is
9 a little bit unusual. We're having, I would say, a
10 logistical, not problem, but an issue. The next witness
11 is not available at the moment, but will be available in
12 about 30 minutes.

13 So I could just lock y'all in that room and let you
14 bond some more, or -- and I will give you the option. You
15 may stay in there, if you like. But, otherwise, if you'd
16 like to get outside, wander about, we'd ask you to be back
17 in 30 minutes. Okay. That's 10 until 12:00.

18 Is that good?

19 (WHEREUPON, there was no verbal response.)

20 THE COURT: Remember, don't talk about it, don't do
21 any research. And I hope y'all have a nice, pleasant
22 break.

23 All right. We'll see you in 30 minutes.

24 (WHEREUPON, the jury was excused from open court at
25 approximately 11:21 a.m.)

1 THE COURT: All right.

2 MR. CANTRELL: Your Honor, would this be a good time
3 just to put real quickly on the record the renewed
4 objection to Ms. Bolt's testimony, the guardian?

5 THE COURT: Yes.

6 MR. CANTRELL: And that we discussed it and had a
7 bench conference prior to her testimony, at which time I
8 renewed that objection. And the Court's ruling was that
9 she'd be allowed testify.

10 THE COURT: It stayed the same.

11 I understand that there are two more witnesses from
12 the State. So I -- this is probably as good an
13 opportunity as any to discuss with Mr. Galloway his right
14 to testify.

15 So I would ask you to stand at this time,
16 Mr. Galloway.

17 Raise your right hand.

18 WHEREUPON,

19 JASON RILEY GALLOWAY,
20 after first having been duly sworn, testified as follows:

21 THE COURT: Okay. You can put your hand down.

22 I want you to understand you have an absolute
23 Constitutional right to testify in your own defense.

24 You have an equal absolute Constitutional right not
25 to testify and it cannot be held against you. And if you

1 decide to do that, if you so desire, I will give a strong
2 admonition to the jury that they cannot consider it.

3 If you do decide to testify, then there --

4 Are there any impeachable offenses on his record?

5 MS. MCCALL: Your Honor, he does have a prior
6 conviction for criminal sexual conduct with a minor that
7 if he opened the door, then the State would intend to --

8 THE COURT: Is this impeachable?

9 MS. MCCALL: No, Your Honor. No, it's not.

10 THE COURT: Okay. No impeachable offenses.

11 You do have a prior criminal history. And if your
12 testimony opened a door to allow them to get into it, they
13 would cross into it. And the jury would hear it. That is
14 something I can't predict. I don't have a crystal ball.
15 I don't know what -- what it would be, but you need to
16 understand that.

17 Whether or not you decide to testify is a very
18 important decision, which bears quite frequently on the
19 strategy of the defense, the theory of defense. It is
20 something that I'm sure you and your attorney have
21 discussed. But I want to make sure that -- that you
22 understand -- and I recommend always that a -- a defendant
23 in a criminal case listen very carefully to the advice of
24 their counsel, particularly one who is experienced as --
25 as experienced as Mr. Cantrell is. But I want you to

1 understand that your right to testify is your
2 Constitutional right. It doesn't belong to anybody but
3 you.

4 So while I encourage you to listen carefully and I
5 urge you to follow the advice of your attorney, in the
6 end, it is your decision about whether or not to testify.

7 So I'm not going to ask you now whether you're going
8 to testify. But between now and the close of the State's
9 case at which time I will then want to know if you have --
10 are going to testify. I'll need to know an answer.

11 Okay. Thanks.

12 We'll take a break for about 25 minutes.

13 (WHEREUPON, a break was taken.)

14 THE COURT: All right. Are we ready to get going?

15 MR. HILL: I believe so, Your Honor. The State's
16 next witness will be Mary-Fran Crosswell. I believe
17 Mr. Cantrell would like to proffer some testimony as to
18 her qualifications.

19 MR. CANTRELL: Well, Your Honor, in fact, maybe the
20 easiest thing is I do have -- and have reviewed this in
21 the past her qualifications, as presented by the
22 Solicitor. And I think as long as those are in the
23 record, I would, certainly, acknowledge that she is
24 qualified as --

25 THE COURT: Well, she's a treating physician; right?

1 MR. HILL: That's correct, Your Honor.

2 MR. CANTRELL: And --

3 MS. MCCALL: The CV -- the CV's are in the record as
4 a Court's Exhibit, Your Honor, for both Dr. Crosswell and
5 Shauna Galloway-Williams, the second witness.

6 THE COURT: They've been admitted?

7 MS. MCCALL: No. I was just proposing them as a
8 Court's Exhibit.

9 THE COURT: Oh --

10 MS. MCCALL: They haven't, actually, been admitted
11 into the evidence in the case, but --

12 THE COURT: Well, your -- Dr. Crosswell is a treating
13 physician; correct? So that's not -- you're not tendering
14 her as an expert.

15 MR. HILL: Yes, Your Honor. I would be offering her
16 as an expert in child abuse pediatrics.

17 THE COURT: Okay. Well, do you want to voir dire
18 her, or what do you want to do?

19 MR. CANTRELL: No, Your Honor. I would acknowledge
20 that the information provided -- provided in the Court
21 record does qualify her in that -- in that respect, also.

22 THE COURT: Well, they're -- they're going to put
23 her -- qualify --

24 You're going to qualify her on the record in front of
25 the jury; right?

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

2 MR. CANTRELL: Okay. Then that's all, Judge.

3 THE COURT: All right.

4 (WHEREUPON, the jury came into open court at
5 approximately 12:00 p.m.)

6 THE COURT: All right. Call your next witness.

7 MR. HILL: Thank you, Your Honor.

8 The State would call Mary-Fran Crosswell.

9 THE CLERK: If you would place your left hand on the
10 Bible and raise your right.

11 WHEREUPON,

12 MARY-FRAN CROSSWELL, M.D.,

13 after first having been duly sworn, testified as follows:

14 THE CLERK: Thank you, ma'am.

15 If you would have a seat.

16 And state your name for the record, please.

17 THE WITNESS: My name is Mary-Fran Ratchford
18 Crosswell.

19 DIRECT EXAMINATION

20 BY MR. HILL:

21 Q And how are you doing today?

22 A I'm doing well.

23 Thank you.

24 Q Can you, please, tell us where you're employed?

25 A I'm employed by Prisma Health in the division of

1 child abuse and neglect.

2 Q And what's your position there?

3 A I am a child abuse pediatrician.

4 Q Okay. And are you board certified in any specific
5 fields?

6 A Yes. I am board certified in general pediatrics, as
7 well as the subspecialty of child abuse pediatrics.

8 Q Okay. And in order to reach that point, what type of
9 education have you received?

10 A I received my undergraduate degree from Wake Forest
11 University. I received my medical degree from the
12 University of Louisville School of Medicine. I completed
13 a pediatric residency program at the Greenville Health
14 System at the time. And I have done numerous continuing
15 medical education hours in the field of child abuse.

16 Q And are those hours required each year?

17 A Yes, they are.

18 Q Okay. And what are some of the special trainings you
19 would go to or attend in that -- in that field?

20 A I've attended training, specifically, on sexual
21 abuse. I've attended training, specifically, on physical
22 abuse all over the country, in Minnesota, San Diego,
23 Charleston, Orlando. So numerous courses over the years.

24 Q And what type of abuse exactly is that -- are those
25 trainings in?

1 A In all forms of child maltreatment, including sexual
2 abuse, physical abuse, physical neglect, among others.

3 Q Okay. And how many years have you been certified or
4 licensed in those fields?

5 A I received my board certification in general
6 pediatrics in 2003, and my board certification in child
7 abuse pediatrics in 2011.

8 Q And how many medical examinations have you done since
9 then?

10 A I would estimate around 2,000 or -- or more. I do
11 about two -- 200 to 258 a year. I've been practicing in
12 this field for 14 years, so thousands of exams.

13 Q And that's child sexual and any other type of abuse,
14 or just child sexual abuse?

15 A All forms of abuse.

16 Q Have you ever been qualified as an expert before?

17 A Yes, I have.

18 Q Okay. And in which court?

19 A In both South Carolina family and criminal court.

20 Q Okay. Do you have any idea about how many times?

21 A I would estimate 50 times.

22 MR. HILL: And, Your Honor, at this time, the State
23 would offer Dr. Crosswell as an expert in child sexual
24 abuse pediatrics.

25 THE COURT: Any voir dire or any objection?

1 MR. CANTRELL: No voir dire. No objection.

2 THE COURT: All right. So qualified.

3 BY MR. HILL:

4 Q Dr. Crosswell, can you, please, explain to the jury
5 what the difference in a SANE examination and a medical
6 examination that you would perform would be?

7 A Sure. So a SANE exam or a sexual assault nurse
8 examination would occur in the setting of the emergency
9 room within the first 72 hours of -- of the alleged
10 incident having occurred.

11 The primary purpose of that exam is evidence
12 collection, as well as identifying any, you know, acute
13 injury that need -- needs to be addressed.

14 After 72 hours, it's recommended that children who
15 have disclosed some form of sexual abuse be evaluated in a
16 child advocacy center because it's more child friendly.
17 It's in a quieter environment. The exam I do is a -- an
18 overall general pediatric exam that, also, includes, you
19 know, special attention to the allegations or disclosures
20 that have been made.

21 Q Okay. And in a child sexual assault exam, what type
22 of procedures do you do?

23 A So the -- the first thing is that the child is
24 greeted by a child life specialist in the child advocacy
25 center to go through both with the caregiver and the child

1 exactly what will happen during the course of the
2 examination so the child knows what to expect.

3 Then I will obtain a medical history from the
4 caregiver who brings the child to the exam. If the child
5 has verbal abilities to provide an independent history, I
6 will speak to the child by him or herself.

7 Next, I will perform my physical examination, which
8 is, essentially, a head to toe pediatric exam looking at
9 eyes, ears, nose, mouth, listening to the heart and lungs.

10 And at the conclusion of that exam for child sexual
11 abuse, I utilize a piece of medical equipment called a
12 colposcope. And a colposcope serves three purposes. One,
13 it's a bright light. Two, it has a magnification system
14 so that I can visualize the genital area at a higher
15 magnification. And number three there is the ability to
16 photograph or photo document any findings that may be
17 identified.

18 After the completion of the physical exam, I will
19 make decisions about whether any laboratory testing that
20 needs to be done. And then I will make any
21 recommendations, specifically, for the child.

22 Q Okay. And are there always physical symptoms
23 observed when there is -- or physical evidence of sexual
24 abuse?

25 A No. In fact, in the overwhelming majority of child

1 sexual abuse cases, there's not specific findings of child
2 sexual abuse. The most current medical studies indicate
3 that really less than three percent of the time do you
4 have a highly specific finding that indicates sexual
5 abuse.

6 Q Okay. And can you provide some reasons as to why
7 there may not be any physical or outwardly visible
8 symptoms?

9 A So, sometimes, I think -- many times, the -- the
10 nature of the sexual abuse doesn't cause an injury that
11 can be seen by the eye. If there is an injury that has
12 been sustained, it can heal very rapidly.

13 The nature of the -- the tissue in the genital area
14 is -- it's a mucosal tissue. If you think about kind of
15 the inside of your mouth or the lining of your -- you
16 know, your oral tract, those are mucosal as well. And
17 they're very highly vascular, which means it has a large
18 blood supply to those areas. So they heal really rapidly
19 and can heal without leaving any scars or signs of
20 previous injury.

21 Q Okay. And that's even in -- in children -- or even
22 in children?

23 A Even in children.

24 Q Would it be more so in children than adults?

25 A I think it would be the same for both.

1 Q Can you just explain to the jury and give an
2 anatomical explanation of the female genitalia?

3 A Yes. So the -- the genital area of the female is --
4 is a really complex organ. And if you're looking at the
5 outer most layers of the genital area of the female, it's
6 covered by a fatty layer of tissue called the labia
7 majora.

8 And so once you kind of push those aside, underneath
9 is a thinner layer of tissue called the labia minora. And
10 then deeper to that is the vaginal opening. And the
11 vaginal opening is partially covered by a thin layer of
12 tissue called the hymen. And so that's much deeper than
13 the other layers of tissue.

14 Q Okay. And can you explain, I guess, a little further
15 as to what the hymen is?

16 A Well, the hymen is -- is really what we call kind of
17 a remnant tissue. It's just a small -- it's a small area
18 of tissue that partially covers the vagina. There are a
19 lot of myths in the -- in the lay public about what you
20 expect -- should expect to see on the hymen. But it's --
21 it doesn't really serve a purpose. It just partially
22 covers the vaginal opening.

23 Q Okay. And in a case involving vaginal penetration,
24 you would still not be inclined to necessarily see
25 symptoms?

1 A Correct. In -- because there's multiple layers of
2 tissue that are passed, it may not cause injury to those
3 tissues. It may not cause injury to the hymen. If the
4 hymen is injured, it can heal like other tissues in
5 the body without leaving signs that it was injured
6 previously.

7 Q Okay. And, I mean, how quickly can that heal?

8 A Within a matter of days.

9 Q And did you perform examinations in this case?

10 A Yes, I did.

11 Q Okay. Did you treat a **Minor 1**?

12 A Yes, I did.

13 Q Did you see her on September 14th of 2017?

14 A Yes, I did.

15 Q And this is the type of examination you performed?

16 A Yes, it was.

17 Q During your examination, did **Minor 1** disclose sexual
18 abuse to you?

19 A Yes, she did.

20 Q Okay. And did she tell you where that took place?

21 A Yes.

22 Q Did she tell you the location of that?

23 A Yes, she did.

24 Q And where is that?

25 A It was in bed.

1 Q Did she tell you how old she was when that took
2 place?

3 A She said it first started when she was five years
4 old.

5 Q And when **Minor 1** was disclosing this to you, what was
6 her demeanor like?

7 A So she, initially, was very open in the information
8 she was sharing. But when I began asking her more detail,
9 she became reluctant to talk and -- because this is -- I
10 asked her if she would like to whisper it in my ear,
11 instead of saying out loud. And she -- that's how she
12 wanted to share the information. And so she continued to
13 share information by whispering.

14 Q And what were the findings of your examination with
15 **Minor 1**?

16 A She had a normal genital exam.

17 Q Okay. And would you characterize that as normal,
18 even in the event of a potential sexual assault?

19 A Yes. Again, really, only less than three percent of
20 confirmed child sexual abuse cases do we see specific
21 findings of sexual abuse.

22 Q And as part of **Minor 1**'s examination, did you review
23 her medical history?

24 A I did.

25 Q Okay. And was she treated for anything after your

1 visit?

2 A After my visit?

3 Q After her visit with you, yes.

4 A I did some laboratory testing, but I did not need --
5 and recommended some therapy. But I did not provide any
6 prescription treatment in addition to that.

7 Q Okay. And did you examine **Minor 2** on that
8 same day?

9 A Yes, I did.

10 Q Oak. And what type of examination did you conduct?

11 A The same type of exam that I described to the jury
12 previously.

13 Q And did **Minor 2** disclose sexual abuse to you?

14 A Yes, she did.

15 Q And did she tell you where that took place?

16 A She said it happened at her daddy's in the living
17 room.

18 Q Okay. What was **Minor 2**'s demeanor when speaking with
19 you?

20 A She was, you know, very easily engaged and talkative.
21 But I don't have any documentation of anything additional
22 about her specific demeanor.

23 Q Okay. And what were your findings with respect to
24 **Minor 2** ?

25 A She had a normal genital exam.

1 Q Okay. And, as you stated, that would be normal?

2 A Correct.

3 Q And did you review **Minor 2**'s medical history?

4 A Yes, I did.

5 Q Was she treated for anything additional?

6 A From her medical records, she had been treated for
7 something by her primary pediatrician.

8 Do you want me to go into details of that?

9 Q What was that?

10 A She was treated for some dysuria, which is kind of
11 pain with urination in October of 2016. But that's all
12 that I had records of treatment.

13 Q And with respect to **Minor 3**, did you treat her on
14 September 18th?

15 A Yes, I did.

16 Q And did you perform the same type of examination?

17 A Yes. Yes, I did, with the exception that she did not
18 have the verbal abilities to provide an independent
19 history.

20 Q And did you have any particular findings with respect
21 to her?

22 A No, I did not.

23 Q And is that normal for even a child at this age?

24 A Yes, it is.

25 MR. HILL: I don't have any further questions at this

1 time. Please answer any questions Mr. Cantrell may have.

2 CROSS-EXAMINATION

3 BY MR. CANTRELL:

4 Q Dr. Crosswell, I think you said -- or did you say
5 that you did take any type of samples or specimens for lab
6 tests?

7 A Yes, I did.

8 Q And were there any abnormal lab results?

9 A Not on my testing.

10 Q And, essentially, when you say the exam was normal,
11 that would -- that is saying that there were no findings,
12 no old injuries, no new injuries, no damage, basically,
13 normal?

14 A That's correct.

15 MR. CANTRELL: Okay. No further questions.

16 Thank you.

17 THE COURT: All right. Anything else?

18 MR. HILL: None, Your Honor.

19 THE COURT: All right. Thank you, ma'am.

20 You may step down.

21 MR. HILL: May this witness be excused?

22 MR. CANTRELL: No objection.

23 THE COURT: All right.

24 MS. MCCALL: The State calls Shauna Galloway-Williams
25 to the stand.

1 WHEREUPON,

2 SHAUNA GALLOWAY-WILLIAMS,

3 after first having been duly sworn, testified as follows:

4 THE CLERK: Thank you.

5 If you would have a seat.

6 And state your name for the record, please.

7 THE WITNESS: Shauna Galloway-Williams.

8 DIRECT EXAMINATION

9 BY MS. MCCALL:

10 Q Ms. Williams, where do you work?

11 A I'm the executive director of the Julie Valentine
12 Center.

13 Q And what is the Julie Valentine Center?

14 A The center is the child abuse and sexual assault
15 recovery center that serves Greenville and Pickens County.
16 That means that we provide education, prevention, and
17 intervention services to the community, to anyone who's
18 been impacted by child abuse and/or sexual assault.

19 Q And briefly-- I know that it's very broad and you do
20 a lot. But can you briefly tell the jury what you do as
21 the executive director?

22 A Sure. As executive director, I have the full
23 responsibility of administration of the agency, which
24 means that I oversee the budget. I oversee the finances
25 of the organization. I, also, lead our program leadership

1 team.

2 In addition to that, I provide training and education
3 locally, statewide, and nationally. And I, also, provide
4 some clinical services, which means that I provide
5 assessments of children, as well as clinical supervision
6 of other clinicians in our office.

7 Q What is your educational background?

8 A I have a Bachelor's Degree in Psychology from
9 Winthrop University, a Master's Degree in Counseling from
10 Clemson. And I'm licensed as a professional counselor in
11 the state of South Carolina.

12 Q And in what areas did you, specifically, study?

13 A So my postgraduate work -- so after finishing up my
14 master's, my area of specialization is, specifically, in
15 the area of child maltreatment, sexual abuse, and sexual
16 assault.

17 Q And what professional licenses do you hold?

18 A I hold a license -- I'm a licensed professional
19 counselor here in South Carolina and have been licensed
20 since 2004.

21 Q And I think you, specifically, touched on this
22 earlier, but do you provide trainings or any type of
23 teaching experiences?

24 A I do. I'm an adjunct faculty member at USC Upstate
25 in their child advocacy studies program. Within that

1 program, I teach two undergraduate courses. One is called
2 maltreatment, which is a three-hour undergraduate course
3 on child maltreatment. I, also, teach a three-hour
4 undergraduate course on gender violence in society. I
5 teach one of those in the fall and one in the spring.

6 I, also, provide training locally. I do a lot of
7 training, specifically, related to recognizing and
8 responding to allegations of abuse, mandated reporting.
9 I've presented at local, statewide, and national
10 conferences. I am scheduled to present at two national
11 conferences this year, including the National Children's
12 Advocacy Center Symposium and the APSAC or the American
13 Professional Society on the Abuse of Children colloquium
14 later this year.

15 Q Wow. Busy year. Do you use peer-reviewed articles
16 and journals?

17 A Yes.

18 Q Okay. And are your opinions -- any opinions that you
19 have in this field, are they supported by those journals
20 and articles?

21 A Yes. My opinions will be supported by research,
22 education, as well as my training and experience.

23 Q And do you participate in peer review?

24 A I do.

25 Q Okay. Have you ever testified in court?

1 A I have.

2 Q And how many times have you testified?

3 A I've been qualified as an expert in General Sessions
4 over 45 times.

5 MS. MCCALL: Your Honor, at this time, if
6 Mr. Cantrell has any questions, otherwise, the State would
7 move to enter this expert in the field of child abuse
8 dynamics.

9 MR. CANTRELL: No questions. No objection.

10 THE COURT: All right. Go ahead.

11 MS. MCCALL: Thank you, Your Honor.

12 BY MS. MCCALL:

13 Q Ms. Galloway-Williams, do you know why you are here
14 today?

15 A I'm here to testify as a blind expert.

16 Q Okay. So you say "blind expert," do you know
17 anything about the case that is before the Court today?

18 A I do not.

19 Q Okay. Who subpoenaed you to be here?

20 A You did.

21 Q And do I pay you to be here today?

22 A No.

23 Q Okay. And how do you -- does your facility receive
24 funding?

25 A So our agency is 501(c)(3), which means that there --

1 we are a nonprofit organization. Over half of our funding
2 comes from federal funding through grants, the Violence
3 Against Women Act, the Victims of Crime Act being those
4 primary funding sources. Additionally, we do fund raising
5 and rely heavily on individual giving and donations from
6 others.

7 Q Okay. And in this particular case, the victims in
8 this case are **Minor 1**, **Minor 2**, and **Minor 3**
9 **██████████**. Have you ever treated them or reviewed any
10 evidence related to those three individuals?

11 A No, I have not.

12 Q Okay. I'd like for you to explain a little bit about
13 what disclosures mean in sexual assault cases,
14 specifically, when we're talking about children. What is
15 the difference between an accidental and a purposeful
16 disclosure?

17 A So when we're using the term "disclosure," we're
18 referring to the statement or the information that a child
19 provides us related to an abuse allegation.

20 An accidental disclosure is one where a child does
21 not make an intentional effort to share that information.
22 That can look like a child demonstrating unusual behaviors
23 and an adult asking them questions about that behavior.
24 That can look like a child making a statement of concern
25 and concerned adults or others asking them questions about

1 that.

2 It could, also, look like a child writing things down
3 in their journal or in a letter and someone discovering
4 that information and then asking them questions. So it's
5 not that the child has intentionally set out to share this
6 information.

7 A purposeful disclosure is one in which a child makes
8 the conscience decision and effort to tell someone about
9 what's happened to them.

10 Q What are the dynamics of a delayed disclosure, and
11 how -- what can go into a child delaying any type of
12 disclosure?

13 A All right. So a delayed disclosure refers to when a
14 child does not tell right away. That can be days, weeks,
15 years. Many adults live into their adult life without
16 never -- ever having told anyone about what's happened to
17 them.

18 That delay can be caused -- many children delay
19 disclosure because of fear. They're afraid of what may
20 happen to them. They're afraid of what may happen to
21 their family. They're afraid of what may happen to the
22 person that's done this to them. Because in most cases of
23 child abuse, a child is abused by someone that they know,
24 they love, and they trust. And so a child can both care
25 about and love the person that's, also, done something to

1 them that they don't like, which may make it very
2 difficult for them to tell about what's happened.

3 Children, sometimes, depending on their age may,
4 literally, not have the words to describe what's happened
5 to them. Children may not have sexual knowledge or sexual
6 language to describe the behaviors that they have
7 experienced.

8 They may not understand that what's happened to them
9 is wrong. They may understand that what's happened to
10 them doesn't feel good, that it -- they got kind of a
11 funny feeling about it. But they may not know what to
12 call it. So many times, development has -- plays a role
13 in that as well.

14 Children could have been threatened. They could have
15 been told that if something happens -- if they tell
16 someone that something will happen to them. Those threats
17 could be related to themselves, or to their family, to
18 their pets, to others. And so many times, these
19 relationship dynamics ensure that a child doesn't tell
20 right away.

21 Sometimes, kids just aren't asked. Someone doesn't
22 ask them the question before they have an opportunity to
23 tell.

24 Q Do children always tell everything about the abuse
25 every time they talk about it?

1 A No. You know, we expect -- we don't expect that when
2 a child shares information about the abuse that they've
3 experienced that they're going to tell every single detail
4 of that the first time. We don't expect that they're
5 going to tell every single detail of that every time that
6 they retell the story. Sometimes, that depends on the
7 person asking them the questions, you know. Sometimes,
8 with children, they don't know what we want to know or
9 what we need to know.

10 For example, someone who is an investigator may need
11 to ask different questions of the child than, say, a
12 parent or a caregiver, which may be different than
13 questions that a medical provider, or a counselor, or
14 someone else may ask. So, sometimes, the information that
15 a child shares is based purely on who's asking the
16 questions and the type of questions that are asked.

17 Q Do all children behave the same when they report
18 sexual abuse?

19 A No. There's a full range of behaviors. Some
20 children don't display any emotional or behavioral
21 problems right away. We may not see any change in their
22 behavior. They may appear normal or as they were
23 previously. Some children experience extreme depression,
24 anxiety. Some children are suicidal. Some children
25 demonstrate regressed behavior. There's a full range of

1 behaviors that children may demonstrate.

2 And what we tend to say is that when children are
3 exhibiting those behaviors, it doesn't necessarily confirm
4 that they have been abused. Or the absence of those
5 behaviors, also, doesn't confirm that something hasn't
6 happened. Children behave in different ways.

7 Q Turning to issues with memory. How does -- trauma
8 and something such as child sexual abuse, how does that
9 affect a child's memory?

10 A So trauma impacts our memories in -- in the sense
11 that when we experience a traumatic event -- so sexual
12 abuse is a traumatic event. A car accident is a traumatic
13 event. The sudden loss of someone that we love or care
14 about could be a traumatic event, a natural disaster.

15 When that happens, our ability to compartmentalize
16 and remember details in sequence is disturbed. We tend to
17 remember things more in sort of flashbulb memories. So we
18 may remember a particular moment or --

19 Did that go? Can you still hear me?

20 Q There it goes.

21 A It went out for just a second.

22 The flashbulb memories could be something like when
23 you just remember one particular piece of the incident
24 that happened, something that was particularly impactful
25 or -- you may not remember every single thing that

1 happened. And you may not remember every single thing
2 that happened in the order that it happened, you know.

3 For example, if you've been in a car accident and you
4 are asked questions about that accident on the scene or
5 even later -- you may be asked what color was the car that
6 hit you? How fast were you going? What intersection were
7 you in? What did the person driving the car look like?
8 And you may be able to answer some of those questions or
9 maybe none at all.

10 You may remember exactly what you had on that day
11 because that particular piece of clothing was your
12 favorite piece of clothing and it got burned when the
13 airbag deployed. But you may not remember the exact day,
14 date, and time that the incident occurred, or what the
15 person's face looked like that hit you.

16 Q So we know that trauma then can affect our memory.
17 How does chronic abuse affect, specifically, a child's
18 memory?

19 A So when we talk about chronic abuse and we talk about
20 memory, we tend to think of that in terms of sort of
21 script versus episodic memory. So if a child has been
22 chronically abused or repeatedly abused, the abuse may
23 occur in very similar ways every single time that it
24 happens.

25 So those would be sort of a script, just like a TV

1 show. You kind of have a beginning, middle, and end. And
2 it's pretty much the same every time. But each episode is
3 different. That's sort of what this recurring abuse is
4 like. The child may have been abused by the same person.
5 It may have happened in the same location. It may have
6 happened about the same way. But each incident may be
7 different.

8 And so they may have a difficult time distinguishing
9 time, and date, and where these things happened, and some
10 of the more fine details. They, also, may remember
11 particular incidents more so than others if there was
12 something particularly different or meaningful about that.

13 Q What is meant by the term "grooming"?

14 A In my work, grooming refers to behaviors that -- that
15 someone does to -- to develop a trusting relationship with
16 a child. That can look like giving a child gifts in
17 exchange for keeping secrets or gifts in exchange for
18 developing this relationship. That can look like
19 introducing children to sexual behavior and sexual
20 material in a way that normalizes that and gets them
21 comfortable with that in an effort to be able to engage
22 them in more different types of abuse behavior.

23 The goal of grooming is to ensure that this child has
24 developed a trusting relationship with this person and is
25 not going to tell.

1 Q Speaking of trusting relationships, is it more common
2 or uncommon for children to be abused by people who are in
3 positions of authority over them or someone in their
4 family?

5 A Yeah. So most times, children are abused by someone
6 they know, they love, and they trust. Only about 10
7 percent of the time are children abused by total
8 strangers.

9 Children -- you know, when -- when someone has gained
10 access to this child and developed a trusting relationship
11 with them, then all of those dynamics that I've just
12 described make it even harder for that child to -- to tell
13 someone what's happened and -- and makes it even more
14 difficult when this person is someone who has power and
15 authority over them. And in a child's world, adults
16 always have more power and authority than -- than they do.

17 Q Going back just a little bit to memory and details of
18 those memories, what is the difference between a core and
19 a contextual detail?

20 A So a core detail would be sort of the who, what,
21 when. And when I say "when," I don't necessarily mean
22 time in the sense of day, date, and -- and year. Because
23 children have a really hard time with that. It's an
24 abstract concept.

25 But when I say who, what, when, like, who did this?

1 The child and the alleged offender. What happened?
2 What's the general abuse scenario? When did this happen?
3 You know, about what age was the child? Was this when
4 they were in school? Was it when they were out of school
5 for the summer? And then sort of how this happened.

6 Contextual details are those details that are more
7 sensory-related details, things that the child saw, they
8 heard, they smelled, they felt. Things that indicate that
9 what the child is describing to us is something that
10 they've experienced, rather than something that they've
11 heard about or that someone has told them about.

12 Q Would taste be a contextual detail?

13 A Yes. Any of the sensory details that -- that a child
14 would describe.

15 MS. MCCALL: Thank you, Ms. Galloway-Williams.

16 I have no further questions.

17 CROSS-EXAMINATION

18 BY MR. CANTRELL:

19 Q Everything you've just described, the various topics
20 or areas that you were describing may or may not be
21 present in a case of sexual abuse; is that correct?

22 A So do you mean delayed disclosure -- a child may or
23 may not delay their disclosure in sexual abuse? Yes.
24 Then as I described the behaviors, children have a full
25 range of behaviors that may be displayed, yes.

1 Q And grooming, chronic abuse, all of these various
2 topics, again, may or may not be present in any given
3 case?

4 A Yes. Each case is an individual case. However,
5 those topics that I just discussed are, you know, well
6 researched areas in the field of child maltreatment,
7 specifically, in the -- the area of child sexual abuse.

8 Q And the description -- I think you indicated it's not
9 uncommon for the description by the child to vary or not
10 be totally consistent; is that correct?

11 A Well, so what we would expect is that the core
12 details or the -- the core aspects that a child describes
13 would be consistent over time. What may change are some
14 of those more peripheral details or some of those details
15 that different individuals may be, specifically, asking
16 the child to describe.

17 The other thing that may change over time is just
18 time itself, you know. A child may -- particularly, if a
19 child begins counseling, if a child has time away from
20 someone who they may have been in close contact with that
21 was harming them, there are lots of things that can impact
22 their ability to share more information. And then, also,
23 you know, over time children, just like the rest of us,
24 may forget or lose some information over time as well.

25 Q And I think you indicated that it's not uncommon for

1 the child not to tell everything every time they relate
2 the incident?

3 A That's correct. They -- they may not tell every
4 single detail that they've told every single time that
5 they describe it, particularly, if a child has experienced
6 multiple incidents of abuse, or recurring abuse, or
7 multiple offenders, or multiple abusers.

8 MR. CANTRELL: No further questions.

9 Thank you.

10 THE COURT: Any redirect?

11 MS. MCCALL: Nothing, Your Honor.

12 May this witness be excused --

13 THE COURT: All right. Thank you.

14 You may step down.

15 THE WITNESS: Thank you.

16 MS. MCCALL: Your Honor, at this time, the State
17 rests.

18 THE COURT: All right. Let me speak to the lawyers
19 up here.

20 (WHEREUPON, a bench conference was held.)

21 THE COURT: All right. Ladies and gentlemen, this is
22 a good time for us to break for lunch. It's 20 till 1:00.
23 If I got y'all back here at -- at -- by a quarter till
24 2:00, would that be -- give y'all enough time?

25 (WHEREUPON, the jurors indicated in the affirmative.)

1 THE COURT: All right. Well, thank you.

2 Don't, again, discuss the case. Don't do any
3 research. And we will see you at 1:45.

4 Thank you.

5 (WHEREUPON, the jury was excused from open court at
6 approximately 12:38 p.m.)

7 MOTIONS

8 THE COURT: All right. Any motions?

9 MR. CANTRELL: Your Honor, at this point, certainly,
10 we'd renew prior motions as to the -- well, to the various
11 motions already entered in the record.

12 And, also, I'd move at this point for a directed
13 verdict in that the -- the evidence up to this point is
14 not sufficient to -- to meet the burden of the State.

15 THE COURT: Okay. I renew all my previous rulings.

16 And I think reasonable minds could come to a
17 conclusion that the evidence -- well, certainly, there is
18 enough evidence to push it to -- to the jury.

19 All right. Mr. Galloway, have you made a decision
20 about how you're going to proceed?

21 DEFENDANT GALLOWAY: Yes, sir.

22 THE COURT: All right. What are you going to do?

23 DEFENDANT GALLOWAY: I'm going to testify.

24 THE COURT: All right. Well, we will -- we'll begin
25 the trial at 1:45.

1 (WHEREUPON, a lunch break was taken.)

2 THE COURT: Ms. McCall.

3 MS. MCCALL: Your Honor, if I may before the jury
4 comes back in, I just wanted to address the Court's
5 Exhibits that we currently had and make sure that they
6 have been placed before the Court, that we do have the --
7 I have entered into evidence the original forensic
8 interviews, as well as the redacted versions so that --

9 THE COURT: Those are; correct?

10 THE COURT REPORTER: Yes, sir.

11 MS. MCCALL: Yes. I just wanted to make sure those
12 were, as well a -- a sheet outlining the proposed
13 redactions so we could have that for the record as a
14 Court's Exhibit.

15 THE COURT: I believe that's in as well.

16 MS. MCCALL: Okay. And, also, the CV of the two
17 experts that testified. I passed that to Mr. Cantrell
18 prior to Ms. -- Dr. Crosswell, as well as Shauna
19 Galloway-Williams. And I'd just like to place that in the
20 record as a Court's Exhibit for the file as well.

21 THE COURT: Why would they be a Court's Exhibit?

22 MS. MCCALL: I just didn't know if you would -- if,
23 you know, we needed to have it on the record to reference
24 it at later -- at a later time since I had passed that
25 over to Mr. Cantrell. It doesn't have to be, certainly,

1 if you prefer not.

2 THE COURT: Well, I -- do you want to introduce it as
3 a State's Exhibit?

4 MS. MCCALL: Just for the Court's purposes, yes, Your
5 Honor.

6 THE COURT: All right. And do you object to that,
7 Mr. Cantrell?

8 MR. CANTRELL: I do not.

9 THE COURT: Okay. Well, then enter those two into
10 evidence.

11 (WHEREUPON, State's Exhibit Nos. 9 and 10 were marked
12 for identification and admitted into evidence.)

13 THE COURT: Anything else?

14 MS. MCCALL: Thank you, Your Honor.
15 Nothing further at this time, no.

16 THE COURT: All right. Are you ready to go?
17 (WHEREUPON, there was no response.)

18 THE COURT: Bring the jury in.

19 (WHEREUPON, the jury came into open court at
20 approximately 1:52 p.m.)

21 THE COURT: All right. Mr. Cantrell.

22 MR. CANTRELL: Your Honor, we would ask that Sara
23 Galloway be brought in and sworn, please.

24 THE CLERK: If you'd place your left hand on the
25 Bible and raise your right.

1 WHEREUPON,

2 SARA GALLOWAY,

3 after first having been duly sworn, testified as follows:

4 THE CLERK: Thank you, ma'am.

5 If you would have a seat.

6 And state your name for the record, please.

7 THE WITNESS: My name is Sara Galloway.

8 DIRECT EXAMINATION

9 BY MR. CANTRELL:

10 Q Okay. Sara, I'll be asking you questions and asking
11 you to answer. But if you can speak up just like you did
12 into the microphone there. Okay.

13 A Okay.

14 Q And if you will, spell your first name for the court
15 reporter.

16 A S-A-R-A.

17 Q Okay. And, Sara, you are related to Jason, how so?

18 A My brother.

19 Q Okay. And how old are you?

20 A 32.

21 Q Okay. And where do you live?

22 A I live with my father.

23 Q Okay. You live with -- is that here in Pickens
24 County?

25 A Yes, it is.

1 Q Okay. You are, originally, from here in Pickens
2 County?

3 A Yes.

4 Q Okay. And do you have any children?

5 A I have three girls.

6 Q Okay. And are you employed at this time?

7 A I am not.

8 Q Okay. You take home -- take care of three girls?

9 A Yeah.

10 Q And one thing first before we move any further.
11 You -- you are aware and we've talked about that when you
12 come in and testify in a criminal case, you kind of get to
13 lose a little bit of your -- your right to privacy when
14 you testify in a case. It can be brought out or -- or
15 presented that the witness may have a criminal record.

16 And you do, in fact, have a prior criminal record; is
17 that right?

18 A I do.

19 Q Okay. And is that from maybe 2009 or there -- about
20 then?

21 A Yes, sir.

22 Q 2008? 2009?

23 A Yes, sir.

24 Q And did you have some burglaries and larcenies that
25 all took place at the same time?

1 A Yeah, I did.

2 Q And did you, in fact, go to court and plead guilty?

3 A I have. And I paid my dues.

4 Q Okay. And you've completed probation and -- a long
5 time ago; is that correct?

6 A Yes.

7 Q Now, let me ask you, over the last four or five years
8 or so, did you see Jason on a regular basis?

9 A Almost every day.

10 Q Okay. And did you see -- he and Heather McMakin, the
11 mother of the three girls we're talking about here, did
12 you see them together on a regular basis?

13 A Yes, sir.

14 Q And they were living together in a home and had the
15 three girls; is that correct?

16 A Yes, sir.

17 Q Now, shortly after, I believe, **Minor 3** was born, did
18 Heather McMakin go to prison?

19 A Yes. One month -- the baby was one month old.

20 Q Okay. And at that point, was -- did Jason have
21 the -- still have the girls with him?

22 A Yes.

23 Q And once Heather went to prison, did -- he continued
24 to have them with him; correct?

25 A Yes, I mean, with me, too. I mean, I would --

1 Q You and some other relatives, but you, particularly,
2 and your girls were around a lot. And at some point, you
3 moved in and stayed with Jason to help take care of his
4 three girls; is that right?

5 A Yes, sir.

6 Q And that went on for a year or more, if I'm not
7 mistaken; is that correct?

8 A That's right.

9 Q Now, were you living or staying with Jason a good bit
10 when Gina Raines moved in with Jason?

11 A I was living there.

12 Q And you continued to live there for some time; is
13 that correct?

14 A Yes, sir. Yes.

15 Q And **Minor 1**, and **Minor 2**, and **Minor 3** were all living
16 there during this period of time?

17 A Yes.

18 Q Now, did the home that y'all were living in -- or
19 that Jason was living in, did it require some maintenance
20 or some repairs to try to get it up to standards?

21 A Yes. DSS requested it.

22 Q And did Jason work really hard and get that done?

23 A Yes, he did. After work, he went there every day and
24 worked on it.

25 Q And that was primarily on the inside at that point;

1 is that right?

2 A Yes.

3 Q To the point that he, and the three girls, and you,
4 and your three girls were able to stay there and live
5 there?

6 A Yes, sir.

7 Q And after Gina moved in, did you continue to live
8 there for a while?

9 A About two or three weeks.

10 Q And then did you move back to your home?

11 A I did.

12 Q Is your home close to Jason's home?

13 A It's like three streets away.

14 Q Okay. During that time, did you continue to see
15 Jason, and the girls, and Gina at that point on a regular
16 basis?

17 A A daily basis.

18 Q And help them out on a daily basis?

19 A Yes, sir.

20 Q Did that continue up until the time that Jason was
21 arrested on these charges?

22 A Yes. And, like, until DSS took the kids, I was in
23 there every day. Like, I seen them the day before.

24 Q Okay. And after he was arrested is when DSS did
25 come -- or about the time he was arrested, is that when

1 they took them, or was it before he was arrested?

2 A Before.

3 Q Okay. During these years when you were in the home
4 either living or there on a daily basis, did you have the
5 opportunity to see Jason interact with the girls?

6 A Yes, sir.

7 Q And, now, was he working during that period of time?

8 A Yes. He worked every day.

9 Q Okay. Did his hours vary or did he get home at the
10 same time every day?

11 A It fluctuated, about -- about the same time, 3:00,
12 4:00 -- 3:00 to 5:00. I mean, it depended on what time
13 they let off work.

14 Q Okay. And did he work pretty much every day?

15 A He did.

16 Q And was he the primary source of support, if not the
17 only source of support, in the home?

18 A He was.

19 Q Okay. When you would see him interact with the
20 girls, did they appear to be happy and enjoy being around
21 their -- their dad?

22 A Yes. They love their dad.

23 Q And did he appear to be happy and enjoy being around
24 them?

25 A Yes.

1 Q Up until the day that DSS took the girls, did you
2 ever see anything about their behavior that made you think
3 that they were not happy?

4 A They were always happy. But girls can be girls. I
5 have three, too.

6 Q Okay. But they -- they continued to appear to be
7 happy?

8 A Yes.

9 Q And did they enjoy being in the home?

10 A They did.

11 Q Okay. Now, sometime prior to the girls being taken
12 by DSS, did Heather McMakin get released from prison?

13 A Can you repeat that?

14 Q Sometime before DSS, actually, took the girls from
15 Jason, did Heather McMakin get released from prison?

16 A She did.

17 Q And, to your knowledge, did she then begin to see the
18 girls?

19 A She did. She got them on the weekend.

20 Q So they would go to her home?

21 A Uh-huh.

22 Q And they would stay there for some period of time on
23 the weekends or --

24 A Until Sunday. I mean, they had school Monday
25 morning, the older two.

1 Q Okay. And about how long was she out of prison
2 before this incident took place? Do you remember at all?

3 A I want to say, at least, six months. It might have
4 been more. But that's just an estimate off the top of my
5 head.

6 Q And during that time, was she seeing the girls on a
7 fairly regular basis?

8 A Yes.

9 Q And overnight visits?

10 A Yes.

11 Q Now, let me back up and ask you, during the entire
12 period of time since DSS had been involved and wanted the
13 house cleaned up and situated -- in fact, let me back up
14 even further. Was DSS involved in doing that and kind of
15 monitoring, or assisting, or whatever you want to call it
16 with the home when Heather was there, also?

17 A They were starting before she went to prison.

18 Q Okay. And did they continue to be there and monitor
19 or assist after that and including the time when Jason had
20 the girls in the home?

21 A Yes.

22 Q So DSS was coming in, or aware, or visiting?

23 A As far as my knowledge, they talked to Jason. And he
24 complied with them. And they didn't really get -- I mean,
25 they didn't talk to him a lot. They just -- they asked

1 what to be fixed, and he fixed it, and complied. And then
2 that was it.

3 Q So there was that communication with Jason and DSS
4 that --

5 A Yes, sir.

6 Q -- as far as you know?

7 A Yes, sir.

8 Q Okay. And, again, I'll back up and ask you that up
9 until the time the girls were taken from the home, you
10 were seeing them around Jason?

11 A Yes, sir.

12 Q And they appeared to be well, and happy, and healthy?

13 A Yes, sir.

14 Q And during that period of time, there were a number
15 of people living in the home. And then until you moved
16 out and then it was Jason, and Gina, and all of the
17 children; is that right?

18 A That's correct.

19 Q And when you saw them, would you go to their home, or
20 did they come to your home? Or how did that work?

21 A Both.

22 Q Okay. I ask you, also, are you aware that sometime
23 after DSS took the girls that they did go and live with
24 Heather for some period of time? Are you aware of that?

25 A After DSS took them, I know that Heather was

1 complying with DSS, going to classes, programs, whatever
2 they asked her to do. And then she, eventually, got all
3 three of them back.

4 Q And sometime after that, were they removed again by
5 DSS from her home?

6 A No.

7 Q Okay. Well, who -- what caused them to be moved to
8 another place from Heather's home? Or do you know?

9 A I do.

10 Q Okay.

11 A She and her husband have a baby together now that is
12 the girls baby sister. I do know that they had some
13 financial problems. And they ended up having to move from
14 their home. And I don't know what Heather did with the
15 girls as far as where they're at now. I don't know.

16 Q Okay. You don't know where they are now?

17 A Huh-uh.

18 MR. CANTRELL: Okay. I don't have any further
19 questions. But answer any questions the Solicitor may
20 have for you.

21 THE WITNESS: Yes, sir.

22 CROSS-EXAMINATION

23 BY MR. HILL:

24 Q Ms. Galloway, so where are you currently living?

25 A I live with my father.

1 Q Okay. And what's the address of that?

2 A [REDACTED] Poinsett Circle.

3 Q Okay. And you've been living there since you said
4 about two, three weeks after --

5 A I've lived there my whole life.

6 Q Okay. So you've never lived with Jason then?

7 A I have.

8 Q Okay.

9 A I mean, that's my home place that's been there for
10 32 years.

11 Q Got you. So Gina moved in with Jason in, like, July
12 of 2016; right?

13 A Correct.

14 Q And then you told Mr. Cantrell that you moved out
15 about two or three weeks after that?

16 A It was about two or three weeks after July 4th.

17 Q Okay. And Gina and Jason met around July 4th?

18 A I think they were seeing each other. But I didn't
19 meet her until July 4th.

20 Q Okay. So from, let's say, August of 2016 all the way
21 up until the middle August of '17, you weren't there? You
22 weren't living in that home?

23 A Not living. But I was in there every day a lot.

24 Q Okay. And did you spend every night with them?

25 A No, no nights. I got the kids on the bus. And when

1 they got home from the bus, they got off the bus with my
2 children. So I had them every day.

3 Q Okay. And then how long would they stay at your
4 house after you got them off the bus?

5 A I guess Gina waited on Jason and then they would come
6 pick them up at like -- sometimes, it'd be 5:00.
7 Sometimes, it'd be 7:00.

8 Q Okay. So they were only really around Jason after
9 7:00?

10 A Yeah.

11 Q And during that time when you lived with Jason, you
12 said he was working?

13 A Yes, sir.

14 Q And he was the primary supporter of the house?

15 A Yes, sir.

16 Q So was he helping support you and your children as
17 well?

18 A He was.

19 Q And Jason's your older brother?

20 A He is.

21 Q And you love your brother, don't you?

22 A I love all my family.

23 Q You'd do anything for them?

24 A I mean, what -- what do you mean by that?

25 Q He's your older brother, your big brother, you'd do

1 anything for him --

2 A I mean, I look up to all my siblings. I'm the baby
3 of the family, so.

4 MR. HILL: No further questions.

5 THE COURT: Anything else?

6 MR. CANTRELL: Nothing, Your Honor.

7 THE COURT: All right. Thank you.

8 You can step down.

9 All right. Call your next witness.

10 MR. CANTRELL: Your Honor, I'd ask that Jason
11 Galloway step up and be sworn.

12 THE COURT: All right.

13 THE CLERK: If you would place your left hand on the
14 Bible and raise your right.

15 WHEREUPON,

16 JASON RILEY GALLOWAY,

17 after first having been duly sworn, testified as follows:

18 THE CLERK: Thank you.

19 If you would have a seat.

20 And state your name for the record.

21 THE WITNESS: I'm Jason Galloway.

22 DIRECT EXAMINATION

23 BY MR. CANTRELL:

24 Q Jason, how old are you?

25 A 37.

1 Q Okay. And how long have you lived here in Pickens
2 County?

3 A My whole life.

4 Q And you -- we've just seen your sister and you have
5 other family here in Pickens County, some of them present
6 here today; is that right?

7 A Yes, sir.

8 Q And where do you work?

9 A At Durham's Hardwood down behind Ingles, the sawmill
10 down there.

11 Q Okay. How long have you worked there?

12 A Since -- it was 2014, I think.

13 Q Okay. For several years, at least?

14 A Yeah.

15 Q All right. And where -- what's your -- what was your
16 home address at the time of this incident?

17 A ████████ Cabot Cove.

18 Q Okay. And who's home was that?

19 A Mine.

20 Q And how long had you been living there?

21 A I've been -- I don't remember exactly how long I've
22 lived there.

23 Q Several years?

24 A Yeah.

25 Q Okay. And is that -- when you were living with

1 Heather McMakin, was it at that address?

2 A Yeah.

3 Q And when your oldest child, **Minor 1**, was born, were you
4 living at that address?

5 A Well, **Minor 1** was actually -- we were, actually,
6 staying at my mom and dad's when **Minor 1** was born. And then
7 I was in the process of getting the place after -- while
8 she was born.

9 Q Okay. And did you move in some time after she was
10 born?

11 A Yes.

12 Q Okay. Have you lived there -- or did you live there
13 ever since then?

14 A Yes.

15 Q Okay. Now, we've heard already, but Heather McMakin
16 ended up being arrested, charged with some crimes, and
17 then, eventually, went off to prison; is that right?

18 A Yes, sir.

19 Q Do you remember about when that was?

20 A It was in 2015.

21 Q Okay. And when that happened -- now, were y'all
22 living together when that happened?

23 A Yes, sir.

24 Q And when that happened and she went to prison, did
25 you and the girls continue to live at that address?

1 A Yes, sir.

2 Q Did you, in fact -- I'm sorry. Strike that and back up.
3 Prior to that and prior to Heather going to prison,
4 were y'all involved with DSS because of some issues in the
5 home that needed to be fixed?

6 A Yes, sir.

7 Q All right. And when DSS became involved, did you --
8 did they give you some instructions or tell you what they
9 wanted you to do?

10 A Yes, sir.

11 Q And you, and Heather, and the girls continued to live
12 there; is that right?

13 A Uh-huh.

14 Q And did you go about working on your home?

15 A Yes, sir.

16 Q When Heather went off to prison, was there still work
17 that needed to be done on your home?

18 A Yes, sir.

19 Q Okay. And you and the girls continued to live there?

20 A Yes, sir.

21 Q You continued to work on it to get it fixed up?

22 A Yes, sir. I had to, actually, add on a bedroom to
23 the backside of the house.

24 Q So then at that point, did it become a three bedroom?

25 A Yes, sir.

1 Q And did your sister, Sara, come and stay with you and
2 help you with the girls?

3 A Yes, sir.

4 Q And were you the primary sole support?

5 A Yes, sir.

6 Q Or primary source of support in the home?

7 A Yes, sir.

8 Q During that time, how'd you get along with your
9 girls?

10 A I got along with them fine. I've always got along
11 with my kids fine.

12 Q Was it your intent to continue to provide them a good
13 home, a good stable, happy home, even though their mother
14 was in prison?

15 A Yes, sir.

16 Q Did you do that?

17 A Yes, sir.

18 Q Did you, eventually, meet Gina Raines?

19 A Yes, sir.

20 Q And after you met her, did she move in with you?

21 A It was -- we had been seeing each other for about --
22 I guess -- I guess about three weeks before she moved in.

23 Q Okay. Now, did she have children?

24 A Yes, sir.

25 Q Did she bring any of those children in the home with

1 her?

2 A Yes, sir.

3 Q Okay. How many did she bring with her?

4 A Billy.

5 Q Billy?

6 A Yeah.

7 Q Okay. Did she have any more children after she moved
8 in with you?

9 A Yes. We had our baby daughter.

10 Q And what's her name?

11 A Dalton.

12 Q Dalton?

13 A Yes.

14 Q Now, where does Gina live now?

15 A Still at my house, at [REDACTED] Cabot Cove.

16 Q But you did not continue to live there after your
17 arrest, did you?

18 A No. They wouldn't let me.

19 Q Okay. Now, up until the time of your arrest -- or
20 more accurately up until the time you were made aware that
21 there were these allegations, did you have what you
22 thought to be a good, happy relationship with your
23 daughters?

24 A Yes, I did.

25 Q Had anything changed or had anything -- was anything

1 different than it had been the year or the two years
2 before that, or was everything still the same?

3 A Everything was good until, like, me and their momma
4 got into it.

5 Q And when you say "momma," are you talking about
6 Heather?

7 A Yeah.

8 Q Okay. By this time, was Heather out of prison and
9 back living somewhere nearby here?

10 A Yeah. She was living in Liberty.

11 Q And how did y'all get into it, you and Heather?

12 A Well, she -- I'd been letting the girls go over there
13 and visit on the weekends. And she told me that she was
14 going to do everything she could to get my kids back.

15 Q Into her home?

16 A Yeah. And I told her, I said, I wish you luck.

17 Q Did you want to keep them in your home?

18 A Yes, I did.

19 Q Did you think living in her home was a good thing for
20 them?

21 A I mean, at the point in time, no, I didn't.

22 Q And were you -- were you willing to continue to
23 provide for them, and keep them in your home, and take
24 care of them?

25 A Yes, sir.

1 Q But did she continue to see them pretty much on a
2 weekly basis or every weekend?

3 A Yes, sir.

4 Q Were you aware of the girls going back into her home
5 after you had been arrested? Did you know that had
6 happened?

7 A I was told, yeah.

8 Q Who primarily took care of the girls in the home from
9 the standpoint of getting dressed, getting their baths,
10 those type of things? Did you do that or did Sara and
11 Gina do that? Who did that?

12 A It was Sara and Gina while -- while they were living
13 there, you know.

14 Q And that, also, included while Sara was there, she
15 had daughters that lived there, too; is that correct?

16 A Yes, sir.

17 Q Okay. Tell us about your work schedule. What hours
18 were you usually getting home when you worked?

19 A Well, at that point in time, I was still on the
20 maintenance crew at work. And I was -- it varied between
21 7:00 and 6:00 on most days.

22 Q And did you -- were you able to work most days,
23 regardless of weather?

24 A Yes, sir.

25 Q Did you work weekends any?

1 A Every now and then, yes.

2 Q Okay. Did you ever do anything inappropriate with
3 your daughters?

4 A No, sir.

5 Q Did you ever touch them in any way that would be
6 close to being inappropriate or offensive to them at all?

7 A Not that I'm aware of.

8 Q I mean, would you know if you had?

9 A I mean, other than me playing around with them, I
10 mean, that's the only kind of touching -- touching I've
11 ever done was just like play around with them, and tickle
12 them, and stuff, you know.

13 Q And that would be -- would that be in any part of the
14 house?

15 A Wherever.

16 Q Would that be when any number of people could be
17 around?

18 A Yes, sir.

19 Q But did you ever, to your knowledge, intentionally
20 touch them in an inappropriate place?

21 A No, sir.

22 Q Did you ever remove your clothes in their presence?

23 A No, sir.

24 Q Did you ever do anything to hurt your daughters?

25 A No, sir.

1 Q Did you want to keep them there in your home and
2 provide for them until they were old enough to leave?

3 A Yes, sir.

4 MR. CANTRELL: Jason, I don't have any further
5 questions, but answer any that the Solicitor may have.
6 Okay.

7 THE WITNESS: Okay.

8 CROSS-EXAMINATION

9 BY MS. MCCALL:

10 Q What is **Minor 1**'s birthday?

11 A It's **██████████**.

12 Q What is **Minor 2**'s birthday?

13 A **██████████**.

14 Q And what is **Minor 3**'s birthday?

15 A It's **████████████████████**.

16 Q So in August of 2017, how old were they?

17 A (There was no response.)

18 Q When these allegations came out --

19 A I think **Minor 3** -- **Minor 3** was just a little bit over
20 a year old.

21 Q Okay.

22 A **Minor 2** was, like, four or five. And then **Minor 1** was
23 five or six, one of the two.

24 Q Were they in school?

25 A Yes.

1 Q Where at?

2 A At Pickens Elementary.

3 Q What grade were they in?

4 A They were in kindergarten.

5 Q Okay. Had they started kindergarten?

6 A Yes.

7 Q What day did they start kindergarten on?

8 A They started kindergarten and 4K.

9 Q Both of them?

10 A Yes.

11 Q You said that Heather was arrested in 2015; is that
12 correct?

13 A Yes.

14 Q It couldn't have been 2016.

15 A It may -- it may have been 2016.

16 Q So you're not sure?

17 A No, ma'am.

18 Q When'd you meet Gina?

19 A It -- I don't know. It was somewhere around the 4th
20 of July is all I know.

21 Q So how long after Heather went to prison did you let
22 Gina move in with you and your girls?

23 A We'd been seeing each other for about a month. But
24 Heather had been in jail for a while.

25 Q So you let a lady move in with your three young

1 children after you'd only known her for three weeks?

2 A Yes, ma'am.

3 Q And you required her -- you relied on her to take
4 care of your children?

5 A Yes, ma'am.

6 Q When DSS was involved in your -- in your living
7 conditions at your house, did they demand that you get new
8 beds for the girls?

9 A No, ma'am.

10 Q Did you get new beds for the girls?

11 A Yes, ma'am.

12 Q What kind of beds?

13 A I bought -- I had -- I had got bed bugs. So I
14 throwed [sic] away all the furniture in the house and
15 bought all new beds, and couches, and everything.

16 Q And what kind of beds did the girls have in their
17 bedroom?

18 A I got them bunk beds.

19 Q Is that all that was in there, bunk beds?

20 A Yeah.

21 Q Where'd **Minor 3** sleep?

22 A In a playpen.

23 Q Okay. So there were bunk beds and a playpen --

24 A Yeah.

25 Q -- in the room?

1 Who slept on the bunk beds?

2 A **Minor 1** and **Minor 2** .

3 Q Where'd **Minor 1** sleep, up or down?

4 A **Minor 1** and **Minor 2** shared a bed.

5 Q So up? Down? They both slept in the same bed?

6 A They -- just wherever they took to feel like
7 sleeping.

8 Q And how do you know that?

9 A Because I would go in there and give them a hug at
10 night.

11 Q So you'd give them goodnight hugs?

12 A Yeah.

13 Q By yourself?

14 A I mean, Gina would be in there getting **Minor 3** ready,
15 or **Minor 2** , one of them ready.

16 Q Did you ever go in there by yourself at night?

17 A No, ma'am.

18 Q You never went in there with your girls by yourself?

19 A No, ma'am.

20 Q Why is that?

21 A Because I was scared.

22 Q Why were you scared?

23 A Because I've got prior convictions.

24 MS. MCCALL: I'm glad you brought that up.

25 Your Honor, may we approach?

1 THE COURT: Yeah.

2 (WHEREUPON, a bench conference was held.)

3 BY MS. MCCALL:

4 Q All right. Jason, so you said you were scared to go
5 in your daughters bedroom at night by yourself because you
6 have prior convictions. What is that? What's your prior
7 conviction?

8 A Criminal sexual conduct with a minor.

9 Q So you previously have sexually assaulted a minor?

10 A That was when I was 16 years old.

11 Q Okay. Tell me about that. Who'd you sexually
12 assault?

13 A I was charged for sexually assaulting my little
14 nephew.

15 Q And how old was your nephew?

16 A I -- I'm not sure.

17 Q Was there one nephew or more than one nephew?

18 A I think there was two of them.

19 Q And how old were those two?

20 A I don't remember at the time.

21 Q So you've done this in the past. And you were scared
22 to go in your daughters room alone?

23 A I didn't do it in the past --

24 MR. CANTRELL: Objection to the characterization of
25 "done this in the past." That's not even accurate or

1 relevant. But I think it's, certainly, prejudicial.

2 MS. MCCALL: I'll rephrase, Your Honor.

3 THE COURT: Okay.

4 BY MS. MCCALL:

5 Q So you have previously been convicted of sexually
6 assaulting a minor in the past?

7 A Yes. If I was smart, I would have took a jury trial
8 instead of being scared and taking a plea bargain.

9 Q So you're denying that you did that?

10 A Yes, ma'am.

11 Q But it is a conviction on your record?

12 A Yes, ma'am.

13 Q So based on that, you were scared to go in your
14 daughters bedroom alone?

15 A Yes, ma'am.

16 Q Were you ever alone with your kids?

17 A No.

18 Q Never?

19 A I mean, I might have been alone with them, like, once
20 or twice.

21 Q Okay. So --

22 A But it was never at nighttime.

23 Q Never at nighttime?

24 A No, ma'am.

25 Q You never stayed home alone with your children?

1 A No, ma'am.

2 Q Your daughters aren't with Heather anymore, are they?
3 They don't live with Heather, do they?

4 A No.

5 Q Okay. And it's been how long since these allegations
6 came out, about two and a half years?

7 A Something like that.

8 Q Okay. And you heard your daughters testify in court
9 this week, didn't you?

10 A Yes, ma'am.

11 Q And **Minor 1** and **Minor 2** got on that stand and stated the
12 things that you did to them, didn't they?

13 A Yes.

14 Q And do you believe that two and a half years later
15 they were able to maintain some story that you think
16 Heather put in their heads?

17 A Yep.

18 Q A story that has remained consistent?

19 A Yep.

20 Q When your sister and her daughters lived at your
21 house, where did they sleep?

22 A Heavenly would sleep with **Minor 2**. And **Minor 1** would
23 sleep on the top bunk. And then Emily and
24 Allie [phonetic] would sleep in the living room.

25 Q Where was your room?

1 A My room is in the very back of the house.

2 Q Where did your sister sleep?

3 A She slept in the living room with her daughters.

4 Q How do you know where your nieces slept? Did you go
5 in there at nighttime?

6 A No.

7 Q No, you didn't?

8 A No.

9 Q Then how do you know where they slept?

10 A When I wake up in the morning times, that's where
11 they was at.

12 Q So you never went in your daughters bedroom when your
13 nieces were asleep at night?

14 A No, ma'am.

15 Q Then why did you go in there in the morning?

16 A I had to get ready for work.

17 Q So you went in your girls bedroom in the morning when
18 you had to get ready for work?

19 A No. I never said I went in the girls room --

20 Q Well, you told me you --

21 A -- you just twisted that on me.

22 Q I didn't. You told me you knew where one of your
23 nieces slept, and that she slept in the bed --

24 A Yes --

25 Q -- with your daughter --

1 A -- when I -- when I come out of my bedroom, I have to
2 walk right past my girls room into the living room to get
3 ready for work.

4 MS. MCCALL: I don't have anything further.

5 Thank you, Judge.

6 THE COURT: Any redirect?

7 MR. CANTRELL: Just a couple of questions.

8 THE COURT: All right.

9 REDIRECT EXAMINATION

10 BY MR. CANTRELL:

11 Q Now, this -- this prior conviction was when you were
12 16 years old?

13 A Yes, sir.

14 Q And it involved allegations about young nephews?

15 A Yes, sir.

16 Q And you were a 16-year-old young man and were -- you
17 were in adult court, I believe; is that right?

18 A Yes.

19 Q And I think you said you accepted a plea deal?

20 A Yes. That's because I was scared.

21 Q Do you understand that is a conviction, as the
22 Solicitor pointed out?

23 A Yes.

24 Q You do have a conviction; correct?

25 A Yes, sir.

1 Q And is it your statement today that you did not do
2 what you were alleged to have done?

3 A Yes, sir.

4 Q And on the last issue, when you were getting ready to
5 go to work, are you saying that you would walk by and look
6 in at your daughters, look into their bedroom?

7 A Yes.

8 Q Okay. And that's when you would see where they were
9 in bed?

10 A Uh-huh.

11 MR. CANTRELL: That's all I have.

12 Thank you.

13 THE COURT: All right. Thank you.

14 You can step down.

15 All right. Call your next witness.

16 MR. CANTRELL: Your Honor, that concludes the case
17 for the Defendant.

18 THE COURT: All right. Mr. Foreman, and, ladies and
19 gentlemen of the jury, this is another time I've got to
20 discuss a legal issue with the attorneys. So I'm going to
21 excuse you to your jury room. And we'll get back with you
22 in a few minutes.

23 (WHEREUPON, the jury was excused from open court at
24 approximately 2:28 p.m.)

25 THE COURT: All right. Any motions?

MOTIONS

1
2 MR. CANTRELL: Your Honor, at this time, I would
3 renew my motion for a directed verdict.

4 THE COURT: All right. Same ruling.

5 Do y'all have anything --

6 MS. MCCALL: None from the State. No, Your Honor.

7 THE COURT: Anything in reply?

8 MS. MCCALL: No, Your Honor.

9 THE COURT: Okay. Well, what kind of jury charges do
10 you want?

11 MS. MCCALL: Standard, I think, for us.

12 MR. CANTRELL: And the standard, yes, sir.

13 THE COURT: All right. Well --

14 MS. MCCALL: Your Honor, I will say I know that
15 there's been some -- maybe some talk about the charge for
16 the testimony regarding children -- children's testimony.
17 I don't know if that's -- if that's on your radar or not.
18 But we would, obviously, contest that -- argue against
19 that being charged.

20 THE COURT: What is that?

21 MS. MCCALL: It is -- give me just one moment. I
22 don't know where -- I need to look for that. I'm sorry.
23 I misplaced it. The language --

24 THE COURT: Let's just take a short break. And y'all
25 get organized. And when we come back, we're going to

1 argue and charge.

2 (WHEREUPON, a break was taken.)

3 THE COURT: Okay. What'd you find out?

4 MS. MCCALL: This -- this has my notes on it. And
5 this is an old e-mail. But it's regarding the testimony
6 of children. And the charge is, essentially, saying that
7 when you have child witnesses, you evaluate the testimony
8 as it is and you make the determination as to whether or
9 not it's credible, which you do with every witness.

10 So it's the State's position that by highlighting
11 that as a jury charge then you're --

12 THE COURT: I don't do that.

13 MS. MCCALL: Okay. Great. Perfect.

14 THE COURT: But let me ask you this, I'm going to
15 charge the prior record of a witness. Okay. And I guess,
16 you know, my charge on the prior record of the Defendant
17 is that it can only be used for impeachment. And I guess
18 that -- even though it doesn't fit the classical use of
19 the -- I'm still going to charge that. Okay.

20 MS. MCCALL: Okay. That's fine, Judge.

21 THE COURT: How about circumstantial evidence? I
22 don't know if there is any circumstantial evidence.

23 MS. MCCALL: I don't -- I don't think there is.

24 MR. CANTRELL: I'm trying to think --

25 THE COURT: Mr. Cantrell.

1 MR. CANTRELL: I'm trying to think of any. And I'm
2 not sure that I can. There might be --

3 THE COURT: Well, there's the physical examination of
4 the children being normal. But that doesn't...

5 MR. CANTRELL: The only thing I would say is in -- as
6 an abundance of caution to include it anyway. But I -- I
7 can't say I can pinpoint anything else, specifically.

8 THE COURT: The State is not relying on those
9 circumstances for a conviction. They're looking for a
10 conviction in spite of those circumstances.

11 MS. MCCALL: Correct.

12 THE COURT: So do you think I need to charge it?

13 MR. CANTRELL: I would ask that you charge it yes,
14 sir.

15 THE COURT: All right. Are y'all ready to go?

16 MS. MCCALL: We are, Your Honor.

17 MR. CANTRELL: Yes, sir.

18 THE COURT: No lesser included. It's all or nothing
19 on this.

20 MS. MCCALL: Correct.

21 THE COURT: Okay.

22 (WHEREUPON, the jury came into open court at
23 approximately 2:44 p.m.)

24 THE COURT: All right. Ladies and gentlemen, welcome
25 back. If you remember my little procedural road map that

1 I gave you, five parts of a trial. We've now completed
2 the first two parts. So the opening statements are
3 complete and now all of the evidence, all of the testimony
4 that's going to be presented to you is before you.

5 At this time, we're going to move into the closing
6 arguments of these attorneys. So I ask that you pay close
7 attention as these fine attorneys advocate their
8 positions.

9 Okay. Mr. Cantrell.

10 Do you want to open on the law? Go ahead -- or open
11 fully and then --

12 CLOSING ARGUMENTS

13 MS. MCCALL: Yes, Your Honor.

14 Thank you.

15 May it please the Court.

16 Mr. Cantrell.

17 Ladies and gentlemen of the jury, daddy did bad
18 things to me. He put his top in my top. He put his
19 private in my private. He put it in my mouth and it
20 tasted nasty. It made me sad. It made me mad. And it
21 hurted [sic]. Those are the things that you heard from
22 the witness stand and from the forensic interviews that
23 you saw played. Those were the words of **Minor 1** and **Minor 2**
24 **██████████**, young children who had to get on the witness
25 stand and tell you about some of the scariest and probably

1 most confusing times of their life.

2 They used child-like terms to tell you what their
3 biological father, Jason Galloway, did to them. We don't
4 know how many times. Sure, their statements have kind of
5 varied on that.

6 Ms. Galloway-Williams told you that memories can
7 change a little bit over time, and things can differ.
8 That when children or anyone -- anyone talks about trauma
9 that their statements aren't always full every time they
10 tell it.

11 So we don't know how many times it happened to **Minor 1**,
12 **Minor 2**, and **Minor 3**. But they told you it happened. And
13 they told you, at least, some of the things that he did to
14 them. They told you how it made them feel both -- both
15 physically and emotionally.

16 **Minor 2** even stated in her forensic interview that he
17 put his private in and woggled [sic] it around. I don't
18 know if there's a definition of woggled. I don't think
19 it's a real word. But it, certainly, seems like a word
20 that a child would use. And if I could imagine what
21 woggled would be, I think it would probable be what we're
22 all imagining. And that's what she testified that the
23 Defendant did to her.

24 **Minor 2** and **Minor 1** said that they watched the Defendant
25 do it to each other. That it happened, at least, some of

1 the times in their bedroom at their dad's house. They had
2 bunk beds and **Minor 3** had a playpen that she slept in.
3 And he did it in that room.

4 They, also, said that it happened when they were
5 sleeping. **Minor 2** said that dad would sneak in and do it
6 when she was sleeping. He would wake them up. And when
7 he finished, he would let them go back to sleep. That's
8 what they remembered.

9 And Gina, the Defendant's girlfriend, got on the
10 stand and testified that she reported the abuse. This was
11 an accidental disclosure. She told you that she heard
12 **Minor 1** screaming out when she was sleeping. And when she
13 asked **Minor 1** what she was screaming about, that's when she
14 disclosed the abuse to her, what her father had been doing
15 to her.

16 And the Defendant's girlfriend reported that abuse.
17 And praise the Lord -- thankfully, she did. She reported
18 that abuse. She went to the school that day with the
19 girls and law enforcement came. And law enforcement told
20 you that **Minor 1** disclosed sexual abuse to them.

21 Gina even testified that she's still with the
22 Defendant. And it appeared that she probably wasn't happy
23 that she was here yesterday. But, nonetheless, she
24 testified and she told you that sexual abuse was disclosed
25 to her and she reported it. And that day, the girls were

1 taken out of the Defendant's home.

2 Gina, also, told you that the Defendant would be
3 alone with his girls. That she would leave for the store.
4 And although she said it wasn't often that he was alone
5 with them, he was. And she, also, said that he would go
6 in and give them goodnight hugs, just as he said. That
7 seems very significant for someone to remember, good night
8 hugs at nighttime, especially when the Defendant
9 testified, as did Gina, that he didn't go in their rooms
10 alone, at least, the Defendant told you that.

11 He didn't go in his daughters room by himself because
12 he was scared to. And he told you why he was scared to.
13 He was scared to because he has been convicted of criminal
14 sexual conduct with a minor in the past. That's what he
15 is charged with today, three counts of criminal sexual
16 conduct with a minor with his own three daughters.

17 At the time of the disclosure, which was about two
18 and a half years ago, **Minor 1** and **Minor 2** were five and six.
19 They had just recently had birthdays the month before.
20 And they were starting kindergarten. And they told you
21 that their little sister was one -- around two years old.
22 She was, actually, around 16 months at the time.

23 And they had been living with their father pretty
24 much their whole life. But their mom had went to prison
25 prior to that. And as the Defendant told you, it didn't

1 take long for him to move Gina in the house with him and
2 the girls.

3 Gina testified that she took care of the girls. And
4 she appeared to love them. And when she found out what
5 the Defendant did to them, she reported it.

6 And the girls were brave. Because they had disclosed
7 to multiple people, as you heard, what the Defendant did
8 to them. When they disclosed and they realized that it
9 was not okay what he was doing, they told when they were
10 asked. They told in the forensic interview. They told
11 the caseworkers that worked with them on their case. One
12 of them told law enforcement. And they got on the witness
13 stand and they told you, a room full of strangers. I
14 cannot imagine how difficult that -- that would have been.

15 As Mr. Hill told you in the opening statement, this
16 is a crime that is, generally, out of sight. And that's
17 what happened. It was out of sight. But thanks to their
18 bravery, it is not out of mind.

19 It is the State's burden, and we gladly carry that
20 burden. It is our burden to prove to you beyond a
21 reasonable doubt that the Defendant committed these crimes
22 on his children. And I take honor in that burden. And as
23 Mr. Hill told you, we do not have to prove to you beyond
24 any reasonable doubt, but beyond a reasonable doubt that
25 the Defendant committed these crimes.

1 You are the fact finder. You alone get to determine
2 what the facts are in this case. You do that based on
3 your experiences, your common sense, any education you
4 have. You bring all of that to the table with all of your
5 backgrounds. And you make the determination of what
6 happened to those little girls.

7 Think about what you know with children and their
8 language skills. Ms. Galloway-Williams explained how
9 development can affect communication with children, and
10 how, you know, all children are on different levels at
11 different times. But their development may affect how
12 they interpret a question or how they respond to a
13 particular question.

14 And so take that knowledge with you when you consider
15 their testimony. And think about the words that they
16 used. Their words on the forensic interview were
17 different than their words here today. That was two and a
18 half years ago. And they've developed. They've been in
19 school. They -- they have changed over the years. So
20 consider that when you consider the words that they used
21 and how they explained what happened to them.

22 Ms. Galloway-Williams, also, testified that memory
23 can be affected by a variety of things, including chronic
24 abuse. And she explained that when someone is abused or
25 traumatized over and over again, then, sometimes, those

1 memories can run together. Or if they tell about one
2 time, they may not tell everything or it may get mixed in
3 together. We don't know how many times the girls were
4 abused. But that could affect their disclosures.

5 She, also, testified that 90 percent of the time,
6 according to research, these crimes, these out-of-sight
7 crimes are committed by people that are in positions of
8 authority, or control, or familial positions. The girls
9 trusted their father. At that point, he was the only dad
10 they'd known. And they lived with him. And he sexually
11 abused them.

12 We, also, presented some medical evidence. And you
13 heard from Dr. Crosswell, who is very experienced in these
14 areas, unfortunately. And she told you that their exams
15 were all three normal.

16 And she, also, told you that the research shows that
17 in these types of assaults there's, generally, physical
18 findings in less than three percent of the cases. That is
19 an extremely low number. And so she told you that a
20 normal exam is normal in these types of abuse cases.
21 Normal is normal.

22 In the forensic interview, the girls -- if you think
23 back, they used dolls that represented a boy and a girl, a
24 female and a male. And they were asked to show what type
25 of abuse the Defendant had done to them. Use their

1 clothes, take them off, put them in the positions that
2 they were in. And that's what they did. **Minor 1** and **Minor 2**
3 **[REDACTED]** showed you what the Defendant did to them. They
4 took their clothes off when they weren't wearing any
5 clothes when the abuse happened.

6 And one of them even pulled down the male's pants to
7 show that her dad pulled down his pants, not all the way
8 off, when he abused her. And her testimony, also, was
9 that his pants just kind of fell to the floor at one
10 point.

11 They showed you the positions that they were in
12 during times the Defendant abused them. And these are
13 young children. They used child-like terms and showed
14 things that they at their age should not know.

15 The Defendant's attorney, in his opening statement,
16 said that there will be times in this trial that you will
17 want to convict the Defendant. And I think he went on to
18 say some other things.

19 But it is my position that based on the evidence you
20 saw and the testimony you heard, there should be times
21 that you would want to convict the Defendant. He put his
22 top in my top. He put his private in my private. And it
23 hurted. Those were the words of a child.

24 **Minor 1**, and **Minor 2**, and **Minor 3** were
25 sexually abused by the Defendant, their biological father.

1 And I ask that you find him guilty on all three counts.

2 Thank you.

3 THE COURT: All right. Mr. Cantrell.

4 MR. CANTRELL: May it please the Court.

5 Solicitor.

6 Yes, I did. I told you there were times and have
7 been times, I'm confident, where you want to convict
8 somebody, that you want to have a conviction. But what I
9 did go ahead and point out is that you don't convict
10 because you want to, because you're uncomfortable, you're
11 sad, you're outraged, or any emotion like that. You only
12 convict, if you do, because you have no choice, because
13 the burden has been met.

14 And the Judge will tell you about the burden of proof
15 beyond a reasonable doubt. He'll, also, tell you that
16 Jason Galloway sits there an innocent man until that
17 burden is proven. And, if not, he remains innocent of
18 this charge. So you don't convict someone just because
19 you want to.

20 You, also, don't convict someone because, as a scared
21 16 year old in an adult court, they pled guilty to some
22 charge. He is 37 now, 21 years later. And he pled to a
23 totally different unrelated charge that is nothing like
24 this case.

25 And the simple fact is he did not have to say that to

1 you. He did not have to tell you that. But he was giving
2 an honest answer to a question as to why even all of these
3 years later after being that scared 16 year old, he has
4 reservations or he has concerns. That's sad. That's
5 regrettable. But it can be an honest fact. And I submit
6 to you it was. Because there was no other reason for him
7 to say that, other than to explain something that is a
8 fact of his life. And it is a -- an explanation for him.

9 You, also, don't convict just because you want to
10 based on an expert's testimony, the blind expert. You
11 heard a lot of information from someone who's highly
12 trained, highly respected, and knows very well and very
13 eloquently how to present her expertise.

14 You cannot turn on TV nowadays -- you simply cannot
15 turn on your TV nowadays and not have a political expert
16 tell you their opinion, tell you what they think. And I
17 hope to goodness you don't vote in the next election based
18 on what that expert tells you. I hope you make your
19 choice, you make your decision based on your own beliefs,
20 your own understanding.

21 So experts can't tell us what to do. They can't make
22 us want to do anything. But they can't make us have to do
23 anything. You make that decision yourself based on what
24 you've heard.

25 What you do know is that in this case, the unheard

1 voice, the unseen person, Heather McMakin, she's the
2 mother of these little girls. She is the mother that was
3 raising them in the home with Jason Galloway until she
4 wasn't there any more, until she went to prison. And you
5 heard **Minor 1** tell you that.

6 At that point, they have no mother there. And Jason
7 is raising them himself. He had already been working hard
8 to comply with some D -- DSS directives. And throughout
9 all of this, you've heard nothing but him working,
10 struggling at home to get a home put together to keep a
11 home for these little girls. He loved them. He cared
12 about them. He wanted the home to be right. And he
13 wanted it that much more and worked that much harder when
14 their mother went to prison.

15 Now, after they got -- after she got out of prison,
16 things might have changed a little bit. I submit to you
17 they did. Because these girls started back seeing this --
18 at that point, long, lost mother, somebody they had not
19 had in their lives. And they started seeing her. She
20 even told Jason she was going to do everything she could
21 to get these children.

22 And I think it's not a coincidence that there had
23 been nothing, no issues, no problems in this home, even
24 though DSS was there from time to time. There had been no
25 issues or problems between Jason and the girls, or the

1 girls having complaints about anything. Rest assured, if
2 there had been, we would have heard about it yesterday or
3 today.

4 And then Heather McMakin comes home, starts seeing
5 the girls. And it's not a whole lot of time later that
6 these allegations come about. And Heather told Jason she
7 was going to get the girls.

8 And I'll leave it to your recollection, but I was
9 certain that I heard **Minor 1** say something about when momma
10 told us what had happened. It got a little bit corrected
11 after that and was said, Well, did you tell momma what had
12 happened? Well, yeah. But **Minor 1** unsolicited said, When
13 momma told us what had happened. You've got to consider
14 all of that. You've got to think about all of that in
15 your deliberations.

16 But there was, in fact, a disclosure. We've heard
17 some of them. Gina, who cares about those girls,
18 apparently, still cares about Jason, she did the
19 appropriate thing. And she repeated what **Minor 1** had said.
20 That was a disclosure. Recount for yourself how many
21 times you've heard the word "disclosure" yesterday and
22 today.

23 And I would submit to you that just within the first
24 two or three days, there were several disclosures. But
25 does disclosure mean that these little girls went and

1 sought out someone to talk to to disclose to to make these
2 comments to? No, not at that point. They said something
3 there in the home. I submit there could be a couple
4 different origins for what they said happened. We don't
5 know what had gone on in Heather McMakin's home. We have
6 no clue. But we do know things had just started back with
7 Heather McMakin when these disclosures came out.

8 But since then, these girls have had to disclose --
9 at last count, I think we had five, maybe six witnesses.
10 Was this disclosed to you?

11 Yes, it was.

12 Was this disclosed to you?

13 Yes, it was.

14 Plus, a disclosure at the Julie Valentine Center.
15 Plus, a disclosure in this courtroom.

16 I don't know what value the word or the concept of
17 disclosure can be when you have all of those and it's
18 being repeated over and over by two young girls, who don't
19 want to talk about it, don't want to say it. But I think
20 it is significant that almost all the time, in spite of
21 some statements that, well, it was -- there can be varied
22 statements, the words can change, this can be different,
23 that can be different in the statements.

24 The ones you heard these girls make had the same
25 words consistently throughout using front, top, bottom.

1 Those didn't change. Those were consistent, which is a
2 little contrary to what this expert said. Because she
3 said they're usually not -- or very often not consistent.

4 I would submit that woggle [sic] and wonkie [sic] are
5 not necessarily kid words. I don't know. Listen to the
6 radio, talk to people. You hear them all the time talking
7 about things going wonkie. I don't think these girls
8 heard it on the radio, but I think they must have heard
9 that word somewhere. That's not their word. That's not a
10 baby word. So they've heard that word and used that word
11 in their descriptions here.

12 But so many.

13 Disclosures don't mean that it don't create accuracy,
14 don't create truthfulness. Those are just repetitions of
15 words.

16 Everything you heard about Jason Galloway was that he
17 worked. He's from here in Pickens County. His family is
18 here. He works here. And he has worked to provide a home
19 for his children.

20 Everything else you heard from a bad standpoint,
21 other than the words out of his mouth as to something that
22 happened years ago, everything you heard from him -- or
23 heard from others that was bad was only based on two
24 statements by two young, little, impressionable girls in
25 very difficult and unfortunate circumstances. The rest of

1 the comments you heard were repetitions of the same thing.

2 You've got to be convinced beyond a reasonable doubt
3 that all of that adds up to the fact that it did happen.
4 And for that reason, you have to return a verdict of
5 guilty. And I think if you think about all of those
6 variations, you think about all of those possibilities,
7 very real, very real concrete possibilities that you
8 cannot find that you have to convict Jason Galloway.

9 Here again, he sits there innocent. He sits there as
10 a father who worked hard, worked long hours, came home,
11 worked on the home, worked on the trailer, made it better
12 for his girls. And he was very seldom there, if ever, by
13 himself with the girls for various reasons.

14 And that -- all of that in and of itself is the
15 reason that you don't have to find him guilty, and I think
16 for that reason have to find him not guilty.

17 Thank you.

18 THE COURT: All right.

19 MS. MCCALL: Briefly, Your Honor.

20 THE COURT: Yes.

21 MS. MCCALL: Working and being from Pickens County
22 does not make you innocent. That's what we heard his
23 attorney say. Sure, he worked during the day. He was
24 home at night. And he had the opportunity to be alone
25 with the girls.

1 trial.

2 It is your duty, as jurors, to accept and apply the
3 law as I now state it to you. If you think you have any
4 idea as to what the law is or what the law ought to be and
5 it differs from what I now tell you the law is, you've
6 sworn an oath to set aside your own opinion and apply the
7 law precisely as I state it to you.

8 I would remind you that in every case tried in this
9 Court before a jury, the jury is the sole and exclusive
10 judge of the facts. And a trial judge cannot comment on
11 or make any statement about the facts in a case. So,
12 please, don't think by anything I may have said or done
13 throughout the course of the trial that I have such an
14 opinion. It is up to you all to be the judge of the
15 facts.

16 I, again, instruct you that the fact that the
17 Defendant was arrested, charged, and indicted in the case
18 is not evidence of guilt, nor does it create any
19 presumption or inference of guilt. These documents are
20 simply the formal written instruments which contain the
21 charge made against this Defendant. And they serve as the
22 formal documents by which the case is processed and
23 brought into court for a resolution.

24 Now, there are three separate indictments in this
25 case. And the charges -- each charge is the same with

1 respect to a separate victim. So they are all criminal
2 sexual conduct with a minor in the first degree against
3 the three victims in the case.

4 So I would tell you that each indictment charges a
5 separate and distinct offense. And you must decide each
6 indictment separately on the evidence and the law
7 applicable to it uninfluenced by your decision as to any
8 other indictment. And the Defendant may be convicted or
9 acquitted on any or all of the offenses charged. And you
10 will be asked to write a separate verdict of guilty or not
11 guilty on each indictment.

12 Necessarily, you must determine the credibility or
13 believability of the witnesses who have testified in the
14 case. And it becomes your duty as jurors to evaluate the
15 evidence and determine which evidence convinces you that
16 it is true.

17 And in determining the believability of the
18 witnesses, you may believe one witness over several or
19 several over one. You may believe a part of the testimony
20 of a witness and reject the remaining part. You may
21 believe the testimony of a witness in its entirety or
22 reject that same testimony in its entirety.

23 And you may consider whether the witness has an
24 interest in the result of the trial, whether the witness
25 is prejudiced towards either the State or the Defendant,

1 the opportunity for the witness to have seen the matters
2 and things about which the witness has testified, and the
3 way the witness acts on the witness stand or what we call
4 a witnesses demeanor.

5 You have heard evidence that the Defendant was
6 convicted of a crime other than the one for which he is
7 now on trial. This evidence may be considered by you if
8 you conclude that it is true only in deciding whether the
9 Defendant's testimony today is believable and for no other
10 purpose.

11 You must not consider the Defendant's prior record as
12 any evidence of the Defendant's guilt of the charge that
13 he is being tried for today. You have all -- a person who
14 has a past criminal record is competent to testify during
15 a trial. And a past record does not affect the ability of
16 that witness to testify -- to testify. The past record
17 may only be considered by you, if at all, in determining
18 the witnesses believability. Remember, you are the sole
19 judge of the facts in the case and of the believability of
20 any and all of the witnesses.

21 The rules of evidence ordinarily do not permit
22 witnesses to testify to opinions or conclusions. An
23 exception to that rule exists for witnesses which we call
24 experts.

25 So a witness who by education and experience has

1 become an expert in some art, science, or profession may
2 give an opinion as to the subject in which the witness has
3 been qualified as an expert. And they may, also, give the
4 reasons for the opinion. And you should consider any
5 expert opinion given by a witness and, like all the other
6 evidence, give it the weight that you think it deserves.

7 The Defendant has pled not guilty to these
8 indictments. And that plea puts the burden on the State
9 to prove the Defendant guilty. A person charged with
10 committing a criminal offense in South Carolina is never
11 required to prove themselves innocent.

12 So I charge you that it is a cardinal and a signal
13 rule of the law that the Defendant in a criminal trial
14 will always be presumed to be innocent of the crime for
15 which an indictment has issued, unless guilt has been
16 proven by evidence satisfying you, the jury, of guilt
17 beyond a reasonable doubt.

18 Now, a reasonable doubt is the kind of doubt which
19 would cause a reasonable person to hesitate to act. A
20 reasonable doubt may arise from the evidence which is in
21 the case or from the lack or absence of evidence in the
22 case. And you, the jury, must determine whether or now --
23 whether or not reasonable doubt exists as to the guilt of
24 the Defendant.

25 Now, there are two types of evidence which are,

1 generally, presented during a trial, direct evidence and
2 circumstantial evidence. Direct evidence directly proves
3 the existence of a fact and does not require deduction.

4 Circumstantial evidence is proof of a chain of facts
5 and circumstances indicating the existence of a main fact.
6 Crimes may be proven by circumstantial evidence.

7 The law makes no distinction between the weight or
8 value to be given to either direct or circumstantial
9 evidence. However, to the extent the State relies on
10 circumstantial evidence, all of the circumstances must be
11 consistent with each other and when taken together point
12 conclusively to the guilt of the accused beyond a
13 reasonable doubt.

14 And if these circumstances merely portray the
15 Defendant's behavior as suspicious, the proof has failed.
16 The State has the burden of proving the Defendant guilty
17 beyond a reasonable doubt. And the burden rests with the
18 State, regardless of whether the State relies on direct
19 evidence, circumstantial evidence, or some combination of
20 the two.

21 Now, the Defendant is charged, as I said, in three
22 separate indictments. Each has the same charge, and that
23 is first degree criminal sexual conduct with a minor. The
24 charge on -- this charge on the law applies to each
25 indictment individually. And each indictments --

1 indictment must stand or fail based on the evidence and
2 the law as it is applied to that separate indictment.

3 The State must prove beyond a reasonable doubt that
4 the Defendant engaged in a sexual battery with the victim.
5 And a sexual battery is sexual intercourse, cunnilingus,
6 fellatio, anal intercourse, or any intrusion, however
7 slight, of any part of a person's body or of any object
8 into the genital or anal openings of another person's
9 body, except when the intrusion is accomplished for
10 medically recognized treatment or diagnostic purposes.

11 The State must then prove beyond a reasonable doubt
12 that the victim was less than 11 years of age at the time
13 of the sexual battery. Consent, willingness,
14 indifference, or ignorance on the part of the minor, if
15 any, as to what was taking place does not in any way
16 affect the charge of criminal sexual conduct with a minor.
17 Because an unmarried woman or man under the age of 14
18 cannot consent legally to sexual intercourse.

19 Now, with respect to each indictment, there are two
20 possible verdicts. It doesn't make any difference in what
21 order I say them, one word has to go first. They are
22 either guilty or not guilty.

23 All -- I would tell you that your verdict must be
24 unanimous. All 12 of you must agree. And your verdict
25 cannot be based on sympathy, passion, prejudice, emotion,

1 or any other consideration which is not in evidence in the
2 case. You have no friends to reward and you have no
3 enemies to punish.

4 We have prepared a verdict form, which we're going to
5 send back into the jury room. I think it's
6 self-explanatory. It lays out the three indictments and
7 the choices that you make. The -- each victim's name is
8 listed in one of the three locations.

9 When you all have reached a unanimous decision,
10 please, indicate to the bailiffs. And we'll receive you
11 back and take your verdict.

12 So, at this time, I would ask you not to begin your
13 deliberations, but to retire to the jury room. I have to
14 go over my charge on the law to make sure I didn't omit
15 something or misstate something.

16 But when the verdict form comes back with the
17 evidence, then you all may begin your deliberations.

18 So with the exception of Mr. Merrill and Mr. Pryor, I
19 would excuse you all to your jury room.

20 (WHEREUPON, the jury was excused from open court at
21 approximately 3:19 p.m.)

22 THE COURT: Gentlemen, I'm -- this is always hard for
23 me. I've made you sit up here, listen to the evidence, go
24 through the whole process. And then I can't let you go
25 back in there. The law only allows 12. I hope you can

1 understand that we knew the case would go into a second
2 day. And it's not infrequent that people are taken ill or
3 something else happens.

4 So I want to thank you for your service.

5 I hope it has been a rewarding experience. I hope
6 that when you reflect on this that you can be proud of
7 your service to your fellow citizens.

8 And with that, I can tell you that you are excused
9 for the week. You can talk about it with whoever you want
10 to. If someone bothers you and you don't want to talk
11 about it, just let the Clerk of Court know who that is and
12 we will fix that problem. Because we're not going to have
13 you be harassed or intimidated by anybody.

14 So thank you for your service.

15 Stay, leave, whatever you'd like to do.

16 All right. Any exception or objection to the charge
17 from the State?

18 MS. MCCALL: Nothing to the charge, Your Honor.

19 I just want to make sure the verdict form -- I
20 believe it needs to have the -- indicate the type of
21 sexual abuse.

22 Is that not necessary on the -- on the -- I mean, on
23 the conviction form? Yeah, with respect to the type of
24 penetration. I believe they have to select or indicate.

25 THE COURT: Do you have some law to that effect?

1 MS. MCCALL: I don't. It's just been practice in the
2 past. I mean, if you've never done it, I just -- I'll
3 look. Give me just one moment, Judge.

4 THE COURT: Do you have any exception or objection,
5 Mr. Cantrell?

6 MR. CANTRELL: None, Your Honor.

7 MS. MCCALL: And -- and I wish that I knew -- I
8 believe that it has something to do with, obviously, after
9 the fact of conviction, not now. But something -- I will
10 find out. Just one moment.

11 (Pause.)

12 MS. MCCALL: I think it's statutorily required, Your
13 Honor, but.

14 (Pause.)

15 MS. MCCALL: Mr. Cantrell found it for us, Judge.

16 MR. CANTRELL: Judge, I've got a copy of the statute.
17 It's a horrible copy because my printer was running out of
18 toner, but it --

19 (WHEREUPON, a bench conference was held that was out
20 of the hearing of the court reporter.)

21 THE COURT: All right. Bring them back out.

22 And I'll charge them that one sentence.

23 Bring them back.

24 (WHEREUPON, the jury came into open court at
25 approximately 3:28 p.m.)

1 THE COURT: Okay. Ladies and gentlemen, it's a good
2 thing I asked y'all to wait because I omitted one
3 sentence.

4 If on each indictment, which must stand or fall on
5 the merits of the evidence and law applicable to it, if
6 you find beyond a reasonable doubt that the Defendant is
7 guilty on each indictment separately, then you must
8 designate or indicate -- and I think we'll have this on
9 the verdict form for you -- whether the type of conduct
10 that constituted the sexual battery involved sexual or
11 anal intercourse by a person or intrusion by an object.

12 Okay. I hope that makes sense.

13 If you find that the Defendant is guilty beyond a
14 reasonable doubt, then you must also -- and it will be a
15 yes or no -- tell us whether or not the conduct that
16 constituted the sexual battery involves sexual or anal
17 intercourse by a person or intrusion by an object.

18 Okay. I hope that's clear. And I'll ask y'all to
19 return to retire to your jury room. And we'll get
20 everything to you in just a minute.

21 Okay. Thank you.

22 (WHEREUPON, the jury was excused from open court at
23 approximately 3:30 p.m.)

24 THE COURT: All right. I'll ask the lawyers to come
25 up and review this before we send it down to the clerk to

1 be printed.

2 (Pause.)

3 MS. MCCALL: Yes.

4 MR. CANTRELL: I think that's about as good as --

5 MS. MCCALL: And I think the purpose -- I don't know
6 if you read the rest of the statute. The purpose is if
7 there are any subsequent convictions regarding the
8 subsequent sentence.

9 So that's, I think, what it -- what it relies on.
10 Because I think for the death penalty for a subsequent
11 case, then they would have had to have made this
12 determination.

13 THE COURT: Death penalty, do we do that any more?

14 MS. MCCALL: I just wanted to try to avoid any
15 potential problems.

16 THE COURT: All right. Is there any -- any exception
17 or objection to the charge from the State?

18 MS. MCCALL: No, Judge.

19 THE COURT: From the Defense?

20 MR. CANTRELL: Nothing, Your Honor.

21 THE COURT: All right. Y'all, please, get with the
22 court reporter and make sure the evidence is correct.

23 And as soon as the verdict form gets up here, we'll
24 send it back.

25 MS. MCCALL: Your Honor, we discussed holding back

1 the videos since we used the redacted versions for the
2 Court. Because the State's Exhibit is the unredacted
3 version. So I just didn't want to send back
4 the unredacted copy to the jury.

5 MR. CANTRELL: And they can't look at it without
6 coming back in any way. But I think that would be
7 appropriate.

8 THE COURT: So the redacted versions are not in
9 evidence?

10 MS. MCCALL: The redacted versions are Court's
11 Exhibits. That's the way that we -- we did the redacted
12 versions as Court's Exhibits. And the originals are
13 the -- so we just use the redacted version that is the
14 same thing as the -- so it's -- it's, essentially, the
15 original version, but just with the redactions that are
16 in --

17 THE COURT: You can make the originals Court's
18 Exhibits. The others were what was played to the jury and
19 that is the actual exhibit. Okay.

20 MS. MCCALL: Okay.

21 THE COURT: That's, actually, what was introduced in
22 evidence.

23 MR. CANTRELL: All right. It would need -- that
24 would need -- need to be part of the record for future
25 use, I guess. So, yeah, I think --

1 THE COURT: Well, the originals can be a Court's
2 Exhibit. Okay.

3 MS. MCCALL: Okay.

4 THE COURT: But the others -- the two that were
5 played to the jury are the actual evidence. So those are
6 the ones that should be marked as State's Exhibit.

7 MS. MCCALL: Okay. And then we will just need to --
8 since on that one, I played both, both the redacted
9 version and the original version. Those would both need
10 to be State's Exhibits. And we just wouldn't -- we
11 wouldn't be able to send back that original because it's
12 not the redacted version.

13 Does that make sense?

14 THE COURT: Not really, but.

15 MS. MCCALL: I know it's confusing.

16 (WHEREUPON, Court's Exhibit No. 2 was remarked as
17 State's Exhibit No. 11 and admitted into evidence.)

18 (WHEREUPON, the proceedings were recessed at
19 approximately 3:33 p.m.)

20 QUESTIONS FROM THE JURY

21 THE COURT: I've got a question. It says, "Is oral
22 considered sexual by the law?"

23 I think -- the clear answer is yes. The charge is a
24 sexual battery is sexual intercourse, cunnilingus,
25 fellatio, anal intercourse, or any intrusion however slight.

1 So what I would propose -- I'll take comments -- is
2 to bring them back and charge this part of the charge,
3 just that one section.

4 Okay. Let's bring them back.

5 (WHEREUPON, the jury came into open court at
6 approximately 4:27 p.m.)

7 THE COURT: All right. Ladies and gentlemen, your
8 question was, "Is oral considered sexual by the law?"

9 Let me just recharge you on first degree criminal
10 sexual conduct with a minor.

11 The Defendant is charged with first degree criminal
12 sexual conduct with a minor. The State must prove beyond
13 a reasonable doubt that the Defendant engaged in a sexual
14 battery with the victim.

15 A sexual battery is sexual intercourse, cunnilingus,
16 fellatio, anal intercourse, or any intrusion, however
17 slight, of any part of a person's body or of any object
18 into the genital or anal openings of another person's
19 body, except when the intrusion is accomplished for
20 medically recognized treatment or diagnostic purposes.

21 The State must then prove beyond a reasonable doubt
22 that the victim was less than 11 years old at the time of
23 the sexual battery. Consent, willingness, indifference,
24 or ignorance on the part of the minor, if any, as to what
25 was taking place does not in any way affect the charge of

1 criminal sexual conduct with a minor. Because an
2 unmarried woman or man under the age of 14 cannot legally
3 consent to sexual intercourse.

4 Does that answer your question?

5 (WHEREUPON, there was no verbal response.)

6 THE COURT: Thank you.

7 Please retire and continue with your deliberations.

8 (WHEREUPON, the jury was excused from open court at
9 approximately 4:29 p.m.)

10 (WHEREUPON, Court's Exhibit No. 6 was marked for
11 identification and admitted into evidence.)

12 (WHEREUPON, the proceedings were recessed at
13 approximately 4:29 p.m.)

14 THE COURT: I've got a question, "Can we get a copy
15 of the transcript of **Minor 1** and **Minor 2**'s conversation with
16 the Prosecutor?"

17 I don't know if -- who they identify as the
18 "Prosecutor." I guess it's the trial testimony.

19 Do you want me to just write to them and say, "Do you
20 mean the trial testimony?"

21 (WHEREUPON, there was no response.)

22 THE COURT: Pat, would you put a -- let Hollie put a
23 marker on that and send it back to them.

24 (WHEREUPON, Court's Exhibit No. 7 was marked for
25 identification and admitted into evidence.)

1 (Pause.)

2 THE CLERK: Yes.

3 THE COURT: Tell them to write it down. We've got to
4 have it as part of the record.

5 (Pause.)

6 THE COURT: It says, "Yes. We need to read the
7 testimony." We can't do that.

8 (Pause.)

9 THE COURT: Get Hollie to stick one on that and take
10 it back to them -- well, let me read it to them.

11 All right. My answer is, "Testimony can be replayed.
12 But there is no written transcript. Would you like to
13 listen?" Signed Judge Miller.

14 (WHEREUPON, Court's Exhibit No. 8 was marked for
15 identification and admitted into evidence.)

16 (Pause.)

17 THE COURT: "Yes."

18 Are you ready, Hollie?

19 THE COURT REPORTER: Let me -- let me double-check.

20 (Pause.)

21 THE COURT REPORTER: I am ready.

22 THE COURT: Okay. Bring the jury in.

23 (WHEREUPON, the jury came into open court at
24 approximately 5:03 p.m.)

25 THE COURT: Okay. I think we have it queued up and

1 ready to play.

2 (WHEREUPON, the testimony of Minor 1 and
3 Minor 2 was played in open court.)

4 THE COURT: Okay. Thank y'all very much.

5 (WHEREUPON, the jury was excused from open court at
6 approximately 5:36 p.m.)

7 THE COURT: We'll be in recess.

8 (WHEREUPON, the proceedings were recessed at
9 approximately 5:36 p.m.)

10 THE COURT: All right. I understand we've got a
11 verdict. I would caution everyone not to have any
12 outbreaks no matter what the verdict. Okay.

13 (WHEREUPON, the jury came into open court at
14 approximately 6:05 p.m.)

15 THE COURT: All right. Mr. Foreman, I understand
16 you've reached a verdict.

17 JUROR #23, CHRISTOPHER BURR: Yes, Your Honor, we
18 have.

19 THE COURT: Okay. If you would hand it to the clerk
20 for me.

21 All right. Mr. Foreman, there is one -- the final
22 question is not -- there's no indication on the final
23 question.

24 Can I hand this back to you? It was a "yes" or "no."
25 And there's no indication.

1 JUROR #23, CHRISTOPHER BURR: It was the wording on
2 the top question is what we had an issue with.

3 THE COURT: Oh, let me -- I'm sorry.

4 Pat, did I miss something here?

5 Okay. Great. Very good.

6 Thank you.

7 That's my -- my fault.

8 Would you publish the verdict, please?

9 VERDICT

10 THE CLERK: Yes, sir.

11 This is the State of South Carolina v. Jason Riley
12 Galloway. As to the indictment 2017-GS-39-3060, the
13 charge of criminal sexual conduct with a minor first
14 degree committed upon **Minor 1**, we, the jury,
15 find the Defendant guilty.

16 If you found the Defendant guilty of this
17 incident [sic], you must indicate whether the conduct was
18 constituted by a sexual battery involving sexual or anal
19 intercourse by a person or intrusion by an object. Yes.

20 As to the indictment 2017-GS-39-3061, the charge of
21 criminal sexual conduct with a minor first degree
22 committed upon **Minor 2**, we, the jury, find the
23 Defendant guilty.

24 It says, If you found the guilty -- the Defendant
25 guilty of this indictment, you must indicate whether the

1 conduct was constituted by a sexual battery involving
2 sexual or anal intercourse by a person or intrusion by an
3 object. Yes.

4 As to indictment 2017-GS-39-3062, the charge of
5 criminal sexual conduct with a minor first degree
6 committed upon **Minor 3**, we, the jury, find the
7 Defendant not guilty.

8 Is this your verdicts and still your verdicts? So
9 say you all by raising your right hand.

10 (WHEREUPON, all of the jurors raised their right
11 hand.)

12 THE CLERK: Thank you.

13 THE COURT: Thank you very much.

14 Anything further from the jury from the State?

15 MS. MCCALL: No, Your Honor.

16 THE COURT: From the Defense?

17 MR. CANTRELL: None, Your Honor.

18 THE COURT: All right. Ladies and gentlemen, thank
19 you very much for your diligent hard work.

20 It was a very difficult case. And I know that you
21 all took it very seriously and gave it your all. And we
22 deeply appreciate that.

23 I'm, also, happy to tell you that you have fulfilled
24 your service for the week. And you are done for the week,
25 and, if you so choose, for three years.

1 All right. Anything from the State?

2 MS. MCCALL: Just briefly, Your Honor. You've,
3 obviously, heard the facts of this case. Based on the
4 Defendant's prior conviction for the same crime, his
5 crimes against children, we believe that he is a threat to
6 society. And the only way that we can ensure that he does
7 not offend and continue to abuse children is to sentence
8 him to life in prison.

9 THE COURT: Okay. How many days credit does he get
10 for his incarceration?

11 MR. CANTRELL: Your Honor, we believe it was about
12 four to five months.

13 THE COURT: Well, I'll just -- they'll have to figure
14 it out.

15 What can you tell me? He's got -- what's his
16 criminal history?

17 MS. MCCALL: Your Honor, he has a conviction for
18 criminal sexual conduct with a minor in the first degree
19 and assault and battery of a high and aggravated nature in
20 2001.

21 DEFENDANT GALLOWAY: Can I say something on that?

22 THE COURT: Yeah. I'm going to let you talk.

23 DEFENDANT GALLOWAY: One of the -- one of the sex
24 charges was dropped down to assault and battery.

25 THE COURT: Okay. What can you tell me?

1 MR. CANTRELL: Well, Your Honor, just -- well, first,
2 we'll start with that. From what I understand, I cannot
3 tell you -- I have researched this. But from what he's
4 telling me is both of the charges -- or both of the
5 offenses on his criminal record are from the same
6 incident.

7 THE COURT: Okay.

8 MR. CANTRELL: So we believe that to be true. You've
9 already heard about the -- the first incident. It was --
10 he was charged when he was 16 years of age. He was
11 charged as an adult and pled -- or was --

12 Pled or convicted? Did you go to trial?

13 DEFENDANT GALLOWAY: I pled.

14 MR. CANTRELL: He pled.

15 DEFENDANT GALLOWAY: I pled.

16 MR. CANTRELL: He pled to the charges, one CSC and
17 one assault and battery of a high and aggravated nature.
18 He served a youthful offender sentence and youthful
19 offender probation. And he successfully completed all
20 that. He has had no other criminal history, no other
21 criminal record whatsoever since that time until these
22 charges came along.

23 During that time, he has worked. He has supported
24 his family, all the things you've heard discussed in the
25 trial itself.

1 He has been on house arrest on bond for over two
2 years and successfully complied with all -- each and every
3 restriction and regulation with that while maintaining his
4 job.

5 THE COURT: Well, this is a mandatory minimum of
6 25 years.

7 MR. CANTRELL: And I understand that. And that's --
8 given his lack of a record and his history while on house
9 arrest, we would be asking for the minimum.

10 THE COURT: Well, what do you want to tell me?

11 DEFENDANT GALLOWAY: I -- I ain't got much to say.

12 THE COURT: You're looking at life in prison and you
13 don't have anything to say?

14 DEFENDANT GALLOWAY: I mean, after my kids got
15 taken [sic], I was pretty much down to nothing. It don't
16 matter. That's just my opinion.

17 MR. CANTRELL: Your Honor, in his defense -- he's not
18 going to present it -- I will tell you that during this
19 time -- like I said, he's been on house arrest. He's been
20 compliant with me. He's been compliant with the house
21 arrest. He has come to me and cooperated. He is --

22 THE COURT: Well, I -- I'll give him that. He sat up
23 here. He didn't have to say anything about the prior
24 conviction. He brought it out.

25 MR. CANTRELL: Yeah. I -- I just -- quite honestly,

1 Judge, I hate -- I'm not in his shoes. I hate to think
2 he's standing here and just totally given up. That may be
3 the case, but I don't think he should. And I don't think
4 he, quite honestly, would know what else to say to you.
5 So I'll try to speak on his behalf in that respect, but --

6 THE COURT: I know. There is -- there is another
7 co-defendant. And you've been pretty square. I mean, if
8 you wanted to -- it's time to get your -- to get it off
9 your chest -- okay -- all of it. And if you wanted to
10 talk to the State about what you know about the conduct of
11 the co-defendant, I'll be happy to defer sentencing.

12 DEFENDANT GALLOWAY: It's, like I said, I don't know
13 nothing other than him and my sister's little girls used
14 to take my babies out and back to their momma's. That's
15 it.

16 THE COURT: They did what?

17 DEFENDANT GALLOWAY: When -- when my father would
18 take my little girls to their mother's house, Heather.
19 Because we couldn't get along. I didn't want no trouble
20 with no law. So I had somebody take them. And any time
21 he went, he had my sister's little girls with him in the
22 car. And that's the only time I know of my -- my father
23 being alone with my kids.

24 THE COURT: Well, he's charged with doing this to one
25 of your daughters, too.

1 DEFENDANT GALLOWAY: I know that.

2 THE COURT: You don't know anything about that?

3 DEFENDANT GALLOWAY: No, sir.

4 THE COURT: Why would you do this?

5 DEFENDANT GALLOWAY: Sir?

6 THE COURT: Why would you do this?

7 DEFENDANT GALLOWAY: I didn't do it. That's the
8 problem.

9 SENTENCING

10 THE COURT: 45 years on each, concurrent.

11 *****END OF TRANSCRIPT OF RECORD*****

12

13

14

15

16

17

18

19

20

21

22

23

24

25

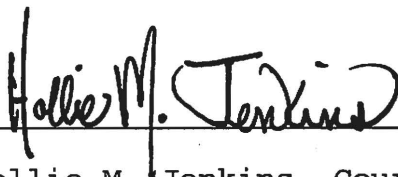
CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)

I, HOLLIE JENKINS, Official Court Reporter for the Thirteenth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete Transcript of Record of the proceedings had and the evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for Pickens County, South Carolina, on the 18th and 19th days of February, 2020.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

May 9, 2020



Hollie M. Jenkins, Court Reporter

My Commission Expires: 09/24/20

WITNESSES

 Michael P Hendricks

 Pickens County Sheriff's Office

 9/26/2017

ARREST WARRANT NUMBER
 2017A3910101093

ACTION OF GRAND JURY

 TRUE BILL NOV 21 2017

 Foreperson of Grand Jury

VERDICT
 Guilty

 Christopher Burr
 Foreperson of Petit Jury
 Date: 2/19/2020

DOCKET NO. 2017-GS-39- **3060**
 BBH
The State of South Carolina
 County of Pickens

COURT OF GENERAL SESSIONS
 NOV 21 2017 TERM 2017

THE STATE
 vs.
JASON RILEY GALLOWAY

 Indictment for
 0385
CRIMINAL SEXUAL CONDUCT WITH A MINOR
FIRST DEGREE
 VIOLATION § 16-03-0655(A)(1)

RECEIVED
 MAR 02 2020
 SC Court of Appeals

STATE OF SOUTH CAROLINA)
)
COUNTY OF PICKENS)

INDICTMENT FOR
CRIMINAL SEXUAL CONDUCT WITH A MINOR FIRST DEGREE

At a Court of General Sessions, convened on **NOV 21 2017** the Grand Jurors of Pickens

County present upon their oath:

That JASON RILEY GALLOWAY did in Pickens County, between the dates of January 1, 2016 and August 22, 2017, commit a sexual battery on **Minor 1** who was less than eleven years of age or commit a sexual battery with **Minor 1** who is less than sixteen years of age and has previously been convicted of, pled guilty or nolo contendere to, or adjudicated delinquent for an offense listed in Section 23-3-430 (C) or has been ordered to be included in the sex offender registry pursuant to Section 23-3-430(D). This is in violation of §16-3-655(A)(1)[formerly 16-3-655(1)] of the South Carolina Code of Laws (1976) as amended

Handwritten: Certified Copy
Handwritten: Howell P. Walker
Clerk of Court
Pickens County, SC
Dated _____

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

Handwritten: Brandi Hunter
SOLICITOR
BAR # 77844

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Pickens VS. STATE

INDICTMENT/CASE#: 2017GS3903060 A/W#: 2017A3910101093 Date of Offense: 1/1/2016 S.C. Code §: 16-03-0655(A)(1) CDR Code #: 0385

Jason Riley Galloway

AKA:

Race: WHITE Sex: M Age: 37

DOB: [REDACTED] SS: [REDACTED]

Address: [REDACTED]

City, State, Zip: Pickens, SC 29671-8231

DL#: [REDACTED] SID#: [REDACTED]

*CDL Yes [] No [] CMV Yes [] No [] Hazmat Yes [] No []

In disposition of the said indictment comes now the Defendant who was TO: Sex, Crim Sex Cond, 1st Deg W/Min <11 Yr

SENTENCE SHEET

25 - Life

[X] CONVICTED OF or [] PLEADS

in violation of § 16-03-0655(A)(1) of the S.C. Code of Laws, bearing CDR Code # 0385 [] NON-VIOLENT [X] VIOLENT [] SERIOUS [X] MOST SERIOUS [] Mandatory GPS(CSC w/minor 1st or Lewd Act) [] §17-25-45

The charge is: [X] As Indicted, [] Lesser Included Offense, [] Defendant Waives Presentment to Grand Jury, [] Without Negotiations or Recommendation, [] Negotiated Sentence, [] Recommendation by the State.

ATTEST: Britni McCall 101300 Defendant Cantrell, David 01116 SC Bar# Attorney for Defendant

WHEREFORE, the Defendant is committed to the [] State Department of Corrections, [] County Detention Center, for a determinate term of 45 days/months/years or [] under the Youthful Offender Act not to exceed years and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment of \$; plus costs and assessments as applicable*; the balance is suspended with probation for months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

[X] CONCURRENT or [] CONSECUTIVE to sentence on: [X] The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDoc. [] The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135. Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

[] RESTITUTION: [] Deferred [] Def. Waives Hearing [] Ordered PTUP

Total: \$ plus 20% fee: \$

Payment Terms:

[] Set by SCDPPPS

Recipient:

Table with 2 columns: Description and Amount. Includes items like §14-1-206 (Assessments 107.5%), §14-1-211(A)(1) (Conv. Surcharge) \$100, §14-1-211(A)(2) (DUI Surcharge) \$100, §56-5-2995 (DUI Assessment) \$12, §56-1-286 (DUI Breath Test) \$25, Proviso (Public Def/Probation) \$500, §14-1-212 (Law Enforce. Funding) \$25, §14-1-213 (Drug Court Surcharge) \$150, §50-21-114 (BUI Breath Test Fee) \$50, §56-5-2942(J) (Vehicle Assessment) \$40/ea, 3% to County (if paid in installments) \$ 3.75.

TOTAL \$ 128.75

Clerk of Court/ Deputy Clerk: [Signature]

Court Reporter: Hollie Jenkins

days/hours Public Service Employment

Obtain GED: []

Attend Voc. Rehab. or Job Corp: []

May serve W/E beginning

Substance Abuse Counseling []

Random Drug/Alcohol testing []

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ beginning

\$ paid to Public Defender and:

Other:

[] Appointed PD or appointed other counsel Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Presiding Judge: [Signature]

Judge Code: 2130

Sentence Date: 2/19/20

RECEIVED

MAR 02 2020

SC Court of Appeals

Certified Copy [Signature] Clerk of Court Pickens County SC

WITNESSES

Michael P Hendricks
Pickens County Sheriff's Office
9/26/2017

ARREST WARRANT NUMBER
2017A3910101094

ACTION OF GRAND JURY

TRUE BILL NOV 21 2017
[Signature]
Foreperson of Grand Jury

VERDICT
Guilty

Christopher Bass
Foreperson of Petit Jury
Date: 2/19/2020

DOCKET NO. 2017-GS-39-3061
BBH

The State of South Carolina
County of Pickens

COURT OF GENERAL SESSIONS

NOV 21 2017 TERM 2017

THE STATE

vs.

JASON RILEY GALLOWAY

Indictment for
0385

CRIMINAL SEXUAL CONDUCT WITH A MINOR
FIRST DEGREE

VIOLATION § 16-03-0655(A)(1)

RECEIVED

MAR 02 2020

SC Court of Appeals

STATE OF SOUTH CAROLINA)
)
COUNTY OF PICKENS)

INDICTMENT FOR
CRIMINAL SEXUAL CONDUCT WITH A MINOR FIRST DEGREE

At a Court of General Sessions, convened on **NOV 21 2017** the Grand Jurors of Pickens

County present upon their oath:

That JASON RILEY GALLOWAY did in Pickens County, between the dates of January 1, 2016 and August 22, 2017, commit a sexual battery on **Minor 2** who was less than eleven years of age or commit a sexual battery with **Minor 2** who is less than sixteen years of age and has previously been convicted of, pled guilty or nolo contendere to, or adjudicated delinquent for an offense listed in Section 23-3-430 (C) or has been ordered to be included in the sex offender registry pursuant to Section 23-3-430(D). This is in violation of §16-3-655(A)(1)[formerly 16-3-655(1)] of the South Carolina Code of Laws (1976) as amended

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

Blaude Hutter
SOLICITOR BAR # 77844

Handwritten: Dated
Clerk of Court
Pickens County, SC
Handwritten: Howard, P. Williams
Certified Copy

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Pickens VS. STATE

Jason Riley Galloway

INDICTMENT/CASE#: 2017GS3903061

A/W#: 2017A3910101094

Date of Offense: 1/1/2016

S.C. Code § : 16-03-0655(A)(1)

CDR Code #: 0385

AKA:

Race: WHITE Sex: M Age: 37

DOB: SS:

Address:

City, State, Zip: Pickens, SC 29671-8231

DL#: SID#:

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was

TO: Sex, Crim Sex Cond, 1st Deg. W/Min <11 Yr

SENTENCE SHEET

25-Life

CONVICTED OF or PLEADS

in violation of § 16-03-0655(A)(1) of the S.C. Code of Laws, bearing CDR Code # 0385

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC §17-25-45 w/minor 1st or Lewd Act)

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

McCall, Britni Defendant CANTRELL, DAVID Attorney for Defendant

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of 45 days/months/years or under the Youthful Offender Act not to exceed years and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment of \$; plus costs and assessments as applicable*; the balance is suspended with probation for months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on:

The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC.

The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP

Total: \$ plus 20% fee: \$ days/hours Public Service Employment

Payment Terms:

Set by SCDPPPS

Recipient:

Table with 3 columns: Description, Amount, Total. Includes items like §14-1-206 (Assessments 107.5%), §14-1-211(A)(1) (Conv. Surcharge), §14-1-211(A)(2) (DUI Surcharge), §56-5-2995 (DUI Assessment), §56-1-286 (DUI Breath Test), Proviso (Public Def/Probation), §14-1-212 (Law Enforce. Funding), §14-1-213 (Drug Court Surcharge), §50-21-114 (BUI Breath Test Fee), §56-5-2942(I) (Vehicle Assessment), 3% to County (if paid in installments).

TOTAL \$ 128.75

- Obtain GED
Attend Voc. Rehab. or Job Corp.
May serve W/E beginning
Substance Abuse Counseling
Random Drug/Alcohol testing
Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ beginning

RECEIVED

MAR 02 2020

SC Court of Appeals

Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Clerk of Court/ Deputy Clerk Court Reporter: Hallie Jenkins

Presiding Judge Judge Code: 2130 Sentence Date: 2-19-20

Vertical stamps: RECEIVED, MAR 02 2020, SC Court of Appeals, Clerk of Court, Pickens County, SC, Certified Copy

CERTIFICATE OF COUNSEL FOR APPELLANT

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

Respectfully Submitted,

s/Susan B. Hackett

Susan B. Hackett
Appellate Defender

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

ATTORNEY FOR APPELLANT

RECEIVED
Dec 21 2020
SC Court of Appeals

This 21st day of December, 2020.