

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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SC Court of Appeals

Appeal from Greenville County
Honorable Donald B. Hocker, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

ERIC CHARLES PETERSON,

APPELLANT

APPELLATE CASE NO 2019-002097

RECORD ON APPEAL

ADAM SINCLAIR RUFFIN
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

AMBREE M. MULLER
Assistant Attorney General

Post Office Box 11549
Columbia, SC 29211
(803) 734-3727

ATTORNEY FOR APPELLANT

W. WALTER WILKINS, III
Solicitor, Thirteenth Judicial Circuit

305 E. North Street
Greenville, SC 29601
(864) 467-8647

ATTORNEYS FOR RESPONDENT

INDEX

INDEX	i
TRIAL TRANSCRIPT DATED DECEMBER 9-11, 2019.....	1
PRE-TRIAL MOTIONS	2
OPENING STATEMENT BY MS. SUSTAKOVITCH	10
OPENING STATEMENT BY MR. JOHNSON	18
TESTIMONY	
MATTHEW WISE	
Direct Examination by Ms. Sustakovitch	20
Cross-Examination by Mr. Johnson.....	27
Redirect Examination by Ms. Sustakovitch.....	31
TRISHA JOHNSON	
Direct Examination by Ms. Sustakovitch	32
Cross-Examination by Mr. Johnson.....	34
JAMES PERRY	
Direct Examination by Ms. Sustakovitch	38
DEFENSE OBJECTION TO PERRY’S TESTIMONY	46
MOTION FOR A MISTRIAL	48
RULING BY THE COURT.....	51
RENEWAL OF MOTION FOR MISTRIAL	52
MOTION TO STRIKE LAST QUESTION	53
RULING BY THE COURT.....	53
TESTIMONY	
JAMES PERRY (CONT’D)	
Direct Examination by Ms. Sustakovitch	53
Cross-Examination by Mr. Johnson.....	53

CHRISTINE CARLBERG	
Direct Examination by Ms. Sustakovitch	57
Cross-Examination by Mr. Johnson.....	64
LORRAINE HENDERSON	
Direct Examination by Ms. Sustakovitch	67
Cross-Examination by Mr. Johnson.....	75
DEFENSE OBJECTION TO PRIOR BAD ACTS AND DIARY ENTRIES.....	77
TESTIMONY	
JAYDEN SCHADING	
Direct Examination by Ms. Sustakovitch	84
Cross-Examination by Mr. Johnson.....	112
Re-Direct Examination by Ms. Sustakovitch.....	153
RULING BY THE COURT ON DIARY ENTRIES.....	158
TESTIMONY	
PAMELA PETERSON (IN-CAMERA)	
Direct Examination by Ms. Sustakovitch	162
Cross-Examination by Mr. Johnson.....	168
Re-Direct Examination by Ms. Sustakovitch.....	174
ADDITIONAL ARGUMENTS ON DIARY ENTRIES.....	175
TESTIMONY	
CHERI LYDA	
Direct Examination by Ms. Sustakovitch	178
Cross-Examination by Mr. Johnson.....	188
TESTIMONY	
PAMELA PETERSON	
Direct Examination by Ms. Sustakovitch	204
Cross-Examination by Mr. Johnson.....	231
Re-Direct Examination by Ms. Sustakovitch.....	246
JASON BASH	
Direct Examination by Ms. Sustakovitch	249
MOTION TO STRIKE TESTIMONY	252

RULING BY THE COURT.....	252
TESTIMONY	
JASON BASH	
Direct Examination by Ms. Sustakovitch	253
Cross-Examination by Mr. Johnson.....	259
Re-Direct Examination by Ms. Sustakovitch.....	264
CURTIS PETERSON	
Direct Examination by Ms. Sustakovitch	265
Cross-Examination by Mr. Johnson.....	270
SHAUNA GALLOWAY-WILLIAMS	
Direct-Examination by Ms. Sustakovitch	272
Cross-Examination by Mr. Johnson.....	284
STATE RESTS	284
MOTION FOR A DIRECTED VERDICT	285
RULING BY THE COURT.....	287
DEFENSE RESTS	288
CLOSING ARGUMENT BY MS. SUSTAKOVITCH.....	288
CLOSING ARGUMENT BY MR. JOHNSON.....	308
CHARGE ON THE LAW	323
VERDICT	337
SENTENCING	339
STATE’S EXHIBIT NO. 4.....	342
STATE’S EXHIBIT NO. 5.....	343
STATE’S EXHIBIT NO. 6.....	344
STATE’S EXHIBIT NO. 7.....	346
INDICTMENTS	348
CERTIFICATE OF COUNSEL	356

STATE OF SOUTH CAROLINA	)	COURT OF GENERAL SESSIONS
	)	2017-GS-23-01304
COUNTY OF GREENVILLE	)	2017-GS-23-01305
	)	2017-GS-23-01306
	)	2017-GS-23-01307
	)	
	)	
THE STATE OF SOUTH CAROLINA,	)	
PLAINTIFF,	)	
	)	
vs.	)	TRANSCRIPT OF RECORD
	)	
ERIC CHARLES PETERSON,	)	
DEFENDANT.	)	
_____	)	

December 9, 10, 11, 12, 2019
Greenville, South Carolina

B E F O R E:

THE HONORABLE DONALD B. HOCKER, JUDGE

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

CHRISTINE KEDNOCKER SUSTAKOVITCH, ESQ.
Attorney for the Plaintiff

BRIAN P. JOHNSON, ESQ.
Attorney for the Defendant

CHERYL A. SMITH
Circuit Court Reporter

1 THE COURT: Thank you.

2 (WHEREUPON, a recess is taken at 12:53 p.m.)

3 THE COURT: Okay. Let's go on the record and confirm
4 what we discussed in chambers this morning. I'm going to
5 ask the State and the defense to correct me if I misstate
6 something, all right?

7 The first issue was evidence of the defendant's
8 alleged child porn addiction, and I think it was agreed
9 that there'd be no evidence put in unless the door is
10 opened in some fashion by the defense or that, depending
11 upon how it is presented concerning the wife/mother that
12 may possibly show her state of mind, it may then would be
13 permissible to come in, but just from the outset, nothing
14 that will be presented unless those situations do come
15 about. And I think we found several cases, State vs. Lee,
16 State vs. Johnson, State vs. Stokes that would give
17 support for keeping evidence of child pornography out.

18 Secondly, the sheriff's department computer person, I
19 don't recall his name, but that's fine, will be allowed to
20 testify concerning his examination of the computer. He's
21 not going to mention anything about child porn being the
22 reason why he examined the computer and that nothing was
23 found.

24 MS. SUSTAKOVITCH: Your Honor, if I could clarify
25 just so I make sure he's correct. During his questions,

1 the State was going to ask him -- let me get them real
2 quickly so I can ---

3 THE COURT: Sure.

4 MS. SUSTAKOVITCH: --- make sure we don't have a
5 problem. We got to the point -- I do understand Your
6 Honor's ruling regarding the child pornography. I believe
7 State vs. Nelson is another case on point regarding that.
8 But, Judge, I did want to put in one very concerning issue
9 about that with the State. The victim is going to testify
10 that this defendant told her that some of the touching was
11 because he was an EMT.

12 THE COURT: That he was what?

13 MS. SUSTAKOVITCH: He's an EMT, an emergency medical
14 technician.

15 THE COURT: Oh.

16 MS. SUSTAKOVITCH: And that it was for other
17 purposes. It was not what she thought. And so, you know,
18 I just -- I wanted to bring this up to the Court because
19 it's concerning to me that, you know, there's other ways
20 to interpret the touching, and he's saying it was from a
21 medical treatment standpoint.

22 THE COURT: Right.

23 MS. SUSTAKOVITCH: So I just -- again, I understand
24 where we are on that issue, but I would ask Your Honor if
25 the door gets open at all that we get to have the jury

1 taken out and we get to revisit it.

2 THE COURT: We can certainly examine this issue at
3 any time for me to, you know, determine whether or not the
4 defense has allowed the door to become open. We'll just
5 have to deal with it, you know, at that time.

6 Concerning -- I don't see -- necessarily see any
7 problems with the child testifying as far as the defendant
8 allegedly saying or explaining the touching that was going
9 on. I mean, if the State ---

10 MS. SUSTAKOVITCH: There's no problem with that from
11 the State's perspective.

12 THE COURT: Right.

13 MS. SUSTAKOVITCH: It's actually giving too much
14 benefit because we're not able to show the other side of
15 it, which is it clearly wasn't because he was being an
16 EMT.

17 THE COURT: Right.

18 MS. SUSTAKOVITCH: He had other intent and purposes
19 behind that. So, you know, that's what **Minor 1** is going to
20 testify to ---

21 THE COURT: Right.

22 MS. SUSTAKOVITCH: --- because that's what he told
23 her. But I feel like he's getting too much of a benefit
24 from that because the jury could misunderstand that if
25 they don't have the full background of what's going on

1 with this defendant.

2 THE COURT: Right, right. I can understand the
3 State's position. But, again, it's not going to come in
4 unless, one, the door's been opened, or, two, based upon
5 whatever cross-examination takes place with respect to the
6 mother/wife, then, you know, we can certainly revisit that
7 issue then. Okay.

8 MS. SUSTAKOVITCH: Yes, sir. This is the question
9 Jim Perry was going to be asked: When you met with Pam
10 Peterson on 4/20/16, what was the overall concern? She
11 was unsure if there was anything illegal on the device she
12 brought in.

13 THE COURT: Right.

14 MS. SUSTAKOVITCH: And then he's going to -- I'm
15 going to ask: Did you initiate the investigation -- any
16 investigation that day after meeting with her?

17 No.

18 Did you find anything on that particular computer
19 that would have moved an investigation forward?

20 No.

21 And as we spoke about in chambers, he's not going to
22 specifically ask did you find child porn or not.

23 THE COURT: Right, right.

24 MS. SUSTAKOVITCH: Okay.

25 THE COURT: And I'm good with that.

1 Mr. Johnson, I think you had indicated in chambers
2 that you were good with that as well.

3 MR. JOHNSON: Yes, sir, Your Honor.

4 MS. SUSTAKOVITCH: Okay.

5 THE COURT: Okay. And then the third issue was an
6 instance wherein the mother/wife came in and allegedly
7 found the victim asleep next to the defendant and the
8 defendant's penis was out. And the State wanted to have
9 that come in not under a Lyle scenario, but to show the
10 state of mind of the mother. And, again, I think we need
11 to treat that as we're treating the issue concerning child
12 pornography, the state of mind of the mother depending,
13 again, how the mother is portrayed in this case.
14 Certainly, the concerns of the State that she might be
15 portrayed as the bad guy in this insofar as kicking the
16 defendant out and that sort of thing, but I think that
17 needs to be treated as we're going to treat the child
18 pornography. Let's just see what develops.

19 MS. SUSTAKOVITCH: Yes, sir. And if I may, I know we
20 spoke about this in chambers, but I did want to ask Your
21 Honor just briefly to revisit this because I think, yes,
22 it does go to the state of mind of the mother, but in
23 reconsidering and thinking more about **Minor 1**'s testimony
24 where he says that he's an EMT and to trust her and that,
25 you know, he's not doing anything wrong because it's a

1 medical thing that he's doing, I would look under 404(b)
2 related to lack of accident or mistake ---

3 THE COURT: Okay.

4 MS. SUSTAKOVITCH: --- as an exception that I just
5 would like Your Honor to consider based on him throwing
6 that at issue, at least when talking to the child.

7 Thank you, Your Honor.

8 THE COURT: Okay. Mr. Johnson?

9 MR. JOHNSON: Your Honor, consistent with my
10 statements back in chambers, I think what the allegation
11 here is basically indecent exposure. There's no
12 allegation that -- there's no allegation that my client
13 inappropriately touched the child at all in this instance,
14 so I think when we're talking about whether the alleged
15 bad act would be substantially similar, I think it would
16 fail there on any analysis of Lyle, but also relevance and
17 probative value. So I'd ask you to consider that.

18 THE COURT: Okay. All right. Well, let's do this.
19 Will the child testify before the mother?

20 MS. SUSTAKOVITCH: Yes, sir.

21 THE COURT: Okay. Let's hear what the child has to
22 say, and then if the State wants me to take another look
23 at this issue, then I'll certainly do that.

24 MS. SUSTAKOVITCH: Thank you, Your Honor.

25 THE COURT: Okay. Anything else we need to put on

1 the record before we bring the jury out?

2 MR. JOHNSON: I think we also, there's -- my client
3 is charged with a separate crime regarding a different
4 alleged victim. I believe we agreed that that would not
5 come up.

6 THE COURT: Right. The pending charge.

7 MS. SUSTAKOVITCH: Yes, sir.

8 THE COURT: Right. And that's not going to come out,
9 and the State's agreed to that.

10 MS. SUSTAKOVITCH: Yes, sir. Hopefully we ---

11 THE COURT: Right.

12 MS. SUSTAKOVITCH: Our first two witness are -- or
13 several of them would be Lorraine Henderson and also Jim
14 Perry. And if they are asked about how the victim's
15 statement was put into the wrong case file, if defense
16 counsel goes down that road, then they're going to talk
17 about the fact that this defendant's name is Eric
18 Peterson, he had another case ---

19 THE COURT: Right.

20 MS. SUSTAKOVITCH: --- it was an honest mistake kind
21 of thing. So I just wanted to let the Court know.

22 THE COURT: Sure.

23 MS. SUSTAKOVITCH: That's what Jim Perry would
24 testify to.

25 MR. JOHNSON: I'm sorry. What do ---

1 MS. SUSTAKOVITCH: He would -- if you want to ask
2 further about how it got put into Michaela's case file, he
3 would talk about that pending case and how he thought it
4 was part of it, and that would come out that way if he
5 wants to go down that road with Investigator Jim Perry
6 about why the letter was put into the wrong case file in
7 greater detail or anything like that.

8 THE COURT: Right, right. And I think Mr. Johnson's
9 indicated that he's not going to go down that road.

10 MS. SUSTAKOVITCH: Yes, sir.

11 THE COURT: Okay.

12 MS. SUSTAKOVITCH: The final thing I did want to
13 mention, I don't know if I put it on the record, the State
14 has five indictments on the trial docket. We have decided
15 not to go forward on one of them, and I advised defense
16 counsel of this. I just like to put it on the record.
17 It's 2017-GS-23-001303.

18 THE COURT: Okay. All right. Very good. Thank you.

19 MS. SUSTAKOVITCH: Yes, sir.

20 MR. JOHNSON: There was -- Your Honor, one other
21 thing regarding the brother. I believe we discussed that
22 he had stated that my client was obsessed with the minor
23 child's underwear, and I believe we agreed we weren't
24 going to get into that either.

25 MS. SUSTAKOVITCH: No. Curtis Peterson is this

1 THE COURT: Okay. And defense?

2 MR. JOHNSON: None from the defense, Your Honor.

3 THE COURT: Thank you very much.

4 Now, the lawyers are going to make their opening
5 arguments or statements to you. Understand it's not
6 evidence. It's just what they believe what the evidence
7 may be and what this case is all about. And the State
8 will go first.

9 Solicitor?

10 MS. SUSTAKOVITCH: Thank you, Your Honor. May it
11 please the Court.

12 THE COURT: Certainly.

13 OPENING STATEMENTS

14 MS. SUSTAKOVITCH: Good afternoon. How confusing it
15 must have been for **Minor 1** . The man that she
16 loved and she knew as her father figure, her stepdad, the
17 only person she had in her life began -- as a father
18 figure began touching her inappropriately around the age
19 of 10. **Minor 1** did not know what to do with that. He was
20 there to help her grow into adulthood, to protect her, to
21 be her dad. **Minor 1** was just a girl then, and this is the
22 man that touched her and sexually abused her between the
23 ages of 10 and 13.

24 My name is Christy Sustakovitch, and I'm a prosecutor
25 with the 13th Solicitor's Office. I handle sex crimes.

1 And as a prosecutor, it's my job to present to you
2 evidence beyond a reasonable doubt to prove to you that
3 this defendant is guilty of four counts of criminal sexual
4 conduct with a minor in the third degree.

5 I know you didn't plan on getting picked on this jury
6 today. You're probably uncomfortable. I will say we
7 appreciate you from the outset. We really do. These
8 cases, they're ugly crimes. What you have to think about
9 makes you uncomfortable. You have to use ugly words. And
10 if we have to use words that make you uncomfortable, I
11 promise we're not trying to be gratuitous. We're just
12 trying to give you the information the best that we can.

13 Judge Hocker is going to instruct you more at the end
14 of the case on the law, but I just, before we get into it,
15 wanted to help you because you probably have no idea what
16 criminal sexual conduct with a minor in the third degree
17 is.

18 In South Carolina, sex crimes are rated criminal
19 sexual conduct with a minor in the first, the second and
20 the third degree. You do not have before you today,
21 thankfully, criminal sexual conduct with a minor in the
22 first or the second degree. That would be where you have
23 a child, in the first degree, under 11, and there's a
24 sexual battery, vaginal intercourse, anal intercourse,
25 oral sex, that type of thing, or in the second degree when

1 you have a child between the ages of 11 and 15 and there
2 was a sexual battery.

3 But also, the State of South Carolina has passed a
4 law against criminal sexual conduct with a minor in the
5 third degree, and it's still a very significant, important
6 law. It protects children from having to be touched in
7 sexually inappropriate ways that are for the gratification
8 of a person that should love them, that should care about
9 them, not touch them in ways that are inappropriate and
10 sexual.

11 Evidence, ladies and gentlemen, it comes in the form
12 of many things. Often say it's easier to prosecute a
13 murder, I truly believe this, than a child sexual assault
14 case, because evidence comes in the way of DNA, it comes
15 in the way of bullets and guns and forensics and sometimes
16 you can have an eyewitness to things, right? But the
17 nature of sex crimes, it's just different. It doesn't
18 make these crimes any less important. It just makes them
19 harder.

20 You're going to hear, Judge Hocker is going to tell
21 you about how you have physical evidence, which might be a
22 gun, you can have circumstantial evidence where you draw
23 inferences from certain facts. And you guys are smart.
24 You just put them together. You come outside but your car
25 is wet, you know it rained last night.

1 So you also have evidence that comes right from here,
2 and this is called lay witness testimony. And most of the
3 evidence you're going to hear in this case is going to
4 come right from here. And Judge Hocker is going to tell
5 you that evidence is just as important, just as
6 significant as physical evidence or any other kind.

7 It all goes back to the essential question that
8 you're going to be asked to determine tomorrow or
9 Wednesday, whenever this case finishes, did this
10 defendant, her former stepdad, touch **Minor 1**? She was 10,
11 11, 12 up to the age of 13. Did he touch her in sexually
12 inappropriate ways? Do you believe that happened? And
13 you're going to hear the evidence, ladies and gentlemen.
14 I submit to you, at the end of this trial, you will know
15 that it did.

16 I want to tell you briefly a little bit of background
17 about what you're going to hear. You're going to hear
18 about how the mom in this case, Pam, Pamela Peterson,
19 she's seated on the front row, how she met this defendant.
20 I believe it was 2009. And they got married in 2011.
21 **Minor 1** was her child from -- was not this defendant's
22 child. He became her stepfather. When they got married,
23 he was supposed to care for her as a stepfather should.

24 You will hear how their marriage went on and they had
25 two other children, biological children, that were born

1 into the marriage. You will hear how, in 2015, problems
2 started happening, situations started happening where Pam
3 became fearful for the safety of her kids. You will hear
4 how this defendant was asked to move out of the house in
5 March of 2016. Pam will testify that to protect her kids,
6 she made him leave.

7 You will hear from this defendant's brother, who's
8 here from San Francisco to testify and give you
9 information related to how the marriage broke up, what
10 were some of the problems. This defendant, you will hear,
11 was at fault in why the marriage was not going to make it.

12 You will hear how **Minor 1**, in the summer of 2016, she
13 hadn't talked about what had happened to her. As so many
14 kids do, they either don't tell -- say a child is sexually
15 abused vaginally. Well, they probably know that that's
16 wrong, but other kids sometimes don't even know that
17 touching ---

18 MR. JOHNSON: Your Honor, objection. This is
19 improper argument.

20 MS. SUSTAKOVITCH: I will close it. I will move on.

21 THE COURT: Okay.

22 MS. SUSTAKOVITCH: But anyway, you will hear how
23 **Minor 1** put paper to pen one night on July 19th, I believe,
24 and wrote down instances of where this defendant had
25 sexually abused her. You will hear how Pam, right after

1 this defendant moved out in March of 2016, she was worried
2 that maybe something was going on in the house. She
3 brought this defendant's computer down to law enforcement,
4 and they checked it out. Nothing was found on that
5 computer that would merit a criminal investigation.

6 You'll hear how **Minor 1** was talked to and asked if
7 anything was going on, which law enforcement often does.
8 You'll hear testimony about that. You'll hear how **Minor 1**
9 didn't disclose anything right then. But going back to
10 that day in her room where she put paper to pen, **Minor 1**
11 thought about those times where she was being touched in
12 sexually inappropriate ways.

13 Ladies and gentlemen, she will tell you specifically
14 four different incidents. One will be when she's between
15 the ages of 10 and 13 when she starts puberty, this
16 defendant, **Minor 1** will tell you, had her lay down naked on
17 a bed, had her spread her legs. He took out his electric
18 razor and started grooming her pubic hair. **Minor 1** will
19 tell you that was inappropriate sexual touching. She'll
20 tell you how she felt the blade on her body, how it made
21 her feel.

22 You'll also hear about how this defendant, prior to
23 that, two other instances that were not quite like that
24 one, but you'll hear how this defendant massaged her under
25 her clothes on her breasts and on her buttocks, full body

1 message. You'll hear -- that's the second one.

2 You'll hear how this defendant showered naked with
3 her. And he washed her with his penis on her back, and
4 she's 11, 12, 13. We don't know exactly the age. We do
5 know it's over 10. **Minor 1** will testify between 10 and 13.

6 And then the last incident you'll hear about is how
7 this defendant told her he was concerned about her
8 nipples, and so he started licking his fingers and flicked
9 them to make them hard and told her he was performing a
10 self breast exam on her. Ladies and gentlemen, you'll
11 hear that testimony. That's what this case is about. And
12 frankly, it's not a hard case.

13 MR. JOHNSON: Objection, Your Honor. It's not a hard
14 case.

15 MS. SUSTAKOVITCH: I'm sorry, Judge. I'm just giving
16 the State's recitation.

17 THE COURT: I mean, the nature of your objection, if
18 you need to -- you want to approach.

19 MR. JOHNSON: Again, Your Honor, improper argument.

20 THE COURT: Okay. I don't see where that is
21 improper. I'll overrule your objection.

22 MR. JOHNSON: Yes, sir, Your Honor.

23 MS. SUSTAKOVITCH: Thank you, Your Honor.

24 You'll hear how law enforcement became involved, how
25 **Minor 1**, the letter that she wrote, was taken down to law

1 enforcement. You'll hear law enforcement admit,
2 unfortunately, there was a mistake made and **Minor 1** 's
3 letter was not put in the correct victim's case file, so
4 there was a delay investigating her case from July of 2016
5 to about October. But once that mistake was determined,
6 Greer police began investigating.

7 You'll hear from the forensic interviewer that
8 interviewed **Minor 1** . You'll hear how she went to the Julie
9 Valentine Center and had her forensic interview conducted
10 on her.

11 Ladies and gentlemen, in closing, these cases are
12 short. They don't have a lot of DNA in them. I'll tell
13 you that these secrets -- these crimes happen in secret.
14 They don't happen on crowded streets, ladies and
15 gentlemen, with people passing by.

16 And what I would finally say is at the end of the
17 day, you have to determine that one essential truth, and
18 as you try to determine that, keep your eye on the ball.
19 Defense counsel is an excellent lawyer, and he's going to
20 zealously defend his client. But at the end of the day, I
21 will ask you, keep your eye on the ball, because these
22 cases have a way of becoming everything but about the
23 victim, and I ask that you listen to her. And I submit
24 that, at the end of this trial, you will be convinced
25 beyond a reasonable doubt, and you will render a just

1 verdict. Thank you.

2 THE COURT: Thank you, Solicitor.

3 Mr. Johnson, are you ready, sir?

4 MR. JOHNSON: Yes, sir, Your Honor. Your Honor, may
5 it please the Court.

6 THE COURT: Sure.

7 MR. JOHNSON: Solicitor. Good afternoon. My name is
8 Brian Johnson. I introduced myself earlier. I represent
9 the defendant in this matter, Eric Peterson. He's
10 globally accused, basically, of child molesting his
11 stepdaughter.

12 The first thing I want to say, the very first thing I
13 want to say is my client did not do this, and I think the
14 evidence will show that my client did not do this.

15 This is opening argument, so -- actually, it's not
16 opening argument. Its opening statement. And I think
17 that's a very, very good distinction I like to make before
18 you here today. Nothing I said right now or nothing the
19 solicitor said is evidence. But people will get up on the
20 stand. They will testify. They will be placed under
21 oath. They will say what they will. They will be
22 questioned. And it will be up to you to determine what is
23 true and what is not true.

24 The judge has sworn you in. You've given an oath. I
25 know you're going to follow that oath. And what I ask

1 from you here right now, and I'm going to be much briefer,
2 I ask you to keep an open mind.

3 One thing the judge will not ask you to do is to
4 check your common sense at the door. The judge will not
5 ask you not to use your innate lie detectors. We walked
6 around since we were little, and we could hear people
7 talking. We're trying to figure out whether they're
8 telling the truth and whether they're lying. So what I
9 ask you to do is to pay attention to the evidence, and at
10 the end of the case, I will have an opportunity to argue
11 to you, and I will do so at that time. So at the
12 conclusion of evidence, I will submit to you that my
13 client will be found not guilty of these crimes. He did
14 not molest his stepdaughter, and I feel confident in
15 telling you that I think you will find that verdict to be
16 the same.

17 Thank you.

18 THE COURT: All right. Thank you, Mr. Johnson.

19 Solicitor, are you ready to call your first witness?

20 MS. SUSTAKOVITCH: Yes, sir, Your Honor. The State
21 calls Matt Wise.

22 WHEREUPON,

23 MATTHEW WISE

24 After having been duly sworn, testified as follows:

25 THE CLERK: Please take a seat and state your name

1 for the record.

2 THE WITNESS: Matthew Wise.

3 DIRECT EXAMINATION

4 BY MS. SUSTAKOVITCH:

5 Q Good afternoon. Are you Officer Wise? Deputy Wise?

6 A I'm Sergeant Wise with the Landrum Police Department.

7 Q All right. And where are you currently employed,
8 sir?

9 A The Landrum Police Department.

10 Q And how long have you been working with Landrum
11 police?

12 A I accepted patrol sergeant eight months ago.

13 Q I want to take you back to October 10th of 2016.
14 Where were you working on October 10, 2016?

15 A I was working uniform patrol for the Greer Police
16 Department.

17 Q And in your capacity as uniform patrol, what duties
18 did that entail?

19 A We did traffic enforcement and response to calls for
20 service.

21 Q Okay. Did a call or a situation arise involving this
22 defendant that led you to have to be in court today and
23 testify?

24 A Yes, ma'am.

25 Q Okay. What were you doing that night, sir?

1 A I was on regular patrol when I received a call to the
2 lobby.

3 Q And how does that work with the Greer police? You
4 got a call to come to the lobby for what purpose?

5 A At that time, we didn't have a full-time clerk at the
6 front desk or an officer to answer calls for service, so
7 when they were able to advise dispatch through a phone
8 that was in the lobby that they needed to speak to an
9 officer, one would be dispatched to them, and that's how I
10 got dispatched to the lobby for this call for service.

11 Q Okay. And I just want to make sure the jury
12 understands the setup at Greer. You're a small
13 department, correct?

14 A Yes, ma'am.

15 Q And so at nighttime when you say they would call
16 dispatch, who do you mean? You mean like someone from the
17 public that needs police help?

18 A Correct.

19 Q Okay. Describe that to the jury.

20 A They can come into -- it's a rather small lobby, and
21 there's a phone placed near the front desk where there
22 would normally be a clerk or an officer throughout the
23 daytime. They would pick up that phone. It would connect
24 them automatically with our dispatch center. They would
25 relay the need to speak with an officer, and one would be

1 dispatched to the lobby to speak with them.

2 Q Do you know roughly what time you responded back to
3 the lobby of the Greer Police Department?

4 A I believe it was around 7:00 in the evening.

5 Q All right. And once you responded to the lobby of
6 the Greer Police Department, who was there?

7 A Let's see here.

8 Q Are you referring to your report?

9 A Yes, ma'am. Yes, ma'am. I don't want to butcher any
10 names.

11 At that time, Ms. Pamela Peterson and her daughter
12 **Minor 1** were awaiting me in the lobby.

13 Q All right. How old was **Minor 1** the night that you saw
14 her on October 10, 2016?

15 A That night I believe she was 14 years old.

16 Q Okay. And what was the nature of the call that you
17 were responding to from dispatch?

18 A I got limited details, but just that it was involving
19 a minor and a criminal sexual conduct assault.

20 Q All right. So then once you got back to the Greer
21 Police Department, you met with Pamela Peterson and
22 **Minor 1**, where did you take them to go meet?

23 A Correct. Given the nature of the call and the
24 complaint, we went somewhere private, which was upstairs.
25 We have an elevator area. You can come upstairs in the

1 police department. There's a very large roll call room.
2 There's no public up there. The only people there are
3 sworn staff. And we used that room to conduct our
4 interview.

5 Q All right. Did you gather information from **Minor 1** 's
6 mother, Pam Peterson, related to the call?

7 A I did.

8 Q And did the mother have anything with her when she
9 arrived?

10 A She did. She was in possession of a five-page
11 document that was handwritten by **Minor 1** .

12 Q I'm going to bring it to you in one second.

13 Sergeant Wise, I'm showing you what's marked for
14 identification as State's Exhibit 3. Do you recall this
15 document? And do double check the number of pages.

16 A (Reviews exhibit) That's correct. It's four pages.
17 My apologies.

18 Q That's okay.

19 A And this appears to be the document that I viewed
20 that night.

21 Q And that's the one that was brought to you by -- did
22 Pam give it to you, **Minor 1** , or do you recall?

23 A I believe it was Ms. Peterson.

24 Q Okay. So in trying to move forward in your
25 investigation, what, if anything, did the mother tell you

1 related to that letter?

2 A She very briefly spoke that the incident had occurred
3 at [REDACTED] Pelham Street, which was in the city limits, which
4 I verified, in the county of Greenville. She then spoke
5 that it involved her ex-husband.

6 Q Let me do this. You can't testify to what the mom --
7 I probably phrased that wrong. We're going to hear from
8 Pam Peterson. And without stating what the mom said,
9 because that would be inadmissible hearsay, all right, did
10 the mom tell you -- where had she been previous to coming
11 to Greer Police?

12 A She had just left from the Greenville County
13 Sheriff's Office.

14 Q All right. And so what did the mom tell you about
15 her experience at the Greenville County Sheriff's Office
16 that had led her to come to Greer? If you can explain
17 what happened there.

18 A She advised me that this letter had been misfiled
19 under another case.

20 MR. JOHNSON: Objection, Your Honor. Permission to
21 approach.

22 THE COURT: Okay. Sure.

23 (WHEREUPON, a bench conference was held off the record.)

24 BY MS. SUSTAKOVITCH:

25 Q All right. So we're going to move along.

1 So this letter ---

2 A Yes, ma'am.

3 Q --- that was brought to you by **Minor 1** and Pam that
4 night, it -- they came to you from being already at the
5 Greenville County Sheriff's Office, correct?

6 A Correct.

7 Q And what you just relayed is that this had been --
8 your understanding is it had been put in the wrong file or
9 something?

10 A Correct.

11 Q Okay. So go back to the incident location. Can you
12 refer to your report again and tell me where that was?

13 A (Reviews document) I apologize. ■■■ Poplar Drive.

14 MR. JOHNSON: Your Honor, I object to the hearsay.

15 MS. SUSTAKOVITCH: I'm going to jurisdiction at this
16 point, Judge.

17 THE COURT: Right. I'll overrule.

18 MR. JOHNSON: Yes, sir, Your Honor.

19 BY MS. SUSTAKOVITCH:

20 Q So, Sergeant Wise, to help the jury understand how it
21 works, agencies investigate allegations where crimes have
22 occurred in their jurisdiction; is that correct?

23 A Correct.

24 Q This is not in this case, but in any case, if a crime
25 is alleged to have happened in the city of Greer, City of

1 Greer's going to investigate, right?

2 A Correct.

3 Q And, say, Simpsonville, Simpsonville's going
4 investigate. Mauldin, same thing.

5 All right. So once Greer got the case, are you
6 trained in investigating sex crimes?

7 A No, ma'am.

8 Q All right. Did you review that statement that was
9 given to you?

10 A I did.

11 Q And what was the mother Pam's demeanor while she was
12 talking to you that night?

13 A She was very apprehensive at law enforcement. She
14 had very little trust ---

15 Q Because of what happened with the letter?

16 A --- because of past -- yes. Because of past dealings
17 with law enforcement agencies.

18 Q All right. Based on her apprehension because of what
19 had happened with the letter being in the wrong file,
20 what, if anything, did you say to her at that point?

21 A I calmed her down as best I could, was very
22 compassionate to the situation and advised her that she
23 was now in the appropriate jurisdiction and that we were
24 going to do everything we could to make sure that she was
25 satisfied.

1 Q And, Sergeant Wise, again, you don't investigate sex
2 crimes.

3 A No, ma'am.

4 Q You did not interview **Minor 1** that night,
5 correct?

6 A No, ma'am.

7 Q And who did this case get referred to after you took
8 the initial report?

9 A Upon concluding that it needed to be investigated
10 further, I contacted Deputy Bash -- or Investigator Bash,
11 sorry, Detective Bash.

12 Q Okay. And one last thing. When you mentioned Poplar
13 Drive, what county is that located in?

14 A Greenville county.

15 MS. SUSTAKOVITCH: All right. Please answer any
16 questions defense counsel has.

17 THE COURT: Okay. Mr. Johnson, any questions?

18 MR. JOHNSON: Yes, sir, Your Honor.

19 CROSS EXAMINATION

20 BY MR. JOHNSON:

21 Q Sergeant Wise, you stated that when you came to the
22 -- you responded to the Law Enforcement Center in
23 Greenville or the one in Greer?

24 A The police department in Greer.

25 Q The police department in Greer. Okay.

1 A Yes, sir.

2 Q And when you got there, **Minor 1** and her
3 mother, Pamela Peterson, were there.

4 A Correct.

5 Q And you took them -- you then took them to a private
6 place?

7 A Correct. Inside the department.

8 Q Okay. And I'm not asking you what anything was said,
9 but did you speak with **Minor 1** ?

10 A If I did, it was briefly to clarify the paperwork
11 that she provided me.

12 Q Okay. All right. Now, you did a police report in
13 this matter, correct?

14 A Correct.

15 Q And that's what you're reviewing currently.

16 A Yes, sir.

17 Q Okay. Now, are you aware that your police report
18 doesn't reveal that you spoke with **Minor 1** ?

19 A That would be correct.

20 Q Okay. Now, when you do a police report, you try to
21 be complete, correct?

22 A Correct.

23 Q And that's so -- what was the date that they saw
24 you?

25 A They saw me on October 10th of 2016.

1 Q Okay. And now it's three years later, correct?

2 A Correct.

3 Q Okay. So you do a report so you can remember what
4 was said.

5 A Correct.

6 Q Whatever -- whatever was said may be important later,
7 correct?

8 A Correct.

9 Q All right. Now, as it relates to the letter that
10 they just pulled out, were you given that letter in that
11 envelope?

12 A No, sir. Not that exact letter.

13 Q So the letter that you identified, it wasn't in that
14 form. You did not get it in that form.

15 A No, sir.

16 Q Okay. When you were called to the City of Greer, did
17 you speak with another officer who called you there?

18 A I wouldn't be able to recall that.

19 Q So you don't recall that at all.

20 A No.

21 Q Now, other than that date of October of 2016, did you
22 have any other role in this case at all?

23 A No, sir.

24 Q That's all you did. Once you passed the case over,
25 that was it for you.

1 A Yes, sir.

2 Q Okay. Now, when you passed the case over, you gave
3 the other officer a copy of the statement?

4 A Correct. The -- the copy of the statement that I
5 received was time-date stamped from the sheriff's office.

6 Q Okay.

7 A And that was passed on to the investigator.

8 Q Okay. So the copy of the copy was passed on to the
9 investigator.

10 A Correct.

11 Q All right. And did you also share a copy of your
12 statement with that investigator as well?

13 A The statement?

14 Q A copy of your police report. Excuse me.

15 A Oh, yes. Yes, sir.

16 Q So that -- Detective Bash would have had a copy of
17 your police report as well as a copy of the statement.

18 A Correct. Yes, sir.

19 Q Okay. And you told him how you got the statement,
20 basically, that you got it from Pamela Peterson.

21 A Correct. That's outlined. Yes, sir.

22 MR. JOHNSON: Okay. All right. Nothing further.

23 THE COURT: Redirect?

24 MS. SUSTAKOVITCH: Just briefly, a point of
25 clarification.

REDIRECT EXAMINATION

BY MS. SUSTAKOVITCH:

Q What you're looking at we previously identified -- whoops. Sorry -- as State's Exhibit 3, this has Greenville County Sheriff's Office?

A Correct.

Q Right. All right. And then this statement, you looked through it, it's one, two, three, what, four pages?

A Four pages.

Q And the victim's mom told you what she had was a copy of this, correct?

A Correct. That was Greenville's evidence, so she had the copies of it.

Q Because Greenville kept it in this and gave her a copy, correct?

A Correct.

Q Greenville wouldn't give her the original, right?

A No, ma'am.

Q This is the original. Okay.

A Correct.

MS. SUSTAKOVITCH: Just making sure. Thank you.

THE COURT: You can step down, sir. Thank you.

MS. SUSTAKOVITCH: Your Honor, may this witness be excused?

THE COURT: Sure can. Any objection, Mr. Johnson?

1 MR. JOHNSON: No objection, Your Honor.

2 THE COURT: All right. You're free to leave the
3 courthouse, sir.

4 THE WITNESS: Thank you.

5 MS. SUSTAKOVITCH: The State calls Tirissa Johnson.

6 THE COURT: Okay.

7 WHEREUPON,

8 TIRISSA JOHNSON

9 After having been duly sworn, testified as follows:

10 THE CLERK: Thank you. Please take a seat and state
11 your name for the record.

12 THE WITNESS: Tirissa Johnson.

13 DIRECT EXAMINATION

14 BY MS. SUSTAKOVITCH:

15 Q Good afternoon, Ms. Johnson. Where are you employed,
16 ma'am?

17 A At the Greenville County Sheriff's Office within the
18 Communications Division.

19 Q All right. And what are your duties there?

20 A So my primary duties are pulling recordings of radio
21 phone calls, traffic -- radio traffic, phone calls and
22 maintaining the information that's captured in the CAD
23 system, which is computer aided dispatch.

24 Q The CAD system is computer aided dispatch?

25 A Yes.

1 Q All right. How long have you worked in that
2 profession?

3 A I've been with the sheriff's office going on my 21st
4 year.

5 Q Were you asked to appear in court today?

6 A Yes, I was.

7 Q I'm showing you what's marked for identification as
8 State's Exhibit 1. Do you recognize that document?

9 A I do.

10 Q And what is that?

11 A That would be the information that was captured by
12 the CAD system for entering a call.

13 Q And is this type of a document -- or record, rather,
14 kept in the regular course of business for the sheriff's
15 office?

16 A Yes, it is.

17 Q And does this appear to be altered or changed in any
18 way?

19 A No, it does not.

20 MS. SUSTAKOVITCH: Your Honor, at this time, the
21 State moves to admit State's Exhibit 1 into evidence.

22 THE COURT: And what says the defense?

23 MR. JOHNSON: No objection, Your Honor.

24 THE COURT: All right. Without objection, Number 1
25 into evidence for the State.

1 (WHEREUPON, State's Exhibit Number 1 was admitted into
2 evidence.)

3 MS. SUSTAKOVITCH: Thank you, Your Honor.

4 BY MS. SUSTAKOVITCH:

5 Q Ms. Johnson, just briefly explaining this document,
6 tell the jury about the CAD system and how that works.

7 A Okay. So the CAD system is where we put in the
8 information for any call for service or if there's a
9 report that's being taken by another officer under
10 different circumstances, and it captures the information
11 that they give to the communication specialist. It
12 captures the date, the time, the incident location, the
13 caller's name and what officer.

14 Q And can you tell by looking at this document what
15 date was this CAD report from?

16 A April the 20th of 2016.

17 MS. SUSTAKOVITCH: Thank you. Please answer any
18 questions defense counsel has.

19 THE COURT: Cross-examination?

20 MR. JOHNSON: Yes, sir.

21 Is this into evidence?

22 MS. SUSTAKOVITCH: Yeah. Oh, yes.

23 CROSS EXAMINATION

24 BY MR. JOHNSON:

25 Q So I'm going to go a little bit further here. As it

1 relates to what's happening, actually happening on this
2 sheet of paper, can you tell us -- can you translate it
3 for us?

4 A Sure. So on the top side right here it applies an
5 incident number.

6 Q Okay.

7 A Then minutes, followed by the time that the call was
8 put in or the information was entered, the ten code that
9 we use to describe the type of incident that it is, what
10 priority it is, the disposition that it was closed out as
11 by that officer, location, caller's name, the officer
12 taking the information, dispatcher information and time
13 stamps.

14 Q Okay. And so based upon this, this was a call from
15 Pamela Peterson; is that right?

16 A No. The way that this is entered is that it was the
17 investigator ---

18 Q Okay.

19 A --- which would have been Investigator Jim Perry
20 would have called into communications, spoke to this
21 communications personnel, and gave this information to
22 enter in for this incident number.

23 Q Okay. And as far as priorities, what are the
24 different priority levels?

25 A So the different priority levels just have to do with

1 whether it's an emergency type response information.

2 Q And what numbers correspond when an emergency is not
3 -- is not an emergency?

4 A So it just all depends on whether or not it's in
5 progress.

6 Q Okay.

7 A If it's something that's already occurred, then it's
8 a lower priority than something that's in progress.

9 Q Are there only two numbers as far as priority? Or
10 how many numbers are there?

11 A There's currently three.

12 Q Three numbers.

13 A Uh-huh.

14 Q Okay. So is it 1 that's urgent or 2?

15 A 1 is the highest.

16 Q 1 is the highest. And what's 2?

17 A 2 would be in the middle. It's still considered a
18 high priority because it's attached to that ten code.

19 Q Okay. And what about 3?

20 A 3 would be something that like occurred a while ago
21 and just not really a crime of -- so to speak.

22 Q So not really something urgent that the police need
23 to look into right then.

24 A Right.

25 Q Now, the person who puts this information in is

1 somebody who just does clerical stuff. Is that you that
2 sometimes puts the information in or is it someone else?

3 A It's communications personnel, so the call takers and
4 dispatchers that are in within the sheriff's office
5 Communications Division.

6 Q So when an officer makes a call in, they take that
7 information down and then they write it and put it in a
8 call sheet.

9 A So when a citizen or an officer calls in, they give
10 that information to them and we type it in as we're being
11 told.

12 Q Okay. All right. And is this type of report always
13 done when a call is made or sometimes done?

14 A Anything that requires an incident number or that the
15 sheriff's office responds to, yes.

16 Q Okay. So if the sheriff's office has to speak with
17 someone, generally, there's going to be some report like
18 this.

19 A Typically, yes.

20 MR. JOHNSON: Okay. Thank you.

21 THE COURT: Redirect?

22 MS. SUSTAKOVITCH: None from the State, Judge.

23 THE COURT: Okay. Thank you. You can step down,
24 ma'am. Thank you.

25 MS. SUSTAKOVITCH: May this witness be excused?

1 THE COURT: Any objection?

2 MR. JOHNSON: No objections.

3 THE COURT: All right. No objection. You are free
4 to leave the courthouse, ma'am.

5 MS. SUSTAKOVITCH: The State calls investigator Jim
6 Perry.

7 WHEREUPON,

8 JAMES PERRY

9 After having been duly sworn, testified as follows:

10 THE CLERK: Please take a seat and state your name
11 for the record.

12 THE WITNESS: James Perry.

13 DIRECT EXAMINATION

14 BY MS. SUSTAKOVITCH:

15 Q Good afternoon, Investigator Perry. Where are you
16 employed, sir?

17 A I'm with the Greenville County Sheriff's office.

18 Q And how long have you worked there?

19 A Just with Greenville County I've been going -- it
20 will just be going on 25 years.

21 Q All right. And can you give the jury a little bit
22 more about your background? How long have you actually
23 been in law enforcement, sir?

24 A I've been in law enforcement for 37 years. I was
25 with Greenville City, I was an investigator -- or a

1 detective with them, and then a couple years with Greer.

2 Q All right. Throughout your career, what different
3 positions have you held?

4 A I've been a detective, a field training officer,
5 corporal and investigator now.

6 Q All right. And which division are you currently in?

7 A I'm in the Computer Crimes Investigations Unit.

8 Q And how long have you been in the Computers Crime
9 Investigation Unit?

10 A I started the unit in 2002.

11 Q All right. And what does your job entail?

12 A Our job now entails a variety of different things.
13 We're part of the ICAC, which is the Internet Crimes
14 Against Children task force, which we do cyber tips for
15 child pornography and things along that line. We do the
16 online chatting, we do the computer cell phone forensics
17 on just about any kind of homicide nowadays, armed
18 robbery. And everything pretty much entails some type of
19 digital device.

20 Q So different crimes would be murder or robbery?

21 A Yeah. Everything.

22 Q You're going to get devices sometimes.

23 Okay. I want to take you back to April 20th of 2016.
24 Did you meet a woman named Pamela Peterson on that day?

25 A I did.

1 Q And when did you meet her? Roughly, do you know what
2 time it was?

3 A I don't recall what time it was.

4 Q All right. How did you come in contact with her?
5 Like did she come in your office?

6 A Yes. She showed up at our office pretty much what we
7 call a walk-in. She didn't have an appointment.

8 Q And where is your office located?

9 A We're located over at County Square, Suite 5200.

10 Q Do you work -- in your position with the Computer
11 Crimes Division, do you also work with the Crimes Against
12 Children Unit?

13 A Yeah. We work very closely with the Crimes Against
14 Children.

15 Q And do you sometimes have to take desk duty and meet
16 people that walk in off the street?

17 A Every day somebody is assigned to office duty, and if
18 we have a walk-in, you handle that. Once you handle it,
19 it gets assigned to somebody else, whoever's up for that
20 particular case.

21 Q All right. And will you sometimes have occasions
22 where a person might come in with a concern and you have
23 to look at a device or something like that?

24 A We do. There's times when people will come in with a
25 computer or cell phone, and they'll claim something with

1 that device. And it depends on the device and the thing
2 as to whether or not something gets done with it.

3 Q All right. What was the nature of Pam's concern that
4 day when you met with her?

5 A She was concerned with something being on there that
6 was illegal.

7 Q Okay. I'm showing you what's marked as State's
8 Exhibit 1, and it's also been entered into evidence. Can
9 you tell me what this is, Investigator Perry?

10 A This is a CAD report.

11 Q All right. What is a CAD report?

12 A It just shows where I generated a case number.

13 Q Okay. And just to clarify for the jury, in a
14 situation where you have a walk-in, somebody is concerned,
15 how does that process go? Do you call dispatch? You get
16 a number? Walk us through how that document came to be.

17 A Okay. Once she came in, and because she wasn't
18 reporting a specific crime happening at that time, I took
19 the computer, at which time, because I was taking that and
20 didn't know what I was going to find and it may generate
21 an incident report later, I went ahead and generated a
22 case number.

23 Q All right.

24 A I called dispatch, give them a little information,
25 and then they would, in turn, give me a case number that

1 would be associated with that person coming in.

2 Q And on that day, Pam was not disclosing any sexual
3 abuse or anything like that to you, correct?

4 A No.

5 Q So her primary concern was whether there was
6 something on the device, correct?

7 A Correct.

8 Q And you looked at the device. Did you find anything
9 on that device that day that led to any further
10 investigation of that device?

11 A Okay. Just to clarify, not that day. I had the
12 device -- we're doing probably anywhere from 30 to 50
13 devices a month, and it can take days, if not weeks,
14 sometimes to do a computer, so we have to prioritize what
15 we do. So on that day, we took it in; however, it didn't
16 get examined until later on.

17 Q Okay. Thank you for clarifying.

18 But as far as anything -- there was no further
19 investigation -- subject to previous rulings, let me ask
20 this: There was nothing that you found that led to any
21 further investigation related to that computer, correct?

22 A That is correct.

23 Q Okay. Did you actually write a report of your
24 interaction with Pam that day?

25 A No. The reason being no report was generated because

1 there was no illegal activity, there was nothing, no
2 crime that we found. And that's what an incident report's
3 for.

4 Q All right. Subject to previous rulings, you talked
5 to Pam. And is it fair to say she was concerned when you
6 met with her that day?

7 A Oh, yes, she was.

8 Q And what was she concerned for?

9 A I guess safety of her kids.

10 Q All right. Based on that, I want to move you forward
11 to July 20th of 2016. Did you come in contact with Pamela
12 Peterson again on that day?

13 A I did.

14 Q And how did you come in contact with her that day?

15 A She came back up to the office.

16 Q All right. I'm showing you what's marked as State's
17 Exhibit 3. Can you take a look at that? You can pull it
18 apart.

19 A (Reviews exhibit) This is the letter that she brought
20 in.

21 Q When Pam brought that in to you, was she by herself
22 that day?

23 A She was.

24 Q And when she brought that letter to you, was it in
25 the sealed envelope?

1 A It was.

2 Q So it wasn't open?

3 A No. It was sealed and had a piece of tape on it.

4 Q Okay. And did you open it up ---

5 A I did.

6 Q --- and read it?

7 A No. I didn't read it. I just opened it up and
8 marked it for evidentiary purposes. I might have scanned
9 the first few lines, but I didn't totally read the ---

10 Q You didn't read it in its entirety?

11 A No, I did not.

12 Q Did you allow then Pam to read it, though?

13 A I gave her a copy of it.

14 Q Okay. And did she have any reaction to the contents
15 of the letter?

16 A Upset.

17 Q Okay. So you gave her a copy -- and I'm sorry. Let
18 me put this back in here -- of State's Exhibit 3.

19 A Uh-huh.

20 Q And that would be, again, this four-page statement?

21 A (Nods head affirmatively.)

22 Q Can I have you look at it? Do you recognize the date
23 on that document?

24 A I do. I put on my initials and the date on it so
25 that I could identify it at a later date and time.

1 Q Okay. And then I want to show you what's marked as
2 State's Exhibit 2. Showing you what's marked as State's
3 Exhibit 2 for identification, do you recognize this
4 document?

5 A I do.

6 Q And what is that document?

7 A It's a Property and Evidence sheet.

8 Q All right. Does it fairly and accurately reflect a
9 copy of the P&E sheet you put this letter in that day?

10 A It does.

11 MS. SUSTAKOVITCH: The State moves to admit State's
12 Exhibit 2 at this time.

13 THE COURT: What says the defense?

14 MR. JOHNSON: State's Exhibit 2 is the report?

15 MS. SUSTAKOVITCH: No, no, no. This is just the P&E
16 sheet.

17 MR. JOHNSON: Let me see it.

18 MS. SUSTAKOVITCH: It's not the actual letter.

19 MR. JOHNSON: Permission to approach.

20 THE COURT: Sure.

21 (WHEREUPON, a bench conference was held off the record.)

22 THE COURT: All right. Number 2 for the State will
23 be in evidence.

24 (WHEREUPON, State's Exhibit Number 2 was admitted into
25 evidence.)

1 BY MS. SUSTAKOVITCH:

2 Q All right. So, Investigator Perry, that indicates
3 that you impounded the letter that day?

4 A Correct.

5 Q All right. And did you end up putting it into a
6 different victim entirely -- entirely a different victim's
7 case file; is that correct?

8 A I did.

9 MR. JOHNSON: Objection, Your Honor.

10 THE COURT: Okay.

11 MR. JOHNSON: Objection. Permission to approach.

12 THE COURT: Okay.

13 (WHEREUPON, a bench conference was held off the record.)

14 THE COURT: All right. Madam Forelady and ladies and
15 gentlemen of the jury, I need to take a matter up with the
16 lawyers. This would be a good time to take a short
17 afternoon break.

18 I failed to mention to you that if, at any time,
19 you're needing a break and I haven't given you one, just
20 raise your hand, okay? Don't abuse that privilege,
21 naturally. But I realize that we all kind of operate at
22 different times, and so if you need a break and can't wait
23 for me to give you a break, then just let me know. I try
24 not to go longer than an hour and a half at any particular
25 point in time, so you can kind of gauge that. But, again,

1 I don't want anybody to be uncomfortable, so if you need a
2 break, all you have to do is raise your hand.

3 But we're going to go ahead and take an afternoon
4 break and also deal with this matter with the lawyers.
5 And, once again, I remind you, don't have any discussions
6 about this case among yourselves, and we'll get you back
7 out shortly. Okay.

8 (WHEREUPON, the jury exits the courtroom at 3:23 p.m.)

9 THE COURT: Okay. Mr. Johnson, at the bench, you had
10 indicated you have an objection to the last question that
11 the solicitor asked.

12 MR. JOHNSON: Yes, sir, Your Honor.

13 THE COURT: Be glad to hear from you.

14 MR. JOHNSON: Your Honor, my objection is that she
15 asked him -- she led him you put this in a different
16 victim's case file, and pursuant to what we discussed
17 before trial, we were not going to reference a different
18 charge with Michaela, the other alleged victim. That's a
19 direct reflection to the other case. And I understand if
20 it was asked you put this in a different case file,
21 because that's what we discussed.

22 THE COURT: Right.

23 MR. JOHNSON: But a different victim's case file
24 indicates that there's another victim.

25 THE COURT: Right.

1 MR. JOHNSON: Based upon that testimony, I don't
2 think I have a choice but to object and potentially ask
3 for a mistrial. They don't need to know that there's
4 another potential victim in these cases.

5 THE COURT: Okay. All right. He makes a point.

6 MS. SUSTAKOVITCH: Yes, sir.

7 THE COURT: While that other case does involve
8 allegations against Mr. Peterson, to cure the concern and
9 not go so far as to -- and I know you're not officially
10 making a mistrial yet, but we're almost going to have to
11 say that that other victim's file is unrelated to this
12 case and this defendant, even though it is related to the
13 defendant. That's something we did not want to be brought
14 out to the jury, that there was another case file related
15 to this defendant. But we're almost going to have to --
16 I'm not suggesting that Detective Perry commit perjury on
17 the stand, but what we need to do is we don't want, nor
18 does Mr. Johnson want the jury to understand that there is
19 another victim's file that has some relationship with ---

20 MS. SUSTAKOVITCH: Yes, sir.

21 MR. JOHNSON: And to be clear, Judge, I am asking for
22 a mistrial.

23 THE COURT: Okay. All right.

24 MS. SUSTAKOVITCH: Your Honor, I just want to tell
25 you, we covered this so well, and if I, in any way, asked

1 the question wrong, I thought we covered how I would ask
2 it. But my intention was to not go into Michaela's case,
3 and I don't intend to talk about it at all. All I was
4 trying to say is that it got put into the wrong case file,
5 the wrong victim's case file. It is not to infer that he
6 -- that this is a victim of his. And I think
7 Mr. Johnson's reaction, I don't know. That was, you know,
8 how a jury may interpret that, but that was not the
9 State's intention. That was my last question ---

10 THE COURT: Right.

11 MS. SUSTAKOVITCH: --- the question to this officer,
12 and I was going to get him off the stand. And I was
13 trying my dead-level best to not do anything that would be
14 prejudicial to him.

15 THE COURT: Right. Whatever you did, I'm not
16 suggesting or not thinking whatsoever that anything was
17 done intentional. I thought that it was going to be asked
18 "was put into another case file."

19 MS. SUSTAKOVITCH: Okay.

20 THE COURT: I didn't think it was going to be asked
21 -- or the word "victim" would be put in there.

22 What I want to do is avoid -- I want to avoid, if I
23 can, granting a mistrial. And I'm just trying to figure
24 out the best way to give a curative instruction to lessen
25 any prejudice, if any, that's been created by that

1 question. I don't think -- Detective Perry, did you
2 answer that question?

3 THE WITNESS: No, sir, I didn't.

4 THE COURT: Because the objection was quickly made to
5 where you didn't have a chance.

6 THE WITNESS: To make a point that all case files
7 have victims ---

8 THE COURT: Right.

9 THE WITNESS: --- whether it's the other victim or
10 anyone else.

11 MS. SUSTAKOVITCH: And that's a great point. All
12 these other cases would have a different victim. So I'm
13 happy to craft however Your Honor believes I should craft
14 the question. I mean, I'm worried that a curative
15 instruction could draw more attention to it when he didn't
16 even answer, and I was just trying to get out that it was
17 in the wrong file and it was an accident.

18 THE COURT: Here's what . . .

19 MR. JOHNSON: And, Your Honor, I don't know if you'll
20 hear me one more time, but I have a new thought.

21 THE COURT: Okay.

22 MR. JOHNSON: Well, so there's a lot of discussion
23 about opening the door to this and that. I've been warned
24 that I could open the door to talking about that case if I
25 say the wrong thing or this or that. I don't know that we

1 have a situation where, obviously, the detective can't
2 lie.

3 THE COURT: Right.

4 MR. JOHNSON: And so we've got a situation -- I'm
5 just worried -- I'm significantly worried. That's all I
6 wanted to say, Judge. I still renew my objection and
7 motion.

8 THE COURT: Right. Okay. Let's do this. Let's take
9 a ten-minute break. Lawyers, if y'all come back in
10 chambers and lets chat for just a minute and then we'll
11 try to figure something out.

12 You can get off the witness stand, Detective Perry.
13 You just can't talk to anyone about your testimony.

14 Okay. All right. We'll be in break.

15 MR. JOHNSON: Can I run to the restroom?

16 THE COURT: Yeah. If y'all need to go to the
17 restroom, then come on over.

18 MS. SUSTAKOVITCH: Thank you, Your Honor.

19 (WHEREUPON, a recess is taken at 3:30 p.m.)

20 THE COURT: All right. We're back on the record.

21 I had a brief meeting with the lawyers in chambers
22 concerning the last question that was asked by the
23 solicitor, which was, by the way, answered by the witness,
24 but that's okay. And I indicated to Mr. Johnson and will
25 put on the record that I'm denying his motion for a

1 mistrial. While I agree with his basis for his objection,
2 I don't think it rises to the level of sufficient unfair
3 prejudice justifying a granting of the mistrial. However,
4 the best way that I could deal with this particular issue,
5 and I've instructed the solicitor to handle it in this
6 fashion when the jury comes out, is to strike or withdraw
7 the last question. I'll tell the jury to disregard that
8 and to re-ask the question without using the word
9 "victim's case file" and ask it in a way that the letter
10 was put in a wrong case file totally unrelated to this
11 case, and hopefully that will cure any problem, if any,
12 that arises.

13 Now, Mr. Johnson you wanted to put something on the
14 record, sir.

15 MR. JOHNSON: Yes, sir, Your Honor. I simply would
16 like to renew my objection. I do disagree that this
17 instruction to the solicitor and the move to strike and
18 your instructions, I don't think it fixes the situation.
19 I do think that the prejudice required to grant a mistrial
20 has been reached, and I ask you to reconsider that.

21 THE COURT: All right. Thank you.

22 All right. Let's bring the jury out, please,
23 gentlemen.

24 (WHEREUPON, the jury entered the courtroom at 3:51 p.m.)

25 THE COURT: Let the record reflect the jury is back

1 in.

2 Solicitor?

3 MS. SUSTAKOVITCH: Yes, sir. Your Honor, the State
4 moves to strike that last question, please.

5 THE COURT: Okay. The jury's to disregard that. You
6 may proceed.

7 BY MS. SUSTAKOVITCH:

8 Q Yes. Investigator Perry, finally, so that letter
9 that we were talking about, was this letter put in the
10 wrong case file totally unrelated to the case before the
11 Court?

12 A It was.

13 MS. SUSTAKOVITCH: Thank you. Answer any questions
14 defense counsel has.

15 THE COURT: All right. Mr. Johnson, any cross?

16 MR. JOHNSON: Yes, sir, Your Honor.

17 CROSS EXAMINATION

18 BY MR. JOHNSON:

19 Q So you encountered Pamela Peterson on two occasions,
20 correct?

21 A Correct.

22 Q Okay. Now, you never encountered **Minor 1** ,
23 correct?

24 A Correct.

25 Q Okay. Now, one I believe is consistent with this CAD

1 report was 4/20/2016.

2 A I'm sorry. What's the question?

3 Q One of the times you encountered her was from
4 4/20/2016?

5 A 4/20, yes.

6 Q Okay. All right. And that's when you called this
7 in?

8 A That's when I generated the case number.

9 Q Okay. And now, when she came back on July 20th, did
10 you do the same thing?

11 A No, I did not.

12 Q Okay. Now, as it relates to police reports, you did
13 not do one for this case, correct?

14 A No, I did not.

15 Q Okay. You didn't do one from whatever was said or
16 whatever happened from 4/20 or 7/20, correct?

17 A No.

18 Q And these are both of 2016, correct?

19 A Correct.

20 Q 4/20/2016 and 7/20/2016; is that correct?

21 A I'm sorry. Again?

22 Q And that was from 4/20/2016 and 7/20/16.

23 A Correct.

24 Q Okay. And I believe your statement was that if you
25 don't find anything, you don't do a statement.

1 A Basically, roughly, yes.

2 Q Roughly.

3 A If somebody comes in and says, you know, something's
4 on this computer and we do forensics on it and nothing's
5 found, we're not going to do a police report on it.

6 Q You're not going to do any sort of -- no report on it
7 at all.

8 A No.

9 Q Okay. Now, did you speak with a Detective Bash?

10 A No, sir. Not -- I mean, I've talked to him on
11 several occasions since then on a multitude of different
12 cases. Because we assist other agencies with cell phone
13 and computer forensics, so we're all the time -- I -- I
14 know Detective Bash and I've talked to him, so I can't say
15 on this particular case.

16 Q Okay. You don't think you spoke to him about this
17 case.

18 A I don't think so.

19 Q Okay. Now, on 4/20 I believe you said you were doing
20 desk duty.

21 A Office duty.

22 Q Office duty. So you were there. If somebody comes
23 in, you talk to them.

24 A Correct.

25 Q Okay. And on 7/20 when you met with Pamela Peterson,

1 you weren't on desk duty at that point, correct?

2 A No. She would have asked for me because I dealt with
3 her earlier concerning the computers and the cell phone.

4 Q Okay. But this wasn't a situation where you called
5 her and said, "Come up here and see me." This is one
6 where she came and asked for you.

7 A Right.

8 MR. JOHNSON: Beg the Court's indulgence.

9 THE COURT: Sure. Take your time.

10 BY MR. JOHNSON:

11 Q Just to confirm, whatever happened from 4/20,
12 whatever you looked at, you didn't find any criminal
13 activity, correct?

14 A Correct.

15 MR. JOHNSON: All right. Nothing further.

16 THE COURT: Any redirect, Solicitor?

17 MS. SUSTAKOVITCH: None from the State.

18 THE COURT: You can step down, sir.

19 THE WITNESS: Thank you.

20 MS. SUSTAKOVITCH: Your Honor, we ask that this
21 witness stay under subpoena in case he's needed.

22 THE COURT: Okay. All right. Detective Perry,
23 you're certainly free to leave the courthouse, but just
24 make sure that the solicitor can get ahold of you if we
25 need to get you back up here.

1 MS. SUSTAKOVITCH: Thank you, Your Honor.

2 THE COURT: Is that in evidence? Yeah. Just give it
3 to the court reporter.

4 All right. Next witness.

5 MS. SUSTAKOVITCH: Your Honor, the State calls
6 Christine Carlberg.

7 THE COURT: Okay.

8 WHEREUPON,

9 CHRISTINE CARLBERG

10 After having been duly sworn, testified as follows:

11 THE CLERK: Please take a seat and state your name
12 for the record.

13 THE WITNESS: Christine Carlberg.

14 DIRECT EXAMINATION

15 BY MS. SUSTAKOVITCH:

16 Q Good afternoon, Ms. Carlberg. Where are you
17 employed, ma'am?

18 A I'm employed by the Greater Greenville Department of
19 Mental Health, and I'm contracted to work at the Julie
20 Valentine Center.

21 Q And what is the Julie Valentine Center?

22 A The Julie Valentine Center is the local rape crisis
23 and child abuse center.

24 Q All right. Where is that located?

25 A On White Horse Road in Greenville.

1 Q And can you explain to the jury your work and -- work
2 experience and training?

3 A My work experience, I am an interviewer with the
4 Department of Mental Health, and like I said, I'm
5 contracted to work at the Julie Valentine Center, so all
6 my work is done there. And I interview children with
7 allegations of abuse and also delayed adults.

8 Q All right. And when you -- how does an interviewer
9 conduct an interview when there's an allegation or concern
10 of sexual assault?

11 A The child is referred to us first by usually either
12 DSS or law enforcement, and then we follow a protocol
13 called the ChildFirst protocol of South Carolina, which is
14 a semi-structured protocol. The acronym for it is RTREC,
15 so the steps in it are rapport, transition, report
16 exploration and closure, and that just means we can kind
17 of move between those steps as we need to during the
18 interview.

19 Q All right. In the past, can you estimate roughly how
20 many children you've talked to where there's a concern of
21 sexual assault?

22 A I've interviewed 3,554 children, and that's sexual
23 and physical assault.

24 Q And in all those 3,000 plus children, what is the
25 average -- or what are the average ages that you're doing

1 forensic interviews mainly on?

2 A We usually interview -- I would say the majority of
3 the children that I interview are between the ages of 3
4 and 12. I have seen younger, and I have seen teenagers
5 and some delayed adults.

6 Q Okay. And did you get requested by the Greer police
7 to interview **Minor 1** in this case?

8 A Yes, ma'am.

9 Q And as far as interviewing a child when they're 14,
10 do you do that sometimes?

11 A Yes, ma'am.

12 Q The reasons for doing that, say an officer doesn't
13 feel comfortable interviewing a child, would that be one?

14 A That can be a reason.

15 MR. JOHNSON: Objection. Leading, Your Honor.

16 THE COURT: Okay. Try to rephrase, please.

17 MS. SUSTAKOVITCH: Yes, sir.

18 BY MS. SUSTAKOVITCH:

19 Q Did you have occasion to interview the victim in this
20 case, **Minor 1** ?

21 A Yes, ma'am.

22 Q And, again, how was she referred to you?

23 A She was referred to us by the Greer Police
24 Department.

25 Q And who was the investigator specifically that

1 referred her to you?

2 A Detective Jason Bash.

3 Q What was the date of the interview?

4 A I interviewed her on November the 3rd, 2016.

5 Q And how old was **Minor 1** at that time?

6 A She was 14.

7 Q Do you know her date of birth?

8 A Her date of birth is [REDACTED] 2002.

9 Q All right. And when you did that interview, you
10 talked with **Minor 1** at the time about the allegation of
11 abuse?

12 A Yes, ma'am.

13 Q Are you aware that children under 12, we would be
14 able to play their interview in court?

15 A Yes, ma'am.

16 Q Okay. But you -- with **Minor 1**, you met with her that
17 day and you had the full interview, correct?

18 A Yes, ma'am.

19 Q We're going to hear from **Minor 1** shortly, but I first
20 want to go through a few things. Did she ever disclose to
21 you during that interview that she was sexually assaulted?

22 A Yes, ma'am.

23 Q And did she indicate to you the place or places where
24 the abuse occurred?

25 A She said that it happened at a house on Poplar, and

1 then she said there was one incident at Panther Court.

2 MR. JOHNSON: Beg the Court's indulgence.

3 THE COURT: Okay.

4 MR. JOHNSON: I have no objection, Your Honor.

5 THE COURT: Okay. Could you repeat that answer,
6 ma'am?

7 MS. SUSTAKOVITCH: Your Honor, I -- I'm sorry.
8 Specifically, we're focusing on Poplar Drive in this case.

9 THE COURT: Okay.

10 MS. SUSTAKOVITCH: Judge, just for the record, the
11 State is only eliciting questions under Rule 801(d)(1)(D)
12 as to time and place. We're not going outside of that,
13 Judge.

14 THE COURT: All right. Okay. Just so far this line
15 of questioning is not objected to by Mr. Johnson.

16 MS. SUSTAKOVITCH: All right.

17 BY MS. SUSTAKOVITCH:

18 Q So specifically, did she indicate to you the time
19 frames? As to the Poplar Drive allegation of abuse, did
20 she indicate to you the time frame that the abuse took
21 place?

22 A She said she was between the ages of 10 and 13.

23 Q All right. So again, **Minor 1**'s date of birth? I'm
24 sorry. You previously testified.

25 A [REDACTED] 2002.

1 Q And so she would have turned 10 when? Excuse me.

2 She would have turned -- yeah, 10 when?

3 A January 29, 2012.

4 Q All right. And also, did **Minor 1** indicate the places
5 -- the place or places, rather, that the incidents
6 occurred at Poplar Drive?

7 A Just in rooms in her house. She talked about the
8 bathroom, I think her room. I'm sorry. I have to look.

9 Q That's okay. You don't have -- I don't want to go
10 into too many particulars outside of time and place.

11 When you're doing a forensic interview, how is that
12 structured? Who is in the actual room with you?

13 A Just the child and myself.

14 Q And was Pamela, the child's mother, was she in the
15 room?

16 A She was not.

17 Q And where -- was she there?

18 A She was in the waiting room.

19 Q Was any member of law enforcement able to observe the
20 interview?

21 A Yes. Detective Bash observed the interview from
22 another room. We have a two-way -- or not two-way -- a
23 closed-circuit television, so he was able to watch from
24 another room.

25 Q Okay. And during the interview, what was **Minor 1**'s

1 demeanor as you talked with her about the abuse?

2 A She became teary. Some things seemed to be difficult
3 for her to talk about. She was embarrassed to say certain
4 words, especially around body parts.

5 Q She seemed embarrassed to do that?

6 A Yes, ma'am.

7 Q Did she ever get -- did she cry at any portions
8 during the interview?

9 A Yes. She was teary.

10 Q After the interview was completed, what, if anything,
11 did you do with it?

12 A I believe Detective Bash received a copy of the
13 interview, and then I also spoke with a member of the
14 sheriff's office, and then I made a report to DSS.

15 Q All right. And I'm showing you what's been entered
16 into evidence as State's Exhibit 3. Did you show **Minor 1** a
17 copy of State's Exhibit 3 when you were closing your
18 interview?

19 A I did show her a copy of that.

20 Q All right. And then after -- and when you showed it
21 to her, did you let her read through it at all?

22 A Yes, ma'am.

23 Q And then after you finished the forensic interview
24 and you gave a copy to Detective Bash, have you had any
25 further contact with **Minor 1**?

1 A No, ma'am.

2 Q Any further contact with Pamela Peterson?

3 A No. Ma'am.

4 MS. SUSTAKOVITCH: Beg the Court's indulgence.

5 THE COURT: Sure. Take your time.

6 MS. SUSTAKOVITCH: Please answer any questions
7 defense counsel has.

8 THE COURT: Mr. Johnson?

9 CROSS EXAMINATION

10 BY MR. JOHNSON:

11 Q When you do these interviews, I know you spoke with
12 **Minor 1**, correct, obviously?

13 A Yes, sir.

14 Q And did you speak with the detective, Detective Bash,
15 separately?

16 A Yes, sir.

17 Q And you spoke with her mother separately?

18 A Yes, sir.

19 Q When you speak with these people, do they give you
20 different details that you may not discuss with the child?

21 A Yes, sir.

22 Q Okay. Now, with regards to the letter that you were
23 approached with, was this given to you in this form or
24 were you given a copy?

25 A I can't remember, actually. I know she -- I think

1 she signed it, and I don't know if that's -- if I was
2 given a copy or her original.

3 Q You can't recall whether you saw this or whether you
4 saw a copy.

5 A I don't -- I don't remember.

6 Q Okay. But you said the one that you saw, she signed,
7 correct?

8 A Yes.

9 Q Okay. And is this one signed?

10 A It's initialed at the top, yes.

11 Q It's not signed?

12 A No. It's initialed at the top.

13 Q Okay. So this is the one -- you're saying that you
14 think that those are -- you think that those are **Minor 1**'s
15 initials?

16 A I'm not sure whose initials those are.

17 Q Okay. But is it signed by **Minor 1**, like a signature
18 in terms of cursive writing like you might normally sign
19 some of your letters? Is it signed in that way?

20 A I don't see that.

21 Q Okay. Is that the way you have the people in your
22 office sign things? Do you have them actually sign
23 things?

24 A I don't usually have people sign things. But in her
25 interview, she looked -- I have she looked at the bottom

1 of each page. She signed the bottom of each page to
2 indicate the pages that she looked at during that
3 interview.

4 Q Okay. Now, in this letter I showed you, she did not
5 -- there are no signatures on the bottom of each page on
6 this letter, correct?

7 A No, sir.

8 Q Okay. And you said you had -- after you did the
9 interview, I guess, until today, you had no further -- you
10 had no further contact with **Minor 1** or her mother or
11 Detective Bash or anything like that, correct?

12 A No, sir.

13 MR. JOHNSON: Okay. I have nothing further.

14 THE COURT: All right. Any redirect?

15 MS. SUSTAKOVITCH: No, sir.

16 THE COURT: You can step down, ma'am. You're free to
17 leave the courthouse, ma'am, or you're welcome to remain
18 with us. Either way.

19 MS. SUSTAKOVITCH: Your Honor, the State calls
20 Lorraine Henderson.

21 WHEREUPON,

22 LORRAINE HENDERSON

23 After having been duly sworn, testified as follows:

24 THE CLERK: Please take a seat and state your name
25 for the record.

1 THE WITNESS: My name is Lorraine Henderson.

2 DIRECT EXAMINATION

3 BY MS. SUSTAKOVITCH:

4 Q Good afternoon, Ms. Henderson. Is it Investigator
5 Henderson?

6 A Yes, ma'am.

7 Q Lorraine?

8 A Yes.

9 Q How -- where are you employed, ma'am?

10 A Greenville County Sheriff's Office.

11 Q And how long have you been employed there?

12 A A little over 40 years, 41.

13 Q All right. Throughout those 40 years, what have your
14 job responsibilities been? What different jobs have you
15 had there?

16 A Well, actually, just two. I worked on the road
17 first, and I left the road in June 1st of '86, and I went
18 to sex crimes.

19 Q And what year was that?

20 A '86.

21 Q Okay. So you've been in the Sex Crimes Unit, Crimes
22 Against Children Unit since then?

23 A Yes. It was all under one umbrella at first, and
24 then they broke it up and changed it to crimes against
25 children, and we still have that sex crimes too.

1 Q So from '86, how many years is that you've been doing
2 child sexual assault cases? A long time?

3 A Yes.

4 Q Not talking about the case before the Court, but just
5 in general, as a sex crimes investigator, do sex crimes
6 come to you in different ways, meaning you might have some
7 walk-ins, you might have to respond to an incident
8 location? Can you tell the jury the different ways that
9 you've been involved in sex crimes throughout the years,
10 how you'll get the case?

11 A Yes. It's actually generated on the road or even
12 some people just calling in that we could take, some just
13 walk in that we take. When they're called -- when they're
14 called on the road and they go to the hospital or
15 something, if we're on call, they call us out to the
16 hospital, we go in there and we'll pick up the case, but
17 if not, if we don't go to the hospital, if it comes in to
18 the supervisors, and they farm them out to the different
19 officers or whatever. We've got several in there. I'm
20 actually the adult one, and we've got kids, Crimes Against
21 Children. We've got several.

22 Q All right. And just going back to your training and
23 experience in Crimes Against Children, is it fair to say
24 you have some where you'll get the disclosure at the
25 hospital when a child's been taken to the hospital,

1 correct?

2 A Yes.

3 Q Is it fair to say that sometimes a parent or guardian
4 may come in to the police and report an incident that's
5 occurred even years before?

6 A Yes.

7 Q And in your training and experience, is it common
8 that kids delay reporting in sex crime cases?

9 A Yes.

10 Q And by delayed reporting, what does that mean? They
11 don't tell when the abuse happens?

12 A That's right.

13 MR. JOHNSON: Your Honor, objection. We're going
14 beyond her experience as an investigator and going to --
15 it sounds like she's eliciting some sort of testimony that
16 will be considered, I think, expert.

17 MS. SUSTAKOVITCH: Judge I'm moving on. She's been
18 there ---

19 MR. JOHNSON: Moving on?

20 MS. SUSTAKOVITCH: --- for a long time, since '86,
21 and I was just having her explain how different crimes are
22 investigated.

23 THE COURT: Right. I think -- based upon her
24 experience, I think she can state that as she did. I
25 don't think necessarily she has the expertise or

1 qualifications to go beyond that statement and render
2 opinions as to that, but just the basic statement based
3 upon her experience. So I'm going overrule the objection,
4 but request that the solicitor move on to something else.

5 MS. SUSTAKOVITCH: Yes, sir.

6 BY MS. SUSTAKOVITCH:

7 Q Investigator Henderson, I want to take you back to
8 October 10, 2016. Did you come in contact with Pam
9 Peterson on that day related to the case that is before
10 this court?

11 A Yes.

12 Q And on October 10, 2016, where were you working that
13 day? Were you doing desk duty or out on the road? Or
14 what were you doing?

15 A No, ma'am. I was at the sheriff's office. We do
16 desk duty a couple -- through the whole department that's
17 over there, and we've got several under that umbrella, and
18 I was on desk duty that day. So when you're on desk duty,
19 you take everything that comes in that day on all the
20 calls. And whether they are reports to be made or
21 whatever, you make them. And like I say, they are given
22 out after they go through supervisors.

23 MS. SUSTAKOVITCH: Okay. Judge, could we take up a
24 legal matter with the Court just briefly? And I apologize
25 to have to break right now.

1 courtroom rules prohibit, you can bring out -- no food.
2 We're not going to be eating on any snacks, but certainly,
3 something to drink. If you're careful and not spill it,
4 then I don't have a problem with it.

5 THE BAILIFF: We don't mind bottled water. We don't
6 usually allow bottled water, but it's fine.

7 THE COURT: Whatever refreshment.

8 THE BAILIFF: It's up to you on that.

9 THE COURT: Well, I don't have a problem with that.
10 But you can have one out here if you want to, okay?

11 All right. Solicitor, you want to continue with
12 examination of this witness?

13 MS. SUSTAKOVITCH: Yes, sir.

14 BY MS. SUSTAKOVITCH:

15 Q Investigator Henderson, I want to take you back to
16 October 10, 2016. Did you come in contact with a woman
17 named Pamela Peterson on that day?

18 A I did.

19 Q And what do you recall? How did you become involved
20 with her that day?

21 A I had office duty that day, so I take everything that
22 walks -- that comes in. And when I met her, I brought her
23 back to the office to see how I could help her. And she
24 was asking me about her case, and I look -- and I didn't
25 have it.

1 Q When you say "her case," do you mean her daughter's
2 case?

3 A Yes.

4 Q Okay. Go ahead.

5 A But I didn't have it. And she gave me the daughter's
6 name, and I looked it up and I still could not find it at
7 that time. And that she had sent it in already.

8 But once we were talking, when I couldn't find it, I
9 made an initial case file on that day.

10 Q Okay. And just to clarify a few things. So Pamela
11 Peterson comes in, and she's inquiring about **Minor 1**'s
12 case.

13 A Yes.

14 Q You go through the process of what to determine if
15 the case exists with the Greenville County Sheriff's
16 Office?

17 A Yes. I looked in our vConnect, looked through my
18 files, because she was under the assumption that it was me
19 that was working the case. And I could not find anything
20 there, and in our -- in the -- like I say, in the
21 vConnect, I did not find her daughter in there at all.

22 Q So you weren't finding a case listing **Minor 1**
23 as the victim, correct?

24 A I did not.

25 Q And when you told -- did you tell that to Pamela

1 Peterson?

2 A I did.

3 MR. JOHNSON: Objection, Your Honor.

4 MS. SUSTAKOVITCH: That's what she told the witness.

5 MR. JOHNSON: Objection. Permission to approach.

6 THE COURT: Okay.

7 (WHEREUPON, a bench conference was held off the record.)

8 BY MS. SUSTAKOVITCH:

9 Q All right. Investigator Henderson, so Pamela
10 Peterson is asking if there's a case involving her
11 daughter **Minor 1**, correct?

12 A Yes.

13 Q And you looked through vConnect and all that, and you
14 don't find one, right?

15 A I did not.

16 Q Okay. So did you tell Pamela that there was no --
17 you cannot find a case file for her daughter as a victim,
18 **Minor 1**?

19 A Yes.

20 Q And what was her reaction to you telling her that you
21 couldn't find a case involving **Minor 1**?

22 A She became very upset with me, and she didn't want to
23 hear that. She said she didn't want to hear that. And I
24 was asking her how can I help you then. And when she was
25 telling me about her daughter's case, I took the initial

1 report at that point. There were -- I took Greenville
2 County's case at that point because she gave me more.

3 Q Okay. All right. Did you determine that the letter
4 that's previously been entered into evidence as State's
5 Exhibit 3, did Pamela let you know that this had already
6 been given to the sheriff's office previous that summer?

7 A She did.

8 Q She did?

9 A She did.

10 Q And when you say she was very upset there was no
11 case, she was just upset because y'all didn't have one
12 going yet; is that correct?

13 A Yes.

14 Q All right.

15 A That I couldn't find one.

16 Q You couldn't find one.

17 Now, in reading through this letter, where did you
18 refer Pam related to the -- let me ask it this way.
19 Jurisdiction is where a crime is committed, correct?

20 A Yes.

21 Q So if you get a disclosure or an allegation of abuse
22 that happens in a different county or a different city,
23 where do you direct those people?

24 A To that jurisdiction where it occurred.

25 Q Okay. And then based on this letter, did you direct

1 Pamela Peterson to any agency at that point?

2 A I did.

3 Q And where did you direct her?

4 A On the letter, that I directed her to go to Greer
5 because it was ---

6 MS. SUSTAKOVITCH: To go to Greer.

7 All right. Please answer any questions defense
8 counsel has.

9 THE COURT: All right. Mr. Johnson?

10 MR. JOHNSON: Thank you.

11 CROSS EXAMINATION

12 BY MR. JOHNSON:

13 Q Investigator Henderson, you did a report in this
14 case?

15 A Beg your pardon?

16 Q You did a report in this case?

17 A To go to Greer.

18 Q You did a report to Greer, but you also did a written
19 report that I think is in front of you, correct?

20 A Yes. I did this report, yes.

21 Q Okay, okay. Now, when you do a report, you do a
22 report to try to -- so that if you're ever called to trial
23 or if anyone ever asks you anything, you can remember what
24 happened and what was said, correct?

25 A Yes. And I can look up and look at that report.

1 Q Yeah. So the reports are actually reduced to typing
2 so that, you know, you might take some notes and then you
3 might type those notes into the program and the police
4 report is generated, correct?

5 A Yes, it is.

6 Q And a lot of times, you have an approving officer as
7 well?

8 A Yes, sir.

9 Q Okay. So y'all, when you do these reports, they're
10 important, so you take -- you're very careful about what
11 you put in there and you try to make sure it's accurate,
12 correct?

13 A Yes.

14 MR. JOHNSON: Okay. Nothing further.

15 THE COURT: Okay. You can step down, ma'am. Thank
16 you.

17 MS. SUSTAKOVITCH: Your Honor, it might be a good
18 time to break. Our next witness ---

19 THE COURT: Based upon what we talked about in
20 chambers?

21 MS. SUSTAKOVITCH: Yes, sir.

22 THE COURT: Okay. All right. Madam Forelady and
23 ladies and gentlemen of the jury, it looks like this is
24 going to be -- you can go, ma'am. That's okay. This is
25 going to be a good time to take a break. I think the next

1 TUESDAY, DECEMBER 10, 2019

2

3 (WHEREUPON, proceedings reconvened at 9:37 a.m.)

4 THE COURT: We're back on the record.

5 Anything we need to discuss before we bring the jury

6 out?

7 MS. SUSTAKOVITCH: Your Honor, there are two items.

8 The first witness is going to be the victim, **Minor 1**

9 . And she does talk about how, when this first

10 started, one of the first thing -- or the first thing that

11 did start was how he would play naked with her. It was

12 after she was 10, and they would just begin starting to

13 play naked with their clothes off.

14 THE COURT: Right.

15 MS. SUSTAKOVITCH: And then it went from that into

16 the touching stuff.

17 THE COURT: Okay.

18 MS. SUSTAKOVITCH: So I wanted to get a pretrial

19 ruling related to that because I do anticipate that

20 testimony to come in. It would be under the continuing

21 course of conduct under 404(b) to help give a total

22 picture of how this abuse escalated, thankfully, not, you

23 know, to where it could have gone. But naturally, these

24 things in sex cases will often start here and just get a

25 little bigger and bigger.

1 THE COURT: Right.

2 MS. SUSTAKOVITCH: And so here it was having a grown
3 30-something-year-old man take his clothes off with a
4 10-year-old and play naked, which is very odd and not the
5 normal behavior.

6 THE COURT: Right. Okay.

7 And, Mr. Johnson, I assume that you have an objection
8 to that.

9 MR. JOHNSON: Yes, sir, Your Honor.

10 THE COURT: And the basis for your objection is what?

11 MR. JOHNSON: Your Honor, first of all, we're talking
12 about similar -- substantial similar conduct. Again, it
13 appears that she's alleging, first of all, touching and
14 touching with a sexual desire in the indictments. What we
15 have here is they're not alleging touching, they're not
16 alleging sexual desire, so I don't think it's similar at
17 all as it relates to a 404 analysis. Furthermore, I don't
18 think it's relevant at all as to whether or not he is
19 guilty or innocent of these four indictments. And then
20 finally, I think that it would be unduly -- it's more --
21 it's unduly prejudicial as well, Your Honor. Unduly. And
22 that would be my analysis of that situation.

23 THE COURT: Okay. All right.

24 MS. SUSTAKOVITCH: Your Honor, if I could add one
25 thing.

1 THE COURT: Sure.

2 MS. SUSTAKOVITCH: We do anticipate testimony from
3 Shauna Galloway-Williams. She is an expert in the
4 dynamics of child sexual abuse. And she will testify
5 about how oftentimes in these situations there's grooming
6 behavior, and the children, to get their senses lessened,
7 that things like this will happen. So a child is like,
8 well, we were playing naked together, then this is fine
9 that he's going to groom my pubic hair. Things like that.

10 THE COURT: Right. Yeah. I don't really view that
11 as necessarily a prior bad act to where I need to get
12 involved in some Lyle analysis. I think it just provides
13 more of a foundation to what ultimately leads to the
14 allegations which are the substance of the various
15 charges. And as the solicitor mentioned, in addition,
16 oftentimes, in these cases, there are allegations of
17 grooming, which basically provides the backdrop for what
18 ultimately leads up to. So over the objection of the
19 defense, I'm going to allow it in.

20 And that's basically -- that's all there is as far as
21 leading up to the allegations that are the basis for the
22 charges, correct?

23 MS. SUSTAKOVITCH: Yes, sir.

24 THE COURT: Okay. All right. So your objection is
25 noted, but I'm going to allow it in.

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

2 THE COURT: Okay. Thank you.

3 MS. SUSTAKOVITCH: The second issue is the State
4 intends to introduce four diary entries that we have in
5 our possession. These were written by this defendant.
6 And I've shown them to defense counsel. In one of them he
7 is talking about, "I'm scared. I'm scared. I'm afraid of
8 so many things. I should be. I did them. I'm ashamed
9 and humbled." And he goes on. "I'm scared that you or
10 someone will turn me in and I will go" -- the diary says
11 "I will go back to jail." He's been in jail before for
12 arson years ago. So that part where he said, "I'm scared
13 that you or someone will turn me in and I will go back to
14 jail," we just redacted "back" out and it just says, "I
15 will go to jail or even be arrested or charged. I'm
16 scared that even if God allows a chance of us getting back
17 together, that that won't happen." He continues on.

18 THE COURT: These are diary entries allegedly from
19 the defendant? Is that ---

20 MS. SUSTAKOVITCH: Yes, sir. He kept a diary after.
21 The State anticipates testimony from the ex-wife of this
22 defendant that he was writing a diary, like a stream of
23 consciousness diary, about how he was thinking once they
24 split. And Pam Peterson is going to testify she went over
25 to the other home where he was staying one day to pick up

1 some items and saw it. And she's going to testify she
2 opened it and started reading them. And these are -- I
3 mean, they're just basically him saying, you know, he
4 should burn in hell and all these other things. It's the
5 state of mind of the defendant as of April 25, 2016, as
6 they're newly broken up.

7 This one entry worried me when it's talking about
8 going back to jail, because I don't want any reference to
9 when he went to jail for arson to get into the record.

10 THE COURT: Right, right. Okay.

11 And, Mr. Johnson, the basis for your objection on
12 those?

13 MR. JOHNSON: Primarily is I don't see the probative
14 value in it at all. He doesn't specifically reference any
15 incident. Furthermore, it's allegedly a diary, my
16 client's diary entry as opposed to any sort of actual
17 letter that was sent to the alleged victim's mother,
18 anything of that nature. I don't see how it's probative
19 at all as to whether or not he did this. He wasn't even
20 -- the allegation for this case came out in July of 2016.
21 These letters are purportedly from April of 2016, after
22 the parties had already separated. I don't see any
23 probative value at all in them as it relates to a
24 resolution of these charges.

25 THE COURT: Okay. But -- now, the allegations are

1 from 2012 to 2015, correct?

2 MS. SUSTAKOVITCH: Yes, sir. For about a three-year
3 period.

4 THE COURT: Right. And so the allegations for the
5 offenses would predate the diary entry which you say is
6 2016, correct?

7 MS. SUSTAKOVITCH: Yes, sir.

8 THE COURT: Okay.

9 MS. SUSTAKOVITCH: And so the events would have
10 occurred. He would have moved out.

11 And then, Judge, if you want, the first exhibit would
12 be State's 4. He goes, "Pam, I bought this journal with
13 the specific purpose of writing to you whether you know it
14 or not or even read this. This is so I can talk to you on
15 a daily basis. Why? Because, believe it or not, I need
16 you, I want you and love you. I pray that one day you may
17 see my shame and sorrow. Love always, Eric." And then he
18 continues on. There's four of them. Do you want me to
19 read them all?

20 THE COURT: No. What I'd like to do probably is just
21 hand them up to me.

22 And if I allow them in, they're going to come in with
23 the mom?

24 MS. SUSTAKOVITCH: Yes, sir.

25 THE COURT: Okay. And I'll make a ruling before mom

1 testifies. So when I get a chance, I'll read those.

2 And you do have it redacted insofar as the one
3 reference about going back to jail. Is that already
4 redacted in here?

5 MS. SUSTAKOVITCH: Yes. Yes, sir.

6 THE COURT: Okay. All right.

7 MS. SUSTAKOVITCH: She's anticipated to be the third
8 witness this morning.

9 THE COURT: Okay. All right. I'll look at these and
10 make a ruling either way before she gets on the stand.

11 MR. JOHNSON: And, Your Honor, I guess before you
12 make a ruling, it might -- well, I request that perhaps we
13 proffer her testimony as it relates to that -- to those
14 diary -- purported diary entries.

15 THE COURT: Okay. All right. We can certainly do
16 that too.

17 All right. Anything else before we bring the jury
18 out?

19 MS. SUSTAKOVITCH: No, sir.

20 MR. JOHNSON: No, sir, Your Honor.

21 THE COURT: All right. Thank you.

22 All right. Let's bring the jury out, please.

23 (WHEREUPON, the jury entered the courtroom at 9:46 a.m.)

24 THE COURT: Let the record reflect the jury is back
25 in.

1 Q All right. What are your siblings' names?

2 A My sister is **Minor 2** and my brother is **Minor 3**.

3 Q You might be a little close.

4 THE COURT: Maybe a little too close. We'll get it
5 right.

6 BY MS. SUSTAKOVITCH:

7 Q You did what I said, but it's just a little close.
8 Sorry.

9 So your siblings are who?

10 A **Minor 2** and **Minor 3**.

11 Q Okay. How old are **Minor 2** and **Minor 3**?

12 A **Minor 2** is 6 and **Minor 3** is 4.

13 Q All right. Tell me, when's your birthday, **Minor 1**?

14 A My birthday is [REDACTED] 2002.

15 Q So you're 17. You'll be turning 18?

16 A Yes, ma'am.

17 Q And tell me about hobbies. What kind of things do
18 you like to do?

19 A I -- I really like to write. I am wanting to pursue
20 a career in photojournalism with a minor in business and
21 marketing. I like photography. I do like to draw
22 sometimes. I like to spend my time with my friends, just
23 go out and have a good time. And I also like to play with
24 my little siblings and just be there for them and watch
25 them grow up.

1 Q What year are you in high school right now?

2 A I'm a senior in high school.

3 Q And just asking you about this week, it's the week of
4 December 9th, do you have any big things going on at
5 school?

6 A I have my -- I have my exams starting this week.

7 Q Okay. I want to go back to talk about your
8 biological father. What is your biological father's name?

9 A I believe his name is Jimmy, Jimmy Vogel [phonetic].
10 I've never really met him so I don't entirely know if
11 Jimmy is an abbreviation or if that's like his actual
12 birth name.

13 Q So you've never met him in person?

14 A I've never met him.

15 Q And then, **Minor 1**, do you know a man named Eric
16 Peterson?

17 A Yes, ma'am.

18 Q How do you know him?

19 A He and my mom started dating, I believe, in 2008 or
20 '9, and then they had gotten married in 2011.

21 Q Okay. When was the last time you saw him?

22 A April of 2016. I believe it was the Wednesday after
23 Easter, but I can't pinpoint the exact date. But I do
24 know it was the Wednesday after Easter that year.

25 Q **Minor 1**, do see him in the courtroom?

1 A Yes, ma'am.

2 Q Can you tell me where you see him?

3 A Right there (indicating).

4 MS. SUSTAKOVITCH: Okay. Let the record reflect
5 she's identified the defendant.

6 BY MS. SUSTAKOVITCH:

7 Q **Minor 1**, going back to Eric Peterson, how did you
8 think of him in your life?

9 A When they got married, I was extremely happy because
10 I finally had the father figure I had always wanted. He
11 had treated me so kindly all the way -- like he had
12 treated me so kindly, and I was just ecstatic to finally
13 have -- call somebody my dad, to have someone to look up
14 to.

15 Q Did you look up to him?

16 A I did.

17 Q Did you think of him like your dad?

18 A I did.

19 Q **Minor 1**, I want to talk to you. Have you ever been
20 touched in ways that you did not like?

21 A Yes.

22 Q And has this defendant ever done things to you that
23 you did not like?

24 A Yes, ma'am.

25 Q We're going to talk about that more in a minute.

1 **Minor 1**, did you live -- do you recall living at
2 ████ Poplar Drive in Greenville county?

3 A Yes, ma'am.

4 Q And who did you live there with?

5 A I lived there with my mom, Eric, and my two little
6 siblings when they were first born.

7 Q Do you remember how long -- how old you were when you
8 moved in there and how long you lived there?

9 A I don't remember how old I was when we moved in. I
10 do remember that it was before they had gotten married.
11 But -- and then we moved out either -- I think late 2015.

12 Q Okay. **Minor 1**, I want to take you back a bit to March
13 of 2016. Do you recall when your stepdad moved out of the
14 house on Poplar Drive when your parents separated?

15 A We were not living at the house at Poplar Drive when
16 he moved out.

17 Q Oh, that's right. I'm sorry. You were at Panther?

18 A Yes, ma'am.

19 Q And let me say this. If defense counsel or I say
20 anything that's confusing or wrong, just stop us and say
21 you don't understand, you need it repeated, okay?

22 A Yes, ma'am.

23 Q Let me rephrase that. March 2016, where were you
24 guys living then?

25 A We were living at █████ Panther Court in Greer.

1 Q Okay. Do you recall when your stepfather and your
2 mom separated?

3 A About Easter time.

4 Q Of 2016?

5 A Yes, ma'am.

6 Q Did you understand back then what was happening?

7 A No, ma'am.

8 Q Back then did you miss him when he moved out?

9 A Yes, ma'am.

10 Q Did you end up having to go to counseling because you
11 were having trouble with having your stepdad ---

12 MR. JOHNSON: Objection, Your Honor. I ask --
13 objection. Leading.

14 THE COURT: Just rephrase, Solicitor.

15 MS. SUSTAKOVITCH: Yes, sir.

16 BY MS. SUSTAKOVITCH:

17 Q **Minor 1**, after your parents split up, did you end up
18 going to counseling related to that?

19 A Yes, ma'am.

20 Q Did you have difficulty dealing with that?

21 A I don't remember.

22 Q Okay. **Minor 1**, I want to take you back. You just
23 testified that your stepdad had touched you in ways that
24 you didn't feel were appropriate.

25 A Yes, ma'am.

1 Q I want to show you what's been marked and identified
2 as State's Exhibit 3. Can you just open that up? Do you
3 recognize that envelope?

4 A Yes, ma'am.

5 Q Okay. **Minor 1**, what is that?

6 A It is my written testimony I did about what had
7 happened to me. I'm sorry.

8 Q All right. I want to take you back to when you wrote
9 that letter.

10 A Yes, ma'am.

11 Q Tell the jury how you came to write that letter.

12 A For the longest time, I had thought that what did
13 happen to me was very unsettling and uncomfortable. But
14 seeing how he was a father figure, I'm a person of major
15 respect, I don't like to disrespect anybody, and so I
16 don't want to disrespect him and just say "no." But
17 evidently, just something clicked. I don't really know
18 what it was, but something clicked in my head that was
19 like, oh, this isn't right.

20 In school we're taught sex education and we're taught
21 how it should be and how it shouldn't be. And then
22 looking back, I sat down one day and I looked back and
23 everything, and looked back at my schooling, and I realize
24 that what he did wasn't right and it wasn't appropriate.
25 And so I sat down and I wrote, and I wrote until I

1 couldn't.

2 Q Okay. You say you wrote and you wrote until you
3 couldn't. Do you recall what time of day that was?

4 A It was very late at night.

5 Q And do you recall where you were when you wrote that?

6 A I was sitting at my desk in my bedroom.

7 Q Can you describe your house so they know where your
8 bedroom is?

9 A Yes, ma'am. You would go in the front door and you'd
10 see the living room. And this is when we were at

11 ■ Panther Court. So you'd see the living room, and
12 walking into the living room, right there you had the
13 garage on the right, and that was like in a little hallway
14 that leads into the living room. And so in the living
15 room, you walk up towards the kitchen, and right there on
16 the left is my mom's and Eric's bedroom. And then you
17 would lead into the kitchen. And right when you walk into
18 the kitchen, there would be a hallway on your right. And
19 you walk all the way down at the end of the hallway, and
20 my bedroom was on the right-hand -- was the
21 right-hand-side last door. And on that wall leading right
22 on this side was where my desk was next to my bathroom.

23 Q Okay. You have a lot of detail.

24 Talking about your desk, so it's late at night,
25 you're in your room at your desk.

1 A Yes, ma'am.

2 Q And you said you wrote and wrote until you couldn't
3 write anymore.

4 A Yes, ma'am.

5 Q Was anybody else in the room with you?

6 A I had -- I had a friend in the room with me. She
7 didn't read it. She didn't really know what I was doing.
8 I just told her that I needed to write. And she was like
9 okay. And so she went to bed as I wrote.

10 Q Correct. So she didn't know what you were writing.

11 A No, ma'am.

12 Q She went to bed. And you didn't tell her what was in
13 the letter?

14 A No, ma'am.

15 Q All right. So you finished the letter. You're
16 talking one -- what time in the morning do you think it
17 was?

18 A I think I started writing around midnight, and it
19 wasn't probably until like 1:00 in the morning or 1:30.

20 Q What did you do the next morning? Did you seal the
21 letter and put it in that envelope?

22 A Yes, ma'am. This envelope right here I made out of a
23 piece of paper because I didn't actually have a real
24 envelope.

25 Q You made the envelope?

1 A Yes, ma'am.

2 Q Okay. So once you sealed it up, what did you do with
3 it?

4 A I gave it to my mom in the morning because she had
5 told me that she had to go in to just get things. She
6 didn't ask me for anything. She didn't ask if I had
7 anything. I just gave it to her in the morning and asked
8 her to turn it in.

9 Q And when you say you asked her to turn it in, who did
10 you want her to turn it in to?

11 A I didn't know. I didn't know who she was going to
12 see. I just asked her to turn it in to whoever it needed
13 to go to.

14 Q All right. And so were you imagining that would be
15 police or someone like that?

16 A I think so.

17 Q Okay.

18 A I don't entirely know how my thought process was when
19 I handed it to her. I just knew that she was going to
20 turn other things in, and there had to have been somebody
21 who could help, so I turned it in.

22 Q All right. So you wrote the letter. I want to start
23 talking about what happened ---

24 A Yes, ma'am.

25 Q --- that you feel like -- you're almost 18. You

1 understand sex, correct?

2 A Yes, ma'am.

3 Q You understand inappropriate touching now?

4 A Yes, ma'am.

5 Q I want to take you back in time to when you were
6 living at Poplar Drive.

7 A Yes, ma'am.

8 Q **Minor 1**, can you think of the first time something,
9 looking back now, happened with this defendant that was
10 not quite right?

11 A When -- it was around the age of 10 we had -- it was
12 never when my mom was home. And I don't know how it would
13 happen to where we were completely naked, but we were just
14 playing naked, whether it be ---

15 MR. JOHNSON: Your Honor, apologies. Just under
16 prior discussions ---

17 THE COURT: Right. Yeah. So noted.

18 MR. JOHNSON: Yes, sir, Your Honor.

19 BY MS. SUSTAKOVITCH:

20 Q Go ahead.

21 A With -- we would -- I don't -- again, I don't
22 remember how we would become naked, but we would like jump
23 on the bed, play a game we'd call monster. If you ask me
24 to describe it now, I can't. I can't describe the actual
25 game. But we would just play naked. And at the time, I

1 was a little uncomfortable, but I didn't know really any
2 better. I wasn't really taught anything like that growing
3 up.

4 Q Okay. And so I'm going to envision you're 10.

5 A Yes, ma'am.

6 Q And he's 30 something. Y'all are just naked.

7 A Yes, ma'am.

8 Q And he's playing monster with you naked?

9 A Yes, ma'am.

10 Q Okay. At that point, you didn't know what to think
11 about it. You didn't think it was wrong.

12 MR. JOHNSON: Your Honor, object to the leading
13 questions.

14 MS. SUSTAKOVITCH: She just testified that.

15 THE COURT: Right. Try to rephrase, Solicitor.

16 BY MS. SUSTAKOVITCH:

17 Q Okay. So you just testified that you didn't know it
18 was wrong.

19 A (Nods head affirmatively.)

20 Q I want to go to talking about other incidents,

21 **Minor 1 .**

22 A Yes, ma'am.

23 Q Did -- well, why don't I just let you talk. What can
24 you recall happening in that house at Poplar Drive that
25 you felt like was inappropriate?

1 A There was an incident when I was -- I had hit
2 puberty, and I had started growing pubic hair. And I had
3 taken a long time in the shower trying to groom it. And I
4 had just -- I had given up, and I'm like I'll do this
5 another day.

6 And so I had gotten out of the shower and I was
7 walking to my bedroom when Eric, I don't remember which
8 room of the house he came out of, but he was -- he asked
9 me, "Hey, what took you so long in the shower?" I don't
10 know why he asked me, but he did.

11 And I just said, "Oh, I was having troubles grooming.
12 It's no big deal. I'm just going to go get dressed."

13 He's like, "Well, hold on a second. I can help you."

14 And I was like, "No, no, it's okay. I would like to
15 just get dressed."

16 He's like, "No. Go lay -- go lay on the bed, and
17 I'll be in there in a minute."

18 And so I had went into the bedroom, and I was sitting
19 on my bed still in my towel. And he had come in with his
20 electric razor that he would use for trimming his beard.
21 He said, "Lay down." And I didn't -- I didn't know what
22 to do, so I did. I laid down on the bed.

23 Q **Minor 1**, was it -- what room were you in?

24 A My bedroom.

25 Q Okay.

1 A And so I laid down on the bed, and he had brought me
2 to where my legs were hanging off the edge of my bed. And
3 he had spread my legs apart, and then he started grooming.
4 He did -- he got very close in the folds near my vagina.

5 Q **Minor 1**, if I could stop you one second.

6 A Yes, ma'am.

7 Q Did you have any clothing on when he made you ---

8 A No, ma'am. The towel had fallen off as well.

9 Q All right. And he told you to lay on the bed?

10 A Yes, ma'am.

11 Q So you're laying naked.

12 A Yes, ma'am.

13 Q I'm trying to understand. Where was he at that
14 point?

15 A He was kneeling on the floor in front of me.

16 Q All right. And your legs were where?

17 A They were spread out, hanging off that -- so my knees
18 were on the edge of my bed so that my feet were kind of
19 hanging off, and my legs were spread apart.

20 Q And I believe you testified he spread your legs open.
21 And then tell us what happened next.

22 A He had started grooming my pubic hair, and he had
23 gotten really close with his face to the region. He had
24 -- he had blown off the hair that -- like the hair
25 clippings and whatnot. And he was close to where I could

1 feel him breathing. I could feel him breathing down in my
2 pubic area. And I -- actually, maybe like five minutes I
3 said, "Okay, that's good."

4 He said, "No. Not yet."

5 And I repeated a couple of times, and me saying,
6 "Okay. That's good."

7 "No. Not yet."

8 "Okay. That's good."

9 "No. Not yet."

10 That did repeat a good number of times.

11 Q So you wanted him to stop and he didn't?

12 A Yes, ma'am.

13 Q As far as you could feel his breath ---

14 A Yes, ma'am.

15 Q --- and his face was that close.

16 A Yes, ma'am.

17 Q With the razor, where was the razor on your ---

18 A The razor was in my pubic region, so I could feel it
19 in the folds of my vaginal area.

20 Q Say that -- I'm sorry. The folds?

21 A Yes, ma'am.

22 Q Okay.

23 A And then I could feel it on the sides of my legs,
24 like upper top area where those usually grow, and I
25 remember the feeling of it being really cold because it

1 was metal.

2 Q And you felt it in the middle crease; is that what
3 you said?

4 A Yes, ma'am. It -- like it didn't cut me there, but
5 in order -- in the angle that he was doing it in to trim
6 other areas, it did reach down in that area.

7 Q All right. As this was happening, what were you
8 feeling like inside?

9 A I was feeling very uncomfortable. I felt exposed. I
10 felt very -- I didn't -- it sounds weird to say this, but
11 I did not feel me -- like me, because I was just lost in
12 the thought of I want this to be done and I want this to
13 be over with, and it's not -- it wasn't stopping when I
14 had asked. And then when it was finally done, it was --
15 it was trimmed. Like everything was trimmed. And I said,
16 "Okay. Thank you." And he left.

17 Q **Minor 1**, so that was in your bedroom.

18 A Yes, ma'am.

19 Q You testified it was after you hit puberty.

20 A Yes, ma'am.

21 Q Can you roughly gauge how old you might have been
22 there?

23 A 11 or 12.

24 Q All right. I want to take you -- thinking back to
25 any other incidents that happened that you now feel like

1 were just inappropriate.

2 A There was a time we were sitting on the couch, it was
3 at nighttime and I was in my pajamas. I was playing
4 softball at the time, so it was either seventh or eighth
5 grade. It had to have been seventh grade because we were
6 living at the new house in eighth grade.

7 So in seventh grade I was having shoulder problems.
8 I had -- I had accidentally broken my scapula. It was a
9 very thin line fracture. And so my shoulder was hurting,
10 and so I asked him to give me a back massage. And so he
11 started, and then he goes, "Well, why don't we turn it
12 into a full body massage." And I didn't ---

13 Q How old were you at this point?

14 A 13.

15 Q Okay. Go ahead.

16 A He asked to turn it into a full body massage. I was
17 not ecstatic about that idea. And I said, "No. I just
18 need my back done."

19 He's like, "Well, let's just do it."

20 Okay. Again, that respect as a father figure, I
21 didn't want to -- I didn't want to destroy that respect I
22 had for him.

23 Q **Minor 1**, let me ask you this.

24 A Yes, ma'am.

25 Q You said you were in the living room, right?

1 A Yes, ma'am.

2 Q What were you sitting on?

3 A The couch.

4 Q Do you recall what clothing you might have been
5 wearing?

6 A I was in my pajamas.

7 Q All right. And were you laying on the couch, sitting
8 or something else?

9 A I think I was sitting.

10 Q All right.

11 A I was -- I was sitting on one end and he was sitting
12 on the other end.

13 Q So you said he began massaging you?

14 A Yes, ma'am.

15 Q Talk to us about that.

16 A Yes, ma'am. And so as it progressed, he had gone
17 lower down my back and was started to get -- get near my
18 -- my butt. I'm sorry. And then when he got to that
19 area, he went under my pants and under my underwear to
20 start massaging like my butt and everything.

21 Q So you had pajamas on.

22 A Yes, ma'am.

23 Q Did you have panties on?

24 A Yes, ma'am.

25 Q Did he put his hands underneath your panties?

1 A Yes, ma'am.

2 Q And when you say he was massaging, he was massaging
3 your butt ---

4 A Yes, ma'am.

5 Q --- you called it with his hands underneath there.

6 A Yes, ma'am.

7 Q What happened next?

8 A I'm not entirely sure. I don't entirely remember how
9 he came around to the front of my body, but I do remember
10 he had come in front of the body. He was rubbing my
11 stomach and was inching up closer underneath my shirt and
12 underneath my bra to my breasts.

13 Q Okay. Did he massage you on your breast?

14 A Yes, ma'am.

15 Q Did he massage you under your bra?

16 A Yes, ma'am.

17 Q How did this make you feel?

18 A I was very uncomfortable. I'd asked him -- I didn't
19 want that. And he said, "It's okay." Many -- a lot of
20 the time he would use an excuse of I was just trying to
21 help. At the time, he was an EMT, and so he would say,
22 "Oh, it's okay. I'm an EMT. I'm just trying to help
23 you."

24 Q So he would say that as far as massaging your breast
25 was going to help you?

1 A Yes, ma'am.

2 Q Were you developing breasts at this time?

3 A Yes, ma'am.

4 Q Okay. So you had developing breasts, and he was
5 massaging them.

6 A Yes, ma'am.

7 Q Did you -- how did that end?

8 A I don't remember.

9 Q Do you recall who, if anyone else, might have been
10 home?

11 A Nobody else was home.

12 Q Nobody else. Was it nighttime or morning?

13 A Yes, ma'am. It was nighttime. I believe we were
14 watching -- we were watching television, but I don't
15 remember what was on it.

16 Q Okay. Do you know where your mom might have been?

17 A No, ma'am.

18 Q Okay. **Minor 1**, I want to think about other situations
19 that happened. I know you've talked about the razor and
20 this full body massage.

21 A Yes, ma'am.

22 Q What, if anything else, can you remember?

23 A There was another time as I was getting out of the
24 shower, he had accidentally walked in on me, but I'm not
25 entirely sure if it was actually accidental. And I -- I

1 hadn't -- I just hadn't had a towel on yet. And he walks
2 in, then he turns around to leave, and then he turns
3 around and he goes, "Have you ever given yourself a breast
4 exam?"

5 Q To you.

6 A Yes, ma'am.

7 Q Okay. And you're coming out of the shower?

8 A Yes, ma'am.

9 And I didn't know what that was. And so as I'm
10 reaching to grab my towel, I go, "What is that?"

11 He goes, "Here. Let me show you." And so he walks
12 up to me or I walk up to him, I'm not entirely sure, but
13 then he starts, I guess, checking my breasts as you do in
14 a breast exam.

15 And I said, "Oh, okay. Thank you for showing me.
16 I'll keep that in mind for future use." But then he got
17 really close to it, and he noticed that at the time, my
18 nipples were inverted. It might have just been something
19 for puberty or whatnot. So he brought me out into the
20 hallway for better lighting. And then he kneeled down so
21 he could get a better look at it. And he had -- he had
22 licked his finger and brushed it against my nipple and
23 blew on it to try and make it harden so, I guess, to try,
24 I guess, outvert. I don't think -- I don't even think
25 that's a word. But ---

1 Q He blew on his finger and then flicked your nipple
2 with that.

3 A He licked his finger, brushed it against my nipple
4 and then blew on it to make it cold and harden. It was
5 very cold. But then he had said something along the lines
6 of, "I wish I had something to suck it with so we can pull
7 it out. I would use my mouth, but that would be a little
8 odd."

9 Q You remember him saying that to you?

10 A Yes, ma'am.

11 Q As he's saying this, do you recall what you were
12 feeling?

13 A I was feeling very uncomfortable with the entire
14 situation. I was uncomfortable. All I wanted to do was
15 get my towel and go get dressed. And it was daytime when
16 this happened, and, again, my mom was not home.

17 Q Do you know -- do you remember roughly how old you
18 were when that happened?

19 A 11 or 12.

20 Q Okay. Do you know how that ended? Do you recall how
21 that ended?

22 A I don't recall how it ended. I just remember he got
23 up, walked away, and so I went and changed and got in my
24 clothes.

25 Q All right. Thinking back, any other incidents that

1 are coming to mind that you can recall?

2 A There was a time when we were going to meet my mom
3 somewhere, I think it was out for lunch or something
4 because she had worked that day. And I needed a shower
5 and he needed a shower. And I was like, "You go ahead and
6 take a shower. I take longer showers than you do."

7 He was like, "Well, why don't we just shower
8 together?"

9 And I didn't want to, and I said, "No. It's okay."

10 But he said, "No. Let's just do it. We'll save
11 water. We'll get it done faster."

12 "Okay."

13 And then -- so we showered together and whatnot, and
14 he offered to wash my back. And so while he was washing
15 my back, he was extremely close to me. He was -- it was
16 so close to where I could -- I could feel his penis on my
17 back. It was on my lower back. I can't tell you if it
18 was soft or hard, but it was on my lower back at the time.
19 It was -- it was a very light touch, so it wasn't just
20 fully there. But that situation made me very
21 uncomfortable. I didn't want to be in the shower with
22 him. All I wanted to do was get out.

23 Q Do you know when -- go back. So you're in the
24 shower. He says you shower quicker. When you feel his
25 penis on your back, are you in front of him? Or how ---

1 A I'm in front of him.

2 Q And what, if anything, is he doing with his hands
3 while ---

4 A He was washing my back for me.

5 Q Okay. And while you were in the shower, did his
6 hands wash your breasts?

7 A I don't remember.

8 Q That's okay.

9 When he was washing you, was he washing you with his
10 bare hands?

11 A He had a bar of soap in one hand and his bare hand in
12 the other.

13 Q Right. But no washcloth or anything?

14 A No, ma'am.

15 Q Okay. That's what I'm trying to get to.
16 And you said your mom was not there.

17 A No, ma'am.

18 Q You testified this happened after you turned 10.

19 A Yes, ma'am.

20 Q Do you have any idea roughly when it was?

21 A I -- I -- I can't give you a time frame for this. I
22 don't -- I -- all I know, it was between the ages of 10
23 and 13, but I can't give an estimate as to which age.

24 Q **Minor 1**, I want to take you back to that incident in
25 your bedroom ---

1 A Yes, ma'am.

2 Q --- when he did that.

3 A Yes, ma'am.

4 Q And you said it made you feel like you weren't there?

5 A It -- it made me feel like I wasn't myself because I
6 was so caught up with the feeling of uncomfortableness.
7 And I was -- I was never the one to get uncomfortable
8 easy. But all of those situations just made me feel like
9 how do I -- the only thing in my head was how do I get out
10 of this without being disrespectful.

11 Q **Minor 1**, I wanted to ask you a few things about what
12 you've identified as the letter you wrote.

13 A Yes, ma'am.

14 Q Can you just look at the very top? "I know when I
15 first came in a few months ago, I was asked questions. I
16 had no clue what was going on." Did you first -- were you
17 first brought in by your mom before you wrote this
18 letter ---

19 MR. JOHNSON: Your Honor, objection to the leading
20 question.

21 THE COURT: Try to rephrase.

22 BY MS. SUSTAKOVITCH:

23 Q **Minor 1**, you testified that this letter was written in
24 July 2016.

25 A Yes, ma'am.

1 Q Before you wrote this letter, do you recall your mom
2 bringing you to the police and you talking to some police
3 lady about whether anything had happened to you?

4 A Yes, ma'am.

5 Q All right. And at that time, did you tell the police
6 lady anything had happened?

7 A No, ma'am. I didn't really realize what was going
8 on. It was a big shock because my mom -- my mom had
9 stated that it was -- that it was a meeting for her and
10 she needed my help with my little siblings.

11 Q So did you know why you were there?

12 A No, ma'am.

13 Q And this meeting with her, was it a long meeting, a
14 brief meeting or something else?

15 A I -- I don't recall.

16 THE COURT: Solicitor, could I stop you just one
17 second? My computer is not plugged in, so I apologize,
18 but I'm going to have to climb under here to plug my
19 computer in. So everybody be at ease for just a moment.
20 I apologize. This is a little awkward, but I need power
21 to my computer.

22 Let's do this. Ladies and gentlemen, go back to the
23 jury room for just a couple minutes. Let me get this done
24 and then I'll bring you back out, okay? Again, remind
25 you, no discussion about this case.

1 (WHEREUPON, the jury exits the courtroom at 10:15 a.m.)

2 THE COURT: Let's bring the jury back out.

3 (WHEREUPON, the jury entered the courtroom at 10:18 a.m.)

4 THE COURT: Let the record reflect the jury is back
5 in. We're all good.

6 You may proceed, Solicitor.

7 MS. SUSTAKOVITCH: Thank you, Your Honor.

8 BY MS. SUSTAKOVITCH:

9 Q Minor 1, we were just talking about you wrote this
10 letter in July of 2016, and I asked you did you recall
11 your mom bringing you in to talk to some police lady.

12 A Yes, ma'am.

13 Q And then I'd asked you did you tell her about what
14 you just testified to then, and you said "no."

15 A Yes, ma'am.

16 Q Can you explain why you didn't say anything then?

17 A At that time, I was in shock, I guess. I didn't know
18 that the appointment was for me. I didn't really
19 understand what was going on. I didn't really know what
20 she was asking even though the questions were clear. It
21 didn't register to me at the time that what he did was
22 wrong.

23 Q When you say it didn't register that what he did was
24 wrong, you just weren't sure.

25 A Yeah.

1 MR. JOHNSON: Objection to the leading question.

2 THE COURT: I think the solicitor was repeating what
3 the answer was as opposed to leading. I'll overrule.

4 You may proceed.

5 MR. JOHNSON: Yes, sir, Your Honor.

6 MS. SUSTAKOVITCH: Thank you.

7 BY MS. SUSTAKOVITCH:

8 Q Minor 1, when we talk about sexual assault, you're 18
9 now. How do you feel about the way Eric Peterson touched
10 you?

11 A I don't think it's right. I don't believe that
12 anybody -- it could have been worse, but what was done was
13 still damaging. I believe that things like that are still
14 damaging because I wasn't -- again, at those times when I
15 was uncomfortable, I didn't feel myself. I don't think
16 anybody should ever have to feel like that, and even --
17 even for just brief moments.

18 Q When you testified you listen to authority, can you
19 talk a little bit more about that?

20 A I'm sorry?

21 Q When you said you listen to authority and you didn't
22 want to tell him no, can you tell us more about that?

23 A I respect everybody I meet. You can be the cruelest
24 person to me, and I will still respect you until I die.
25 And having a father figure was new for me. I didn't -- I

1 didn't want to lose that. I didn't want to lose the
2 feeling of having a father. I didn't want to lose someone
3 I called my dad.

4 Q So when your dad told you to lay down on that bed,
5 you thought you should?

6 A I didn't want to say "no" because it felt
7 disrespectful.

8 MS. SUSTAKOVITCH: Please answer any questions
9 defense counsel has.

10 THE WITNESS: Yes, ma'am.

11 THE COURT: Mr. Johnson, any cross-examination, sir?

12 MR. JOHNSON: Yes, sir, Your Honor.

13 Your Honor, permission to approach the witness?

14 THE COURT: Sure.

15 CROSS EXAMINATION

16 BY MR. JOHNSON:

17 Q **Minor 1**, first of all, I believe you stated you wrote
18 this in July of 2016?

19 A Yes, sir.

20 THE COURT: You need to respond to the question.

21 THE WITNESS: Yes, sir.

22 THE COURT: Okay. Very good.

23 BY MR. JOHNSON:

24 Q And that was July 19, 2016; is that right?

25 A Yes, sir.

1 Q And when you wrote the letter, and correct me if I
2 misquoted you, but you said your mom was going to see the
3 police?

4 A Yes, sir. I believe she was going down to the
5 sheriff's office, if I worded it funny. I just knew that
6 she was going down to the sheriff's office that day. I
7 didn't know if she was going to see a specific police
8 officer. I just knew she had things that she needed to
9 turn in that day.

10 Q Okay. But y'all had a conversation, and as a result
11 of that conversation, you knew that she was going to see
12 somebody at the sheriff's office.

13 A Yes, sir.

14 Q Okay. And she asked you if there was anything that
15 you wanted to give them; is that correct?

16 A She didn't ask me if there was anything.

17 Q Okay.

18 A She -- she just wanted to let me know because I was
19 going to have to babysit my siblings that day.

20 Q Okay. When you're talking about the conversation
21 that you had with your mother, did you know that she was
22 going to the sheriff's about Eric?

23 A No, sir.

24 Q Okay. Now, going back to April of 2016, is that when
25 you talked to the officers the first time?

1 A I don't remember what month it was.

2 Q Okay.

3 A It might have been in April. I just know it was
4 sometime after he had left, but I don't know the duration
5 of time.

6 Q Okay. Now, you said he left right after Easter of
7 2016; is that correct?

8 A Yes, sir.

9 Q And would you think I'm lying if I said Easter was
10 March 27th?

11 A No, sir.

12 Q Okay. And so did he leave like the day after Easter
13 or ---

14 A No, sir. It was a Wednesday.

15 MR. JOHNSON: Okay. Beg the Court's indulgence.

16 THE COURT: Sure. Take your time.

17 BY MR. JOHNSON:

18 Q So if Easter was March 27th, that makes Wednesday, it
19 would have been March 30th. And that's -- as far as you
20 can recall, that's when he left.

21 A Yes, sir.

22 Q Okay. Do you remember how long after that March 30th
23 that you were taken to the police?

24 A No, sir.

25 Q You don't remember if it was the month of April?

1 A No, sir.

2 Q You don't remember if it was May?

3 A No, sir.

4 Q Okay. Do you remember if it was June?

5 A I don't think it was as late as June.

6 Q Okay. So sometime in April or May, you were taken to
7 speak with the police.

8 A Yes, sir. Because I remember I had to miss a day of
9 school that day, and I was very frustrated.

10 Q All right. You recall that Eric left on Wednesday.
11 And do you recall what day of the week that you went to
12 talk to the police the first time?

13 A No, sir.

14 Q But you were frustrated to miss school. Was it
15 because you had a certain event going on?

16 A No, sir. I'm just -- I don't like missing school. I
17 don't like missing work. I'm a busybody. I don't like to
18 not have something to do.

19 Q Okay. How did you find out you weren't going to
20 school?

21 A I didn't go to school that day.

22 Q Okay. Did your mamma tell you you weren't going to
23 school?

24 A She had told me that she needed -- that she had an
25 appointment, that she needed my help with my little

1 siblings, because being just me and her, we didn't really
2 have anybody else to watch them at the time. And so she
3 brought me with to help with my little siblings. And so
4 that's how it kind of led into me being with it because it
5 was actually for me, but she didn't tell me.

6 Q Okay. Who watches the siblings while you go to
7 school?

8 A At the time, she was a stay-at-home mom.

9 Q Okay. So she didn't work at all?

10 A No, ma'am -- no, sir. I'm sorry.

11 Q Okay. Now, when you got to the appointment, do you
12 remember who you met with?

13 A No, sir. I just remember it was a lady.

14 Q It was a lady?

15 A Yes, sir.

16 Q Okay. And how was it -- how did you come to find out
17 the appointment was for you?

18 A When we were in the room ---

19 Q Who was -- I'm sorry. I didn't mean to cut you off
20 there ---

21 A You're fine.

22 Q --- but who was in the room?

23 A It was me, my mom, the officer and my two little
24 siblings.

25 Q Okay.

1 A When we were in that room was when the officer and my
2 mom told me that it was actually for me and that they were
3 going to step out so the officer and I could talk.

4 Q Okay. And from your understanding, it was a meeting
5 that your mom had set up prior, but it was actually for
6 you. She just didn't tell you.

7 A Yes, sir.

8 Q Okay. And then your mom and your siblings left, and
9 you and this officer spoke?

10 A Yes, sir.

11 Q All right. And do you remember what the officer
12 asked you?

13 A She asked me questions about has anybody ever made
14 you feel uncomfortable, has anybody ever done anything
15 sexually to you that you didn't like, has anybody ever
16 looked at areas you didn't like or touch areas of you that
17 they [sic] didn't like. And at the time I just said, "No.
18 I don't think so."

19 Q So she asked you if anyone ever made you
20 uncomfortable, touch areas that you didn't like?

21 A Yes, sir.

22 Q Was there anything else that she asked you?

23 A Not that I can remember off the top of my head. No,
24 sir.

25 Q Okay. How long was the meeting?

1 A I could not tell you that.

2 Q Was it 15 minutes? 20 minutes?

3 A I don't remember.

4 Q Okay.

5 A I was in a state of shock because it just like got
6 sprung on me.

7 Q Okay. Was it a situation where you felt the meeting
8 was long or short?

9 A It might have been. I'm not entirely sure.

10 Q I'm sorry. It might have been what?

11 A It might have been short and I felt like it was
12 longer, it might have been long and I felt like it was
13 short. I -- again, sir, I cannot -- I cannot remember.

14 Q When the -- after you were asked these questions, and
15 I assume the officer asked you if anyone made you
16 uncomfortable or anyone touched areas that you didn't
17 like, you said "no."

18 A Yes, sir.

19 Q Okay. How did the meeting end?

20 A I don't -- I don't know.

21 Q For example, did the officer say that they were going
22 to call you again? Or ---

23 A I don't remember.

24 Q Did the officer say if you had anything to add, let
25 me know?

1 A Possibly. Again, I don't remember.

2 Q Did the officer give you anything?

3 A She gave me a bear. He was a little crocheted bear.

4 Q Do you know why she gave you the bear?

5 A No, sir.

6 Q She gave you a bear. Did you like getting the bear?

7 A I did like the bear. She -- she had -- like she had
8 them all set up on her shelf and everything, and she said,
9 "Before you leave, pick out a bear."

10 I said, "Thank you."

11 Q Did the officer say that she was going to take notes
12 or anything of that nature from your conversation?

13 A I don't remember if she said she was going to take
14 notes. She -- my mind maybe not seeing the scene right as
15 I'm trying to recall it, but she might have been taking
16 notes.

17 Q She might have been taking notes. You're not sure?

18 A I'm not sure. No, sir.

19 Q Did she have a pen?

20 A I'm not sure.

21 Q Okay. For example, if you recall, did she ask you
22 your name?

23 A Yes, sir.

24 Q And your last name is [REDACTED], right?

25 A Yes.

1 Q And how do you spell that?

2 A [REDACTED].

3 Q Okay. Did she ask you how to spell your name?

4 A I think so.

5 Q Okay. And she probably would have written that down,
6 right?

7 A I -- I guess.

8 Q It's hard. It's not -- it's not easy to just know
9 how to spell your name. Do people have trouble with it?

10 A Yes, sir.

11 Q Okay. All right. So she probably wrote that down.
12 Do you agree?

13 A Yes, sir.

14 Q Okay. Now, after it was over, you were in the room
15 with the officer and after it was over, I guess,
16 obviously, you left the room, correct?

17 A Yes, sir.

18 Q And your mother and your siblings were waiting on
19 you?

20 A Yes, sir.

21 Q And at this point in time, so this is -- this is, you
22 said, either April or May of 2016.

23 A Yes, sir.

24 Q And you are -- at this point, you're 14 years old.

25 A Yes, sir.

1 Q What grade of school are you in?

2 A I was in eighth grade.

3 Q So you're in eighth grade.

4 A Yes, sir.

5 Q And you were getting close to finishing the eighth
6 grade.

7 A Yes, sir.

8 Q All right. And how old was your brother and sister?

9 A That would make my brother, he was 1 that year and my
10 sister turned 3.

11 Q Okay. Your sister was 3, your brother was 1.

12 A Hold on. I'm sorry. I'm trying to do the math in my
13 head.

14 Q Take your time. Take your time.

15 A My sister would have been 2 turning 3, and my brother
16 would have been -- my brother would have been 1.

17 Q Okay. Do you remember their dates of birth?

18 A Yes, sir.

19 Q Okay. What is it?

20 A My brother is February -- [REDACTED] -- no.

21 [REDACTED] 2015 -- two thousand -- yeah, 2015, and then
22 my sister is [REDACTED] -- [REDACTED]. I'm sorry. I just had
23 it.

24 Q You're fine. Take your time.

25 A [REDACTED], 2013, was my sister, and [REDACTED] 2015,

1 was my brother.

2 Q [REDACTED] 2013?

3 A Yes, sir.

4 Q Okay. So you come out, and your brother and your
5 sister are there and your mother's there. Did you say
6 anything to them?

7 A I don't remember.

8 Q You don't remember. You said something. You just
9 don't remember what that is.

10 A I guess.

11 Q Okay. And did y'all wait in the lobby and have a
12 conversation before you left or did y'all just leave?

13 A As far as I can remember, we just left.

14 Q Okay. And like when you come out, did your mom say
15 "hello"? Or ---

16 A Yeah. She said, "Hey. How did it go?"

17 Q Okay.

18 A I said, "It went okay, I guess" ---

19 Q Okay.

20 A --- I think. Again, I don't remember like how it all
21 went ---

22 Q Okay.

23 A --- with saying anything. I don't remember if
24 something was actually said or not said.

25 Q Okay. So she said, "How'd it go?" you said, "It went

1 okay, I think." Did ---

2 MS. SUSTAKOVITCH: Your Honor, I object. She just
3 said she wasn't sure if something was said or not. She
4 just testified. I don't think she -- she just testified
5 to that.

6 MR. JOHNSON: That's not what she said.

7 MS. SUSTAKOVITCH: That's what she said.

8 THE COURT: I'll let you continue.

9 BY MR. JOHNSON:

10 Q Okay. So she asked you, "How'd it go?" Is that
11 correct?

12 A I guess.

13 Q Okay. And did y'all discuss what you said in there?

14 A No, sir.

15 Q Okay. Did your mom then go speak with the officer?

16 A No, sir.

17 Q So y'all just left.

18 A Yes, sir.

19 Q Okay. She didn't go back and have a word with the
20 officer or anything.

21 A No, sir.

22 Q Okay. And when you go home, did y'all talk in the
23 car?

24 A We talked about other things in the car. I can't
25 remember what things, but we -- we never really brought up

1 that conversation about what happened with the police
2 officer.

3 Q So you've never discussed that.

4 A No, sir.

5 Q At what point did you discuss that with your mother?

6 A I didn't.

7 Q You never discussed it with your mother.

8 A No, sir.

9 Q Okay. I believe you stated earlier you went to a
10 counselor.

11 A Yes, sir.

12 Q Okay. Do you know when you went to the counselor?

13 A It was sometime after the separation, but I can't
14 give an exact date.

15 Q Okay, okay.

16 A And I -- I don't know the time period. I do know
17 that I was in school, but that's it.

18 Q Okay. Did you know -- did you ask your mother to see
19 a counselor?

20 A I don't remember.

21 Q You don't remember whether you asked to see a
22 counselor?

23 A No, sir.

24 Q Okay. Now, as far as dynamics, I believe that you
25 said Eric was an EMT, correct?

1 A Yes, sir.

2 Q At the time that he left living with you guys, he was
3 an EMT?

4 A As far as I can remember, yes, sir.

5 Q Okay. And your mom did not work?

6 A No, sir.

7 Q And how long did your mom not work?

8 A I'm not entirely sure because she still worked after
9 my sister was born, and I'm not -- I can't remember if she
10 worked up to where my brother was born and continued to
11 work or just stopped working then. I -- I don't know the
12 time frame as to when she stopped working.

13 Q Okay. So you know that she worked after -- which
14 sibling is the oldest?

15 A My sister.

16 Q Your sister.

17 A Yes, sir.

18 Q Okay. So you know that she worked after your sister
19 was born ---

20 A Yes, sir.

21 Q --- but you're unsure of whether she worked after
22 your brother was born.

23 A Yes, sir.

24 Q Okay. What did your mom -- do you know what your mom
25 did for a living?

1 A She worked at Yeager Vision Eye Care.

2 Q Okay. Yeager Vision Eye Care.

3 A Yes, sir.

4 Q And, now, when Eric left, did you have any
5 conversation or did you have any concern about how your
6 family was going to pay for bills?

7 A No, sir.

8 Q You didn't care about that?

9 A No. I just wanted to make sure my family was okay.

10 Q Okay. Now, what does that mean?

11 A Emotionally okay.

12 Q Okay, okay. But you didn't have any concern about
13 how ---

14 A Not at that present time. No, sir.

15 Q When did you get that concern?

16 A I guess I got the concern as things -- I'm not
17 entirely sure the best way to say this. Like I have what
18 I want to say in my head. I just can't get it out. I
19 guess when I realized that he wasn't coming back.

20 Q When did you realize he wasn't coming back?

21 A I don't -- I don't know.

22 Q All right. If you recall him leaving on Wednesday,
23 March 30th, did you -- was it April that you realized he
24 wasn't coming back?

25 A I don't -- I don't know, sir.

1 Q Was it May that you realized he wasn't coming back?

2 A Again, I don't know.

3 Q Okay. All right. So when you wrote this letter, you
4 were aware that your mother was going to the sheriff's
5 office, correct?

6 A Yes, sir.

7 Q Okay. And she didn't tell you why she was going up
8 there.

9 A No, sir.

10 Q Okay. But you knew she was going. Did you find that
11 strange?

12 A A little.

13 Q Okay.

14 A I knew that because of the meeting being -- with my
15 meeting prior to that we were involved, but I didn't know
16 in what and I didn't know why. And so that's all I really
17 have for that part.

18 Q Okay. But she told you she was going, and that's
19 when you decided to write the letter.

20 A Yes, sir.

21 Q When you gave your mother the letter, I assume you
22 told her not to open it?

23 A I think.

24 Q You think?

25 A I'm not entirely sure. I knew it was sealed.

1 Q Because you sealed it.

2 A Yes, sir.

3 Q Okay. And you put the tape on it and everything.

4 A Yes, sir.

5 Q And I believe you stated that when you wrote it, it
6 was about 12 a.m., and you wrote until about 1:00 or
7 1:30 a.m.

8 A Yes, sir.

9 Q Okay. And basically, what I can tell, you wrote this
10 in pencil?

11 A Yes, sir.

12 Q All right. Now, is this -- did you have any drafts
13 of it or is this just a final draft?

14 A That was just -- that's -- that's what it was.

15 Q So you sat down and you wrote this, and you didn't
16 have to like start over or erase anything?

17 A No.

18 Q Okay.

19 A I wasn't really -- at that time, I wasn't really
20 worried about my grammar and my mistakes. I was just
21 worried about writing it down. I didn't care how it read.
22 I didn't care about how it looked. I just wrote.

23 Q Okay. But you didn't start to write and misspell
24 anything or start to write and ---

25 A No, sir. I wasn't worried about that.

1 Q Okay. So you just wrote.

2 A Yes, sir.

3 Q Okay. And this is in pencil, it looks like, correct?

4 A Yes, sir.

5 Q And I have a copy so I'm just going to ask you to
6 take a look at that and I'm going to ask you some
7 questions about it.

8 A Yes, sir.

9 Q Now, the title of it says "My Statement on Eric C.
10 Peterson."

11 A Yes, sir.

12 Q All right. And the first line, and I'm going to read
13 it and I want you to let me know if I read it wrong, okay,
14 or if I'm incorrect.

15 A Yes, sir.

16 Q It says, "I know that when I first came in a few
17 months ago how I was asked questions. I had no clue what
18 was going on." Did I read that correctly?

19 A Yes, sir.

20 Q And so it sounds like to me that this letter is
21 basically issued to the officer that you spoke to
22 previously?

23 A I guess.

24 Q You guess?

25 A I -- I just wrote. I didn't -- I -- all I knew was

1 she was going to the sheriff's office. I didn't know who
2 she was going to see. And so I just wrote it as a basis
3 of me talking to somebody, because that's just what I did.

4 Q Did you feel like you had to explain yourself?

5 A No. But I explain everything I do.

6 Q Okay. So you feel the need to explain everything you
7 do.

8 A Yes, sir.

9 Q Okay. So you felt -- in this specific instance, you
10 felt the need to explain what you were going to say next
11 considering what you said in April or May of 2016,
12 correct?

13 A Yes, sir.

14 Q All right.

15 A I felt -- I felt in my heart I needed -- I needed to
16 explain why I didn't answer the questions at that time
17 that I was asked.

18 Q Okay.

19 A I didn't -- I didn't know who to address it to
20 because it wasn't going to any specific person that I
21 knew. I just knew it was going to the sheriff's office.

22 Q Okay. Did you hope that the letter got to the person
23 you talked to previously?

24 A I don't remember. I don't . . .

25 Q So I'm going to continue reading, okay?

1 A Yes, sir.

2 Q It says, "My head was all cloudy from grief, and I
3 was really sad, but as I look back on these questions, I
4 now realize what the answers are." Did I read that
5 correctly?

6 A Yes, sir.

7 Q Okay. Now, I believe you testified that you did
8 answer the person's questions previously; is that correct?

9 A I did not answer the person's questions.

10 Q Okay.

11 A All I said was, "I don't know." I know -- well, I
12 guess I did answer them, but I just said, "No. I don't
13 know," and things like that because I didn't really
14 understand even though the questions were clear.

15 Q Okay. So it's your testimony now that you said, "I
16 don't know," as opposed to, "No. No one sexually harassed
17 me. No. No one made me uncomfortable."

18 A I had said that I didn't -- I guess.

19 Q Okay. Now, I believe you stated previously that the
20 officer asked you if anyone sexually harassed you or made
21 you uncomfortable. Was it asked in general or was it
22 asked about Eric specifically?

23 A It was asked in general.

24 Q Okay. Now I'm going to read the next line of your
25 letter. I want you to let me know if I read it correctly.

1 A Yes, sir.

2 Q It says, "Some of the questions where did he ever
3 sexually harass you, did he ever make you feel
4 uncomfortable, I now have the answer to these questions."
5 Is that correct? Did I read that ---

6 A Yes, sir.

7 Q Who is "he"?

8 A Eric, I guess. I -- it's -- it's been three, four
9 years almost since I was asked.

10 Q Okay.

11 A So I don't remember everything that I wrote in there.

12 Q Okay. All right. So -- but based on your letter and
13 based on your -- take your time, okay? Get some tissue.

14 THE COURT: Do you need to take a break?

15 THE WITNESS: No, sir.

16 THE COURT: Is that a "no, sir"?

17 THE WITNESS: Yes, sir. That's a "no, sir."

18 MR. JOHNSON: I'll give her just a second, Judge.

19 THE COURT: Sure.

20 (Pause in proceedings.)

21 THE COURT: All right. Are you ready?

22 THE WITNESS: Yes, sir.

23 BY MR. JOHNSON:

24 Q All right. So to clarify, the officer did ask you
25 about Eric specifically, correct?

1 A I -- I -- I'm not sure. I -- I remember general
2 questions. I don't remember if it was specific. I just
3 remember the questions were asked, and in my head, they
4 were general questions.

5 Q Okay. Now, in your letter, you said "did he," and so
6 I guess what you're telling me is that you put that in
7 there by mistake? Or ---

8 A At the time, it might have -- it might have been they
9 could have asked me -- they could have asked me specifics,
10 but it's -- it's been almost four years since I was asked,
11 so right now what I can recall is general questions.

12 Q Okay. But in the letter, do we agree that "he" was
13 Eric?

14 A Yes, sir.

15 Q Okay. And do you recall why you needed to
16 specifically address Eric?

17 MS. SUSTAKOVITCH: Your Honor, I'm just going to
18 object as asked and answered. She has said these were
19 general questions. She has testified multiple times she
20 does not recall, that she said that they were general
21 questions that she was asked, and he's asked this in
22 multiple different ways.

23 THE COURT: Right. It's my understanding, and
24 everybody correct me if I'm wrong, she's talking -- she
25 was asked general questions ---

1 MS. SUSTAKOVITCH: Yes.

2 THE COURT: --- by the police or the sheriff's
3 deputy, whoever it was ---

4 MS. SUSTAKOVITCH: Right.

5 THE COURT: --- but in the letter that she wrote,
6 she's referring to Eric. I think that was her -- based
7 upon questions asked. So I think Mr. Johnson is asking
8 her questions related to the letter now, and not
9 necessarily related to this previous interview.

10 MS. SUSTAKOVITCH: Okay. I'll withdraw it.

11 THE COURT: Okay. All right. You may proceed.

12 MR. JOHNSON: Yes, sir, Your Honor.

13 BY MR. JOHNSON:

14 Q But we agree that "he" in this letter is Eric.

15 A Yes, sir.

16 Q And do you recall why you needed to specifically
17 address Eric in this letter?

18 A He was the one that had done things to me.

19 Q He was the one that done things.

20 A Yes, sir.

21 Q Okay. All right. Now, at this point in time in July
22 of 2016, you remember that.

23 A Yes, sir.

24 Q Now, I believe you've been in the courtroom since the
25 trial started; is that right?

1 A Yes, sir.

2 Q Okay. So you were here, for example, when Officer
3 Perry was here. Did you remember seeing him?

4 A Yes, sir.

5 Q And you saw Officer Wise?

6 A Yes, sir.

7 Q And you saw Lorraine Henderson?

8 A Yes, sir.

9 Q Do you recall meeting any of those people?

10 A I do recall meeting Officer Wise very briefly, but
11 that's it.

12 Q Okay. Did you and Officer Wise speak?

13 A I don't remember.

14 Q You don't remember.

15 Do you remember about when you met with Officer Wise?

16 A I'm sorry?

17 Q Do you remember about when you met with Officer Wise?

18 A No, sir.

19 Q Okay. It was after the letter was written, correct?

20 A Yes, sir.

21 Q All right. But you don't remember speaking with him.
22 Did your mother speak with him?

23 A Yes, sir.

24 Q Okay. Were you in the room?

25 A Yes, sir.

1 Q Okay. So they spoke. And were they speaking about
2 what you wrote in the letter?

3 A I don't remember. I -- I kind of zoned out.

4 Q Okay. You heard them talking, but you don't know
5 what they said in front of you?

6 A Yes, sir.

7 Q Did they say -- did they start with a greeting? Was
8 it "hello"?

9 A Maybe there was a hello in the lobby, or I don't -- I
10 don't know how. I don't . . .

11 Q When you went to meet with Officer Wise, what was
12 your understanding of where you were going?

13 A I knew that we were going to the Greer Police
14 Department.

15 Q Okay. Did you know why you were going?

16 A No, sir.

17 Q Okay. And about what time of day was it?

18 A Afternoon. Like late afternoon, early evening,
19 because I remember leaving and it was dark.

20 Q Okay. And this is -- I believe the other officer
21 said it was about October. Would you believe that to be
22 correct?

23 A Yes, sir.

24 Q Okay. All right. And so is it like now where it
25 gets dark early yet or is it still ---

1 A Yes, sir.

2 Q Okay. About now when it gets dark early?

3 A Yes, sir. Except it would be a little later than
4 now. But I do remember walking out and it was dark,
5 completely dark outside.

6 Q So it could have been -- when you left, it could have
7 been anywhere from 5:30? 6:00? 6:30? 7:00?

8 A Yes, sir.

9 Q Okay. All right. Do you recall how long you were
10 there?

11 A No, sir.

12 Q Was it a short amount of time? a long time?

13 A I do not remember, sir.

14 Q You don't remember. But you know you were there, and
15 Officer Wise didn't speak with you but he spoke to your
16 mother.

17 A Yes, sir.

18 Q Okay. Where were your brother and sister?

19 A I'm not sure.

20 Q Okay. Now, I know, for example, when y'all went in
21 April or May of 2016, they came because they need -- well,
22 I guess what you initially believed is your mother needed
23 babysitting.

24 A Uh-huh.

25 Q You don't know who was babysitting your sister --

1 brother and sister at this point?

2 A No, sir.

3 Q Okay.

4 A It could have -- my grandmother could have been
5 watching them, but I'm not -- I'm not entirely sure.

6 Q So your grandmother, she lives locally?

7 A Yes, sir.

8 Q Okay. Does she work?

9 A No, sir.

10 Q Okay. And she's been locally. Even when you went to
11 the police the first time, she lived here.

12 A Yes, sir.

13 Q Okay. Did you ask your mom why your grandmother
14 couldn't babysit?

15 A I don't remember.

16 Q Okay. You don't remember asking -- whether you asked
17 her or not.

18 A No, sir.

19 Q Okay. You don't remember what was said in the
20 meeting between Wise and your mother.

21 A No, sir.

22 Q But you were in the room.

23 A Yes, sir.

24 Q Generally speaking, did they discuss -- they
25 discussed the letter, correct?

1 A Most likely. Again, I don't exactly remember what
2 they talked about.

3 Q Okay. You say you zoned out.

4 A Yes, sir.

5 Q Did you have like a cell phone?

6 A I don't remember if I had one at that time. No, sir.

7 Q Okay. Because I know sometimes, you know, I'll be
8 playing on my phone and I can zone out. But you don't
9 remember whether you had ---

10 A I don't remember if I had a cell phone with me.

11 Q Did you have a book or anything?

12 A I might have had a book. Yes, sir.

13 Q Okay. Something to read?

14 A Yes, sir.

15 Q Okay. All right. Now, I know you said you like to
16 write. You're into journalism.

17 A Yes, sir.

18 Q Okay. Now, do you -- when you communicate or if you
19 want to communicate like with your grandmother or another
20 relative, do you write letters or do you email? Or how do
21 you do that?

22 A I call them.

23 Q You call them?

24 A Yes, sir.

25 Q So you don't really write them like that.

1 A No, sir.

2 Q Okay. All right. You know, it's how you made that
3 envelope is really crafty.

4 A Yes, sir.

5 Q That's something that you're really good at.

6 A Crafts.

7 Q Yeah.

8 A Yes, sir.

9 Q How long does it take to make that?

10 A It would probably take me now a little bit to make it
11 because I haven't done one in a while. But it didn't take
12 me long. All I had to do was make a square out of a piece
13 of paper, fold it in the four corners and cut it.

14 Q So you used to do that more then than you do now?

15 A Yes, sir. I would make like little ones in the
16 middle of class. When I would need something to do with
17 my hands, I would just make little envelopes.

18 Q Okay. Why did you stop doing it?

19 A I guess because I had other things that I could do.

20 Q Okay. Other interests at this point.

21 A Yes, sir.

22 MR. JOHNSON: Beg the Court's indulgence.

23 THE COURT: Sure. Take your time.

24 BY MR. JOHNSON:

25 Q When your mother and Eric broke up, and I wrote a

1 note but I couldn't remember exactly what you said, do you
2 remember, did you have any feelings about the breakup?

3 A I was -- I was sad because I was losing the only
4 father figure I ever had. I didn't know why they were
5 breaking up. They made a very good way of not showing
6 their problems.

7 Q Okay, okay. Now, in your letter, I'm going to take
8 you to page 4.

9 A Yes, sir.

10 Q Okay. Now, I'm looking now at this last paragraph.
11 I'm going to read you a few lines. I just want you to
12 tell me if I read it correctly and I'll ask you a few
13 questions, okay?

14 A Yes, sir.

15 Q It says, "Eric never seemed like he would want to
16 hurt my family or myself. He tricked me into thinking
17 that some of the things he did were okay. I noticed that
18 things had been tense between him and my mom, but before I
19 got taken downtown, I did not -- I didn't think things
20 would go this far." Did I read that correctly?

21 A Yes, sir.

22 Q Okay. What did you think would go this far?

23 A I'm not sure what I meant at that time when I wrote
24 it. It was near 1:00, 1:30 in the morning, depending on
25 when I finished writing the letter. I never -- I was

1 never -- I never expected that I'd have to be brought in
2 to be questioned about anything. Maybe that's what I
3 meant.

4 Q You say you noticed that things had been tense
5 between him and -- your mom and him?

6 A Yes, sir.

7 Q Okay. When you wrote this letter, did you think you
8 were helping your mom?

9 A I don't -- I don't know.

10 Q Okay. Now, you just testified as to the incidents
11 with Eric.

12 A Yes, sir.

13 Q Now, you were talking about dates, and you kind of
14 gave a date range; is that correct? Rather than like this
15 happened on, what's the date, December -- I don't know
16 what day it is -- December 10, 2019, so you didn't do
17 that. You gave a time frame.

18 A Yes, sir.

19 Q Okay. And I'm going to ask you a general question.
20 When did the last incident happen? Like when was the last
21 time?

22 A I believe when I was 13.

23 Q Okay. And you were 13 -- do the math first. So
24 you'd been 13 -- you were 14 in 2016, correct?

25 A Yes, sir.

1 Q So you'd been 13 in 2015.

2 A Yes, sir.

3 Q And you turned 13 on [REDACTED] of 2015, correct?

4 A Yes, sir.

5 Q All right. And is it your testimony or do you
6 remember, was the last incident close to your birthday
7 then or was it before then?

8 A It was -- it was after.

9 Q It was after that date?

10 A Yes, sir.

11 Q So it was after -- it was after ---

12 A It was the body massage. Again, I had broken my
13 scapula that previous October during -- it was right after
14 softball conditioning. And so when softball season came
15 back up in the spring, I was able to play again, but my
16 shoulder was consistently hurting at that time.

17 Q So the last -- your last incident was after your
18 birthday in 2015.

19 A Yes, sir.

20 Q How long after?

21 A Softball season began in February or March, so it
22 would have been one of those -- it would have been in that
23 time period between like February and April.

24 Q February or March 2015?

25 A Yes, sir. That's -- that's the only thing I can

1 pinpoint, though.

2 Q Now, it appears so your -- at this point in time, I
3 believe your sister -- in February/March 2015, your sister
4 would have been 2?

5 A Yes, sir.

6 Q And your brother would have been ---

7 A Recently born.

8 Q --- recently born.

9 A Yes, sir.

10 Q And was your mom working?

11 A No, sir.

12 Q Okay.

13 A I don't -- I don't believe.

14 Q Well, if she went back to work in February, she is a
15 super woman.

16 A I don't -- again, like I don't -- I don't remember if
17 she was working up to my brother's birth and then just
18 stopped once he was born and never left maternity leave,
19 but in the month of February after he was born, she was
20 not working.

21 Q Okay. And so you broke your clavicle?

22 A My scapula.

23 Q Scapula.

24 A My shoulder blade.

25 Q Your shoulder. Which shoulder?

1 A It was my right shoulder.

2 Q And when did you break it?

3 A I broke it in, I think, October or November of 2014.

4 Q And you went to the doctor?

5 A We went to the MD360.

6 Q MD360?

7 A Yes, sir.

8 Q They did X-rays?

9 A Yes, sir.

10 Q Okay. And what was the treatment for that?

11 A Just I had to have my arm in a sling and I couldn't
12 move it. I couldn't really use -- I could still write and
13 everything, but I just needed to keep my arm in a sling
14 and just a rotation of Motrin and Tylenol when I was in
15 pain.

16 Q When is softball season?

17 A Softball season was in the spring, but conditioning
18 happened in October, like early October. It either
19 happened late October or early November, so it was after
20 conditioning but before the season actually started.

21 Q When did you get out of the sling?

22 A The end of the fall. I don't remember if it was
23 November or December, but it was before Christmas. I
24 wasn't in it long. It was a very, very hairline fracture
25 so it didn't take long for it to heal, but I was in a

1 sling for a few weeks.

2 Q You were in a sling for a few weeks.

3 A Yes, sir.

4 Q Okay. Did you go back to the doctor after the first
5 time you went?

6 A I don't remember.

7 Q So in February or March, your mother wasn't working
8 because she had just had a baby.

9 A Yes, sir.

10 Q Was Eric working?

11 A Yes, sir.

12 Q Okay. Who took you to school?

13 A The bus.

14 Q You rode the bus to school.

15 A Yes, sir.

16 Q Okay, okay. And your mom stayed home with your
17 siblings?

18 A Yes, sir. Yes, sir.

19 Q When the massage happened, your mom was home?

20 A No, sir.

21 Q Where was your mom?

22 A I'm not sure. She might have been visiting my
23 grandma, but I'm not going to say that for a fact because
24 I'm -- I'm not sure.

25 Q But we agree she wasn't at work.

1 A Yes, sir. Yes, sir.

2 Q So at that house -- we're talking about Panther
3 Court, correct?

4 A Yes, sir.

5 Q And how many rooms were in the house?

6 A Bedroom. Are you counting bedrooms?

7 Q Bedrooms.

8 A Yes, sir.

9 Q Excuse me. Bedrooms.

10 A Three.

11 Q Okay. So I assume Eric and Pam had one.

12 A Yes, sir.

13 Q You had your own room.

14 A Yes, sir.

15 Q And your siblings had their own room.

16 A Yes, sir.

17 Q Your siblings -- your siblings' room was beside
18 yours?

19 A Across the hall.

20 Q It was right across the hall.

21 A Yes, sir. You would -- you would go out of my door,
22 and you'd start walking back towards the kitchen, and it
23 would be the first one on the right. So if you're coming
24 from the kitchen, it would be the only door on the left
25 because it was the only door on that side.

1 Q Okay. So we're at two sides of the house. This is
2 -- on this side is your room, and across the hall is your
3 brother and sister's room?

4 A Yes, sir.

5 Q Where's the bathroom?

6 A I had my own personal bathroom in my room as well as
7 there was a bathroom next to my bedroom closer to the
8 kitchen.

9 Q Okay. The one you had in your room, what was it
10 equipped with?

11 A It had a stand-up shower, a toilet and a sink.

12 Q Okay. And the other bathroom, where the other
13 bathroom, it's close to your brother and sister's? Or ---

14 A It -- if you're walking down the hallway, the first
15 door on your right was the bathroom, and so the back wall
16 of the bathroom was -- I think was connected to my
17 bedroom. It would share with my bedroom. And then --
18 well, that was -- that would have been the left side of
19 the -- the left wall was shared with my -- with the wall
20 in my bedroom, and then the back wall was shared with the
21 back wall of my bathroom.

22 Q Okay. And then where was Pam and Eric's room?

23 A You -- you would go out the hallway, and then you
24 would go immediately to the left, and you take an
25 immediate right in the living room, and it's straight

1 back.

2 Q Okay. So their bathroom's over here.

3 A Yeah. Their bedroom is over in that area.

4 Q Did they have their shower?

5 A Yes, sir.

6 Q Okay. And you had one over here?

7 A Yes, sir.

8 Q Okay. Did your shower work?

9 A Yes, sir.

10 Q Did y'all have problems with like water pressure with
11 two people taking a shower at the same time?

12 A I don't remember.

13 Q Okay. So do you ever -- well, you don't remember if
14 there was any problems with water pressure preventing you
15 both from taking showers at the same time.

16 A No, sir.

17 You -- I'm sorry, sir. You are referring to the

18 [REDACTED] Panther Court house, correct?

19 Q Yes.

20 A Okay.

21 MR. JOHNSON: I beg the Court's indulgence.

22 THE COURT: Take your time.

23 BY MR. JOHNSON:

24 Q Just to be clear, **Minor 1**, you're not accusing Eric of
25 having sex with you or anything, right?

1 A No, sir.

2 Q You're not accusing him of penetrating you in any
3 way, correct?

4 A No, sir.

5 Q You're not accusing him of him asking you to touch
6 him in any way, correct?

7 A No, sir.

8 Q From March 30th when he left the house, did you talk
9 to him anymore?

10 A No, sir.

11 Q Okay. So you didn't have any conversation with Eric.

12 A No, sir.

13 Q Okay. So, for example, if you went down to the
14 police station the first time, you didn't speak with Eric
15 and say, "Eric, I'm about to go down here," or anything
16 like that.

17 A No, sir.

18 Q And he didn't threaten you or anything like that.

19 A No, sir.

20 Q Okay. When you went to the interview -- do you
21 remember going to the Julie Valentine Center?

22 A Yes, sir.

23 Q Okay. And when you went to the Julie Valentine
24 Center, do you remember the approximate date you went?

25 A No, sir.

1 Q Okay. It was in 2016, though.

2 A Yes, sir.

3 Q And it was after -- it was after you met with Officer
4 Wise, correct?

5 A I don't remember.

6 Q Okay.

7 A I don't remember which one came first.

8 Q Do you recall who the bald guy is right there?

9 A Yes, sir.

10 Q Who is that?

11 A Officer Bash.

12 Q Okay. And when you went to this interview, was
13 Officer Bash there?

14 A Yes, sir.

15 Q Okay. Was that the first time you met him?

16 A I'm not sure.

17 Q Okay. So you don't recall ---

18 A No, sir.

19 Q --- if you met with him or spoke with him before.

20 A No, sir.

21 Q But you saw him at the interview?

22 A Yes, sir.

23 Q And you were in the room with Ms. Carlsberg, I think
24 I'm saying her name right, who testified, correct?

25 A Yes, sir.

1 Q And that was the person that you met with?

2 A Yes, sir.

3 Q Okay. And y'all kind of went over these allegations
4 like you testified here today.

5 A Yes, sir.

6 Q When you went over it with her, did she let you view
7 your letter?

8 A Yes, sir.

9 Q Did she allow you to kind of refresh some of your
10 recollection using the letter?

11 A Yes, sir. We did it towards the end of the
12 interview, so that way anything that I could say that I
13 remembered I said first. When it came to a point where I
14 couldn't remember anymore, that was when the letter was
15 brought out.

16 Q Okay. And so when you couldn't remember something,
17 she let you see it and you were able to see it at that
18 point in time; is that correct?

19 A If I'm understanding what you're saying, I -- we only
20 used the letter at the end of the interview. It was never
21 brought out in any parts to remember more about what --an
22 incident that happened. It was only brought out at the
23 end of the interview to just make sure that I covered
24 everything or if I missed something I can elaborate on it
25 so she had an understanding as to what was in the letter

1 versus what I said.

2 Q Did you miss anything and have to give additional ---

3 A Yes, sir.

4 Q Okay. All right. So you saw the letter, and after
5 you saw the letter, you were able to tell her something
6 additional at that point in time ---

7 A Yes, sir.

8 Q --- that was in the letter that you forgot to tell
9 her.

10 A Yes, sir.

11 MR. JOHNSON: Your Honor, I have nothing further at
12 this time.

13 THE COURT: Solicitor, how long do you anticipate
14 your redirect will take?

15 MS. SUSTAKOVITCH: Maybe five, ten minutes. Not
16 long.

17 THE COURT: Okay. All right. You may proceed.

18 REDIRECT EXAMINATION

19 BY MS. SUSTAKOVITCH:

20 Q Okay. And just to clarify a few things, going back
21 to Ms. Carlberg, you met with her for an interview at the
22 Julie Valentine Center, correct?

23 A Yes, sir.

24 Q All right. And so in that meeting, it was just you
25 and Ms. Carlberg in the room, correct?

1 A Yes, sir. Yes, ma'am. I'm sorry. I'm sorry. I got
2 it in the rotation.

3 Q That's okay.

4 Detective Bash was not in the room.

5 A No, ma'am.

6 Q And I just want to clarify a few things. So this
7 letter that you wrote that night late, when Christine
8 interviewed you, she asked you about everything that you
9 had mentioned in this letter, right?

10 MR. JOHNSON: Your Honor, I'm going to object to
11 leading questions.

12 MS. SUSTAKOVITCH: This is redirect where I'm
13 following up on what he has asked.

14 THE COURT: Right. Just try to rephrase, please.
15 BY MS. SUSTAKOVITCH:

16 Q So at the end of your interview with Christine --
17 first, when you interviewed with Christine, did you talk
18 to her about the things you felt were inappropriate that
19 Eric had done?

20 A Yes, ma'am.

21 Q And at the end of the interview, did she allow you to
22 look at your letter?

23 A Yes, ma'am.

24 Q All right. And I just want to put it back.

25 Did she hand it to you and let you look at it?

1 A Yes, ma'am.

2 Q And did you make any markings on it at the end of the
3 interview?

4 A When there were things that I noticed that I missed
5 or I wanted to point out more, I did underline it.

6 Q Okay.

7 A And then at the end of the interview, she had me sign
8 each -- each one ---

9 Q Okay.

10 A --- just to make sure that I had reviewed it.

11 Q All right. And I just want to make sure because this
12 is your one chance to talk to the jury. When you reviewed
13 the letter that you wrote and when you were talking to
14 Ms. Carlberg, do you recall what you may have talked a
15 little bit more at the end about that you had missed
16 or wanted to talk more about?

17 A I'm sorry. Do you mind rephrasing that?

18 Q Can you read through this real briefly and tell me is
19 the letter containing essentially what you talked to
20 Ms. Carlberg about? And just take your time.

21 A (Reviews exhibit) Yes, ma'am. We did review it.

22 Q Okay. And when you met with her, you reviewed it
23 with her.

24 A Yes, ma'am.

25 Q And you signed it with her?

1 A Yes, ma'am.

2 Q Is that letter that you're looking at, the original,
3 the same as what you viewed in there and signed with her,
4 except for not having your signature on it? Is that the
5 same letter?

6 A Yes, ma'am.

7 Q And what you had with her was a copy of that letter?

8 A Yes, ma'am.

9 Q Okay. And is there anything additional to that you
10 want to -- you think needs to be added for the jury?

11 A There was -- there was an incident where ---

12 MR. JOHNSON: Your Honor ---

13 MS. SUSTAKOVITCH: I'm not -- you know what, Judge?
14 I'm going to withdraw that question because we may be
15 going into some ---

16 THE COURT: All right. Withdrawn. Waiting for the
17 next question, ma'am.

18 BY MS. SUSTAKOVITCH:

19 Q All right. But that is your original letter,
20 correct?

21 A Yes, ma'am.

22 Q And you viewed a copy of that with Christine.

23 A Yes, ma'am.

24 Q And what you viewed with Christine is the same as
25 that, correct?

1 A Yes, ma'am.

2 Q All right. I wanted to clarify, defense counsel was
3 asking you, it got a little confusing to me about Panther
4 Court. What you just testified to, the location that
5 these incidents happened was where?

6 A [REDACTED] Poplar Drive.

7 Q All right. So the location of the shower was
8 [REDACTED] Poplar Drive?

9 A Yes, ma'am. We only had one shower.

10 Q You only had one shower.

11 A Yes, ma'am.

12 Q And then the location of where he walked in on you in
13 the shower and he licked his finger and touched your
14 nipple and all that was [REDACTED] Poplar Drive?

15 A Yes, ma'am.

16 Q The full body massage was there?

17 A Yes, ma'am.

18 Q And then when he made you lay down and did that with
19 the razor?

20 A Yes, ma'am.

21 MS. SUSTAKOVITCH: All right. I have no further
22 questions.

23 THE COURT: All right. Anything in recross?

24 MR. JOHNSON: No, sir, Your Honor.

25 THE COURT: Okay. Thank you, ma'am. You can step

1 down.

2 THE WITNESS: Thank you.

3 THE COURT: All right. Madam Forelady, ladies and
4 gentlemen of the jury, this will be a good time to take a
5 morning break, so I'll ask you to go back to the jury room
6 and we'll start back in just a little bit.

7 (WHEREUPON, the jury exits the courtroom at 11:14 a.m.)

8 THE COURT: All right. We'll be in a ten-minute
9 recess.

10 (WHEREUPON, a recess is taken at 11:15 a.m.)

11 THE COURT: Let's go back on the record, Madam Court
12 Reporter.

13 Even though I think the mom is not necessarily going
14 to be the next witness, I have reviewed all four journal
15 entries which are Exhibits 4 through 7, and I find that
16 they are admissible. I will, however, invite defense
17 counsel, if he would request any other redactions other
18 than the one State's redaction that you can actually see.
19 It might need to be doctored on a little bit more,
20 Solicitor, that one redaction.

21 MS. SUSTAKOVITCH: Yes, sir.

22 THE COURT: I can't really see it, but my law clerk
23 can.

24 MS. SUSTAKOVITCH: We can do it on the computer and
25 actually do it that way.

1 THE COURT: However you want to do it. But I do find
2 over the objection of the defense that they are
3 admissible. I will entertain -- if defense counsel wants
4 to propose any other redaction, I'll be glad to entertain
5 that either now or we can deal with it before the mom gets
6 up to testify.

7 MR. JOHNSON: And, Your Honor, I know she asked for a
8 ruling there. I thought we'd agreed that I could proffer
9 some of the testimony, how she got the documents, how she
10 come ---

11 THE COURT: Okay. You did.

12 MR. JOHNSON: Yeah.

13 THE COURT: You did make that request, so I'll
14 certainly allow -- if you think that it goes to the issue
15 of admissibility insofar as how she got the documents,
16 et cetera, et cetera, then I will allow that and we'll
17 just have to deal with that before she testifies.

18 MS. SUSTAKOVITCH: Is that what you're arguing? My
19 understanding is she went over -- okay. I'll tell the
20 Court my understanding of what she will say is she went
21 over to the house he was living, she saw it, she opened it
22 up and saw that he was writing her and naturally started
23 reading them ---

24 THE COURT: Right.

25 MS. SUSTAKOVITCH: --- because they were written to

1 her. And with everything that was going on, it was, you
2 know, something she was very interested in. And she took
3 photographs of those diary entries. That's how we have
4 them.

5 THE COURT: Okay. I mean, is there any dispute that
6 he wrote these, what's being called a journal entry?

7 MR. JOHNSON: I think she'd have to authenticate it.

8 MS. SUSTAKOVITCH: She will. And also his brother's
9 going to authenticate his handwriting. He'll be
10 testifying later.

11 THE COURT: Okay.

12 MR. JOHNSON: Your Honor, honestly, I wanted to wait
13 until she -- the reason I want to proffer testimony is
14 because I want to wait to see how she answered
15 questions ---

16 THE COURT: Okay.

17 MR. JOHNSON: --- because if I start telling what my
18 argument is here, I worry about the answers.

19 THE COURT: Okay.

20 MR. JOHNSON: And so that's why I would like to do it
21 that way.

22 MS. SUSTAKOVITCH: Do you want to bring her in now,
23 Judge?

24 THE COURT: Well, do you want to go ahead and just on
25 this limited issue of these journal entries go ahead and

1 get the mom up to testify outside the presence of the
2 jury? And then is the brother around to also
3 authenticate?

4 MS. SUSTAKOVITCH: Honestly, Judge, I plan to
5 authenticate them with the mom and put them in through the
6 mom. I don't think you need multiple -- the State's
7 position would be if I just had her to authenticate them,
8 that would be enough.

9 THE COURT: Right.

10 MS. SUSTAKOVITCH: So I didn't intend to -- I plan to
11 call him and ask him about it, but they will already be,
12 hopefully, in evidence at that point.

13 THE COURT: Right. I think -- if I understand
14 Mr. Johnson correctly, I think he may not concede at this
15 juncture the authentication of these documents. And I'm
16 not -- I'm not speaking for Mr. Johnson.

17 MR. JOHNSON: Yes, sir, Your Honor.

18 THE COURT: That's just what I take his argument to
19 be.

20 MS. SUSTAKOVITCH: Yes, sir. If you'd like to hear
21 from both, that's fine. That's whatever Your Honor would
22 like.

23 THE COURT: All right. Okay. Let's do that.

24 And then you say you have a next witness that would
25 be relatively short?

1 MS. SUSTAKOVITCH: Yes, sir.

2 THE COURT: All right. Let's do the in-camera
3 testimony from mom and possibly the brother related to
4 these journal entries.

5 MS. SUSTAKOVITCH: Yes, sir.

6 THE COURT: And then after that is done, we'll get
7 the short witness, and then we'll probably break for
8 lunch.

9 Solicitor, you need these back?

10 MS. SUSTAKOVITCH: Thank you, Judge.

11 THE COURT: And take a look at this one, Number 7.
12 That probably needs to -- like I said, my law clerk could
13 read it. I couldn't, but she could.

14 MS. SUSTAKOVITCH: The State calls Pam Peterson.

15 THE COURT: Okay.

16 WHEREUPON,

17 PAMELA PETERSON

18 After having been duly sworn, testified as follows:

19 THE CLERK: When you take a seat, please state your
20 name.

21 THE WITNESS: Pamela Peterson.

22 DIRECT EXAMINATION

23 BY MS. SUSTAKOVITCH:

24 Q Good morning, Pam.

25 A Good morning.

1 Q How are you related to this defendant?

2 A He's my ex-husband.

3 Q And the victim in this case, Minor 1 , who is
4 she?

5 A She's my daughter.

6 Q We're discussing the limited admissibility of certain
7 pieces of evidence. Just briefly, do you recall roughly
8 when you and this defendant separated?

9 A Yes, ma'am.

10 Q When was that?

11 A In March of 2016.

12 Q Okay. And you don't have to know the exact date, but
13 do you know?

14 A It was Easter weekend.

15 Q Easter weekend.

16 So after you separated, did he move out? you move
17 out? What happened?

18 A I asked him to leave.

19 Q And where were you living at the time when you
20 separated?

21 A [REDACTED] Panther Court.

22 Q So when he moved out, where did he go move to?

23 A To our other home that we had prior to [REDACTED] Panther
24 Court that he was trying to get ready to sell at
25 [REDACTED] Poplar Drive.

1 Q All right. And so he went back there to live?

2 A Yes, ma'am.

3 Q Pam, I'm going to show you what's marked for
4 identification at this point and for purposes of this
5 hearing as State's Exhibit 4, 5, 6 and 7. Can you take a
6 look at these?

7 A (Reviews exhibits.)

8 Q Do you recall those documents, Pam?

9 A Yes, ma'am.

10 Q All right. When did you come in -- or did you come
11 into possession of those documents at some point?

12 A Yes, ma'am.

13 Q Can you tell the Court how did you come into
14 possession of those documents? Where were they?

15 A They were in his room. He was actually -- he had a
16 bed set up in **Minor 1**'s old room at the house at Poplar
17 Drive.

18 Q All right.

19 A So they were in what he was using as his bedroom.

20 Q Let me take you back briefly. When you went over --
21 did you go to Poplar Drive?

22 A I did.

23 Q When was it that you went to Poplar Drive related to
24 when you guys split in March? Was it the next month? a
25 couple months? And if you don't recall, you don't

1 recall.

2 A It was in April. It had to be, obviously, after the
3 27th because that's when these are dated.

4 Q Okay.

5 A But I know it was still in April, towards the end of
6 the month.

7 Q So you went over to Poplar Drive. Was he there when
8 you got there?

9 A No. He needed some things from the Panther Court
10 house and asked for me to bring them, and that he said he
11 would make sure that he wasn't at the house when I was
12 there so I didn't have to talk to him.

13 Q So your purpose was to bring some items from where
14 you were currently living ---

15 A Uh-huh.

16 Q --- at Panther Court back over to the old house ---

17 A Uh-huh.

18 Q --- where he was living.

19 A Yes, ma'am.

20 Q All right. And when you got to the house, was
21 anybody there?

22 A No, ma'am.

23 Q And you went into **Minor 1** 's old bedroom? Is that
24 where you said he was sleeping?

25 A Uh-huh. Yes, ma'am.

1 Q All right. And then how did you come in contact with
2 this diary that had these entries in it?

3 A The notebook was sitting on the end stand. And I've
4 never known him to write or to journal, and so I was
5 curious.

6 Q Okay. You said on the nightstand?

7 A Uh-huh.

8 THE COURT: You need to verbally respond instead
9 of ---

10 THE WITNESS: Yes, ma'am. Sorry.

11 BY MS. SUSTAKOVITCH:

12 Q That's okay.

13 Did you open it at that point?

14 A I did, yes.

15 Q And then did you start reading the entries?

16 A Yes. When I flipped the book open, the first thing I
17 saw was this page here that had the first letter written
18 to me. And so, of course, I was curious about what might
19 have been in the book, and I just continued reading. And
20 the more I continued reading, I just decided that I would
21 take photographs of the journal.

22 Q All right. When you look at the handwriting in these
23 exhibits I've given you ---

24 A Yes, ma'am.

25 Q --- do you recognize the handwriting?

1 A Yes, ma'am.

2 Q And whose handwriting is that?

3 A It's Eric's.

4 Q How many years have you known -- or did you know
5 him at the point that you got these journal entries in
6 2016?

7 A Yes.

8 Q I mean, how many years would you have known him at
9 that point?

10 A Since 2009.

11 Q And between 2009 and 2016, did you have chances to
12 see his handwriting?

13 A Plenty, yes.

14 Q On multiple occasions?

15 A Yes.

16 Q Do you have any question that the person that wrote
17 these that signed it "Eric" would be your ex-husband?

18 A I have no question at all. I know it's his.

19 MS. SUSTAKOVITCH: Your Honor, can you think of
20 anything else? Okay.

21 THE COURT: Mr. Johnson, do you want to examine
22 Ms. Peterson on this limited issue?

23 MR. JOHNSON: Yes, sir, Your Honor. Beg the Court's
24 indulgence.

25 THE COURT: Sure.

CROSS EXAMINATION

BY MR. JOHNSON:

Q To confirm, what was the date that you got those journal entries?

A It was the end of April. I don't remember the exact date, but it was after the 27th that this one is dated, however, before May.

Q Okay. I believe you -- do you recall how many journal entries you got?

A In total ---

Q Yeah.

A --- of the photographs ---

Q Yeah.

A --- of the journal?

Q Yeah.

A Well, it was more than this.

Q It was more than that, right?

A It was upwards of 20 entries.

Q Yeah. And you say you thought it was the end of April. Were the dates as late as April on the journal entries?

A I don't remember. I'd have to go back and look at what I took photos of.

THE COURT: Just so I'm clear and since we're outside the presence of the jury, you did not take the original

1 journal entries, you took pictures. And so what we have
2 that maybe what you have with you, that is copies of the
3 photographs you took.

4 THE WITNESS: That is correct.

5 THE COURT: And you left the entire journal ---

6 THE WITNESS: I did.

7 THE COURT: --- intact where you found it in the
8 room.

9 THE WITNESS: Yes, sir.

10 THE COURT: Okay. Thank you for that clarification.

11 BY MR. JOHNSON:

12 Q 4/28.

13 THE COURT: And, again, we're only dealing with
14 authentication of this journal and how she came into
15 possession of it. I don't want to necessarily go into
16 contents of other journal entries. That's -- certainly,
17 that's for cross-examination, you know, before the jury.
18 So let's make sure what we're doing right now.

19 MR. JOHNSON: Yes, sir. And I'll be brief.

20 THE COURT: Sure.

21 MR. JOHNSON: But I think how she got them means a
22 lot too.

23 THE COURT: Okay. Sure.

24 MR. JOHNSON: What I would argue, it means something
25 to its admissibility. The Court might disagree.

1 BY MR. JOHNSON:

2 Q So these are, obviously, provided by the solicitor,
3 but these are some of the journal entries. It looks like
4 a date there, 4/30.

5 A Yes, sir.

6 Q It says at 1 a.m.?

7 A That's what it says there.

8 Q Okay.

9 A I don't know. I mean, I just know that the journal
10 was there, and I took photographs of it. I didn't have
11 time to sit and read everything.

12 Q And it was 5/1.

13 A So I was -- I was incorrect. It was after May the
14 1st. I apologize.

15 Q Okay. And you stated that he let you come over to
16 the house and said ---

17 A Yes.

18 Q What were you supposed to drop off?

19 A He needed documentation for a job, if I remember
20 correctly. I believe it might have been his Social
21 Security card or some other documentations that he needed
22 for a job. And then he also had told me there were some
23 things there for me to grab as well.

24 Q And at this time, did he -- at this time, were you
25 already dealing with the police and taking them items to

1 be searched?

2 A I was.

3 Q Okay. Did they ask if there was anything else?

4 A They did.

5 Q Okay. So you went over to the house and you were
6 looking for the items to give to the police?

7 A That wasn't my purpose of being at the house.

8 Q Was it one of the purposes of being at the house?

9 A No, sir. It was not the purpose of being at my -- at
10 that house.

11 Q But did you do that, look for items?

12 A I did not take anything else from that house.

13 Q What I asked is did you look for other items to take
14 to the police.

15 THE WITNESS: Your Honor ---

16 MR. JOHNSON: She's got an objection, apparently,
17 Judge.

18 THE WITNESS: I don't understand.

19 THE COURT: Okay. Wait a minute.

20 THE WITNESS: But I don't understand ---

21 THE COURT: Wait a minute, ma'am. Ma'am, ma'am, hold
22 that thought.

23 Mr. Johnson, would you repeat that question that
24 apparently the witness is struggling with a little bit?
25 But don't answer. Would you repeat it for me, please.

1 MR. JOHNSON: Yes, sir, Your Honor. Did you look for
2 other items to give to the police?

3 THE COURT: Okay. All right. Do you not understand
4 the question.

5 THE WITNESS: I don't believe I intentionally looked
6 for other items because I wasn't there for that.

7 BY MR. JOHNSON:

8 Q So the answer is no.

9 A Not intentionally, no. Because if I was there, there
10 were plenty of things I could have taken off of the
11 dresser or -- and if we're -- if that's not what we're
12 discussing and it's been made clear that we can't even
13 talk about those things, I don't understand.

14 THE COURT: Okay. All right. Well, don't be
15 concerned necessarily right now with your answers because
16 we're outside the presence of the jury. So don't be real
17 concerned about your answers and we'll make sure that when
18 the jury is brought back in and when you're testifying,
19 that whatever areas that you need to stay away from, then
20 you'll need to know how to do it. But right now we're
21 outside the presence of the jury, so say whatever you feel
22 like you need to say, okay?

23 MS. SUSTAKOVITCH: Your Honor, she may be
24 specifically -- we've given her admonishments to not talk
25 about the child porn ---

1 THE COURT: Right.

2 MR. JOHNSON: --- and how that was what drove her to
3 so many things she was doing. So I think it may be
4 confusing right now. I think that's what you're getting.

5 THE COURT: I understand.

6 MS. SUSTAKOVITCH: And so you can talk about that.

7 THE COURT: Right. Well, Ms. Peterson, I've already
8 ruled that there's no evidence that can be brought before
9 this jury on the issue of child pornography unless the
10 door's been opened or some other areas. So until you are
11 told by either me and/or the solicitor, you are correct.
12 Stay away from anything related to child pornography,
13 okay? But my only point is, I'm trying to clear up your
14 confusion, maybe doing a terrible job of it, is that right
15 now, since we're outside the presence of the jury, and if
16 you had mentioned something about child pornography, then
17 that would have been okay because the jury's not here to
18 hear that. Does that make any sense at all?

19 THE WITNESS: (Nods head affirmatively.)

20 THE COURT: Okay. All right. So the question was,
21 were you there looking for any other evidence that could
22 be taken to the police? And your answer was "not
23 intentionally." And so that's where we are.

24 So ask your next question, Mr. Johnson.

25 MR. JOHNSON: Your Honor, I'm done, Judge.

1 THE COURT: Okay. All right. Thank you very much.
2 You can step down, ma'am.

3 MS. SUSTAKOVITCH: Could I ---

4 THE COURT: Oh.

5 REDIRECT EXAMINATION

6 BY MS. SUSTAKOVITCH:

7 Q Just since we're outside the presence of the jury,
8 what were you going to say? When you say "not
9 intentionally," what were you meaning by that?

10 A Because when you're there and you have 10,000 things
11 going through your head because of what you've already
12 turned in, you think, well, there's this old phone. I
13 should grab that, and I should turn that in. And there's
14 -- there was another computer floating around, and I
15 should grab that and I should turn that in. But my
16 intention was not there to go and just start pulling
17 things. And I didn't know what to do. And so I fought a
18 battle of either collecting everything I could think of
19 that might be able to go against us and not because I
20 didn't know what I could get in trouble for or what I
21 couldn't. We weren't living mutually in that home, but we
22 were still together. We were not divorced. We were not
23 legally separated. We were just apart.

24 Q And so let me ask since we're outside the presence of
25 the jury, you're having this struggle because you're

1 concerned that he has child porn on different devices.

2 And you just testified you didn't take anything else from
3 the house but maybe pictures.

4 A I took photographs of the letters that he wrote to
5 me.

6 Q But in your mind, you're thinking about, well, should
7 I grab this and this and this, but you don't, correct?

8 A Right.

9 MS. SUSTAKOVITCH: All right. Thank you, Judge.

10 THE COURT: Okay. Thank you, ma'am. You can step
11 down.

12 Mr. Johnson, do you have any additional arguments
13 related to admissibility of these four journal entries
14 based upon the testimony of Ms. Peterson?

15 MR. JOHNSON: Yes, sir. If I just may briefly.

16 THE COURT: Sure.

17 MR. JOHNSON: First of all, Your Honor, it appears to
18 me that these things -- the items were taken consistent
19 basically under -- while my client was under investigation
20 by the police. And she knew that he was under
21 investigation, my client did not know and there was not a
22 warrant provided. And so that's one of my arguments.

23 Furthermore, as relates to its probative value, for
24 example, depending on Your Honor's ruling, there's one of
25 the items that says -- references where I may go to jail.

1 I -- that's not probative at all because the letters don't
2 provide any context as it relates to why someone might go
3 to jail or what the subject matter is. It also, again, if
4 you accept the date of the letter, it was written before
5 my client was charged with this crime or any crime. So,
6 Your Honor, I ask you to consider that.

7 MS. SUSTAKOVITCH: Your Honor, do I need to respond?
8 I was going to say there is no state action here. As Your
9 Honor has heard, February 20th was a very brief meeting
10 with Jim Perry where the police did not get involved, did
11 not find anything, there was no investigation, it was over
12 and -- and Jim Perry has testified that he didn't find
13 anything, no investigation was initiated.

14 Pamela Peterson was no agent for the police on that
15 day. She was a wife bringing over items and happened to
16 see a diary, and when she opened it, saw he was addressing
17 a letter to her. This is between the two of them as
18 married people going through this terrible time in their
19 lives. But it certainly is not subject to a warrant
20 because police were involved in it.

21 MR. JOHNSON: And, Your Honor, to be clear, I think
22 Perry's testimony was that she came in on that day on
23 4/20. He didn't look at the computers that day. He
24 looked at them later and didn't find anything.

25 MS. SUSTAKOVITCH: Well, certainly, Pamela Peterson

1 was not directed in any way, shape or form to go find
2 evidence and try to get it for the police. That is not
3 what happened here.

4 THE COURT: Okay. All right. I'm going to find that
5 the documents, the four journal entries have been
6 authenticated by Ms. Peterson. They were located in the
7 house, bedroom where the defendant was residing at the
8 time. They're in his handwriting. I don't find that she
9 was there at the direction of law enforcement.

10 And, Mr. Johnson, I think that your argument
11 concerning the statements may be out of context a little
12 bit. Certainly, the solicitor is going to argue that his
13 fear of going to jail was because of the allegations in
14 this case, and you're going to argue that it could have
15 been stated by the defendant for other reasons. So I
16 think it goes maybe towards the weight more so than
17 admissibility, so I'm going to allow the State to have
18 those into evidence based upon the testimony before the
19 jury from Ms. Peterson.

20 MS. SUSTAKOVITCH: Thank you, Your Honor.

21 THE COURT: All right. Now, Solicitor, maybe lets
22 try to do that short witness that you have ---

23 MS. SUSTAKOVITCH: Yes, sir.

24 THE COURT: --- and then we will break for lunch.

25 MS. SUSTAKOVITCH: Yes, sir.

1 THE COURT: Okay. Let's go ahead and before you --
2 you can go and get the witness, but before you call that
3 witness, let's get the jury back out.

4 (WHEREUPON, the jury entered the courtroom at 12:04 p.m.)

5 THE COURT: Let the record reflect the jury is back
6 in.

7 Madam Forelady, the reason for the longer than
8 anticipated break, we had a few legal issues we needed to
9 deal with, so we've not been taking a break this entire
10 time, okay?

11 As I understand it, the State has, before lunch
12 break, one relatively short witness. We'll take that
13 witness and then we'll break for lunch.

14 Solicitor?

15 MS. SUSTAKOVITCH: Yes, sir. The State calls Cheri
16 Lyda.

17 WHEREUPON,

18 CHERI LYDA

19 After having been duly sworn, testified as follows:

20 THE CLERK: When you take a seat, please state your
21 name for the record.

22 THE WITNESS: Cheri Lyda.

23 DIRECT EXAMINATION

24 BY MS. SUSTAKOVITCH:

25 Q Good afternoon. Investigator Lyda, where are you

1 employed?

2 A Greenville County Sheriff's Office.

3 Q And how long have you been employed there?

4 A Since 2002.

5 Q What is your position there, ma'am?

6 A I work in Crimes Against Children.

7 Q What does your job in Crimes Against Children entail?

8 A I do investigations for children birth to 17 years
9 old that involve child physical abuse, sexual abuse, drug
10 endangered or neglect.

11 Q So you've been with the sheriff's office roughly
12 18 years?

13 A Roughly.

14 Q All right.

15 A Not -- not just the Greenville County. I've been in
16 law enforcement since 2002.

17 Q Okay. Where were you prior to Greenville County?

18 A I started in Greenville County, then I went to the
19 City of Myrtle Beach, and then I came back to Greenville
20 County in 2011.

21 Q All right. Since you came back to Greenville County,
22 what positions have you held?

23 A Uniform patrol and Crimes Against Children.

24 Q And how long have you been in Crimes Against
25 Children?

1 A Since 2013, six years.

2 Q Okay. Can you explain to the jury what desk duty is
3 with the Crimes Against Children unit?

4 A Yes. We rotate that daily. It's where one of the
5 investigators has to take any -- any walk-ins, take any
6 reports that are walk-ins or that are on the phone.

7 Q All right.

8 A It's just to ensure that someone is there to take a
9 call if somebody calls.

10 Q And, Investigator Lyda, as far as sex crimes, are
11 there different ways that investigations can come to you,
12 meaning somebody may walk into the office and have a
13 disclosure of abuse, correct?

14 A Correct.

15 Q Are there situations where there may just be a
16 concerned parent or a school or something like that where
17 you get called in to talk to a child?

18 A Yes.

19 Q And in those situations, the child has made no
20 disclosure of abuse, correct?

21 A Correct.

22 Q I want to talk to you further about that. But do you
23 recall ever meeting with the victim in this case, **Minor 1**
24 ?

25 A I don't remember it.

1 Q You don't personally remember meeting with her.

2 A No.

3 Q Okay. Now we're going to talk about -- we're going
4 to go to her case. Let's go past her case, rather. I
5 want to talk in general. How often are you put -- or how
6 does it come to be that you're put in a situation where
7 you would have to talk to a child? Just if there's a
8 parent that's concerned or a teacher that's concerned?
9 How does that go down so the jury can understand, meaning
10 if there's a disclosure of abuse, there's one type of
11 interview that happens, correct?

12 A Uh-huh.

13 Q And if you are called in to talk to a child where
14 there's been no disclosure, there's a different type of
15 interview, correct?

16 A Correct.

17 Q Can you explain to the jury the difference?

18 A If the child has disclosed some sort of abuse,
19 whether it be to a teacher at school or to a parent, and
20 we meet with the child, whether at school or at our office
21 where a parent brings a child in, it's more considered a
22 formal interview. We will get -- do the interview usually
23 in the interview room, but place the child where it's not
24 seen on camera, but you can hear the child and hear the
25 interviewer talk, and so it's recorded. That would be

1 more of a formal interview. That's after abuse has been
2 disclosed at one point.

3 An informal would be if a child, say, comes into
4 school with bruises and can't explain where they came
5 from, a teacher or a school may call us and ask us to come
6 in and speak with that child. That would be very
7 informal, the same way that if -- if a parent brought
8 their child in and said, you know, they were at a family
9 member's house or a friend's house and came home and
10 they're acting different or we see this mark or they seem
11 very depressed and crying, whatever, but they have not
12 disclosed abuse, that would be informal. We would bring
13 the child in and just have a conversation with them to see
14 if they did disclose anything that we needed to look at to
15 investigate.

16 Q Okay. And you were giving examples. This is not
17 about **Minor 1**, but, say, another example, say a child is
18 having sexualized behavior and a parent's concerned.

19 A Yes.

20 Q There's no disclosure of abuse, but the parent's just
21 concerned and they're like why is my child doing this.
22 You might get a parent bringing a child in for something
23 like that.

24 A Yes. Definitely.

25 Q And when you -- or you might have a concern where a

1 parent just thinks that maybe something's happened to
2 their child and they would feel better with the police or
3 somebody talking, right?

4 A Correct.

5 Q So in an informal meeting like that, how would you go
6 about doing that with a child where there's been no
7 disclosure of abuse and you're just talking briefly with
8 them?

9 A Normally, what I do is if they come into my office, I
10 introduce myself, we talk about school, we talk about
11 things that that person may like or dislike, any pets that
12 they have, and then I explain my job to them as that what
13 my job is, is to make sure that young people are safe,
14 make sure that they're safe, they're happy, they're being
15 taken care of and those type of things. And then, you
16 know, I ask them, you know, how they're doing, you know,
17 has anything happened that has made you sad or you felt
18 was wrong or anything like that. And if they say no, I
19 pretty much leave it at that. I don't -- I don't like to
20 go fish for something ---

21 Q Okay.

22 A --- and -- and let it go at that. And then I may
23 talk to the parents about that.

24 And, you know, that doesn't have to be the end of an
25 investigation or the end of a -- where it won't be an

1 investigation for us because there is no disclosure. But
2 if the child goes into therapy or counseling or anything
3 like that for their behavior, they can definitely come to
4 us later if there's something.

5 Q Okay. So let's peel it back just a little bit. It's
6 you and the child in your office?

7 A Yes.

8 Q And the mom or the dad or whoever, whatever caregiver
9 brought them is not in the room with you, correct?

10 A No.

11 Q Okay. So it's just you and the child. You're asking
12 informal questions.

13 A Yes.

14 Q You just testified you don't go -- if the child
15 doesn't disclose abuse, and you're talking about how
16 they're doing in school, has anybody touched you, and they
17 don't disclose, you just testified you don't go fishing,
18 correct?

19 A Correct. And I normally don't use "has anybody
20 touched you" or anything like that. I usually will use
21 "has anything happened."

22 Q Right.

23 A Has anything happened to you that has made you sad or
24 felt like that was wrong. I usually don't because I don't
25 like to use the touching or hitting or anything like that

1 because I feel like that would feed it.

2 Q All right. So if a child does not disclose abuse in
3 that brief meeting with you, you said you don't initiate
4 an investigation.

5 A No.

6 Q And why do you not do that? Why don't you go put the
7 suspected person's name in a computer and go generate some
8 document?

9 A Because I wouldn't want it done to me.

10 Q Can you explain that further?

11 A Well, if somebody comes into the sheriff's office and
12 files a report on -- if John Doe comes into the sheriff's
13 office, files a report that he's getting harassing phone
14 calls, we're putting his name in there, we see every time
15 that he's ever had his name put into our system, and it's
16 -- say if John Doe had been investigated for any kind of
17 crime, and even though it's unfounded, his name is in our
18 system forever.

19 Q Okay.

20 A So I just don't -- I don't like to put people's name
21 in our systems, whether it be a juvenile or an adult.

22 Q If it's an informal interview ---

23 A Right.

24 Q --- if the child does not disclose ---

25 A If it's not ---

1 Q --- you don't generate a report ---

2 A No.

3 Q --- out of fairness to whoever the person was.

4 A Correct.

5 Q Okay. And just because you don't independently
6 remember **Minor 1** does not mean that you didn't meet with
7 her three years ago, correct?

8 A No, no. I work 100 to 150 cases a year, and I do a
9 lot of interviews with young people that are not even my
10 cases.

11 Q And tell me about that. You sometimes get -- you get
12 pulled in. Somebody will be like, "Hey, can you go talk
13 to this child?" Or how does that go down? How do you get
14 pulled in on other cases that aren't yours?

15 A If a young person comes in and they're not -- they're
16 really young, then really, anybody feels comfortable
17 that's gone through the ChildFirst interview course ---

18 Q Okay.

19 A --- anybody that would be a female at the age of,
20 say, 10 to 15, 16, that's a kind of sensitive age. If it
21 -- if it was my case number or if somebody came in to me
22 and I had office duty or desk duty and it was a -- and it
23 was a young man who was just -- that somebody thought
24 abuse had happened to, I would probably ask one of our
25 male investigators would they mind speaking with this

1 person because their parents think that maybe something's
2 going on.

3 And the same thing happens to me. A male
4 investigator will have a case and say, "Hey, I've got
5 somebody coming in. I'm not sure if anything's going on
6 yet, but would you mind speaking with them, you know,
7 briefly, just because it's a female and she's 12 and I
8 think that -- that it would be better for you to talk to
9 her. She might would feel more comfortable speaking with
10 another female."

11 Q All right. And you said you have hundreds of cases
12 that you work?

13 A Yes.

14 Q All right. Just two last questions. Do you have
15 grandchildren?

16 A I do.

17 Q Do you? And also, do you happen to give out bears to
18 kids?

19 A I do.

20 Q Can you tell me about the bears that you give out?

21 A A lady at my church had made bears for many, many
22 years that she had -- she would send overseas to other
23 countries with different mission groups. She kind of had
24 -- at one point, she had stopped -- stopped making them,
25 and she had like two large, large bags full of them. And

1 she knew what I did, what my job was with the sheriff's
2 office and asked me if I wanted them. And I told her I
3 would love to have them.

4 Q Okay. And so three years ago, was there anybody else
5 at the sheriff's office giving out bears, to your
6 knowledge?

7 A No, no.

8 Q So if a child got a bear, it most likely was from
9 you?

10 A Yes.

11 MS. SUSTAKOVITCH: Okay. Please answer any questions
12 defense counsel has.

13 THE COURT: Any cross-examination?

14 MR. JOHNSON: Yes, sir, Your Honor.

15 CROSS EXAMINATION

16 BY MR. JOHNSON:

17 Q Is it Investigator Lyda?

18 A Yes.

19 Q Okay.

20 A No problem.

21 Q Make sure I address you correctly.

22 A Yes.

23 Q Now, we're here today in a trial versus Eric
24 Peterson, and the alleged victim in this case is **Minor 1**

25 . And I believe your testimony is you don't

1 remember meeting with her.

2 A No.

3 Q Okay. You don't remember meeting with her, but based
4 upon the bear -- I'm just trying to get your testimony
5 correctly. But based upon the bear, you think you
6 probably did.

7 A Based on what I was told of the description that she
8 gave of the -- of the female that she spoke with and that
9 I have grandchildren and that the investigator gave her a
10 bear, I'm the only female in my unit that has
11 grandchildren, and I'm the only female who gives out
12 bears.

13 Q Okay. And so you very likely met with her. And I
14 believe you stated -- so if you have a formal allegation,
15 is a report automatically issued?

16 A Yes.

17 Q Okay. So that's put in the system.

18 A Yes. If there are disclosures of abuse, yes.

19 Q And disclosures, and we talk about disclosures, we're
20 talking about disclosures before you meet with them.

21 A If they are -- if they -- yes, yes.

22 Q Before you've met with them or somebody in your sex
23 crime meets with them.

24 A That's correct.

25 Q Okay. And at that time, you might meet with them.

1 Is it -- do they always reiterate what was reported, or do
2 sometimes they not report abuse when they meet with you in
3 a formal investigation?

4 A Okay. So you mean if a report's already been
5 generated, they've already disclosed abuse to someone.

6 Q To someone, and they meet with you.

7 A Okay. And then the report comes to me to
8 investigate, and then?

9 Q When you investigate, do they always reiterate the
10 abuse reported?

11 A I don't recall ever having a report where a child
12 recanted abuse, no.

13 Q Okay. So when you get that story, that story is
14 generally never changed. So whatever happened the first
15 time, that story is not changed.

16 A Right.

17 Q Okay. Now, when you have an informal report ---

18 A I don't make a report.

19 Q You don't make a report at all.

20 A On a -- not for -- not unless there's a disclosure.

21 Q Okay. So if someone come in your office and said,
22 "I'm Brian Johnson" -- I'll just use myself. So if
23 somebody came to your office and said, "Brian Johnson did
24 something to me" -- or "Brian Johnson did not do something
25 to me," you don't issue a report at all?

1 A Why would I be speaking to them?

2 Q Because someone brought them in the office. This is
3 an informal. I'm an informal -- you described formal and
4 informal. I believe informal you stated somebody just
5 walked in or somebody called in and said would you meet
6 with them, so that's why you're talking to them. So this
7 is an informal request.

8 A Right.

9 Q Okay. And with the informal request -- I guess I'll
10 ask you, with an informal request, do you generally find
11 out why you are speaking to someone before you speak with
12 them?

13 A Yes.

14 Q Okay. So you find out why you are speaking with
15 them.

16 A Yes. I mean, there has to be a reason, right.

17 Q So if you spoke with **Minor 1**, somebody told you
18 why you were talking to her.

19 A Right.

20 Q All right. Now, once you find out why, you question
21 them. If there are no allegations of abuse at that point
22 in time, you don't do a report and you don't investigate
23 any further, correct?

24 A That's correct.

25 Q Okay. Now, let me make sure I asked the question

1 right. Beg the Court's indulgence. I believe your
2 testimony was that you don't want someone's name in the
3 system.

4 A No. I wouldn't want my name in the system
5 unnecessarily.

6 Q Okay. Now, I'm now going to ask you a speculative
7 question. So if you question someone or you question a
8 child and that child does not make any allegations, would
9 you believe that report could be valuable for the future?
10 Is there any value in doing up a report that said, "I met
11 with Brian Johnson" -- I'll be the kid this time. "I met
12 with Brian Johnson." Since it was informal, you probably
13 knew why you were questioning Brian Johnson. "So I asked
14 Brian Johnson questions related to the informal request,
15 and Brian Johnson did not make any allegations of abuse."
16 Do you think that that's a valuable piece of information
17 that someone should know?

18 A No.

19 Q Okay. So you don't think it's valuable for someone
20 to know that someone has spoken with me and then I denied
21 that someone had harmed me, whether it's physical or
22 whatever it might be.

23 A I believe if you felt that was valuable, like every
24 child at school, if they came with a bruise on their arm
25 or their leg at school and a teacher said, "How'd you get

1 that bruise?" and they said, "Oh, I fell," do you think
2 that's -- I mean, that wouldn't be valuable information
3 for continuously -- for all the time.

4 I don't understand what you're asking.

5 Q So in an informal process, you don't make any record
6 of it. So technically, let's say that this time I'll be
7 the person asking for the interview.

8 A Okay.

9 Q Brian Johnson says, "I want you to talk to Brian,
10 Junior."

11 A Uh-huh.

12 Q And this is the week of December 9th, I guess --
13 December 8th, like we're in this week. And I said, "I
14 want you to look at this bruise," like you just said ---

15 A Okay.

16 Q --- a bruise on the leg. And when you have desk
17 duty, y'all rotate those days, correct?

18 A That is correct.

19 Q So it could be you one day. And then, for example,
20 do you know Jim Perry?

21 A I do.

22 Q So it could be Jim Perry the next day.

23 A Correct.

24 Q I believe Lorraine Henderson testified it could be
25 her another day.

1 A Correct.

2 Q So that person will come in and talk to one of you
3 guys on whatever day you're assigned.

4 A Uh-huh.

5 Q And I come in and I say, "There's a bruise. I'm
6 worried about this bruise, where the bruise came from."
7 And you talk to that person, and he says, "I fell,"
8 correct?

9 A Correct.

10 Q Okay. The next week -- the next week, I come back.
11 I don't talk to you.

12 A Uh-huh.

13 Q I talk to Jim Perry this time.

14 A Uh-huh.

15 THE COURT: Give a verbal answer, please, ma'am.

16 THE WITNESS: Yes.

17 BY MR. JOHNSON:

18 Q Okay. I'm talking to Jim Perry this time ---

19 A Yes.

20 Q --- okay, making the same allegation, bruise -- this
21 bruise or a cut or whatever it is on the leg.

22 A Yes.

23 Q Do you think it's valuable for Jim Perry to know that
24 you talked to Brian, Junior the week before ---

25 A Did ---

1 Q --- about the same allegation?

2 A Did the junior disclose to Jim Perry? Did Junior say
3 he was being abused?

4 Q Junior said he was abused.

5 A Then Jim Perry can make a report.

6 Q Okay. But Jim Perry makes a report without your
7 input.

8 A Okay. Well, he may have got that bruise when I
9 talked to him from falling. He may have got the bruise
10 when Jim Perry talked to him from being physically abused.

11 Q My scenario was the same allegation that was made.

12 A Different weeks. You're talking about a bruise.

13 Q The next week. Let's say it's a cut. Let's say it's
14 a scabbed-over cut or something, because cuts stay longer
15 than a week, right, of a scab?

16 A I would not make a report for a nondisclosure. If I
17 ask a child if something's happening to them or if
18 anything is making them sad or unhappy and they give me
19 nothing, no, I am not going to report and say I spoke to
20 Jane Doe for five minutes, end of case.

21 Q And that's what they taught you at the police
22 academy?

23 A What am I making a report on? There's nothing to
24 make a report on.

25 Q Have you ever done any traffic duty?

1 A No, sir.

2 Q Never did traffic. Just always sex crimes.

3 A I worked uniform patrol for the county.

4 Q What do you do in uniform patrol?

5 A I answer calls.

6 Q Okay. So you answer the phone, and then otherwise,
7 you did sex crimes?

8 A I answered calls on the road and I've done sex
9 crimes. That is correct.

10 Q Okay. Have you ever done a police report where
11 somebody was not charged?

12 A I close cases out all the time where I don't charge
13 people.

14 Q Okay. So that's a yes.

15 A Yes.

16 Q All right. Okay. I believe in your interviews you
17 stated you don't normally ask, "Has anyone touched you?"

18 A I do not.

19 Q Okay. Now, when did you learn that you may have been
20 involved in this case?

21 A About a month ago, six weeks ago.

22 Q A month ago or six weeks ago. You know a month ago,
23 six weeks ago. Did you contact Detective Bash? Or did
24 you speak with Detective Bash?

25 A Detective who?

1 Q Bash.

2 A No. I never spoke with him about this case.

3 Q Okay. So you've never spoken with Detective Bash
4 about the case.

5 A No.

6 Q So it wasn't that -- you just didn't feel the need to
7 speak with him, I guess.

8 A I don't -- I didn't know who he was. I don't know
9 where -- how would I -- why would I speak to him?

10 Q Well, your name came up as -- he's the chief -- you
11 are aware that he's the chief investigating officer of
12 this case, correct?

13 A Six weeks ago I found that out.

14 Q Okay. But between six weeks and now, y'all have not
15 discussed this case.

16 A No.

17 Q So he doesn't have any of your input on how you do
18 things, how you do informal or formal. Y'all didn't
19 discuss none of that.

20 A No.

21 Q Okay. Have you seen this letter?

22 A No.

23 Q You have never seen it?

24 A No.

25 Q Okay. Do you ask children if they've been sexually

1 harassed?

2 A I'm sorry?

3 Q Do you ask children if they have been sexually
4 harassed?

5 A No.

6 Q Do you ask children if people make them feel
7 uncomfortable?

8 A I have.

9 Q Okay. But not sexual harassment.

10 A Every case is different. Every -- every child I
11 speak to is different. That would depend on what I ask
12 them.

13 Q Okay. Let me just confirm because I'm not sure what
14 your answer is. Do you ask children if they are sexually
15 harassed? You said "no" earlier, and then you kind of ---

16 A Yeah. I mean, what -- what case are you talking
17 about? I mean, I don't have -- like I don't have a
18 check-off sheet when I'm interviewing a person.

19 Q The only reason why I'm asking you this, because you
20 said you do not normally ask if anyone has touched you,
21 and so I was describing ---

22 A No. I do not ask if anybody's -- I do not ask a
23 child "has anybody touched you?"

24 Q Okay. So you never -- so there's no circumstance
25 where you asked that, but there could be a circumstance

1 where you ask if anybody ever sexually harassed you?

2 A No. I would not ask.

3 Q So you would not ask that.

4 A No. I would not ask that.

5 Q Okay, okay.

6 A Just to add to that.

7 Q I can't ask you to add to it.

8 THE COURT: Well, she can explain her answer if it's
9 in reference to the last question. You can certainly
10 explain your answer.

11 MR. JOHNSON: Okay, okay. Yes, sir, Your Honor. I
12 respect that.

13 THE WITNESS: Thank you.

14 You said do I ask, "Have you ever -- have you ever
15 been sexually harassed?"

16 BY MR. JOHNSON:

17 Q Yes.

18 A Okay. If a child doesn't disclose, the conversation
19 ends. The informal interview will end. If a child
20 disclosed that something is happening to them, then our
21 conversation will go deeper. Then at that point, that
22 language may be used.

23 Q Okay. So if a child -- so if you start to get -- if
24 you get an inkling, okay, something might be going on
25 here, you might go ---

1 A If they say ---

2 Q Okay.

3 A --- that this is -- this is happening, if -- if
4 Person B is doing this on a daily -- then the questioning
5 may go deeper.

6 Q Okay.

7 A But it starts out has anybody -- anything made you
8 unhappy, made you sad or you felt was wrong. That's how
9 it will start out. It won't start out as, "Are you being
10 sexually harassed? Is somebody touching you?" The
11 questions are not started in that direction.

12 Q Okay. And so if you -- okay. If you start to get an
13 -- okay. If you start to get an inkling, okay, something
14 may have happened here and you get into sexual harassment
15 and stuff, at this point, you are actively investigating
16 what the child is stating?

17 A The child makes a disclosure, yes.

18 Q Okay.

19 A A case will be -- will be activated.

20 Q A case will be entered and you'll do a report.

21 A That is correct.

22 Q Okay. At this time, I believe you stated that if you
23 -- in a formal interview setting, you do a video, but
24 really, the video is just to provide audio, correct?

25 A That's correct.

1 Q Okay. You don't do that in informal.

2 A No, I do not.

3 Q Okay. Do you wear some sort of body cam?

4 A I do not.

5 Q Okay. No body cam. Do all of you just not have body
6 cams?

7 A We're not uniformed officers.

8 Q Okay. So only uniformed officers would have body
9 cams.

10 A Only uniform officers wear body cams.

11 Q Okay. But you -- but investigators would not.

12 A No.

13 Q Okay. If you are making an arrest, are you capable
14 of doing the arrest yourself?

15 A I am.

16 Q Or do you have to get a uniform officer to do it?

17 A No. I can make it.

18 Q So you can do it yourself.

19 A Yes.

20 Q So -- but if you arrested someone, that would not be
21 videotaped, correct?

22 A It would not.

23 Q Because you do not have a body cam.

24 A That is correct.

25 MR. JOHNSON: Beg the Court's indulgence.

1 THE COURT: Sure.

2 MR. JOHNSON: I have nothing further, Your Honor.

3 THE COURT: Any redirect, Solicitor?

4 MS. SUSTAKOVITCH: None from the State, Judge.

5 THE COURT: You can step down, ma'am. Thank you.

6 THE WITNESS: Thank you.

7 MS. SUSTAKOVITCH: Your Honor, may I release this
8 witness?

9 THE COURT: You sure can.

10 All right. Madam Forelady, ladies and gentlemen of
11 the jury, we're going to break for lunch. I want you back
12 here promptly at 2:15, and we'll continue with this case.

13 Again, remember all my instructions from yesterday,
14 and have a good lunch. We'll see you back at 2:15.

15 (WHEREUPON, the jury exits the courtroom at 12:32 p.m.)

16 THE COURT: Okay. Y'all have a good lunch. We'll
17 see you back at 2:15.

18 (WHEREUPON, a recess is taken at 12:32 p.m.)

19 THE COURT: All right. Do we need to put anything on
20 the record before we bring the jury out, Solicitor?

21 MS. SUSTAKOVITCH: Nothing from the State.

22 THE COURT: Defense?

23 MR. JOHNSON: No, sir, Your Honor.

24 We did -- we took a look at the redactions. Based on
25 your ruling, I think they're consistent. I don't think

1 you can see through it anymore.

2 THE COURT: Okay. So in other words, you're not
3 requesting any other redactions.

4 MR. JOHNSON: Well, no. Not based on your ruling.

5 THE COURT: Right.

6 MR. JOHNSON: Your Honor, it's my understanding we're
7 -- they're in the form ---

8 THE COURT: Right. You're in opposition to the
9 ruling. You're protected on the record, and you just
10 don't want any more -- you don't want any other
11 redactions.

12 MR. JOHNSON: That's correct.

13 THE COURT. That's fine. That's good.

14 Okay. Solicitor, your next witness is going to be
15 the mom?

16 MS. SUSTAKOVITCH: Yes, sir.

17 THE COURT: Okay. All right. And was your plan then
18 to try to squeeze in Ms. Galloway-Williams too this
19 afternoon or not?

20 MS. SUSTAKOVITCH: I have spoken with her, and I was
21 just concerned with the length of time that it may take
22 with this witness ---

23 THE COURT: Right.

24 MS. SUSTAKOVITCH: --- that I hated to have her come
25 all the way over here and then not go.

1 THE COURT: Right.

2 MS. SUSTAKOVITCH: So she's going to come tomorrow.

3 THE COURT: Okay. All right. Very good.

4 Let's bring the jury out, please.

5 (WHEREUPON, the jury entered the courtroom at 2:30 p.m.)

6 THE COURT: Let the record reflect the jury is back
7 in.

8 Solicitor?

9 MS. SUSTAKOVITCH: Yes, sir. The State calls Pamela
10 Peterson.

11 WHEREUPON,

12 PAMELA PETERSON

13 After having been duly sworn, testified as follows:

14 THE CLERK: Thank you.

15 DIRECT EXAMINATION

16 BY MS. SUSTAKOVITCH:

17 Q Good afternoon. Would you please state your full
18 name.

19 A Pamela Peterson.

20 Q Good afternoon, Ms. Peterson. Where are you
21 originally from?

22 A Greer.

23 Q Greer. Okay. I'm not trying to trip you up.

24 So you've lived in South Carolina your whole life?

25 A No, ma'am.

1 Q Okay. So I just want to go back and let the jury
2 have some background on you.

3 Are you nervous right now?

4 A Of course.

5 Q Okay. So where were you born?

6 A In Rochester, New York.

7 Q Okay. And then after -- when did you move from
8 Rochester, New York?

9 A Right before **Minor 1** started kindergarten.

10 Q Okay.

11 A So that's been 12, 13 years almost.

12 Q Okay. And do you work, Ms. Peterson?

13 A Yes, ma'am.

14 Q Can I call you Pam?

15 A Yes.

16 Q All right. You just mentioned **Minor 1**. Do you have
17 children?

18 A Yes.

19 Q And what are their names?

20 A **Minor 1**, **Minor 2** and **Minor 3**.

21 Q And how old is **Minor 1**?

22 A **Minor 1** is 17.

23 Q How old is **Minor 2** ?

24 A She's 6.

25 Q And then how old is **Minor 3**?

1 A 4, almost 5.

2 Q Now **Minor 1**, who is her biological father?

3 A Jimmy Vogel.

4 Q Jimmy Vogel. Where does he live?

5 A To the best of my knowledge, maybe Florida. He
6 hasn't been in the picture.

7 Q Okay. And that's what I was going to ask you. Has
8 he been in **Minor 1**'s life?

9 A No, ma'am.

10 Q Has she ever known him at all?

11 A No, ma'am.

12 Q Okay. With **Minor 2** and **Minor 3**, who is their father?

13 A Eric Peterson.

14 Q Okay. I want to take you back in time, Pam. When
15 did you first meet this defendant?

16 A In 2009.

17 Q And how did you meet him?

18 A Online.

19 Q Online.

20 How long -- did you end up getting married at some
21 point?

22 A We did, yes.

23 Q When did you get married?

24 A In 2011.

25 Q And how old would **Minor 1** have been when you got

1 married in 2011?

2 A 9.

3 Q Okay. So **Minor 1** -- when you met this defendant, how
4 did **Minor 1** think of Eric Peterson, your ex-husband?

5 A She called him dad.

6 Q I'm sorry?

7 A She called him daddy, and she considered him a
8 father.

9 Q She called him dad. Okay.

10 I want to -- and let me ask you, in your family life,
11 he was stepdad, but did he also have the authority over
12 **Minor 1** and the other two kids to make decisions for them
13 and to act in that father capacity?

14 MR. JOHNSON: Object to the leading.

15 THE COURT: I don't think that was leading. I'm
16 going to overrule your objection.

17 MR. JOHNSON: Yes, sir. Your Honor.

18 THE COURT: Answer the question, please, ma'am.

19 THE WITNESS: For the most part.

20 BY MS. SUSTAKOVITCH:

21 Q Okay. So let me take you on to discuss some of the
22 places you lived. Where did you live in Greenville
23 county? What different places?

24 A In Greenville county as a married couple?

25 Q Yes.

1 A We lived at [REDACTED] Poplar Drive.

2 Q All right. And I want to focus on [REDACTED] Poplar Drive.
3 What county is that in?

4 A It's in Greenville county.

5 Q When did you move into [REDACTED] Poplar Drive?

6 A In the spring of 2010.

7 Q Okay. And did you live there -- how many years did
8 you live there?

9 A (No answer.)

10 Q Let me ask you this. Where did you move after
11 [REDACTED] Poplar Drive?

12 A [REDACTED] Panther Court.

13 Q All right. Let's move forward to 2015. And subject
14 to some previous rulings, I want to ask you, were there
15 some problems that arose in your marriage that led to you
16 and this defendant seeking some counseling?

17 A Yes.

18 Q And did the problems that were going on, were they
19 related to things this defendant was dealing with?

20 A Yes.

21 Q Did the counseling seem to fix the issues?

22 A No.

23 Q In your home, was drug addiction any kind of problem
24 for you or this defendant?

25 A No.

1 Q Alcohol abuse? Anything like that?

2 A No, ma'am.

3 Q So that's not what you were having problems with.

4 A No, ma'am.

5 Q All right. You and this defendant did end up
6 separating; is that correct?

7 A Yes, ma'am.

8 Q Did he leave or did you make him leave? How did that
9 work?

10 A I asked him to leave.

11 Q And subject to prior rulings, why did you make him
12 leave?

13 A I felt that, based on the incidences that we were
14 unable to resolve through counseling and help, that --
15 that there was an issue with the safety of my children
16 that was unresolvable.

17 Q Okay. When you came to law enforcement in April --
18 did you come to law enforcement in April of 2016?

19 A Yes, ma'am.

20 Q And what, if anything, did you bring with you when
21 you came to law enforcement in April 2016?

22 A A computer device.

23 Q And why did you bring that to law enforcement?

24 Subject to prior rulings, were you concerned there may be
25 something on the computer that may be criminal in nature?

1 A Yes, ma'am.

2 Q And did they, in fact, find anything on that
3 computer?

4 A Not to the best of my knowledge.

5 Q Okay. Pam, did you allow this defendant to move back
6 into the house at this point?

7 A No, ma'am.

8 MS. SUSTAKOVITCH: All right. Beg the Court's
9 indulgence one moment.

10 THE COURT: Sure. Take your time.

11 BY MS. SUSTAKOVITCH:

12 Q Pam, through -- so Eric, your ex-husband, moved out.
13 Do you remember what day in March of 2016?

14 A I remember asking him on Easter Sunday that evening.

15 Q To move out?

16 A To move out.

17 Q All right.

18 A But he stayed the night, and then the next day he
19 came and got some things to go stay at our other house.

20 Q And we were just talking. Maybe this will help you.
21 We were talking about living at Poplar Drive, [REDACTED], and
22 then you moved to Panther Court.

23 A Yes, ma'am.

24 Q So in March of 2016, about how long had you been
25 living at Panther?

1 A Since September of 2015.

2 Q All right. And so when you moved into Panther Court
3 in September of 2015, where had you moved from?

4 A [REDACTED] Poplar Drive ---

5 Q Okay.

6 A --- to Panther Court.

7 Q So it would have been September 2015 that you left
8 Poplar Drive and moved into Panther Court, correct?

9 A Yes.

10 Q And then just to clarify, who stayed at which house?
11 When he moved out, you were at Panther Court. And where
12 did he go live?

13 A Say that one more time, please.

14 Q When you made him leave in March of 2016, you were
15 now living at Panther Court, correct?

16 A Yes.

17 Q And where did this defendant go once you made him
18 leave the home?

19 A Back to [REDACTED] Poplar Drive. We had not sold the house
20 yet.

21 Q All right. I want to move forward and talk about
22 **Minor 1** a little bit.

23 A Yes, ma'am.

24 Q Do you recall in July of 2016, I'm showing you what's
25 been marked for identification as State's Exhibit 3, do

1 you recall getting this from **Minor 1**?

2 A Yes, ma'am.

3 Q And what is that?

4 A It's a letter that she wrote.

5 Q All right. When you received that -- well, let me
6 ask you this. What do you recall about getting that
7 letter from **Minor 1**?

8 A I had scheduled a meeting with Officer Perry prior,
9 and that morning when I was getting up to leave, she
10 stopped me before I left the house and handed me a sealed
11 envelope and asked me to turn it in when I got there.

12 Q And when **Minor 1** -- so you were going to see
13 Investigator Perry about something, and your testimony is
14 that **Minor 1** knew you were going to go ---

15 A Uh-huh.

16 Q --- when she handed you that letter?

17 A Uh-huh.

18 Q Was it sealed or unsealed?

19 A It was unsealed.

20 MR. JOHNSON: Your Honor -- Your Honor -- apologies,
21 Your Honor. She's saying "uh-huh." I just want the
22 record ---

23 THE WITNESS: Yes. I'm sorry.

24 THE COURT: Try to remember to verbally respond.
25 Thank you.

1 THE WITNESS: Yes. Yes, sir.

2 BY MS. SUSTAKOVITCH:

3 Q Was the letter sealed or unsealed when you got it?

4 A It was sealed.

5 Q Did **Minor 1** tell you the contents of what was in
6 there?

7 A No, ma'am.

8 Q Okay. Before we go into when you went down with the
9 letter, after you met with Jim Perry and you brought the
10 computer in April 2016, did you bring **Minor 1** back in to
11 talk with a police lady before she wrote that letter?

12 A Yes.

13 Q Okay. And what do you recall about that?

14 A She, as far as I know ---

15 Q Can you speak up just a little bit?

16 A I'm sorry. We had brought her in by appointment, and
17 they took her back -- they took us both back to talk a
18 little bit. I don't remember much of the details for just
19 a moment, and then I had to step out. And they spoke with
20 **Minor 1** for a little while.

21 Q Let me ask you, at this point, had **Minor 1** disclosed
22 any abuse?

23 A No.

24 Q No.

25 So you meet with Jim Perry on April 20, 2016 ---

1 A Yes.

2 Q --- out of concern over the computer. Who set the
3 meeting up for you to come back and bring **Minor 1** ?

4 A Jim Perry.

5 Q And when you came back, she had not disclosed abuse,
6 correct?

7 A No.

8 Q Was it just to speak with law enforcement to see if
9 anything concerning had happen?

10 A Yes, yes.

11 Q Okay. Do you recall who she spoke to down at the --
12 with the police?

13 A Cheri, Investigator Cheri.

14 Q And you were in court when Investigator Lyda
15 testified earlier.

16 A Yes.

17 Q Are you recalling that she was, in fact, the person
18 that **Minor 1** talked to?

19 A Yes.

20 Q Investigator Lyda, you recall her face and things
21 like that?

22 A Yes.

23 Q And did she, in fact, tell you that she had
24 grandkids?

25 A Yes.

1 Q And did she give **Minor 1** a bear?

2 A Yes.

3 Q When she talked to **Minor 1**, were you allowed to be in
4 the room or no?

5 A No.

6 Q And was that meeting long, brief or something else?

7 A In between.

8 Q Okay. So when she came out of the meeting, had
9 **Minor 1** disclosed any abuse at that point?

10 A No.

11 Q So you guys leave after that meeting with Detective
12 Lyda -- or Investigator Lyda, rather, and I'm moving
13 forward to July 20th when you still were having
14 interactions with Jim Perry related to other issues with
15 the computer and things, correct?

16 A Correct.

17 Q Okay. So at that point, I think your testimony was
18 **Minor 1** knew you were going down to the police anyway?

19 A Yes.

20 Q And she asked you to take the letter.

21 A Yes.

22 Q When you got to Investigator Perry's office, who did
23 you give the letter to?

24 A Mr. Perry.

25 Q And was it sealed or unsealed when you gave it to

1 him?

2 A It was sealed.

3 Q And had you read this letter before you gave it to
4 him?

5 A No.

6 Q Did he allow you to look at it?

7 A Yes. After he read it.

8 Q Did you read it?

9 A Yes, ma'am.

10 Q What was your reaction to reading it?

11 A It was very emotional. I was angry. That's just not
12 -- it's not what you think that your -- your husband could
13 do, and I was very, very fearful, and a lot of emotions.

14 Q Okay. After you read the letter, what was your
15 understanding of what happened with it with Jim Perry?

16 A It was my understanding that a case would be opened
17 with regards to the incidences in the letter, and it was
18 my understanding that I would be contacted with a case
19 number and moving forward with taking action.

20 Q So Investigator Perry takes the letter, and that's
21 the last you see of that ---

22 A Yes, ma'am.

23 Q --- for that.

24 All right. How much time goes by and nothing's
25 happened on the case?

1 A Till October.

2 Q So I want to fast-forward to October 10th of 2016.
3 Did you have any contact with law enforcement on that day
4 inquiring about the status of the case with **Minor 1**?

5 A I believe that was the day that I went down to the
6 sheriff's office.

7 Q Okay. And what was your purpose of going down there
8 on that day?

9 A To get a status on our case.

10 Q So you go into -- where did you go exactly?

11 A Downtown, University Avenue. Is it University? It's
12 in the same plaza where the Family Court is and then the
13 sheriff's.

14 Q University Ridge?

15 A Yes, yes.

16 Q Okay. You go down there. And who, if anyone, do you
17 talk to down there to get the status update on the case?

18 A Well, I went to the front desk and I had originally
19 asked for Jim Perry as I had before, and he was still
20 unavailable. And so the woman behind the desk had
21 realized I had been down there a few times and got
22 Mrs. Henderson to speak with me to see if there was
23 anything that we could figure out.

24 Q Is this Lorraine Henderson?

25 A Yes, ma'am.

1 Q So Lorraine -- Investigator Henderson comes up. And
2 what happens then?

3 A We start discussing **Minor 1** 's case, and they had said
4 -- she had indicated that she didn't know of any letter
5 and she couldn't find anything.

6 Q When she couldn't find anything, was she doing
7 something to try to locate the case? Was she trying to
8 look it up or anything?

9 A Yes. Yes, ma'am. But there was nothing under her
10 name. She tried contacting Mr. Perry to see if he knew
11 what might have happened to the letter since he was the
12 one that we handed it to. I ultimately had to -- had to
13 go out to my car and get a copy of the letter that was
14 given to me from Mr. Perry when I first turned it in ---

15 Q Okay.

16 A --- that he had. So I had a copy of it with his
17 initials on it.

18 Q And so with that ---

19 A After discussing things with Mr. Perry, they
20 ultimately found it misplaced in another case.

21 Q They found it misplaced. So had anything started on
22 the investigation into what she had written in that
23 letter?

24 A No, ma'am.

25 Q What was your -- and who told you that that was what

1 was going on there? Lorraine Henderson?

2 A Yes.

3 Q What, if anything, was your reaction to that?

4 A I was angry. I was upset. I didn't understand how
5 you could misplace information like that.

6 Q Were you by yourself or was somebody with you when
7 you went to speak to ---

8 A I was by myself.

9 Q You were by yourself.

10 Okay. So what, if anything, did Investigator
11 Henderson instruct you to do with the letter?

12 A She said that she would write a report right there
13 and get it started and immediately take action on what
14 would come next.

15 Q Were you referred to, related to the contents of the
16 letter, to any other law enforcement agency to go talk to
17 them?

18 A Yes, ma'am.

19 Q Where was that?

20 A Greer Police Department.

21 Q And why were you referred to Greer?

22 A Because the incidences in the letter happened at
23 [REDACTED] Poplar Drive, and it was within the city limits of
24 Greer. And so the -- the complaint needed to go through
25 them first.

1 Q So after that, did you, in fact, go down to Greer and
2 do follow-up as you were told?

3 A Yes, ma'am.

4 Q Let me take you to that interaction with Greer
5 police. Were you by yourself or was **Minor 1** with you when
6 you went to Greer police?

7 A I took **Minor 1** with me.

8 Q And do you have any recollection of what it was like
9 walking into the Greer police, what time of day it was,
10 anything like that?

11 A I don't remember much about the time of day, but I do
12 remember I had to -- there wasn't a clerk right down
13 there. I had to call and wait on an officer to come.

14 Q And how did you make this phone call?

15 A From their lobby. There was a lobby phone.

16 Q You just pick a phone up and call?

17 A Yeah. There's a little placard that tells you what
18 to do, and you call a number and follow the directions on
19 the placard. And so when I called, I indicated why I was
20 there, and they sent an officer down to meet with me with
21 **Minor 1**.

22 Q Do you -- I'm sorry. Go ahead.

23 A I'm sorry. To meet with me and **Minor 1**. Uh-huh.

24 Q Okay. Do you recall the officer's name?

25 A I do not.

1 Q But an officer, in fact, met with you then?

2 A Yes, ma'am.

3 Q And did he take an initial report then?

4 A Yes, ma'am.

5 Q Did he interview **Minor 1** that night or did he refer
6 the case to someone?

7 A He said that another investigator would have to get
8 in contact with us.

9 Q So after -- how long did that take down at Greer
10 police? How long were you there?

11 A I don't remember.

12 Q I want to go forward to who was the investigator that
13 followed up with you?

14 A Detective Bash, Investigator Bash.

15 Q Investigator Bash.

16 All right. So do you recall when that was, what date
17 that was when he talked to you?

18 A I don't remember, but I remember that it was not very
19 long. I don't feel like I waited very long at all.

20 Q Okay. And when Detective Bash spoke to you, did he
21 gather information related to the case?

22 A Yes, ma'am.

23 Q Did he set up an interview for **Minor 1** at the Julie
24 Valentine Center?

25 A Yes, ma'am.

1 Q Do you happen to recall that date or no?

2 A I don't recall the date.

3 Q As far as the actual interview for **Minor 1**, did you
4 take her down for that?

5 A I did.

6 Q And was anybody else with you when you did that?

7 A My other children.

8 Q Okay. So when you get to the Julie Valentine Center
9 for an interview like that, what do you recall happening?

10 A We checked in. It was almost as if you walked into a
11 home. It was very cozy. And we checked in that we were
12 there. And they said that they would take **Minor 1** back,
13 and they would -- and I just waited. And, in fact, I ---

14 Q And -- I'm sorry.

15 A I mixed that visit up with a different visit, and I
16 apologize. I don't believe I had the other children with
17 me that day.

18 Q That's okay.

19 So when you went to the Julie Valentine Center and
20 **Minor 1** gave this interview, were you in the room or were
21 you out?

22 A No, ma'am. I was not in the room.

23 Q And after the interview, what did you do? Did you
24 leave, I guess?

25 A We left.

1 MS. SUSTAKOVITCH: Beg the Court's indulgence one
2 moment.

3 THE COURT: Sure.

4 BY MS. SUSTAKOVITCH:

5 Q Pam, you have allowed Greer police to handle this
6 investigation; is that correct?

7 A Yes.

8 Q I just want to -- by way of information, are you
9 still formally married to this defendant?

10 A No, ma'am.

11 Q And when did you get divorced?

12 A Our divorce was final two years ago in January.

13 Q Two years. So two years ago January?

14 I want to go back in time to you testified about
15 making this defendant leave the house in March of 2016.

16 A Yes, ma'am.

17 Q And I want to show you what's marked as State's
18 Exhibit 4, 5, 6 and 7. Can you just look through all four
19 of those and see if you recognize them?

20 A (Reviews exhibits) Yes, ma'am.

21 Q And what do those appear to be to you?

22 A Letters to me, journal entry letters to me.

23 Q And what are the dates that you're seeing? Well, let
24 me ask you this first. In looking at these journal
25 entries, do you recognize the handwriting?

1 A Yes, ma'am.

2 Q And before we talk about whose -- well, are you
3 familiar with this defendant's handwriting?

4 A Yes, ma'am.

5 Q In totality, you were together from 2009 to 2016.
6 During the course of those years, did you have occasion to
7 see his handwriting on numerous occasions?

8 A Yes, ma'am.

9 Q And do you have any question who wrote these journal
10 entries?

11 A I have no question on who wrote them.

12 Q So can you tell the jury a little bit about how you
13 came into possession of these?

14 A When -- within a few weeks after Eric -- I had asked
15 Eric to leave the house, he needed some documents for a
16 job, a Social Security card. I don't remember exactly,
17 but it was important for him for this job, and he had
18 asked if I could come over to the Poplar Drive house and
19 drop them off and to also pick up a box of other things,
20 that he would make sure that he wasn't home so that I
21 didn't have to interact with him or deal with him. And
22 when I went into the old house to get the other things and
23 to drop everything off, I had noticed that his -- he was
24 -- he was using **Minor 1**'s room as his bedroom, and so I was
25 curious. I saw a journal on the side of his nightstand,

1 and he's never been one to journal as long as I really
2 knew. So I was curious, and I just flipped the cover of
3 the book, and it said "Pam" in a letter, and so I started
4 reading.

5 MS. SUSTAKOVITCH: Your Honor -- we're going to talk
6 some more about the contents.

7 Your Honor, the State moves to admit State's 4, 5, 6,
8 and 7.

9 THE COURT: All right. Subject to previous matters
10 all ready on the record, they will be placed into evidence
11 as State's 4 through 7 into evidence.

12 MR. JOHNSON: Yes, sir, Your Honor.

13 (WHEREUPON, State's Exhibit Numbers 4 through 7 were
14 admitted into evidence.)

15 BY MS. SUSTAKOVITCH:

16 Q Pam, the first one you said is -- I'm going to bring
17 it to you. You said it is written to who?

18 A It's written to me.

19 Q All right. And State's 5 is written to who?

20 A To me.

21 Q State's 6 is written to who?

22 A To me.

23 Q State's 7?

24 A To me.

25 Q I'm going to publish just briefly, but just how did

1 you get a copy of these?

2 A I took a picture of them with my phone.

3 MS. SUSTAKOVITCH: Your Honor, permission to
4 publish.

5 THE COURT: Certainly.

6 BY MS. SUSTAKOVITCH:

7 Q The first one is State's Exhibit 4. It says, "Pam, I
8 bought this journal with the specific purpose of writing
9 to you. Whether you know or not or even read this, this
10 is so I can talk to you on a daily basis. Why? Because
11 believe it or not, I need you, I want you and I love you.
12 I pray one day that you may see my shame and my sorrow.
13 Love always, your husband, Eric." That's dated April, I
14 believe, 15th or maybe -- 2016.

15 April 25th, "Pam, I started to write something
16 different but I feel it's not the time. I've spent time
17 thinking over all that I've done, let alone undone, and I
18 wonder is there any way other than God that you can still
19 love me. I am a horrible man, father and husband. I
20 deserve nothing less than Hell and Hell's wrath from you
21 in eternity. I know a million apologies won't matter, and
22 as I've thought of these things, I'm so ashamed. I don't
23 even want to ask for one. This is where I have to forgive
24 myself and what I struggle with.

25 "What you're living through I can imagine because I

1 put you there. Moments like these I ask that one day you
2 may forgive me. Humbly, Eric."

3 State's Exhibit 6, April 27th, it says early a.m.
4 "Pam, I told you, well, a couple days ago now I wrote an
5 email and didn't send it. Well, I want to transfer it
6 over now. Pamela" -- and it appears that this was from
7 4/23. "This may be too late, and I'm sure it is way too
8 late, but I must tell you three little words can have so
9 little meaning but can also have so much. The proof is in
10 time. I am sorry. I have done some horrible things and
11 awful things, but I want you to know from the depths of
12 me, from the sobs, I cry my sorrow. I feel it's too late,
13 and I can only have a prayer it is not.

14 "I watched a sermon tonight and the preacher talked
15 about being home. I want to be home, not the heavenly
16 home but home with you. I long for a simple hug. I don't
17 deserve it, but I know the things I've done, and that is
18 inexcusable. I deserve nothing less than Hell here on
19 earth and for eternity.

20 "You're a special woman that God sent and I've abused
21 that gift that was given. You chose me and I abused your
22 trust. I took for granted your kindness, you and your
23 love. I'm so ashamed, I'm so broken. I don't even want
24 to ask for forgiveness because I fear it will be an empty
25 promise from within me, and I for sure don't deserve it.

1 I have to work through so many things, but I can only pray
2 that I can work on them with you by my side. I do love
3 you. I fear it's too late, and that is my own fault and
4 doing. One day I do ask for forgiveness, but I can't ask
5 now because I still have to forgive myself. God bless
6 you, Pamela. He sent me a gift and I threw it away."

7 The last one is State's Exhibit 7. "Pam, I'm here at
8 the park again. I should be at home working and finishing
9 working on the house. I got up early to go to the library
10 and do paperwork online for the new job, then I came here
11 to, well, talk to you and think. I am scared, scared and
12 afraid of so many things. I should be. I did them,
13 right? I'm already ashamed and humbled before you and
14 everyone else that knows or doesn't know. I'm scared that
15 you or someone will turn me in and I will go to jail or
16 even be arrested or charged. I'm scared that even if God
17 allows a chance of us getting back together that it won't
18 happen. I'm scared that if we do, by God's grace and
19 mercy, renew our relationship, I will fail you again.

20 "First, I have to think of how many times I have to
21 think of how I failed you, hurt" -- and it's illegible
22 there, Your Honor -- "things like neglected your feelings.
23 I don't understand how you lasted so long. I cannot
24 honestly say that I could have. You were and are still a
25 true blessing.

1 "I think of what you said one day. You said that I
2 turned you into me. I cannot begin to tell you how bad
3 that makes me feel. I pushed you so far past the breaking
4 point, I honestly can't even imagine. I realize now and
5 accept so many things that I have done. I truly hate
6 myself for them. I'm learning to not hate myself, though,
7 but I just hate the things that I've done. I have to
8 learn not to do them again or any variation. I can only
9 ask for forgiveness and hope that one day it may be given.
10 I am so truly sorry. Your husband, Eric."

11 So, Pam, at the time that your marriage broke up and
12 you asked this defendant to move out, was there any
13 question that it was his failings that led to the marriage
14 failing?

15 A It was his failings that led to our marriage failing.

16 Q And when you said you were concerned for the safety
17 of the children, was that your primary focus in making him
18 leave?

19 A Yes, ma'am.

20 Q Pam, can you tell me a little bit about how hard this
21 whole process has been for you?

22 A It's been emotionally taxing to watch your child
23 struggle with something that you can't help with and you
24 can't take away. I can't take away the hurt, I can't take
25 away what he's done, I can't fix it for his kids. I can't

1 -- I can't do anything but sit here and fight for her and
2 fight for the safety of my kids. And it's been a lot of
3 long nights, a lot of stress. The ripple effect that
4 comes from abruptly changing your family dynamics for
5 something that you have no control over and you can't fix
6 is tremendous.

7 Q Pam, you focused first on talking about **Minor 1**. Were
8 you any part of telling **Minor 1** what to write in this
9 letter?

10 A No.

11 Q And can you tell the jury what you've observed as far
12 as what toll this has taken on her?

13 A **Minor 1** is first and foremost such an amazing little
14 girl. She ebbs and flows sometimes with school. She
15 doesn't like to talk about it. She still hasn't even
16 spoken much to me about all of the incidences. It
17 stresses her out immensely. She's unbelievably fearful of
18 him. She's afraid for him to know where she is or going.
19 She's afraid -- I'm so sorry. Excuse me just one moment.
20 She's afraid that when she goes off to college, he'll know
21 where she goes.

22 MS. SUSTAKOVITCH: Please answer any questions
23 defense counsel may have.

24 THE COURT: Cross-examination.

25 MR. JOHNSON: Yes, sir, Your Honor.

CROSS EXAMINATION

BY MR. JOHNSON:

Q Pam, you reference that you are now divorced from Eric, correct?

A Yes, sir.

Q Okay. And you divorced in January of 2017. Is that what you said?

A It was -- it would be two years ago, so it would have been 2018.

Q Oh, is it -- oh, 2019. It's 2017.

A We're in 2019.

Q Yeah. So it would be 2017 or ---

A No. Two years ago come January, this coming January.

Q Okay.

A So that would be ---

Q So we're talking about 2018.

A Yes, sir.

Q Okay. And you divorced on the basis of one-year continuous separation, correct?

A I'm sorry. I didn't hear you.

Q You divorced on the basis of one-year continuous separation.

A That is correct.

Q Now, when we're talking about the letters, do you remember the approximate date that you -- that you -- and

1 these are the letters I'm talking about, State's
2 Exhibit 4.

3 A I believe it was early May.

4 Q Early May. Okay. You believe you got those in early
5 May.

6 And at that point in time, you and Eric had been
7 separated for about a month, correct?

8 A Roughly, yes. Yeah. Right at -- yes, yes.

9 Q I believe you stated he left the marital home on
10 March 28th?

11 A If that was Easter Sunday.

12 Q Easter Sunday was March 27th.

13 A So then the next day. Yes, sir.

14 Q March 28th; is that correct?

15 A Yes, sir.

16 Q Okay. Now, you were there but you wanted to drop
17 something off. You dropped like a birth certificate or
18 something off.

19 A Correct.

20 Q And you were also there to pick up some things.

21 A Correct.

22 Q Okay. Now, what were you there to pick up?

23 A I believe it was just a box of odds and ends.

24 Q Okay. Did he put it in a box?

25 A Yes, sir.

1 Q That's the only way you could have gotten the box,
2 right, is he put it in the box?

3 A I would assume it was him.

4 Q Okay. Him or somebody at the house put it in a box.
5 Where did they put the box?

6 A I honestly don't remember.

7 Q You don't remember. Did he -- did he have the box --
8 he knows you're coming to get this box, correct?

9 A Correct.

10 Q And did he set the box out for you?

11 A I believe it was in the living room.

12 Q Okay. Was it put in an obvious place where you
13 could see it in the living room?

14 A Mr. Johnson, I don't remember the details of picking
15 up the box.

16 Q Okay. But you found the box very easily; would you
17 agree?

18 A Yeah.

19 Q Okay. So the birth certificate, where did you leave
20 it?

21 A I don't remember if I set it on the desk or the
22 kitchen table.

23 Q Okay. But you put it in a place where he could find
24 it, right?

25 A Yes.

1 Q Because that's what you do when you leave something
2 for someone.

3 A Correct.

4 Q And he very likely left the box in an easy place
5 where you could find it, correct?

6 A I would imagine so, yes.

7 Q Okay. Now, you say that you went back to **Minor 1**'s
8 room, but obviously, this is not **Minor 1**'s room. **Minor 1** --
9 y'all do not live at this place anymore, correct?

10 A Correct.

11 Q So this was Eric's room.

12 A Well ---

13 Q You identified it as -- I'm sorry. I didn't mean to
14 cut you off, Pam, if you were going to say something.

15 A No. That's okay.

16 Q Okay. But you identified it as a room where Eric was
17 sleeping.

18 A It was the room I remembered to be my daughter's room
19 was where he was sleeping.

20 Q Okay. And this point in time, Eric was sleeping in
21 this room.

22 A He was, yes.

23 Q Okay. Now, did Eric -- in this house, did Eric have
24 a bunch of furniture?

25 A There was some furniture, I believe.

1 Q Well, when he left your house, did he take stuff from
2 your house to take over to the other house?

3 A He took a bed. He didn't have a bed.

4 Q Okay. So he took a bed. And he put that bed in
5 **Minor 1** 's -- in you say what was **Minor 1** 's old room.

6 A What was **Minor 1** 's old room.

7 Q Okay.

8 A He put the bed in there.

9 Q Now, when y'all were a married couple, did y'all
10 sleep in a queen-size bed?

11 A Yes.

12 Q Queen-size bed.

13 A Yes, sir.

14 Q Okay. And what size bed did Eric take?

15 A A twin size.

16 Q A twin, so a little bit smaller.

17 A Uh-huh.

18 Q You have to say "yes" or "no." I'm sorry.

19 A I'm sorry. Yes. Yes, sir.

20 Q Okay. So a little bit smaller of a bed.

21 He put that bed in I guess you identified **Minor 1** 's
22 room would be a smaller room, correct?

23 A A little bit. It -- yeah.

24 Q A little bit smaller than the master or whatever was
25 at that house.

1 Okay. So you came in, and he's put the stuff that
2 you were expecting in a box. He's put it out for you.
3 And I'm going to ask you to help me. I'm going to act
4 like this is the door. So I'm going to come into the
5 door. And where is the living room?

6 A You're standing in it.

7 Q I'm standing in it.

8 Okay. And where are the bedrooms?

9 A Straight ahead.

10 Q Straight ahead.

11 Is there a kitchen or any walkway or anything?

12 A It's an old mill house.

13 Q Okay.

14 A So it's almost set up like a square. And it was kind
15 of, if you will, cut four ways with a hole in the middle
16 that you would consider a hallway. You could almost see
17 every room in the house from one room.

18 Q From the living room.

19 A From the living room. So I could see into the
20 hallway and into what used to be **Minor 1** 's room.

21 Q Okay. Is there a kitchen?

22 A There is a kitchen.

23 Q And is the kitchen closed off or is the kitchen open
24 and connected to the living room?

25 A You can just go in that little corridor and around

1 the corner.

2 Q So take me through the corridor. That's left or
3 right?

4 A Go straight ---

5 Q Go straight.

6 A --- and it would be you kind of step in and step in.
7 So it's two steps into the hallway, two steps into the
8 kitchen.

9 Q So the kitchen is the left or the front or the right?

10 A The kitchen would be to the left.

11 Q The kitchen would be ---

12 A So the way the square, if you broke the square into
13 four squares, living room, kitchen, bedroom, bedroom, tiny
14 little bathroom.

15 Q Okay. So the bedroom's over there. This is the
16 living room and kitchen.

17 A Correct.

18 Q Okay. And you put his -- you put Eric's stuff on the
19 kitchen counter?

20 A Possibly. I'm -- honestly, I do not remember where I
21 put his documents.

22 Q Did he have any living room furniture?

23 A I believe the couch was still there, but I -- I don't
24 recall. I don't remember.

25 Q So the couch that y'all left there. Whenever y'all

1 left that house, that couch may have still been in the
2 living room, but nothing else?

3 A It may have. I don't remember. He was working on
4 it. There were things everywhere. There was things for
5 him fixing stuff up, there were things still boxed because
6 not everything got moved over to the new house.

7 Q Let's talk about the things that were boxed. Did you
8 have trouble finding what you were looking for? The boxed
9 stuff, did you get the boxed stuff that you wanted?

10 A I -- I did end up, yes, with the things.

11 Q Okay. But did you have to like -- you said things
12 were boxed up. Did you have to go look through this box
13 and this box or this box?

14 A No. I didn't have to search through multiple boxes
15 to find it.

16 Q Because he put the box in a place where you could
17 easily find it?

18 A Correct.

19 Q Okay. All right. So at some point, you decided that
20 you wanted to go into -- I guess you decided to look
21 through the house, and then at some point, you went past
22 what used to be **Minor 1**'s room.

23 A I could see her room from the living room.

24 Q Okay. So you saw it from the living room, and then
25 you decided to go in.

1 A Correct.

2 Q Okay. And you already had what you came for, right?

3 A I don't know if I decided to go in before I looked
4 for the box.

5 Q Okay. Well, at some point, you decided that you were
6 going to look in there.

7 A Yes, sir.

8 Q Okay. And that's when you went in there and you
9 found what I believe -- is that your understanding to be a
10 diary of his?

11 A That's what it appeared to be.

12 Q Okay. Because he didn't send you these letters.

13 A No. He didn't send them to me.

14 Q Correct. For example, there's one dated -- you were
15 there. I think you stated you went by the house on like
16 5/1, and then -- I lost my notes. And there were letters,
17 I believe, dated 4/15, 4/23, 4/25. So these letters --
18 you didn't receive these letters at Panther Court or
19 anything like that, correct?

20 A No.

21 Q All right. Now, those aren't the only four journal
22 entries that you saw, correct?

23 A Correct.

24 Q All right. Did you read them all?

25 A Eventually. I didn't stand there in the house and

1 read all of them. That's why I took the photographs of
2 them, and I chose to read them later.

3 Q Okay. So you took photographs, and then you took off
4 so you could read them to yourself later.

5 A Uh-huh. Yes, sir.

6 Q Okay. In any of those letters, did he ask for
7 forgiveness for not managing the finances right; do you
8 recall?

9 A I don't recall. I'd have to read them again.

10 Q Okay. Do you believe that was probably in there or
11 should I get the letter?

12 A It may have. He asked for forgiveness for a lot of
13 things.

14 Q Okay. All right. Now, when we're talking
15 about . . .

16 MS. SUSTAKOVITCH: Your Honor, could we just approach
17 briefly?

18 THE COURT: Sure.

19 (WHEREUPON, a bench conference was held off the record.)

20 BY MR. JOHNSON:

21 Q Pam, you and the solicitor talked about the letter
22 written by your daughter that you provided to Investigator
23 Perry?

24 A Yes, sir.

25 Q Okay. And I believe you testified that you told her

1 you were going down there.

2 A Yes, sir.

3 Q Okay. And did you also ask if there was something
4 that she wanted to give you to take down there?

5 A No, sir.

6 Q Okay. You did not ask her that.

7 A No, sir.

8 Q As it relates to that conversation, is it your
9 testimony that all you said is, "I'm going down there"?

10 A To the best of my memory, yes, sir.

11 Q Okay. She didn't ask you why?

12 A She knew why I was going and she was -- she and her
13 friend were watching the children that morning, but that
14 was it.

15 Q Okay. So at ---

16 A I mean, I don't know if she knew entirely why. I
17 tried to make sure she didn't know a lot of what else was
18 going on.

19 Q Okay. Now, but I believe you stated you got to Perry
20 and you handed him a copy of the letter, and after he read
21 it -- did he take time to read the whole letter?

22 A From what it appeared while I was standing there,
23 yes.

24 Q I guess if there are four pages, obviously, you go
25 one ---

1 A Yes, sir.

2 Q Okay. So you recall him reading the whole letter.

3 And then did he hand you the letter or he made you a
4 copy first?

5 A I asked permission to read the letter first.

6 Q Okay. So you read the letter.

7 A Then I read the letter.

8 Q Okay.

9 A And then I asked if it was all right if I had a copy
10 of the letter.

11 Q Okay. And that was the point in time where you
12 learned of **Minor 1** 's allegations against Eric.

13 A Yes, sir.

14 Q Okay. Now, I want to talk about the April dates,
15 because at one point, you took some electronics down, at
16 another point you took **Minor 1** , correct?

17 A Correct.

18 Q Do you remember the dates that you did each thing?

19 A Well, according to our paperwork, it was April the
20 20th that I went down the first time.

21 Q And that was for the electronics?

22 A That was for the electronics.

23 Q Okay. And then you went when for **Minor 1** ?

24 A I don't remember, to be honest.

25 Q Was it April?

1 A It might have been April. It might have been May.

2 Q Okay. **Minor 1** testified she missed a day of school.
3 Does that sound right to you?

4 A That sounds right.

5 Q Okay. All right.

6 A But that still could have been May.

7 Q Did you -- did **Minor 1** miss a lot of school?

8 A At that time, no.

9 Q Not really? Okay.

10 A Hu-uh.

11 Q So if you would have looked at the school record, you
12 might have been -- identify the date.

13 A I might be able to.

14 Q Okay. All right. Now, when you took her down there,
15 you learned at some point that **Minor 1** didn't make any sort
16 of allegations, correct?

17 A Yes.

18 Q And you learned that from Investigator Lyda or from
19 **Minor 1**?

20 A Investigator Lyda.

21 Q So you spoke with her.

22 A Yes.

23 Q Okay. So **Minor 1** comes out and Investigator Lyda
24 comes out, and then you went and had a private
25 conversation with Investigator Lyda?

1 A My memory on the exact course of events that day is
2 not entirely whole. I know that we were there. I know
3 that I spoke with Investigator Lyda with **Minor 1**
4 momentarily. There was a point in time we were by
5 ourselves in the office, and then there was a point in
6 time that Investigator Lyda had **Minor 1** by herself. I
7 believe I -- I believe I sat with Investigator Lyda prior
8 to. I don't ---

9 Q You don't recall?

10 A I don't remember in what order. I'm sorry.

11 MR. JOHNSON: That's okay.

12 Beg the Court's indulgence.

13 THE COURT: Sure. Take your time.

14 BY MR. JOHNSON:

15 Q At the time that Eric left, were you employed?

16 A No, sir.

17 Q You were not employed.

18 A No, sir.

19 Q And how long had you been out of work?

20 A Since -- I'm sorry. I'm trying to remember time
21 frames. Over a year. Almost two -- over two years.

22 Q A year or two years. And so if it were two years,
23 that would be 2014?

24 A I'm sorry. I'm correlating dates with my kids'
25 birthdays. Please forgive me as I do the math. I'm

1 sorry.

2 Q Take your time. Take your time.

3 A So in the maybe spring of 2014, sometime in that time
4 frame, I ended up losing my job, and I had been home
5 since.

6 Q Okay. Spring of 2014?

7 A Yeah.

8 Q So that could be March or April or so.

9 A Maybe even February.

10 Q Okay, okay. February. It's hard to tell down here.

11 A Yes, sir.

12 Q And so the -- you were married to Eric at this point,
13 correct?

14 A Yes, sir.

15 Q And so I suppose your -- the support for your family
16 came from Eric, correct?

17 A Yes, sir.

18 Q Okay. And he worked a job or two at times?

19 A Yes, sir.

20 Q He worked weekdays and weekends?

21 A Sometimes.

22 Q Okay. And you stayed home with the children, make
23 sure that they were taken care of.

24 A Yes, sir.

25 Q All right. When you spoke with the officer in Greer,

1 was it a uniformed officer or like Detective Bash who had
2 a suit on?

3 A The first time I went in?

4 Q Yeah. Greer. So this is Greer. You talked to
5 Lorraine Henderson.

6 A Right. I understand.

7 Q You get **Minor 1**. You go to Greer. And was it a
8 uniformed officer that you spoke with?

9 A Yes.

10 Q Okay. A uniformed officer. And then sometime later
11 he referred you to Detective Bash, and you spoke to
12 Detective Bash.

13 A Yes.

14 MR. JOHNSON: Beg the Court's indulgence.

15 THE COURT: Sure. Take your time.

16 MR. JOHNSON: Your Honor, I've got nothing further at
17 this time.

18 THE COURT: Okay. Anything on redirect?

19 MS. SUSTAKOVITCH: Just very briefly.

20 REDIRECT EXAMINATION

21 BY MS. SUSTAKOVITCH:

22 Q I don't think I asked, how old was Mr. Peterson when
23 you got married?

24 A 30.

25 Q And the ages of the children, what's **Minor 1**'s

1 birthday?

2 A [REDACTED] 2002.

3 Q And **Minor 2** , when's her birthday?

4 A [REDACTED] -- or [REDACTED] /13.

5 Q [REDACTED] /13?

6 A Uh-huh.

7 Q And what about **Minor 3**?

8 A [REDACTED] /15.

9 MS. SUSTAKOVITCH: I have no further questions.

10 Thank you.

11 THE COURT: Okay. You can step down, ma'am. Thank
12 you.

13 Solicitor, how long do you anticipate this next
14 witness will take?

15 MS. SUSTAKOVITCH: I think it may take us past your
16 time that you need to leave.

17 THE COURT: Okay. All right. Ladies and gentlemen,
18 I have a commitment that I have to attend to in Greenwood,
19 and I had indicated to the lawyers this morning that we
20 were going to have to end just a little early because of
21 that commitment. And so I told them I needed to leave no
22 later than 4:00, and the solicitor indicates that the next
23 witness may very well go past that time. So what that
24 means is, is that you're going to take a little early
25 evening break, and we will start back at 9:30 in the

1 THE COURT: Right. All right. Here's what we're
2 going to do. Let's deal with this at the conclusion of
3 the State's case.

4 MS. SUSTAKOVITCH: Yes, sir.

5 THE COURT: And then we can deal with that then, and
6 then I can make a decision.

7 MR. JOHNSON: Yes, Your Honor.

8 MS. SUSTAKOVITCH: Thank you.

9 THE COURT: All right.

10 MS. SUSTAKOVITCH: The State is ready to proceed.

11 THE COURT: All right. Let's bring the jury out,
12 please.

13 (WHEREUPON, the jury entered the courtroom at 9:47 a.m.)

14 THE COURT: Let the record reflect the jury is back
15 in.

16 Good morning, ladies and gentlemen.

17 All right. Solicitor, are you ready to call your
18 next witness?

19 MS. SUSTAKOVITCH: Yes, sir. The State calls
20 Detective Jason Bash.

21 THE COURT: All right. Come around, please, sir.
22 WHEREUPON,

23 JASON BASH

24 After having been duly sworn, testified as follows:

25 THE CLERK: Please state your name for the record

1 when you take a seat.

2 THE WITNESS: Jason Bash.

3 DIRECT EXAMINATION

4 BY MS. SUSTAKOVITCH:

5 Q Good morning, Detective.

6 A Good morning.

7 Q Where are you employed, sir?

8 A With the Greer City Police Department.

9 Q And how many years have you been there?

10 A I've been there since 2002.

11 Q Can you tell the jury a little bit about the
12 different positions you've held there?

13 A Originally, when I started in 2002, I started off on
14 uniform patrol answering calls in uniform, driving around,
15 being proactive and reactive to situations. In 2005 I --
16 there's a lateral transfer over to the Criminal
17 Investigation Division, and primarily I worked property
18 crimes. I was trained through many different classes,
19 some of them were weeklong classes from anything from
20 homicide investigation, burglaries, robberies to criminal
21 sexual conduct cases.

22 Q All right. Which division are you currently in?

23 A I currently work financial crimes, white-collar
24 crimes. So if you had checkbooks stolen out of your
25 mailbox and someone used it, I'd investigate like

1 something like that, or an ATM card stolen.

2 Q You've done all different kinds of jobs and duties
3 with the Greer police.

4 A I have. Yes.

5 Q Are you familiar with a man named Eric Peterson?

6 A I am.

7 Q How are you familiar with him?

8 A I received a case. It was referred to me. Officer
9 Wise, who testified earlier, he took the initial report.
10 And in a case like that, the road officer really doesn't
11 have enough time to follow up on all the leads and ability
12 to coordinate things with like the JVC, who we also spoke
13 earlier.

14 Q Let me ask you, JVC is?

15 A The Julie Valentine Center.

16 Q Okay.

17 A That was Christine had spoke about the interview with
18 that.

19 So they -- in a typical case like that, they'll refer
20 it to us to do the follow-up investigation with that. And
21 so on 10/10/2016, I received a case to begin my
22 investigation.

23 Q All right. What did you do first when you got the
24 case from Officer Wise?

25 A So initially, I review the initial incident report

1 that Officer Wise took. I made contact with Pamela
2 Peterson, the mother of the victim, and asked for an
3 interview with her and kind of get the background. And
4 that was basically due to **Minor 1** 's age. I like to talk
5 with the parent first, and that's what I did.

6 Q So you talked to Pamela?

7 A I did.

8 Q And after you talked to Pamela, what, if anything,
9 did you do then?

10 A So I made the determination that I wanted to send
11 **Minor 1** over to the Julie Valentine Center for what they
12 call a forensics interview. As Christine testified, she
13 is qualified to go in, speak with the juveniles, underage
14 children that are victims of crimes, or sometimes they've
15 seen something horrific and so they talk to them about it.

16 MR. JOHNSON: Your Honor, permission to approach.

17 THE COURT: Sure.

18 (WHEREUPON, a bench conference was held off the record.)

19 BY MS. SUSTAKOVITCH:

20 Q Thank you, Detective Bash.

21 Now, following up on the interview that you set
22 **Minor 1** up with at the Julie Valentine Center, what date
23 was that interview set?

24 A I set it, I called them on the 13th of October 2016,
25 and it was later scheduled for 11/13/2016.

1 Q So you called, I guess, three days -- you were
2 working along after you got the case. What was -- what
3 took from the 13th of October to November 3rd, or do you
4 have any idea why it took that long to get her in?

5 A Usually, it's just their caseloads. They -- the
6 Julie Valentine Center has to prioritize their caseload.
7 Sometimes they may have a murder victim where a child
8 witnessed something, so obviously, that would take
9 precedent over this case. In this case, the victim's out
10 of the home away from the defendant, so there really
11 wasn't such an urgency like other cases are.

12 Q Meaning -- okay.

13 MR. JOHNSON: Your Honor, I would object. He's
14 speculating as to why JVC could not bring them quickly or
15 -- I mean, he's ---

16 THE COURT: Right. Well, if he knows -- if he's just
17 speculating why they didn't get her in, then I do sustain
18 the objection, if that is the case.

19 MS. SUSTAKOVITCH: I think just in his training he
20 knows it takes time, but we can move along from that.

21 THE COURT: Right. I understand.

22 MR. JOHNSON: Your Honor, is my objection sustained?

23 THE COURT: It is.

24 MR. JOHNSON: I move to strike the testimony.

25 THE COURT: Okay. So ordered.

1 BY MS. SUSTAKOVITCH:

2 Q Can you tell me why you decided to send **Minor 1** there?

3 Well, let me ask you this. Did you interview **Minor 1**
4 personally yourself?

5 A No, I did not.

6 Q And why is that? Why did you send her -- why did you
7 send her to the Julie Valentine Center?

8 A There was a couple different reasons. You had
9 multiple allegations. My training and experience, I have
10 not taken any formal classes like the staff members of the
11 Julie Valentine Center have to really get down on the
12 level with juveniles.

13 Q Is it fair to say you're not trained really in how to
14 interview kids like that?

15 A Correct. I've taken -- I've taken a lot of interview
16 classes, but it's more for interviewing suspects.

17 I know another reason. When speaking with **Minor 1**'s
18 mother, she really wasn't comfortable with speaking with a
19 male. She felt a little more comfortable speaking with a
20 female.

21 Q Okay.

22 A And I knew that that was available at the Julie
23 Valentine Center.

24 Q Thank you.

25 How old was **Minor 1** at the time that she went for the

1 interview at the Julie Valentine Center?

2 A She was 14 years old.

3 Q Now, we've had prior testimony, but I want to touch
4 on this. With the interviews at the Julie Valentine
5 Center, were you actually in the room with Christine and
6 **Minor 1** when that interview took place?

7 A I was in the building, not in the room.

8 Q And were you able to contemporaneously, though,
9 observe the interview as it was happening in real time?

10 A I was.

11 Q And how was that?

12 A So a couple rooms down they have a little office set
13 up with a big screen TV. And so they have camera systems
14 set up in the rooms, and so I can listen in as the
15 interview is actually going on. And this helps several
16 different ways. Towards the end of the interview, usually
17 the interviewer will come in and say, "Hey, how's it
18 going? Did I forget to ask any questions?" Stuff like
19 that. So that's why I feel it's very important to be
20 there to listen in.

21 Q Okay. And as you were listening to **Minor 1** that day,
22 did she disclose being sexually abused by this defendant?

23 A She did.

24 Q And did ---

25 MR. JOHNSON: Your Honor, I have an objection.

1 THE COURT: Okay.

2 MR. JOHNSON: Permission to approach again.

3 THE COURT: Sure.

4 (WHEREUPON, a bench conference was held off the record.)

5 THE COURT: The last answer that was given by
6 Detective Bash is stricken from the record, and the jury
7 is instructed to disregard that last answer in full ---

8 MS. SUSTAKOVITCH: Okay.

9 THE COURT: --- per conversations at sidebar with the
10 attorneys.

11 MS. SUSTAKOVITCH: All right.

12 MR. JOHNSON: Yes, sir, Your Honor.

13 BY MS. SUSTAKOVITCH:

14 Q So ask my questions again. I want to go back to
15 **Minor 1**. In her interview, did she disclose to you the
16 places in the home where there had been sexual abuse?

17 A Well, she did disclose to Christine.

18 Q Right. Did she ---

19 MR. JOHNSON: Your Honor.

20 MS. SUSTAKOVITCH: I'm going to time and place of
21 where she disclosed the abuse.

22 THE COURT: Right.

23 MS. SUSTAKOVITCH: That's pursuant to 801(d)(1), and
24 it's an exception.

25 THE COURT: Well, if we're going to remain consistent

1 THE COURT: Okay. All right. Let's bring the jury
2 out now.

3 (WHEREUPON, the jury entered the courtroom at 10:14 a.m.)

4 THE COURT: Let the record reflect the jury is back
5 in.

6 Ladies and gentlemen, the question that was asked by
7 the solicitor, and I'm going to read that question: Okay.
8 And as you were listening to **Minor 1**, did she disclose
9 being sexually abused by the defendant? And the answer
10 was "she did." I struck from the record and instructed
11 you to disregard the answer. I'm also striking from the
12 record and telling you to disregard the question that
13 preceded the answer "she did."

14 You may proceed, Solicitor.

15 MS. SUSTAKOVITCH: Thank you.

16 BY MS. SUSTAKOVITCH:

17 Q Detective Bash, so did **Minor 1** end up making
18 allegations in this case?

19 A Yes.

20 Q And did she indicate the place where the allegations
21 occurred?

22 A Yes.

23 Q Where was that?

24 A [REDACTED] Poplar Drive, which is in the city limits of
25 Greer in Greenville county.

1 Q And did she give a range, a date range of when the
2 allegations that are subject to this case took place?

3 A She did. She stated it approximately began around
4 her 10th birthday, which would have been [REDACTED] 2012,
5 [sic] and it led all the way up to -- some of the
6 allegations, all the way up to when her sister was born in
7 [REDACTED] of 2013, and then ended up going until they moved out
8 of their house of [REDACTED] Poplar Drive, which would have been
9 the first week of October in 2015.

10 Q So they moved out. The allegations would have ended
11 when they moved out on I believe you said October what
12 date?

13 A The first week -- I think they closed on the 30th of
14 September, and then they moved out on the first week of
15 October 2015.

16 Q '15. All right.

17 Are you aware that **Minor 1** made a -- wrote a letter in
18 this case?

19 A Yes.

20 Q And I'm showing you what's been marked for
21 identification as State's Exhibit 3. Have you taken a
22 look at this document?

23 A I have.

24 Q All right. And this has been previously identified
25 as the letter that **Minor 1** wrote on July, I guess, 19,

1 2016. Did you have this exact -- did you have the
2 original letter or were you working off a copy of this
3 letter?

4 A I was working off of a copy.

5 Q And the original, naturally, was in Property and
6 Evidence with Greenville County?

7 A With Greenville County, yes.

8 Q Have you since -- as you were working on this case,
9 have you looked at the copy you were working with and
10 compared it to this one to make sure that the two letters
11 are the same?

12 A I have.

13 Q Okay. And are they the same?

14 A Yes.

15 Q And is the letter that -- well, did you observe
16 **Minor 1** being shown a letter during the interview at the
17 JVC?

18 A I did.

19 Q And based on what you observed her doing in the
20 interview, was the letter the same that she -- was the
21 copy that she was reading the same as what you've read
22 here?

23 A Yes.

24 MS. SUSTAKOVITCH: Okay. Please answer any questions
25 defense counsel has.

1 THE COURT: Mr. Johnson, any cross-examination?

2 MR. JOHNSON: Yes, sir, Your Honor.

3 CROSS EXAMINATION

4 BY MR. JOHNSON:

5 Q Detective Bash, you became aware of the letter in, I
6 guess, an amount of time. Did you know immediately as you
7 got the case that there was a letter?

8 A Not right away.

9 Q Okay. You found out a few days later?

10 A I'm not sure of the exact dates, but when I found out
11 that Pam had gone to Greenville County Sheriff's Office
12 first, I ended up speaking with Jim Perry and some of the
13 other investigators over there and talked to them about
14 certain evidence that they had.

15 Q Okay. And so you spoke with Jim Perry?

16 A Yes, sir.

17 Q Okay. Did you also speak with Investigator Lyda?

18 A Briefly.

19 Q So you spoke with her?

20 A Yes.

21 Q Okay. You are aware she doesn't recall speaking with
22 you.

23 A I know at one point we got together to kind of decide
24 the case. But as far as -- that's what I was talking
25 about. I don't recall ever sitting down with her and

1 going through her file and my file and seeing what we need
2 to work on together. I don't remember sitting down with
3 her and discussing the case other than in preparation for
4 this trial.

5 Q So you spoke to her in preparation for the trial.

6 A Correct.

7 Q Okay. Did you speak to her back in October/November
8 2016?

9 A I don't -- I don't believe I did.

10 Q Okay. So the first time you spoke with her was in
11 preparation for the trial.

12 A To the best as my -- to the best as what I can
13 recall.

14 Q Okay. Now, you did a report in this matter, correct?

15 A Yes.

16 Q Do you have a copy of that report?

17 A Not with me right here.

18 Q Let me just ask you if this is your report, if
19 there's anything else that I don't know about, if that
20 looks like your report.

21 A (Reviews document) This looks correct.

22 Q Okay. That looks like your full report?

23 A Yes, sir.

24 Q Okay. In that report, do you reference speaking with
25 Investigator Lyda?

1 A I skimmed through the report. If you can show me
2 exactly where.

3 Q Well, it's not in there. And that's -- I was asking
4 you to verify whether it's in there that you spoke with
5 Investigator Lyda.

6 A Like I said, I skimmed through the report. I didn't
7 read it entirely just now.

8 Q If I may ask you, it's four pages, not that long, if
9 you'll take a minute just to read it.

10 A Sure. (Reviews document) Okay. I don't see any
11 reference to speaking with the other investigator.

12 Q Okay. Now, I know it's not in your report. Do you
13 recall when you became aware that Investigator Lyda might
14 be involved in this case?

15 A Not an exact date.

16 Q Okay. But in any case, in preparation for trial,
17 that's when you may have had a word with Lyda; is that
18 your recollection?

19 A Yes.

20 Q Okay. And that would have been this year sometime.

21 A Correct.

22 Q Okay. Now, as it relates to your report, you didn't
23 bring it here with you today?

24 A I have my report in a bag, but I didn't bring it up
25 here with me.

1 Q Okay. Did you review it before you came and testify?

2 A Not today.

3 Q Okay. All right.

4 MS. SUSTAKOVITCH: Your Honor, would the witness like
5 a copy? I've got an extra copy if he needs it.

6 THE COURT: He's certainly entitled to a copy ---

7 MS. SUSTAKOVITCH: Okay. Could I just hand it to him
8 in case ---

9 THE COURT: --- if Mr. Johnson intends to ask him
10 some questions about it.

11 MR. JOHNSON: I'm sorry. I handed him one and I took
12 it back. I'm sorry, Detective.

13 MS. SUSTAKOVITCH: Thank you.

14 BY MR. JOHNSON:

15 Q Now, I know you just read the whole thing. Does your
16 report reference that you spoke with Investigator Perry?

17 A I don't recall seeing that in there. I was mainly
18 looking for references to Lyda.

19 Q Excuse me. Apologies.

20 A That's okay. (Reviews document) I don't recall
21 seeing it in there.

22 Q Okay. Would you believe me if I said that it does
23 not list that you spoke with Investigator ---

24 A I'm sorry?

25 Q Would you believe me if I told you it doesn't

1 reference that you spoke with Investigator Perry?

2 A Yeah. I don't remember seeing it in there, and if
3 you don't remember seeing it in there as well . . .

4 Q Okay. All right. Now, I believe you stated that you
5 were able to review Officer Wise's incident report,
6 correct?

7 A Yes.

8 MR. JOHNSON: Okay. Now -- beg the Court's
9 indulgence briefly.

10 THE COURT: Sure. Take your time.

11 BY MR. JOHNSON:

12 Q With regards to the letter, had you ever seen it in
13 this original form?

14 A No.

15 Q Okay. So you weren't -- so, for example, you weren't
16 aware of whether it was written in pen or pencil or what
17 ink was used, et cetera.

18 A Correct.

19 Q Okay. Based on what you can tell, what is this
20 written here? If you can tell. You can't tell, you can't
21 tell.

22 A It appears to be pencil.

23 Q It appears to be pencil.

24 A And there's initials at the top.

25 Q Those are probably Jim Perry's.

1 A Probably. I really can't tell if that's pencil or
2 pen. But her statement appears to be in pencil.

3 MR. JOHNSON: Appears to be in pencil.

4 Your Honor, I have nothing further at this time.

5 THE COURT: Anything on redirect, Solicitor?

6 MS. SUSTAKOVITCH: Just clarify a little bit.

7 REDIRECT EXAMINATION

8 BY MS. SUSTAKOVITCH:

9 Q Detective Bash, you're aware that there was a delay
10 in you receiving this case, correct?

11 A Yes.

12 Q And as far as the delay with **Minor 1**'s letter getting
13 put in the wrong file and how that happened with Jim
14 Perry, you're not part of that, are you?

15 A No.

16 Q And so you picked up the baton here from Officer Wise
17 and then you moved the case forward, correct?

18 A Correct. As soon as it was given to us, as soon as
19 Pam went to Wise, the same day, my case was open, I began
20 working on it, and I -- two days later I already had the
21 referral sent over to JVC. So we got on it right away.

22 Q Okay. And your specific focus was based on the
23 events that happened at [REDACTED] Poplar Drive; is that correct?

24 A Correct.

25 Q Within the city limits of what?

1 A City limits of Greer, Greenville county.

2 Q Which is your jurisdiction, correct?

3 A Correct.

4 MS. SUSTAKOVITCH: Okay. Thank you. No further
5 questions.

6 THE COURT: You can step down, sir. Thank you.

7 THE WITNESS: Thank you.

8 MS. SUSTAKOVITCH: The State calls Curtis Peterson.

9 THE COURT: Okay.

10 WHEREUPON,

11 CURTIS PETERSON

12 After having been duly sworn, testified as follows:

13 THE CLERK: Please take a seat and state your name.

14 THE WITNESS: My name is Curtis Peterson.

15 DIRECT EXAMINATION

16 BY MS. SUSTAKOVITCH:

17 Q Good morning, Mr. Peterson. How are you related to
18 this defendant?

19 A I'm his brother.

20 Q Are you his older or younger brother?

21 A I'm his older brother.

22 Q And how many other siblings do you have?

23 A I have a sister, and that was our original nuclear
24 family.

25 Q Is she present in the courtroom?

1 A There she is. Okay. Yes, she is.

2 Q Okay. Where do you currently live, sir?

3 A I currently live in California outside the Bay area.

4 Q And do you have children?

5 A I do. I have two children.

6 Q Boys? girls?

7 A I have a girl and a boy. One's 13, one's 11.

8 Q All right. Are your parents still together or did
9 they split up at some point?

10 A Yeah. They split up about the age I was 12, and one
11 of them remarried and one did not.

12 Q Okay. Is your father remarried or your mother
13 remarried?

14 A It's my father who remarried.

15 Q And what's his name?

16 A His name is Robert Peterson.

17 Q Is he present today?

18 A Yes, he is.

19 Q You see him?

20 A Second row.

21 Q What's his wife's name?

22 A Jeanette.

23 Q What do you do for a profession, sir?

24 A So I work in the technology industry. I'm senior
25 vice president of global operations for a company out

1 west.

2 Q What's the name, if you don't mind me asking?

3 A The company's called RingCentral.

4 Q RingCentral? Okay.

5 And how long have you had that job?

6 A I've been in that job about nine and a half years.

7 Q And are you pretty high up in that job?

8 A I guess so. They call a lot.

9 Q Okay. Did you fly back from San Francisco
10 specifically for this trial?

11 A Yes, ma'am, I did.

12 Q Did the State assist you in any way in coming back
13 here?

14 A No, they did not.

15 Q With airfare or anything?

16 A Nothing.

17 Q So you flew back and decided to come on your own?

18 A Yes, ma'am.

19 Q Did you know **Minor 1** ?

20 A Yes, ma'am.

21 Q And what's your relationship been with **Minor 1** through
22 the years?

23 A Well, after my brother and Pam got married, she was,
24 you know, part of the family ahead of time, but I acted,
25 you know, as an uncle. And we were around at family

1 gatherings and other places.

2 Q I want to take you back to April of 2016. And
3 subject to prior rulings by the Court, I'm going to ask
4 you for the limited purpose here, did you receive a phone
5 call from your brother during the month of April -- of
6 April 2016?

7 A Yes, ma'am, I did.

8 Q And did you reach out or he called you?

9 A He did call me. There was some pre-reach-out back
10 and forth ahead of time, but the call came from ---

11 Q Was his phone call just unexpected, so to speak?

12 A It was rather unexpected.

13 Q And without going, subject to prior rulings, into all
14 the specifics, did your brother express to you details
15 related to why his marriage, he had separated?

16 A He -- he did express those details to me.

17 Q Okay. And was it clear, in the phone call, who was
18 at fault for the marriage, at least at that point,
19 dissolving?

20 A Yeah. It's absolutely clear.

21 Q That who's at fault?

22 A That Eric was at fault for the . . .

23 MR. JOHNSON: Your Honor, objection. Well, actually,
24 I ask maybe the question could be rephrased. It seems
25 like he's giving an opinion.

1 MS. SUSTAKOVITCH: Let me rephrase.

2 THE COURT: If I understood him correctly, is based
3 upon what the defendant allegedly told him as opposed to
4 him speculating on why the marriage dissolved. That's how
5 I understood it.

6 MS. SUSTAKOVITCH: Can we approach just very briefly?

7 MR. JOHNSON: Yeah. It wasn't clear to me.

8 THE COURT: If I misunderstood his answer, then . . .

9 (WHEREUPON, a bench conference was held off the record.)

10 BY MS. SUSTAKOVITCH:

11 Q All right. Mr. Peterson, without going into details,
12 did your brother admit that he was at fault for the
13 dissolution of the marriage?

14 A Yes, ma'am. He did without the details included.
15 However, at the conclusion of the phone call, he said
16 that, you know, this fell apart on my shoulders and that
17 he had thrown away his good life.

18 Q Did you give him any advice at the end of the phone
19 call?

20 A To get away, stay away and support his family and try
21 and regain his honor.

22 Q I want to show you what's marked as State's Exhibits
23 -- that's already been admitted as State's Exhibit 4, 5, 6
24 and 7. I want you to take a look at -- have you been
25 shown these documents before?

1 A I have.

2 Q And do you recognize the handwriting in those
3 documents? Let me ask you a couple of questions.
4 Throughout the years, have you had occasion to see your
5 brother Eric's handwriting?

6 A I have, yes.

7 Q And are you familiar with his handwriting?

8 A I am.

9 Q And in looking at those documents, are you able to
10 give an opinion on whose handwriting that is?

11 A It certainly looks like Eric's, yes.

12 MS. SUSTAKOVITCH: Okay. Thank you. Please answer
13 any questions defense counsel may have.

14 THE COURT: Any cross-examination?

15 MR. JOHNSON: Briefly, Your Honor.

16 CROSS EXAMINATION

17 BY MR. JOHNSON:

18 Q Mr. Peterson, you stated you had seen those documents
19 that the solicitor just showed you before?

20 A Yes, sir.

21 Q Who showed them to you?

22 A The solicitor did.

23 Q Okay. And have you ever spoken with Detective Bash?

24 A No, sir.

25 Q Okay. Or Officer Wise, anybody like that?

1 A No, sir.

2 MR. JOHNSON: Okay. All right. Nothing further.

3 THE COURT: You can step down, sir. Thank you.

4 THE WITNESS: Thank you.

5 MS. SUSTAKOVITCH: Thank you, Your Honor.

6 THE COURT: Let's take a short morning break, about
7 ten minutes or thereabouts. And, ladies and gentlemen, if
8 you go back to the jury room and we'll get you back out
9 shortly. Okay.

10 (WHEREUPON, the jury exits the courtroom at 10:38 a.m.)

11 THE COURT: All right. We'll take a short little
12 break.

13 Let me see the lawyers for just a second, please.

14 (WHEREUPON, a recess is taken at 10:39 a.m.)

15 THE COURT: Ready to bring the jury out?

16 MS. SUSTAKOVITCH: Yes, sir.

17 MR. JOHNSON: Yes, sir, Your Honor.

18 THE COURT: Bring the jury out, please.

19 (WHEREUPON, the jury entered the courtroom at 10:59 a.m.)

20 THE COURT: Let the record reflect the jury is back
21 in.

22 Solicitor, you may proceed.

23 MS. SUSTAKOVITCH: Thank you, Your Honor.

24 The State calls Shauna Galloway-Williams.

25 THE COURT: Okay.

1 WHEREUPON,

2 SHAUNA GALLOWAY-WILLIAMS

3 After having been duly sworn, testified as follows:

4 THE CLERK: Thank you. Please take a seat and state
5 your name.

6 THE WITNESS: Shauna Galloway-Williams.

7 DIRECT EXAMINATION

8 BY MS. SUSTAKOVITCH:

9 Q Good afternoon, Ms. Williams. Where are you
10 employed?

11 A I'm the executive director of the Julie Valentine
12 Center.

13 Q And can you tell the jury a little bit about the
14 Julie Valentine Center and its services?

15 A Sure. The Julie Valentine Center is the child abuse
16 and sexual assault recovery center that serves Greenville
17 and Pickens County. What that means is that we provide
18 prevention and education, intervention, treatments and
19 follow-up services for anyone who's been impacted by child
20 abuse and/or sexual assault. And we do that at no cost to
21 anyone in the community who desires those services.

22 Q And are you seeing children and adults at the Julie
23 Valentine Center?

24 A We do. We served over 3,000 individuals last year,
25 and over 925 of those were children and the remainder were

1 adults.

2 Q Can you tell me a little bit about your educational
3 and training experience?

4 A Sure. I have a bachelor's degree in psychology from
5 Winthrop University and a master's degree in counseling
6 from Clemson University. I'm also licensed as a
7 professional counselor in the State of South Carolina.

8 Q Can you talk to the jury about your training courses
9 specifically on children where there's a concern of sexual
10 abuse?

11 A Sure. The vast majority of my continuing education
12 has been in the area specifically of child abuse and
13 sexual assault, all of that from the time that I completed
14 my master degree in 2000 and up until as recently as last
15 month when I attended a training. I've had over 150
16 skills-based training hours specifically in assessing
17 children when there are allegations of some type of child
18 maltreatment, in addition to the general continuing
19 education requirements that are required by my licensure.

20 Q And are you familiar with the current research in the
21 field of child sexual abuse and the dynamics related to
22 it?

23 A Yes.

24 Q And can you tell us a little bit about that?

25 A Well, as a licensed professional counselor, it's

1 required that I can maintain continuing education
2 requirements, but I also am a trainer, an educator. I am
3 an adjunct faculty member at USC Upstate in their child
4 advocacy studies program, which means that I teach
5 undergraduate students who may be entering the field of
6 child advocacy. So as part of that, it's required that I
7 maintain and stay up to date with the current research and
8 practice.

9 I'm also on the faculty of South Carolina ChildFirst,
10 which is the training program that trains forensic
11 interviewers in the State of South Carolina. And I am
12 part of the training team that on a quarterly basis every
13 quarter each year trains forensic interviewers, law
14 enforcement investigators, Department of Social Services
15 team members specifically in assessing allegations of
16 abuse. And so as part of that, we're required to update
17 our training materials which includes the most relevant
18 research annually.

19 Q And throughout your years at the Julie Valentine
20 Center, have you had occasion to interview children where
21 there's a concern for sexual abuse or maltreatment?

22 A Yes.

23 Q And have you also had occasion to counsel children
24 where there's a concern of that?

25 A Yes.

1 Q And what methods do you rely on with your teaching --
2 or with the methods, rather, that you do rely on, are
3 those uniformly accepted and recognized in your field?

4 A Yes.

5 Q Are they peer reviewed and used over the course of
6 many years, Ms. Galloway-Williams?

7 A Yes, yes.

8 Q And can you find those methods and those principles
9 in the articles and journals and textbooks that you use?

10 A Yes.

11 Q And finally, have you been qualified in the courts of
12 this state in the area of child abuse dynamics as an
13 expert?

14 A I have.

15 Q How many times, ma'am?

16 A Over 45 times.

17 Q And in the courts of General Sessions specifically?

18 A Yes.

19 Q Okay. About 45 times in General Sessions?

20 A Yes.

21 MS. SUSTAKOVITCH: Okay. Your Honor, at this time,
22 the State moves to qualify Ms. Galloway-Williams as an
23 expert in the field of child abuse dynamics.

24 THE COURT: Okay. Mr. Johnson, do you have any
25 objection?

1 MR. JOHNSON: Not necessarily an objection. To
2 clarify.

3 THE COURT: Okay.

4 MR. JOHNSON: It's my understanding she can testify
5 as it relates to behavioral characteristics and range of
6 responses. Is that ---

7 MS. SUSTAKOVITCH: She's testifying as a blind
8 witness.

9 THE COURT: Right. She's testifying as a blind
10 witness or a blind expert in the area of child abuse
11 dynamics. That is what the State has offered this witness
12 for.

13 MR. JOHNSON: Yes, sir, Your Honor.

14 THE COURT: Okay. Any objection?

15 MR. JOHNSON: No objection to that.

16 THE COURT: Okay. All right. Ms. Galloway-Williams
17 is declared to be an expert in the area of child abuse
18 dynamics.

19 Ladies and gentlemen of the jury, when the Court
20 declares a witness as an expert as I've just done here,
21 that will allow Ms. Galloway-Williams, if she so chooses,
22 to render certain opinions about any matters that she is
23 testifying to. Ordinarily, witnesses are not allowed --
24 with some exceptions, are ordinarily not allowed to offer
25 opinions about matters. They can only testify as to what

1 they heard, seen, that sort of thing. But an exception
2 to that rule is when a witness is declared to be an
3 expert.

4 Now, just because Ms. Galloway-Williams has been
5 declared an expert does not mean that you have to
6 automatically consider or believe her testimony. You're
7 to weigh her testimony and consider her testimony in the
8 same way, in the same manner as you would weigh and
9 consider the testimony of any other witness in this case.

10 You may proceed.

11 MS. SUSTAKOVITCH: Thank you, Your Honor.

12 BY MS. SUSTAKOVITCH:

13 Q I'm going to be brief, Ms. Galloway-Williams. I want
14 to talk to you about -- are you familiar with the term
15 "delayed disclosure"?

16 A Yes.

17 Q And can you explain to the jury what does that term
18 mean in your field?

19 A So in the field of child maltreatment, specifically
20 in the area of child sexual abuse and sexual assault,
21 delayed disclosure refers to the fact that many children
22 don't disclose or report abuse right away, so it's a
23 delayed disclosure meaning that they may not tell someone
24 at the first available opportunity that there is a safe
25 person or safe adult to tell. And that delay may be days,

1 weeks, years, and for many it means that they may never
2 tell. Many children wait until adulthood before they ever
3 disclose to anyone.

4 Q All right. And so it can be years, as you testified
5 to, that children delay?

6 A Yes.

7 Q What are some of the reasons that a child may wait to
8 disclose sexual abuse?

9 A Well, one of the main reasons that children delay
10 disclosures is because of fear. They're afraid of what
11 will happen to themselves, they're afraid of what will
12 happen to the person that's done this to them, they're
13 afraid of what will happen to their family, their -- their
14 current surroundings or social situation, their school,
15 their -- their pets, their friends.

16 Oftentimes, children are abused by someone that they
17 know, they love and they trust. That may also impact
18 their delay in the sense that children generally have a
19 relationship with the person that has abused them, and
20 this may just be one piece of that relationship. So in
21 other words, they may love this person and care about this
22 person and want to spend time with this person, and at the
23 same time, they want the abuse to stop. They may continue
24 to have a relationship with this person by choice, or it
25 may be that they're having a relationship with this person

1 because it's someone who is a member of their family or
2 their extended family or their community.

3 Sometimes children delay disclosing because they
4 don't have an understanding of what's happened to them.
5 They literally may not have the words to describe it, and
6 they may not understand that what's happened to them is
7 abuse. For some children, particularly if it happened at
8 a younger age or prior to them having any type of sexual
9 knowledge or context of what that is, they may delay just
10 because they don't understand that what's happened to them
11 is sexual abuse.

12 Q Thank you. And, Ms. Galloway-Williams, I should have
13 asked you from the beginning, have you ever met with the
14 victim in this case?

15 A I have not.

16 Q Do you know anything about this case?

17 A I don't.

18 Q Have you ever read any of the incident reports? the
19 statements? Anything?

20 A No.

21 Q Has the State, meaning me, have I talked to you about
22 this case and told you the factors and everything going on
23 with it?

24 A No. We've only talked about when I should be here
25 and when the subpoena's going to be issued.

1 Q Right. So you came today.

2 A Today, yes.

3 Q Okay. So you're testifying as a blind expert just
4 about the hallmarks of child sexual abuse as you know
5 them, correct?

6 A That's correct.

7 Q So I want to go back a little bit about delayed
8 disclosure. And you were talking about sometimes kids
9 delay disclosure because they love the perpetrator. Can
10 you talk a little bit about the familial link, if the
11 victim is related to the perpetrator, how that might
12 impact a child in waiting to disclose?

13 A So, again, these relationships are complex in the
14 same way that we have relationships with other people or
15 with our family members. Again, I don't want to minimize
16 the experience of sexual abuse, but many of us have family
17 members who may have hurt us in some way or done something
18 to us that -- that we're not okay with, and yet we still
19 continue to have that relationship with that family
20 member, one, because it is a family member, but two,
21 because there may be other things of value within that
22 relationship.

23 With children, there may also be a power dynamic at
24 play. So if this is a family member who is an adult who
25 has some type of power and authority in the child's life,

1 that may also have an impact on whether or not that child
2 discloses, whether they feel like they'll be believed,
3 because this is someone who other people know and trust
4 and who may be charged with taking care of the child and
5 may be charged with taking care of other members of the
6 family.

7 Q You testified that sometimes children don't even
8 understand that the abuse is wrong. Could you talk about
9 that a little bit more related to grooming? How does
10 grooming play into that?

11 A So grooming is the concept or the idea that someone
12 is developing a trusting relationship with a child in a
13 way to gain access to them and also to ensure that they
14 develop trust with this child and to ensure that this
15 child maybe doesn't tell or delays the disclosure.

16 And grooming can come in many forms. Grooming can
17 come in the form of giving a child special affection,
18 special treats, giving them money, getting them toys.
19 Grooming can also come in the way of giving a child
20 special attention. Grooming can also come in the way of
21 introducing a child to sexual behavior or materials in a
22 way that normalizes that behavior for them. So in other
23 words, it may be introducing the child to a sexual joke or
24 a magazine or a picture in a way that seems normal and
25 comfortable, because this person who the child loves and

1 trusts is introducing it to them, and they trust that it
2 would be okay to see these things and slowly introducing
3 them to more complex material over time.

4 It may also involve grooming the child and
5 normalizing different types of touching, so touching the
6 child in the way that may appear as if this person is
7 showing them affection in what may be an appropriate way
8 or in a caregiving way, but, in fact, this person is
9 normalizing sexual touch and sexual behavior with the
10 child.

11 Q In your training and experience, is it common that a
12 child would deny sexual abuse and then disclose at a later
13 date?

14 A So for the same reasons that a child may delay
15 disclosure, they may also deny disclosure. Disclosure is
16 really a process. So many times children do not make an
17 intentional effort to disclose. Their disclosure may be
18 accidental where someone finds out through a letter or a
19 statement or a concerning behavior and they question the
20 child. And the child may initially deny that, again, for
21 the same reasons that a child may delay that disclosure:
22 the fear, the responsibility, the relationships and really
23 just the lack of knowledge or understanding of what has
24 happened to them.

25 Q And you have accidental disclosures. Do you also

1 have other disclosures where a child does reach out, they
2 want to tell about the abuse that's happening?

3 A Yes. So there are accidental disclosures. There
4 also are purposeful disclosures. And a child may --
5 again, the disclosure is considered a process rather than
6 a one-time event. And so you may have a child who their
7 disclosure is accidental initially. They may deny or
8 recant, take back some of their disclosure and then
9 reaffirm or purposefully disclose or reaffirm their
10 statement.

11 Q Is it common or uncommon for children to understand
12 the touching that they may not have understood when they
13 were younger as they get older is inappropriate?

14 A Right. Based on a child's developmental level and as
15 they come to understand more about sexuality, about their
16 bodies, about personal safety, children may gain a better
17 understanding of what's happened to them and may come to
18 realize that what happened was not okay.

19 MS. SUSTAKOVITCH: Please answer any questions
20 defense counsel has.

21 THE WITNESS: Thank you.

22 THE COURT: Mr. Johnson, any cross-examination?

23 MR. JOHNSON: Yes, sir, Your Honor. Just finishing
24 my last note.

25 THE COURT: Sure. Take your time.

CROSS EXAMINATION

BY MR. JOHNSON:

Q I believe you stated, and correct me if I'm wrong, but some children may delay reporting an incident of sexual abuse, correct?

A Can you repeat that? I just didn't hear the last part of what you said.

Q Oh, I'm sorry.

A That's okay.

Q But some children may delay reporting an incident of sexual abuse, correct?

A That's correct.

Q And that can be done, I believe you stated certain reasons, for example, as preserving family, preserving a relationship, things of that nature; is that correct?

A Yes.

MR. JOHNSON: Okay. All right. Nothing further.

THE COURT: You can step down, ma'am. Thank you.

MS. SUSTAKOVITCH: Your Honor, may she be excused?

THE COURT: She sure can.

MS. SUSTAKOVITCH: Thank you.

Your Honor, the State rests.

THE COURT: Okay. All right. Madam Forelady, ladies and gentlemen of the jury, the State has now rested. I'll need to have some discussions with the attorneys, and

1 THE COURT: So provide a copy to them.

2 So how do y'all want these two indictments to be
3 physically amended concerning these dates? Do you want
4 the Court to just mark through them and put the dates or
5 get the solicitor to do it? How do we want to do that?

6 MS. SUSTAKOVITCH: Your Honor, the State's fine if
7 Your Honor wants to mark them.

8 I do think it's best to have each indictment go back
9 because we did add on particulars so that there wouldn't
10 be a unanimity issue with the jury as to each charge.

11 THE COURT: Right.

12 MS. SUSTAKOVITCH: We would know that 12 people
13 decided verdicts.

14 THE COURT: Okay. Why don't we do this. Why don't,
15 Solicitor, you change the two indictments, you look over
16 her shoulder while she's doing it ---

17 MR. JOHNSON: Yes, sir.

18 THE COURT: --- and make sure you're good with it.
19 And then we'll make copies to go back to the jury, okay?
20 So here they are whenever you want to handle that.

21 Okay. Now, the next order of business would be any
22 motions from the defense?

23 MR. JOHNSON: Your Honor, I would have some motions
24 before you. First of all, Your Honor, I ask for a
25 directed verdict.

1 THE COURT: Okay.

2 MR. JOHNSON: And the reason why is we have
3 testimony, there's been testimony as to alleged acts of
4 touching of various types: shaving, shower, touching her
5 breast, massage. We've had these alleged actions. And,
6 Your Honor, we haven't had any evidence of the other
7 portion of the required elements of the statute.

8 So there's a touching, and they also have to prove
9 the intent of arousing, appealing to, gratifying the lust,
10 passions or sexual desires of himself or the child. The
11 child obviously says that those weren't her desires.
12 There's been no evidence as it relates to my client's
13 intent as it relates to whether he was aroused. There's
14 no evidence -- there was one testimony about the shower
15 incident, but the minor child did not allege that my
16 client was erect or anything of that nature. There's no
17 evidence of sex, no evidence of penetration, which I think
18 is obviously an innate issue as it relates to what your
19 desire is to be. But in this instance, we don't have any
20 of those. We don't have any natural, per se, sexual
21 contact.

22 So first of all, that is my first motion for a
23 directed verdict on the basis.

24 THE COURT: Okay. All right. You want to be heard?

25 MS. SUSTAKOVITCH: Your Honor, I would just say,

1 based on State vs. Fonseca, the Court has made it clear
2 that with a case of lewd act, intent is not something the
3 State has to prove. We weren't able to put in pornography
4 here specifically because we weren't able to put that in
5 to prove his intent. And I think that there's plenty of
6 evidence in the record to show that these would be lewd
7 and lascivious acts on this child.

8 THE COURT: Right, right. Well, and certainly, as
9 part of my charge, as far as criminal intent, that can be
10 determined by the circumstances surrounding the particular
11 case, and I think it's -- in the many CSC third cases I've
12 tried, I don't know if we've ever really had a lot of
13 direct evidence of the state of mind of the defendant.
14 Usually, it's circumstantially, you know, proven. So I
15 would respectfully deny defense's motion.

16 MR. JOHNSON: Your Honor, in that instance, at this
17 point in time, I do preserve all my previous
18 objections ---

19 THE COURT: Sure.

20 MR. JOHNSON: --- including my request -- renewing my
21 request for a mistrial based upon the statement made even
22 though we had agreed that certain statements would not be
23 made. And I renew all previous objections to other
24 evidence at this time, Your Honor.

25 THE COURT: Right. So noted for the record. And I

1 Ladies and gentlemen, I hope you had a good long
2 lunch break and ready to get back to work.

3 Mr. Johnson?

4 MR. JOHNSON: Yes, sir, Your Honor. The defense
5 rests. We're not going to put up any evidence, Judge.

6 THE COURT: Okay. All right. Very good. The
7 evidentiary record in this case is now closed.

8 Ladies and gentlemen, what is left to be done --
9 well, the whole case, every part of the case is important,
10 but this is an important part as well. The lawyers are
11 going to make their closing arguments to you. The State
12 will go first and then the defense will go second. This
13 is the last opportunity that they have to advocate for
14 their respective sides, so I want you to give them your
15 undivided and very close attention. Once that is done,
16 we'll either take a break and then I will charge you the
17 law applicable to this case, or we'll go straight into the
18 charge, depending upon how long the lawyers take in their
19 closing arguments.

20 Solicitor, are you ready?

21 MS. SUSTAKOVITCH: Yes, sir. May it please the
22 Court.

23 THE COURT: Yes, ma'am.

24 CLOSING ARGUMENTS

25 MS. SUSTAKOVITCH: Good afternoon.

1 I don't think anyone should feel that way. He was
2 the only father figure I ever knew, and I didn't want to
3 lose that. Do you remember those words? Do you remember
4 the young lady who came in yesterday and spoke them?

5 Who is this case about? It's about a young girl who
6 was touched in a sexually inappropriate and lewd way by
7 her stepfather.

8 And what is this case about? It's just a search for
9 the truth, ladies and gentlemen. It's letting a young
10 girl know she was right to tell the truth and tell the
11 truth about what happened to her. This is a court of
12 justice, and what we're doing inside these four walls is
13 so important. It's important to this defendant, to the
14 State, to the Court, and in the end, to the victim in this
15 case, **Minor 1** .

16 The State has the complete burden of proof in this
17 case, and we welcome that. It's a very important burden,
18 and one that the State has met. Every defendant, ladies
19 and gentlemen, is entitled to a fair trial, but in the
20 end, the victim is entitled to justice because the State,
21 when it meets that burden, has proven it.

22 What is reasonable doubt? It's not against any and
23 all doubts, it's not an unreasonable doubt. There are so
24 few things, very few things in this life that we know with
25 all certainty, and the law doesn't require that. It just

1 is proof that leaves you, at the end of the day, firmly
2 convinced. That's what it is.

3 Ladies and gentlemen, I have some notes that I'm
4 going to be looking at to make sure I get this right
5 because it's important.

6 Judge Hocker's going to talk to you more about the
7 law at the end of this case, but I want to tell you,
8 again, as I spoke to you at the beginning about lewd --
9 criminal sexual conduct third degree with a child, it used
10 to be called lewd act years ago. Same charge: criminal
11 sexual conduct against a minor in the third degree. It's
12 when a person is touching a child who's under 16 with the
13 intent of arousing or appealing to the interest of himself
14 or the child in a lewd and lascivious manner. It's pretty
15 straight forward. It's what you as lay people would
16 understand.

17 And I just briefly want to touch on the dates of the
18 case because you're going to see in the indictments a date
19 range. Time is not an essential element of a criminal
20 sexual conduct -- criminal sexual conduct with a minor
21 case, so in the CSC cases, you're allowed to have a time
22 frame. Because why is that? Children are historically
23 bad historians of time. They can't tell you the date and
24 time, much like we can't tell the date and time on certain
25 things. They just know it happened between 10 to 13 that

1 the abuse happened.

2 So let's get back to, though, the essential question
3 when I spoke to you first. Was **Minor 1** touched in
4 a sexually inappropriate and lewd way by her stepfather
5 for several years? The starting point of these crimes,
6 ladies and gentlemen, is that they don't happen in a
7 crowded parking lot, and people that do things to kids,
8 they don't invite five friends over to witness it. You
9 have to use your common sense, and much of what I told you
10 was heard right from this witness stand the last couple
11 days.

12 It boils down to this, ladies and gentlemen: The
13 evidence shows you the victim is telling the truth. Did
14 you believe her disclosure? Did you believe the other
15 corroborating evidence that you heard?

16 I told you at the beginning of this case it's a
17 relatively, if you boil it down, simple case. Not that
18 it's easy. These cases are hard. You have to sit through
19 and see the difficulties. But what I mean by that is this
20 doesn't have complicated DNA. Nobody's talking about an
21 armed robbery where they're debating whether it was the
22 person that robbed the clerk and is that the right guy.
23 No. Nobody's talking about cell phones and triangulation.
24 No.

25 **Minor 1** is 100 percent certain, according to

1 her testimony, of what happened to her. It all boils down
2 to the voice of the child, now a young woman, being strong
3 enough to come in here and tell you what happened. And
4 you look at the victim. What is her motive? What could
5 it possibly be to come in that door, walk through here,
6 sit right there and make all this up? What could she
7 possibly be getting out of it? For what?

8 Look at the results that have occurred, the police,
9 the criminal justice system. I can tell you the last
10 place you want to be is a child victim of sexual assault.
11 The journey is not fun. And what does she have to gain?

12 Ladies and gentlemen, the defense attorney in this
13 case is excellent and he's doing a fantastic job, but to
14 that end, oftentimes, there are things that come up in
15 these cases. There are different theories. I have no
16 idea if any of them will come up here, but I'm just going
17 to touch on a few. Because the way this works is I talk
18 to you first and then defense counsel does.

19 But just let's look at a few working theories and
20 talk through them. One is mean, awful mom put the child
21 up to making it up. That's one that comes around a lot.
22 But that dog does not hunt here, ladies and gentlemen.
23 All the evidence points to the fact that Pam had no clue
24 what was in that letter.

25 You heard **Minor 1** testify about that night in her room

1 between midnight and 1:00. Her friend was asleep. She
2 told you about how she made the envelope out of a piece of
3 paper, and she put that note in there. After it finally
4 -- after -- now she's 14 writing this letter, coming
5 together to her that this was not okay. You heard her say
6 how it was bothering her and she knew it wasn't right and
7 she had this feeling, but it just triggered in her that
8 was wrong.

9 You heard the testimony of Jim Perry, the mom's
10 reaction when she opened the sealed -- he opened the
11 sealed letter. He let her read it. His corroborating
12 testimony was she was upset. Was she putting that on for
13 Jim Perry? No. That's corroborating evidence in a case
14 like this.

15 And you go back, the last thing to touch on, that is
16 draw it back to its illogical conclusion that there would
17 be some crazy scheme between the mom and **Minor 1** that they
18 would cook up some plan, and one night Pam would say to
19 **Minor 1**, "You're going to go up in your room and you're
20 going to write this letter, and then you're going to come
21 downstairs. And then I'm going to take it to the police.
22 And then the police are going to lose it and put it in the
23 wrong file, and then months later I'm going to come in and
24 get real" -- none of it makes any sense at all.

25 Another defense is he worked all the time, worked all

1 the time. Never had a chance to do it. I think there was
2 testimony in the record he did work weekends and through
3 the week. But, ladies and gentlemen, in the span of all
4 this time, there are four different incidents that
5 occurred. There was plenty of time for this to have
6 occurred.

7 And I want to mention this just briefly because I
8 don't want to forget to talk to you about it. In this
9 case, there's been a lot of talk about her letter. Okay.
10 And you've seen us walk around with it and we've gone up
11 to her and we've given it to her and she's looked at it.
12 And you may be like, where is that letter? I want to read
13 it. Well, I want you to understand how this works.
14 That's a witness statement. Those are not just admitted
15 into evidence. So it's not that we're holding something
16 back from you. We can't give it to you. What has to
17 happen is she has to walk in here, swear under oath to
18 tell the truth, and she testifies to you. So if you
19 wonder where that is, it's not admissible generally. She
20 has to testify. And then the way it works is she can get
21 impeached with it. She can get cross-examined with it.
22 But just in case somebody is wondering that.

23 A second thing I thought about that you may wonder,
24 which is a good question, where's the interview from the
25 Julie Valentine Center? Another legal point is this: If

1 you are 14 years of age and you go have that interview,
2 the video is inadmissible. Again, she has to come right
3 in here and testify to you and tell you everything that
4 you heard from her. And, again, if there were differences
5 and things like that, she can be impeached with her prior
6 statement. But I wanted to make sure I didn't leave that
7 because you may have that question.

8 I want to take you briefly through the evidence and
9 just remind you what we've heard. So you heard from
10 Deputy Wise, and he told you how the mom Pam came in with
11 **Minor 1** that night. Pam was mad. She's irritated. He
12 testified she was distrustful of law enforcement. Well,
13 law enforcement does a lot of things fantastic, but
14 sometimes mistakes can be made. And there was one made
15 here. Jim Perry, who is a fantastic officer, put her
16 letter in the wrong file. Not intentional. It slowed
17 down the case being investigated by about three months.
18 Nothing that changes anything about the case, but Pam
19 rightfully was irritated. She came in, she wanted to
20 know. And this is after she's talked to Lorraine
21 Henderson. If you think something's happening with your
22 child's case and your child's disclosed being sexually
23 abused by your husband, you're probably going to be
24 irritated when you find out that nothing has happened on
25 your case.

1 We heard from Jim Perry. You heard how Jim has been
2 working, I believe, 37 years in law enforcement. And on
3 that day, April 20th, Pam came in. You heard the
4 testimony she was concerned that there might be something
5 on that computer. There wasn't. But Jim Perry was
6 involved and he was examining things. You heard him say
7 that Pam was concerned about the safety of her children.
8 That's why she was there with the computer. And he
9 testified because he didn't find anything, he didn't go
10 generate a report. Defense counsel will most likely bring
11 that up to you. They have every right to do that. It
12 doesn't change, at the end of the day, what this case is
13 about. There's nothing that happened right there with Jim
14 Perry that changes anything, anything about what you heard
15 in here yesterday from **Minor 1** .

16 You'll hear how Pam got a copy of the letter -- or
17 excuse me. Let's go back. Since no sexual abuse was
18 reported, Jim didn't do a report. You heard how Pam came
19 back, I believe, July 20th. This is after **Minor 1** had
20 disclosed abuse. And she gave him that letter, and it was
21 put in the wrong file.

22 Then you'll hear -- you heard, rather, how she was
23 interviewed. **Minor 1** was interviewed by Christine
24 Carlberg. Christine, who's interviewed about 3,000
25 children, told you about how she disclosed sexual abuse.

1 She stated it happened at the house on Poplar Drive. She
2 stated the abuse happened between the ages of 10 and 13.
3 She told you how Pam was not in the room. Detective Bash
4 was watching from another room. She described to you
5 **Minor 1** 's demeanor during the interview, that she was
6 embarrassed and that she cried. She told you how she
7 showed her a copy of the letter. She signed it. And I
8 just want to mention this. Because the copy of the letter
9 we have here is the original that was put into Property
10 and Evidence, and you heard **Minor 1** testify that she had
11 looked at the letter that she was shown at the Julie
12 Valentine Center. It was the same letter that she looked
13 at here on the stand.

14 You heard briefly from Lorraine. She gave some
15 corroborating evidence to the mom's demeanor. When mom
16 came in and talked to Lorraine, Lorraine said --
17 Investigator Henderson said that the mom was mad. I go
18 back to that's a reasonable response if you believe that
19 your child's case is not being investigated properly.

20 But let's go back to what this case is all about:
21 **Minor 1** . **Minor 1** told you how she did look up to this
22 defendant as her dad. She's never known her real dad.
23 Never met him. And this defendant had that chance, that
24 opportunity, that privilege that he wasted.

25 **Minor 1** , she told you how he treated her kindly. She

1 said, "He treated me kindly when they first got married.
2 I was excited to have a dad." And then she talked about
3 when she was writing the letter, she said she was
4 unsettled, she was uncomfortable. Before she wrote the
5 letter, she said she didn't want to be disrespectful. She
6 was struggling with what had happened to her and what she
7 should say about it. And then do you recall, one thing
8 that stands out in my mind is when she said, "I wrote and
9 I wrote until I couldn't write anymore." She just wrote
10 all four pages and spelled out incident after incident
11 after incident, spilling out that night in that room by
12 herself.

13 We're going to briefly talk about those incidents,
14 but first, Judge Hocker is going to talk to you about
15 intent. The State has the burden of proof on intent as
16 well. But there's no way that we can go inside this
17 defendant's brain and dissect his brain and bring it to
18 you. You're never going to have in these cases somebody
19 writing express intent on what they were intending to do.

20 So how do you prove intent? You look at it from the
21 circumstances surrounding what's going on. You look at it
22 from **Minor 1** testifying to you the first time something
23 happened. What was it? It's a 30-something-year-old man
24 dropping all his clothes with a 10-year-old and deciding
25 to play naked. Who does that? That's how we start. We

1 start playing naked. We start playing the monster game,
2 and then we go from there. And **Minor 1** said when they
3 played naked, they would jump on the bed and play monster,
4 and he would be naked and she would be naked, thirty, I
5 guess, two years old doing this.

6 We go to the razor incident, ladies and gentlemen.
7 **Minor 1** testified she was around 11 or 12. And I know some
8 of these details, I don't say them to be gratuitous
9 because I know they're uncomfortable. It just is what it
10 is. If she had to live it, I can say it and we have to
11 hear it.

12 **Minor 1** talked about how she had started puberty.
13 Now, think about that, any of us that have kids. Puberty
14 is a tough time. There's a lot going on. A lot of
15 feelings, it's embarrassing, there's stuff changing with
16 your body, and the last thing you think -- the last thing
17 you would think about is having this happen to you. I
18 would say the last thing any man would think about doing
19 is this. But **Minor 1** says she's starting puberty, she's
20 growing hair on her private parts. She's 11 or 12 years
21 old, ladies and gentlemen. And Eric asked, this defendant
22 says, "Lay down on the bed. I can help you with that."

23 And **Minor 1** said she didn't want to be disrespectful.
24 She goes and lays on the bed. And then she talks about
25 how her legs are hanging off. Just envision and then he

1 pulls her legs apart, he tells her to lay down. She
2 testified she asked to get up several times for it to
3 stop, and he said no, no, no. He's not finished. She
4 said he was kneeling on the floor in front of her and
5 blowing off hair. She said it felt like it took about ten
6 minutes. And then she asked him if he was finished, he
7 said, "No, not yet," repeated it a couple times. She said
8 I felt, quote, exposed. I felt uncomfortable. I didn't
9 want it to be done. That's really reasonable for an 11 or
10 12-year-old girl going through puberty to not want her
11 vagina shaved by her father.

12 She also said it could have been worse, but it was
13 still damaging. And I told you, ladies and gentlemen, in
14 prosecuting sex crimes, we do everything from criminal
15 sexual conduct first and second where there's sexual
16 batteries, and as I explained to you, there's full
17 intercourse, oral sex, all of that. But criminal sexual
18 conduct with a minor third is still important. It is
19 still damaging. It is still something that should not
20 happen. No child should be put through that.

21 We talked about the two other -- three other
22 incidents, rather. She talked about the full body
23 massage. She was in seventh grade. Now, what dad thinks
24 in seventh grade I'm going to go underneath your pajamas
25 and your panties and I'm going to massage all of this, and

1 then I'm going to go -- who does that? She said he
2 massaged her breast. No. Maybe she had a sore back. She
3 said she wanted her back massaged.

4 You know, you may have a child who's an athlete. My
5 daughter is a gymnast. Massaging her back is just fine,
6 but I don't think you're going to massage a seventh
7 grader's chest and bottom. No.

8 You go to the breast exam. She testified she was
9 between 11 and 12, okay, coming out of the shower. You
10 see the pattern of what's happening here? We go from
11 naked 10-year-old with 32-year-old dad into razors on your
12 vagina, full body massage, and now we're down to this.

13 She comes out of the shower, and this defendant, he
14 says, "I'm an EMT. I can help you here. I'm medically
15 trained." He didn't say all that, but that's what he's, I
16 guess, relaying to the child. And at this point, he says,
17 "Do you know how to do a breast exam? I'll show you." I
18 don't know. Pam might be qualified to help with that.
19 But he decides he's going to show her, and he starts
20 licking his fingers and flicking them across her nipple
21 and then blowing on them. And then he follows it up with
22 a conversation about how he would -- she said her nipples
23 were inverted. He would suck them out, but that would be
24 too weird. What he's describing is a crime, not weird, or
25 odd, whatever the word was.

1 Then we have the shower. They had one bathroom.
2 Yes. So to save time, he says, "Let's get in the
3 bathroom. Let's do that together." And she says -- it
4 was after she was 10, they're in the bathroom, his penis
5 is touching her back and he showers her with his bare
6 hands.

7 Ladies and gentlemen, she talks about this letter
8 that she wrote -- or excuse me. She talks about that
9 initial meeting with law enforcement in her letter. She
10 says, you know, I want to explain -- I don't have it in
11 front of me, but she talks about how she basically knew
12 she hadn't told them. When she went down and talked to,
13 by all accounts, Cheri Lyda, she didn't disclose any
14 abuse.

15 I don't think any of us here are questioning whether
16 it was Cheri Lyda. Pam testified it was Cheri. Cheri has
17 no recollection of this, Detective -- Investigator Lyda,
18 but based on everything we've heard, I think that we can
19 all agree it was her that talked to **Minor 1**. But at the
20 time, **Minor 1** didn't disclose. She said she wasn't even
21 sure it was wrong at that point.

22 At that point, **Minor 1** didn't disclose, Cheri Lyda
23 didn't do a report and you heard a lot of back-and-forth
24 between defense counsel and Investigator Lyda about that
25 issue. She told you the way she feels about it. If she

1 has an informal interview with the child, which makes
2 sense, and nothing comes of it, because they get put in
3 situations a lot where you have a caregiver, as she
4 explained, there might be a bruise or this or that that's
5 on a child, and someone says, "Hey, you want to talk to
6 this one and see if there's something going on?" she said
7 what makes sense is what she does, if they don't disclose
8 abuse, she's not writing a report. It is what it is. And
9 she explained to you why because she said she wouldn't
10 want her name in the system like that if there was no
11 disclosure made.

12 So -- and as far as what **Minor 1** -- what Detective
13 Lyda asked her, I have no idea. You know, I think defense
14 counsel cross-examined **Minor 1** about -- I think **Minor 1** said
15 did you feel harassed or did you feel sexually this or
16 that. I don't think **Minor 1** has any idea exactly what
17 Detective Lyda asked her right there. She doesn't really
18 remember the interview. It was brief, and the bottom line
19 is she didn't disclose abuse.

20 And then she got asked by defense counsel, I recall,
21 you know, "Why did you address him in the letter?" And it
22 just stood out to me. She said she addressed him in the
23 letter because he was the one who had done things to her.
24 It made complete sense.

25 She talked about how the separation made her sad and

1 that she was losing the only father figure that she ever
2 had.

3 We talk about Pam -- we can talk about Pam Peterson
4 for a second. She talked about how they were married, and
5 she told you they went through some marital problems. She
6 said she was having concerns about the safety of her
7 children, and that's what brought her in to see Jim Perry
8 in March of 2016. She did tell you that their problems
9 were not drug or alcohol related, but she had some
10 significant issues and she made him leave.

11 **Minor 1** gave her the letter, asked her to turn it in.
12 She testified **Minor 1** didn't tell her what was in the
13 letter. She testified she was going down to see Jim for
14 some unrelated matters related to the computer she brought
15 and some other things like that. But **Minor 1** gave her that
16 letter. She knew she was going down, said, "Give it to
17 the police."

18 And, ladies and gentlemen, did you hear this?
19 They've been divorced two years, two years in January. To
20 come into court, you saw her demeanor yesterday. She told
21 you how, quote, it's so hard to watch your child struggle
22 and you can't help her. She described to you how hard
23 this is on **Minor 1** and how scared she is of this defendant.
24 These journal entries came into evidence, and she
25 explained to you how she went over to where he was

1 staying, their old house at Poplar Drive, and, yeah, she
2 saw a diary. He doesn't really journal. She did what
3 curious people might and she opened it up. The very first
4 one is addressed to her.

5 And, ladies and gentlemen, these are -- you can read
6 them back there. This just helps you understand the state
7 of mind of this defendant and what at least he was
8 thinking about when he said, "I am a horrible man, father
9 and husband. I deserve nothing less than Hell and Hell's
10 wrath from you in eternity. I know a million apologies
11 won't matter, and as I've thought of these things, I am so
12 ashamed, I don't even want to ask for one. This is where
13 I have to forgive myself and what I struggle with."

14 So, you know, in these cases, a lot of times, say we
15 didn't have this, this could be some marital split. She's
16 jealous about -- all kinds of stuff can come up to the
17 equation. But what this helps you know is significant
18 problem in the marriage, it is not Pam's fault that this
19 marriage has dissolved, and you at least know at this
20 moment in time on April 23rd of 2016, he knows or says he
21 knows that he's a horrible man, father and husband and
22 deserves nothing less than Hell.

23 You heard her talk about taking **Minor 1** to the Julie
24 Valentine Center. She wasn't in the room during the
25 interview.

1 And then you also heard from this defendant's brother
2 very briefly. He came from San Francisco, and you heard
3 his testimony. He also verified those entries were from
4 his brother.

5 You heard from expert Shauna Galloway-Williams.
6 She's a blind expert, which means she doesn't know
7 anything about this case. She hasn't met with me, **Minor 1**,
8 anybody. But what did she tell you that was relevant to
9 our case? She told you how delayed disclosure is so
10 common. Exactly what happened in this case is what
11 happens all the time. She told you how it's common for a
12 child to deny at first and then tell later. She talked
13 about how grooming -- grooming, playing naked when you're
14 32 with a 10-year-old -- is how it can start sometimes,
15 and you desensitize a child, and you confuse them with
16 touching, and you make them think -- I think she testified
17 that you can have a touch and make them think that it's
18 for some other purpose. You introduce sexual touching
19 that way. And it makes a child not understand that it's
20 wrong. She talked about how, when a child's in a
21 situation with a family member that they love, how
22 difficult it is and confusing it is.

23 Ladies and gentlemen, in closing, it all adds up to
24 the fact that this crime happened. It's not some figment
25 of imagination perpetuated by a whole bunch of horrible

1 lies.

2 Ladies and gentlemen, the State has no interest in
3 convicting innocent people, but the State does have an
4 interest in protecting children. And I can't sugarcoat it
5 to you. When you go back and you think about what you
6 heard from **Minor 1** , if you believed her, then you
7 heard a crime. You heard a child detailing sexual
8 assault.

9 And at the beginning of this case, I asked you to
10 keep your eye on the ball. I asked you to not look over
11 here -- not look over here and look for the shiny object,
12 because the bottom line is, if just one of you does that,
13 that is what he is counting on, ladies and gentlemen. And
14 in that moment, if there is one for you of hesitation, I
15 want you to think back to what this is all about, and you
16 think back to the testimony of a young girl -- woman --
17 becoming a woman talking to you yesterday about that
18 razor, and that razor felt cold and how it felt on her
19 body as it went through her vaginal folds. Till the end
20 of time you will be hearing a child disclosing sexual
21 abuse, and I will ask you at the end of this case to
22 return a verdict of guilty.

23 Thank you.

24 THE COURT: Thank you, Solicitor.

25 Mr. Johnson, are you ready, sir?

1 MR. JOHNSON: Yes, sir, Your Honor. Your Honor, may
2 it please the Court.

3 THE COURT: Certainly.

4 MR. JOHNSON: Solicitor. Good afternoon.

5 I know we've all been to restaurants before in our
6 lifetime. We've probably got favorite restaurants. I've
7 got some I like to frequent myself. For example, I like
8 go to Rick Erwin's that's local here in Greenville. I
9 like to go there. They've got some delicious beef
10 sliders. They're not too expensive. You know, you go to
11 one of those steakhouses, you can spend an arm and a leg.
12 But, you know, I like those sliders. They're not too
13 expensive. You still get a beef product. I'm just that
14 type of person it's not a meal without meat.

15 And what I do is -- there's two things going on
16 there: they're delicious and they're not as expensive. I
17 know how much they cost. I know exactly how much they
18 cost. They cost \$13.99. Some people might think that's
19 too much. I think that's just about right for a nice
20 steakhouse. So I know exactly how much they cost. I
21 don't even necessarily have to look at the menu. But if I
22 did, what's it going to say? It's going to say the same
23 thing it did the last 40 times I ordered.

24 So let's say I go up there tonight and I sit down,
25 and, I mean, I don't need to look at the menu, but I'm

1 going to take a look at it. I'm going to sit down, and
2 I'm going to look at this menu. And I see my sliders.
3 They're still there. They've been there I don't know how
4 many years. They're still there, and I take a look at
5 them. And I see what's on it. Still the same. Look at
6 the price. \$13.99. Okay. Waiter, that's what I want.

7 After the meal, what do we get? The bill. We get
8 the bill. Let's say that you get a bill, and that bill
9 says that these sliders cost \$20. Are you going to pay
10 for them? You're just going to say, oh, no, okay. Cool.
11 I'm just going to give -- here's my credit card, here's a
12 \$20 bill, here's a tip. Are you just going to give it to
13 them? No. We don't do that. That's common sense. We're
14 going to go, Waiter, come on over here, waiter. You know,
15 this ain't right. Look at this menu. \$13.99. You're not
16 going to give me a bill that says \$20. That's not how it
17 works. And that's what they're trying to do. They're
18 trying to change the price. As a society, as people, as
19 commonsensical people who live everyday lives, we don't
20 let people do that to us. That waiter is going to have to
21 go get the manager. And, ladies and gentlemen, you're the
22 manager.

23 At this time, I'd like to go through some of the
24 evidence. And what I'm telling you here today is that the
25 State is trying to change the price, and they're trying to

1 use reasoning that I think is unreliable. And overall, I
2 think you will agree to me at the end I'm going to ask you
3 to find my client not guilty because he didn't do this.

4 So first of all, let's start at the beginning. So
5 you've got a man and a woman who are married. At this
6 point in time, they've got a stepchild and two younger
7 children. On March 28th of 2016, my client's out of the
8 house. Let's just be real. He got kicked out. Okay. He
9 got kicked out. Now it's on.

10 Okay. You know, people -- some people have been
11 divorced, some people not. But, you know, you've got
12 somebody you love and cherish you might share a bedroom
13 with. At one point in time, you laid down, had children.
14 Man, when you get divorced, that person is skunked.
15 You're not dealing with that. This thing changes every --
16 it's just amazing how, you know, the separation and
17 divorces just change the dynamics of everything. Things
18 that used to happen that were normal are now vilified.

19 So what do we have here? We have Pam Peterson. And
20 they separate on March 28th. I believe **Minor 1** said
21 March 30th. It's about the same time. It was March. It
22 was shortly after Easter, right? And so we have in April,
23 what does she do? We have the first what I like to call
24 Jim Perry encounter between Pam and Jim Perry. This is
25 their first conversation. And she's got some computers.

1 She thinks there's a crime on the computers. But guess
2 what, ladies and gentlemen? There's no crime on these
3 computers. So Jim Perry knows that.

4 So Jim Perry takes a look at the computers. There's
5 no crime on the computers. And even then he did one of
6 those CAD reports. I don't know if y'all remember what
7 that was. That was this. There was a very short witness
8 that came in. She did a CAD report. And what she
9 described to us, she said, listen, there's some
10 information, there's a person -- there's a person on
11 there, and then there's, you know, some times and what
12 happened. And she puts -- they put a number based upon
13 how serious or how urgent it was: 1, 2 or 3, right?

14 Okay. So he did a CAD report in this instance.
15 First time meeting with was somebody, and a CAD report was
16 produced. So he did that. And this is an instance where
17 he found nothing. All right. So there's nothing. That
18 don't mean anything. Pam ain't going to give up. She
19 comes back this time with **Minor 1**. This time she's got
20 **Minor 1**.

21 And, you know, here's where a lot -- a large area of
22 unreliability, because nobody knows -- nobody knows what
23 was asked. And that's just a travesty. Isn't that just
24 awful? Listen, Detective Lyda, we established that it was
25 Lyda. She talked to Lyda, right? Everybody knows it was

1 Lyda. And she said, "I don't do a report if they don't
2 tell me nothing."

3 Listen, my name's Brian Johnson. If somebody ever
4 come and says that I did something and you found out that
5 I didn't, please put me -- put my name down. As a matter
6 of fact, put me down, send me a text message. I'll put it
7 on Facebook: Brian didn't do nothing. That is -- I
8 appreciate that. Talking about no -- if you -- if you
9 drive home and you go five miles over the speed limit,
10 they're going to put your name on a list. They're going
11 to put your name in the system. I can find you online.

12 And then Lyda says that there's certain things that
13 she doesn't ask, and it's in direct contradiction with the
14 letter that ended up being produced later. But I think
15 it's important to talk about it now. Detective Lyda says
16 she doesn't ask people if they're being sexually harassed.
17 But in **Minor 1**'s letter, she recalls somebody asked her if
18 she's being sexual harassed. And, you know, if Lyda had
19 done a report, we would have known. We would have known
20 specifically what was asked, we would have known all of
21 these things. But the only thing we have to rely upon is
22 two people who contradict each other.

23 So these are two witnesses that the State has called
24 in direct contradiction, and somehow, this is what they
25 want you to rely upon. But, ladies and gentlemen, we

1 don't rely on unreliable. That's not what we do. If I'm
2 driving down the road and my tire pops, I'm going to take
3 it off and change it. They're asking you to keep driving
4 this vehicle down the road. And I'm sorry, but, you know,
5 when someone's on the stand and I question them and I
6 question them about the letter and the letter says he --
7 they asked me if he sexually harassed me or if he made me
8 feel uncomfortable, I'm sorry, that's Eric. That's what
9 this is about. Lyda may not recall it, but this name came
10 up.

11 So this is what we've got. This is -- this is we're
12 setting the price on the menu. Eric Peterson did not
13 sexually harass me, did not make me feel uncomfortable.
14 That's the price. That's what we're dealing with. Now
15 it's about to change, and I'd like to go into it.

16 So before July, there was some discussion about what
17 would be State's Exhibit, I guess, 5, 6, 7 and 8. And
18 these are letters. And first of all, establishing what
19 they are, first of all, they appear to be diary entries of
20 my client. And the way Ms. Pam Peterson got them was they
21 were supposed to be exchanged, right? So I need my birth
22 certificate or whatever it is that -- birth certificate
23 and other items, but we know we established it was a birth
24 certificate.

25 So you bring the birth certificate over to the old

1 house. So she brings the birth certificate. And there's
2 a discussion about some box of items that she's supposed
3 to pick up as well. So, well, again, this is common
4 sense. So what I know is if, you know, you bring
5 something to my house or if you're delivering something
6 and then you're getting something in return, what are you
7 going to do? You're going to put it where they can find
8 it. That's what you're going to do. You're going to put
9 it -- you're going to get the box and, okay, Pam's going
10 to come in the door, I'm going to have it right here
11 beside the door, where ever it may be. And then the thing
12 that you left -- the thing that you leave, you're going to
13 leave it in an obvious place. You're going to leave it on
14 the counter or wherever it might be.

15 Ladies and gentlemen, Pam Peterson was evasive about
16 that. She would not admit that the items were left in a
17 box where she could find it, and that she would have left
18 the items where she could find it. You know why? Because
19 she didn't want to be -- she didn't want to feel bad
20 because she went snooping. And the biggest thing of that,
21 I think, is the fact that she was being evasive.

22 So now you have these diary entries, and, you know,
23 you have them back there with you and you can read them.
24 And there's a certain thing -- there's certain things that
25 I want to point out to you, but, you know, I think the

1 obvious reason why the State put these in is they want you
2 to believe like he's somehow confessing to this. But
3 there are a number of things that you're going to find
4 true about these -- these documents, and you'll read them
5 yourself, but I'd like to go over some of them.

6 First of all, the letters are written to Pam. But
7 they're diary entries, right? So if I'm going to write
8 something private and I don't think anybody else is ever
9 going to see it, am I more likely to say things I don't
10 want people to know or less likely? And not once does he
11 say, "I am so sorry for what I did to **Minor 1**." You're not
12 going to see that in those documents. You can read them
13 50 times. It ain't going to happen.

14 The next thing is when she got these documents -- and
15 there's different dates, 4/23, but April of 2016 is the
16 letter that -- the letter, and there's subsequent
17 investigation that started this, and you've got July, and
18 there's subsequently in October, that ain't even come up
19 yet. Per Pam, she don't even know -- per Pam, she is not
20 aware and they have not had a discussion about Eric and
21 the allegations. So why in the world is this about it?
22 That makes no sense. But that's why they're trying to
23 pass it away. And I understand why, because there are too
24 many holes in the case.

25 So now we get to July 2016. And I'm going to tell

1 you, so Pam is going to the police, right? Pam is going
2 to the police. **Minor 1** knows Pam is going to the police.
3 And common sense, I'm supposed to believe that this
4 conversation happened in a vacuum. That's all that was
5 said. I'm going to the police. I'm going to the police
6 tomorrow.

7 Why?

8 You know, if I tell you, I don't know if it's
9 somebody at your house, wife, son or daughter, you know,
10 that's kind of an alarmist statement, I'm going to the
11 police department. Why? If it comes up, I'm going to see
12 Jim Perry. Why? Why are you going to see Jim?

13 That's not -- listen, just like calling people, you
14 know, you're liars, but that's not reliable. You can't
15 rely on that. That's not true.

16 So the mom goes to see Perry. Perry gets the
17 document. Perry said -- Perry testified -- first of all,
18 once again, we don't have no police report. Investigator
19 Lyda didn't do one, just like Perry didn't do one about
20 the electronics. We don't have a police report. If we
21 had a police report, maybe some of these other people
22 could look back and say, "Oh, okay, I see what's going
23 on." Because that's how stuff works. But there's no
24 police report. There ain't no CAD. He didn't do a CAD
25 this time. He didn't do a CAD report.

1 But he said he read the first three lines. I know
2 why he read the first three lines. Pam brought him
3 something else. He's like, oh, crap. Here we go again.
4 He files it away.

5 Now, the solicitor was right. You can't take this
6 with you. But I look at this letter, and, you know, four
7 pages long, and **Minor 1**'s testimony was that she sat down
8 one night -- let me just look at my notes, make sure I get
9 it right. She sat down one night in an hour and a half
10 with her friend in the room with a pencil, and just
11 hammered it out.

12 I don't know. I don't know what type of business
13 y'all are in. I know as a lawyer, you know, I went to
14 college, you know, you get to high school, when we wrote
15 things, it's difficult to just write four pages of stuff
16 and not make a mistake, just knock it out. No, no. I'm
17 sorry. Stuff doesn't work that way. I'm sorry. That's
18 -- that's -- that common -- again, common sense is popping
19 up again. You don't just sit down and write a four-page
20 nothing, don't make no mistake and do it in one take. I
21 mean, that's -- there's no way. And if it was that
22 impressive, she might as well be a freestyle rapper. I
23 mean, she's Jay-Z. Just take it in one take, just knock
24 it right on out. But I know she can't do that. You know
25 why? Because she can't remember details on the stand.

1 Why do I believe that she's going to sit down in an hour
2 and knock this whole thing out, not make a mistake when
3 she can't remember details when she testified. No. That
4 is not based in reality. That is not true. It can't be.
5 It can't be. We're taught you do a rough draft, and then
6 you might make some adjustment to the draft and then you
7 -- and then the final form looks clean because you've gone
8 through it. That's a final form because she's gone
9 through it. She did not just sit down and just write that
10 thing and knock it out. There's no way.

11 And, you know, I'm sorry. I know what Shauna said.
12 You know, the judge will tell you you can pay attention to
13 what she said or not. I know what she said about time
14 frames and things, but, you know, I've got a big problem
15 with this three-year time frame. I'm sorry. I'm sorry.
16 I just do. That's not reliable at all. You've got a
17 situation, for example, if you go buy a car, if you go buy
18 a car, a Toyota Camry, 2019, okay, how much does it cost?
19 It will be between \$24- and \$27,000. You just going to
20 give them -- okay. That means you go get the -- no, no,
21 no, no, no. No. We don't do -- we don't do that stuff.
22 That's not -- that's not how we -- that's not how we
23 conduct our lives. And listen. They can't ask you to
24 rely upon that.

25 You know, so there's testimony from **Minor 1**, and

1 basically, she thought with the four incidents, the
2 shaving, et cetera, that he used his EMT or whatever and
3 convinced her everything was okay, basically. You know,
4 it's okay. I'll give you a breast exam. It's okay. I'm
5 an EMT. Oh, let me show you how to trim your pubic hairs.
6 Well, you know, the biggest thing -- the biggest thing in
7 contradiction here is Pam says, "Oh, I didn't know any of
8 this until July of 2016."

9 Well, here's the thing. I don't know what goes on in
10 your house, and I don't know what goes on at your house,
11 but my family talks. And if I've got a situation that's
12 serious, I'm going through puberty, I'm going through
13 these things, I have a conversation with my son or with my
14 daughter. And one thing that they can't say is this.
15 Imagine having a conversation. "Oh, do you know how to do
16 the breast exam?"

17 "Oh, no, Eric already showed me."

18 You know why they can't do that? Because it ain't
19 happen. "Oh, do you know how to trim your area?"

20 "No. Oh, Eric already" -- no, no, no. This stuff
21 didn't happen. Because it didn't happen. They didn't
22 have a conversation about it.

23 What we know is that Eric and Pam have a daughter.
24 And one thing they never bring up is being concerned about
25 -- ain't nobody else concerned about the sister. Is that

1 real then? Somebody do something to me, I'm going to be
2 worrying about my siblings.

3 And, you know, overall, we're not helped by the
4 police. And you know why? I don't like to say by the
5 police, because it's not police. It's these specific
6 officers that were involved in this. And I hate to come
7 back to it, but I have to, because what they're asking you
8 to do, they're asking you to lock my guy up. They're
9 asking you to find him guilty, and they're asking you to
10 do this with an investigation that was severely lacking.

11 Think of a -- think of a police report, and I was
12 trying to think of a way to portray it, like a Carfax. I
13 don't know if y'all have seen one of those CarMax
14 commercials. And what they advertise is that there's a
15 report called like a Carfax so that if you buy a used car,
16 you know where it's been. Why? Because it matters where
17 it's been. If it was down in the floods of Katrina or
18 floods of Houston, there's going to be rust on the bottom
19 and there's going to be something wrong with it and it's
20 going to break down. Ladies and gentlemen, these police
21 reports would be part of a Carfax so you can see -- you
22 can go back and you can look at what went on in the past.
23 And no one's ever going to tell you that history or that
24 history of a case or history of someone is insignificant.
25 That's -- you will never buy that, and don't buy it now.

1 So first we have Lorraine Henderson who -- so we've
2 got Perry, Lyda, Perry, and then we've got Henderson --
3 Lorraine Henderson in October. And Lorraine Henderson did
4 a report. And she, you know testifies, an officer
5 testified they do a report so they can remember stuff in
6 case they may have to testify later. You know, it's why
7 we do -- it's why we write anything down. It's common
8 sense. Common sense. We write it down so we can remember
9 what happened.

10 And so Lorraine got the case, and she referred it to
11 Greer. Now, would Lorraine have done that if she'd have
12 known what Lyda went through or what Perry went through?
13 I don't know. I don't know. But it's debatable. It's
14 debatable.

15 And you've got Wise. Again, Wise is from Greer, and
16 he has no previous knowledge.

17 And, you know, what was awful to me was per **Minor 1**,
18 Wise and Pam discussed the case in front of her. And what
19 she says was that she zoned out. Listen, once again,
20 common sense. If y'all are talking about me in front of
21 me, I'm listening. If I hear my name, I'm listening.
22 Same thing with all y'all. What they say, my ears -- your
23 ears must be ringing. If I walk in front of you, it's
24 like "Brian Johnson," and I'm trying to figure out what
25 y'all are trying to say. It's evasive. It's unreliable.

1 Now, Detective Bash gets the case, and he's the one
2 who eventually brought charges, but, of course, he brought
3 them, and he did not speak, once again, with Lyda or
4 Perry. He didn't read the Carfax. There wasn't one to
5 read. And, in fact, even though we have some, you know,
6 investigation initiated in October 2016, he talked to them
7 -- he talked to Lyda a month ago -- a month ago to prepare
8 for trial, to prepare -- prepare to convict my guy. Not
9 prepare to investigate my guy, but prepare to convict my
10 guy. That's why he talked. The only reason. And he was
11 evasive to protect this case about whether it was in his
12 report that he spoke with them. Didn't even take the
13 report up to the stand. Are you serious? This is real
14 life. This is real life.

15 So what we have is an unreliable case, unreliable
16 witnesses, unreliable evidence, and we do not rely on
17 unreliable. Don't let them change the price on the menu.
18 You're the manager. Make it right.

19 Now, another thing my client has the benefit of, and
20 I'd be a bad lawyer if I didn't do this, let's talk about
21 reasonable doubt. They have to prove him guilty beyond a
22 reasonable doubt. And I like to talk to you a little bit
23 about it. The judge is going to provide you with what it
24 is, but I like to talk to you just a little bit myself.

25 And what reasonable doubt is, is, first of all, you

1 have preponderance of the evidence. So you start here.
2 Preponderance of the evidence is the evidence they have in
3 civil cases. That means, eh, I think something happened,
4 eh, I think not. That's like 50.1 percent versus 49.9.
5 That's preponderance of the evidence. That's a civil
6 case.

7 You've got something in between there, and that's
8 clear and convincing evidence. And those -- clear and
9 convincing to me is pretty strong words, and that's the
10 type of evidence that you have to have to, for example,
11 terminate someone's rights to their child. That's clear
12 and convincing evidence.

13 Reasonable doubt is stronger than that. It's
14 stronger than both of those. Reasonable doubt is the type
15 of doubt that causes you to hesitate to act. It's giving
16 someone the benefit of the doubt. Ladies and gentlemen, I
17 just spent 15 minutes on it.

18 I ask you to take your time. I ask you to do what
19 y'all need to do. I feel that my client is not guilty of
20 this. I'm going to ask you to find him not guilty. And I
21 really appreciate your time.

22 CHARGE ON THE LAW

23 THE COURT: Thank you, Mr. Johnson.

24 All right. Madam Forelady and ladies and gentlemen
25 of the jury, I now will charge you the law applicable to

1 this case. You must consider the charge as a whole and
2 not focus on some portions to the exclusion of others.

3 The indictments charge the defendant with criminal
4 sexual conduct with a minor, third degree. I remind you
5 the fact that the defendant was arrested, charged and
6 indicted in this case is not evidence in this case and
7 cannot be considered by you as evidence of guilt in this
8 case, nor does it create any presumption or inference of
9 guilt. These documents are simply the formal written
10 instruments which contain the charges made against the
11 defendant. These are the formal documents by which this
12 case is brought into this court.

13 The indictments in this case allege four charges of
14 criminal sexual conduct with a minor, third degree. Four
15 indictments. Each indictment charges a separate and
16 distinct offense, and you must decide each indictment
17 separately on the evidence and the law applicable to it
18 uninfluenced by your decision as to any other indictment.
19 The defendant may be convicted or acquitted on any or all
20 of the offenses charged. You'll be asked to write a
21 separate verdict of guilty or not guilty for each
22 indictment.

23 The defendant has pled not guilty to these
24 indictments and that plea puts the burden on the State to
25 prove the defendant guilty. A person charged with

1 committing a criminal offense in South Carolina is never
2 required to prove himself innocent.

3 I charge you that it is an important rule of the law
4 that the defendant in a criminal trial, no matter what the
5 seriousness of the charge may be, will always be presumed
6 to be innocent of the crime for which the indictment was
7 issued unless guilt has been proven by evidence satisfying
8 you of that guilt beyond a reasonable doubt. This
9 presumption of innocence does not end when you begin your
10 deliberations, but it accompanies the defendant throughout
11 the entire trial unless you reach a verdict of guilt based
12 on evidence satisfying you of that guilt beyond a
13 reasonable doubt.

14 Presumption of innocence is like a robe of
15 righteousness placed about the shoulders of the defendant
16 which remains with the defendant unless it has been
17 stripped from the defendant by evidence satisfying you of
18 the defendant's guilt beyond a reasonable doubt.

19 The presumption of innocence is not mere legal
20 theory. It's not just a legal phrase. It is a
21 substantial right to which every defendant is entitled
22 unless you the jury are satisfied from the evidence of the
23 defendant's guilt beyond a reasonable doubt.

24 Now, concerning reasonable doubt, some of you may
25 have served as jurors in civil cases where you were told

1 that it is only necessary to prove that a fact is more
2 likely true than not true such as by the greater weight or
3 the preponderance of the evidence. In criminal cases, the
4 State's proof must be more powerful than that. It must be
5 beyond a reasonable doubt.

6 Proof beyond a reasonable doubt is proof that leaves
7 you firmly convinced of the defendant's guilt. Now, there
8 are very few things in this world that we know with
9 absolute certainty, and in criminal cases, the law does
10 not require proof that overcomes every possible doubt.

11 If, based on your consideration of the evidence, you
12 are firmly convinced that the defendant is guilty of the
13 crime charged, you must find the defendant guilty. If, on
14 the other hand, you think there's a real possibility that
15 the defendant is not guilty, you must give the defendant
16 the benefit of the doubt and find him not guilty,

17 Now, Madam Forelady and ladies and gentlemen of the
18 jury, I remind you that during this trial, you and I have
19 had certain duties to perform. As the trial judge, it has
20 been my responsibility to preside over the trial of this
21 case, and I also have the duty to rule on the
22 admissibility of the evidence offered during this trial.
23 You are to consider only the competent evidence before
24 you. If there was any evidence ordered stricken from the
25 record in this case during this trial, you must disregard

1 that testimony and evidence. You are to consider only the
2 testimony which has been presented from this witness
3 stand, any exhibits which have been made a part of the
4 record in the case and any stipulations of counsel.

5 I have the additional duty to charge you the law
6 applicable to this case. As the presiding judge, I am the
7 sole judge of the law of this case, and it is your duty as
8 jurors to accept and apply the law as I now state it to
9 you. If you already have any idea as to what the law is
10 or what the law ought to be and does not agree with what I
11 now tell you the law is, you must abandon this idea
12 because you are sworn to accept the law and apply the law
13 exactly as I state it to you.

14 In every case tried in this court before a jury, the
15 jury becomes the sole and exclusive judge of the facts in
16 a case. A trial judge cannot intimate, state, comment on
17 or make any statement to a trial jury about the facts in a
18 case. Since you the jury are the sole judge of the facts
19 in this case, you're not to infer from what I have said
20 during the progress of this trial in ruling upon the
21 admissibility of evidence or otherwise or anything that I
22 say now during the course of this instruction to you that
23 I have any opinion about the facts in this case. The law
24 does not allow me to have an opinion about the facts in
25 this case. This is a matter solely for you the jury to

1 determine. As jurors, it is your duty to determine the
2 effect, value and weight of the evidence presented during
3 this trial.

4 Now, ladies and gentlemen, there are two types of
5 evidence which are generally presented during a trial:
6 direct evidence and circumstantial evidence. Direct
7 evidence directly proves the existence of a fact and does
8 not require deduction. Circumstantial evidence is proof
9 of a chain of facts and circumstances indicating the
10 existence of a fact. Crimes may be proven by
11 circumstantial evidence.

12 The law makes no distinction between the weight or
13 value to be given to either direct or circumstantial
14 evidence; however, to the extent the State relies on
15 circumstantial evidence, all of the circumstances must be
16 consistent with each other, and when taken together, point
17 conclusively to the guilt of the accused beyond a
18 reasonable doubt. If these circumstances merely portray
19 the defendant's behavior as suspicious, the proof has
20 failed.

21 The State, once again, has the burden of proving the
22 defendant guilty beyond a reasonable doubt. This burden
23 rests with the State regardless of whether the State
24 relies on direct evidence, circumstantial evidence or some
25 combination of the two.

1 Necessarily, you must determine the credibility of
2 witnesses who have testified in this case and the evidence
3 presented. Credibility simply means believability. It
4 becomes your duty as jurors to analyze and to evaluate the
5 witness and the evidence and determine the credibility of
6 the witnesses and the evidence.

7 In determining the credibility of witnesses who have
8 testified in this case, you may believe one witness over
9 several witnesses, or several witnesses over one witness;
10 you may believe a part of the testimony of a witness and
11 reject the remaining part of the testimony of that same
12 witness; you may believe the testimony of a witness in its
13 entirety or reject the testimony of a witness in its
14 entirety; you may consider whether any witness has
15 exhibited to you any interest, bias, prejudice or other
16 motive in this case; you may also consider the appearance
17 and manner of a witness while on the witness stand.

18 Now, ladies and gentlemen, in order to establish
19 criminal liability, criminal intent is required. For
20 example, the mental state required to be proven by the
21 State for a particular crime might be purpose, intent,
22 knowledge, recklessness or criminal negligence. Criminal
23 intent must be proven by the State beyond a reasonable
24 doubt. Criminal intent is always a matter that must be
25 determined by the jury from the circumstances surrounding

1 the situation.

2 Now, there's no way to prove intent to a mathematical
3 certainty. There's no way medical science can dissect a
4 person's brain and determine what the person had in mind,
5 so the law says that criminal intent may be inferred from
6 the circumstances shown to have existed. This is how you
7 make a determination of whether or not the element
8 requiring intent was present. It's not necessary to
9 establish intent by direct and positive evidence, but
10 intent may be established by inference in the same way as
11 any other fact by taking into consideration the acts of
12 the parties and all the facts and circumstances of the
13 case.

14 Criminal intent is a mental state, a conscious
15 wrongdoing. It is up to you to determine what the
16 defendant intended to do based on the circumstances shown
17 to have existed.

18 Now, Madam Forelady and ladies and gentlemen of the
19 jury, I instruct you and emphasize the fact the defendant
20 did not testify is not a factor to be considered by you in
21 any way in your deliberations and in your consideration on
22 the question of the guilt or the innocence of the
23 defendant. It must not be considered by you in any manner
24 whatsoever. A defendant has the constitutional right to
25 remain silent, and the assertion of this right must not be

1 considered by you in your deliberations. I repeat, under
2 the oath that you took, you are to draw no conclusions
3 whatsoever from the fact that the defendant in this case
4 did not testify. The fact that this defendant did not
5 testify should not even be discussed in the jury room.
6 The burden of proof, as I've already stated to you, is on
7 the State. The defendant is not required to prove his
8 innocence. The burden of proof remains on the State to
9 prove guilt beyond a reasonable doubt.

10 Now, as I explained to you this morning concerning
11 expert witnesses, the rules of evidence ordinarily do not
12 permit witnesses to testify to opinions or conclusions.
13 An exception to this rule exists for witnesses we call
14 expert witnesses. A witness who, by education and
15 experience, has become an expert in some art, science,
16 profession or calling, may state an opinion as to relevant
17 and material matter in which the witness claims to be an
18 expert and may also state the reasons for the opinion.
19 You should consider any expert opinion received in
20 evidence in this case, and like any other evidence, give
21 it the weight you think it deserves. If you decide that
22 the opinion of an expert witness is not based on
23 sufficient education and experience, or if you conclude
24 that the reasons given in support of the opinion are not
25 sound or that the opinion is outweighed by other evidence,

1 you may disregard the opinion entirely.

2 An expert witness's testimony is to be given no
3 greater weight than that of other witnesses simply because
4 the witness is an expert. Furthermore, you're not
5 required to accept an expert's opinion even though it is
6 not contradicted.

7 You may consider whether any witness has exhibited to
8 you any interest, bias, prejudice or other motive in this
9 case and you may also consider the appearance and manner
10 of the witness while on the witness stand.

11 Now let me explain and define for you the offense of
12 criminal sexual conduct with a minor, third degree. In
13 order to prove criminal sexual conduct with a minor in the
14 third degree, the State must prove beyond a reasonable
15 doubt the following: that the defendant was over the age
16 of 14; next, the State must prove that the defendant
17 willfully and lewdly committed or attempted a lewd or
18 lascivious act on or with the body or its parts of a child
19 under the age of 16 years with the intent to arouse,
20 appeal to, or gratify the lust, passions or sexual desires
21 of the defendant or of the child.

22 "Willfully" means voluntarily and intentionally with
23 the specific intent to do something the law forbids.

24 "Lewd" means obscene, lustful, indecent or lecherous.

25 "Lascivious" means tending to incite lust, lewd,

1 indecent, obscene or tending to deprave the morals in
2 respect to sexual relations.

3 Now, Madam Forelady and ladies and gentlemen of the
4 jury, for each charge and indictment, there are two
5 possible verdicts, that being not guilty and guilty. And
6 your verdict that you reach in this case must be unanimous
7 as to each charge. And when you have reached a verdict as
8 to each charge, and I'm going to walk down in just a
9 moment, Madam Forelady, and show you the verdict form, you
10 are to designate your verdict as to each charge on the
11 verdict form and therefore notify the bailiff that a
12 verdict has been reached and we will receive you back into
13 the courtroom.

14 In the event, Madam Forelady, during your
15 deliberations there is a split in the vote, the Court does
16 not, at any time, want to be informed of the actual split
17 by number in the vote if one exists.

18 Now, also, that was a lot that I just read to you,
19 and I understand that. I therefore will give you a copy
20 of what I have just read to you for your use in whatever
21 manner, if any, you feel like it is important in your
22 deliberations. I will also provide you with a copy of
23 each indictment, and then I'm going to come down and show
24 you the verdict form.

25 Very easy to complete. 1, 2, 3 and 4, because there

1 are four indictments.

2 So as to the 304 indictment, you will indicate by
3 placing your initials on the appropriate line guilty or
4 not guilty, and do the same for the following indictments.
5 The fact that "guilty" is listed above "not guilty" is of
6 no significance whatsoever. One just naturally has to go
7 before the other, okay?

8 Now, what I want you to do, I want all 14 of you to
9 go back to the jury room. Do not begin your deliberations
10 yet. And I'm going to talk with the lawyers to make sure
11 that I don't need to correct anything that I have charged
12 you. I don't anticipate that because we have discussed
13 the charge beforehand, but they may think of something
14 that I may need to address concerning the charge. If so,
15 then we'll bring you back out. If not, when the exhibits
16 are brought to you and the verdict form, copy of the
17 charge and a copy of the indictments, that will be your
18 cue for two things to happen: one, I will need the two
19 alternates to be brought back into the jury [sic] room for
20 further discussion -- or instruction, rather, and then you
21 can begin your deliberations at that time. But don't
22 start your deliberations yet, okay? All 14 of you will go
23 back to the jury room.

24 (WHEREUPON, the jury exits the courtroom at 3:15 p.m.)

25 THE COURT: All right. Does the State have any

1 objections or exceptions to the charge?

2 MS. SUSTAKOVITCH: No, sir.

3 THE COURT: And the defense?

4 MR. JOHNSON: No, sir, Your Honor.

5 THE COURT: Okay. Thank you very much. All right.

6 We're going to go off the record. Come up here, make sure
7 we've got all of the exhibits.

8 (WHEREUPON, a recess is taken at 3:16 p.m., and the jury
9 starts deliberating; Court's Exhibit Number 2 was marked
10 for identification.)

11 THE COURT: Okay. If you will get the jury out, just
12 tell them that the judge wants to talk with them for a
13 minute, please.

14 (WHEREUPON, the jury entered the courtroom at 7:40 p.m.)

15 THE COURT: Let the record reflect the jury is back
16 in.

17 I hope everybody has finished eating. I hope I
18 didn't interrupt supper.

19 Let me first say I appreciate very, very much your
20 hard work. It's evident. We've gone past four hours now,
21 and you're working hard.

22 I'm going to give you two choices, okay? You can
23 either continue working tonight here for as long as you
24 need to, or you can go home and sleep on it and then come
25 back in the morning. Now, what I want you to do is -- and

1 it doesn't have to be unanimously agreed upon as far as
2 either staying here or going home and coming back
3 tomorrow. The majority would rule on that. So what I
4 want you to do is go back to the jury room and make a
5 decision collectively, either stay here and we'll stay as
6 long as necessary, or go home and then come back in the
7 morning to resume your deliberations, okay?

8 And let me just go ahead and mention this to you too.
9 Regardless of what you decide, you need to understand,
10 Madam Forelady, that all communications need to be made to
11 me via note, no one else, okay?

12 So go back to the jury room, and then when you have
13 reached that decision, then we'll bring you back out and
14 you can tell me what y'all want to do, okay? Thank you
15 very much.

16 (WHEREUPON, the jury exits the courtroom at 7:42 p.m.)

17 (Pause in proceedings.)

18 THE COURT: We will continue working. Okay.

19 (WHEREUPON, a recess is taken at 7:51 p.m.; Court's
20 Exhibit Number 3 was marked for identification.)

21 THE COURT: All right. I've been informed by the
22 bailiff that they have reached a verdict, so let's bring
23 the jury out.

24 (WHEREUPON, the jury entered the courtroom at 8:37 p.m.)

25 THE COURT: Let the record reflect that the jury is

1 back in.

2 Madam Forelady, without telling me what your verdict
3 is, have you reached a unanimous verdict as to all four
4 indictments?

5 JURY FORELADY: Yes.

6 THE COURT: Okay. And you have the verdict form in
7 hand?

8 JURY FORELADY: Yes.

9 THE COURT: Would you hand it to the bailiff, please.

10 All right. Madam Clerk, would you publish the
11 verdict, please.

12 VERDICT

13 THE CLERK: In the State of South Carolina vs. Eric
14 Charles Peterson, as to Indictment Number 2017-GS-23-1304,
15 which charges the defendant with criminal sexual conduct
16 with a minor, third degree, we the jury find the defendant
17 guilty.

18 As to Indictment Number 2017-GS-23-01305, which
19 charges the defendant with criminal sexual conduct with a
20 minor, third degree, we the jury find the defendant
21 guilty.

22 As to Indictment Number 2017-GS-23-01306, which
23 charges the defendant with criminal sexual conduct with a
24 minor, third degree, we the jury find the defendant
25 guilty.

1 As to Indictment Number 2017-GS-23-01307, which
2 charges the defendant with criminal sexual conduct with a
3 minor, third degree, we the jury find the defendant
4 guilty.

5 THE COURT: Madam Forelady and ladies and gentlemen
6 of the jury, if this is a correct statement of your
7 verdict as to all four indictments, would you signify that
8 by raising your right hand?

9 (WHEREUPON, all jurors raised their right hands.)

10 THE COURT: All right. Let the record reflect that
11 12 hands have been raised.

12 Does the defense wish for individual polling of this
13 jury?

14 MR. JOHNSON: No, sir, Your Honor.

15 THE COURT: Okay. Thank you very much. You can have
16 a seat.

17 Madam Forelady and ladies and gentlemen of the jury,
18 I want to thank you for your jury service. You have
19 worked very hard. That's evident. Been at it for over
20 five hours. And what matters to the Court, not the
21 verdict that you reach, that does not matter to me, what
22 matters to me is that a jury that's in my courtroom
23 performs its duties efficiently, conscientiously, and you
24 have done that. As I told you on the first day of trial,
25 one important thing that you needed to do was be very

1 wanted to just relay that to the Court.

2 THE COURT: Okay. Thank you.

3 MR. JOHNSON: Judge, one thing I forgot.

4 THE COURT: Sure.

5 MR. JOHNSON: I think it's best if I say this now,
6 make sure there's no issues in the future. He is on child
7 support. He does pay it. He is current. Just wanted you
8 to know.

9 THE COURT: Okay. All right. Very good. Everybody
10 be at ease for just a moment.

11 (Pause in proceedings.)

12 SENTENCING

13 THE COURT: Let me first say, and I may have
14 mentioned this before we adjourned yesterday, commend the
15 lawyers for their hard work. They both gave the jury a
16 lot to consider given the fact that the jury was out over
17 five hours. So both the lawyers did a very good job on
18 that.

19 **Minor 1**, I know that you have gone through a lot, but
20 I don't want you to define yourself and your future by
21 what this man has done to you. And I think even though
22 you have gone through a lot, I think you're pretty tough.

23 **Minor 1** : Thank you.

24 THE COURT: And I just wish that you -- and I believe
25 that you're going to have a very bright future. Best of

1 luck to you.

2 It saddens me greatly that we have a situation where
3 this young child, in desperate need of a father, and she
4 gets one, and she loves him, she respects him, she doesn't
5 want to hurt him, and you take advantage of her over a
6 three-year period of time. And if the truth were known, I
7 would have to at least assume, I don't know this but I
8 have to assume it, that there are more instances than just
9 these four that you were tried on. And regardless of what
10 sickness or illness or whatever you have, Mr. Peterson,
11 you did an evil, evil thing to this young lady.

12 I don't -- Mr. Johnson, with all due respect to your
13 request, I do not give credit for house arrest. I
14 consider house arrest to be a benefit or a privilege of
15 getting out on bond, so I don't give credit for that.

16 MR. JOHNSON: Yes, sir, Your Honor.

17 THE COURT: The sentences will be the same and will
18 run concurrent. And it will be the maximum that the
19 statute provides for CSC third. Sentence of the Court is,
20 Mr. Peterson, you be committed to the State Department of
21 Corrections for a period of 15 years. Good luck to you.

22 (WHEREUPON, proceedings concluded at 1:30 p.m.; Court's

23 Exhibit Number 4 was marked for identification.)
24
25

1 CERTIFICATE OF REPORTER

2
3 STATE OF SOUTH CAROLINA)4 COUNTY OF GREENVILLE)
5
6

7 I, CHERYL A. SMITH, Official Court Reporter for the
8 Thirteenth Judicial Circuit of the State of South
9 Carolina, do hereby certify that the foregoing is a true,
10 accurate and complete Transcript of Record of the
11 proceedings had and evidence introduced in the trial of
12 the captioned case, relative to appeal, in the Court of
13 General Sessions for Greenville County, South Carolina, on
14 the 9th, 10th, 11th and 12th day of December, 2019.

15 I do further certify that I am neither of kin,
16 counsel, nor interest to any party hereto.
17

18 March 23, 2020
19
20

21 Cheryl A. Smith

22 Cheryl A. Smith, CVR-M

23 Court Reporter
24
25

Pam,

4/25/16

I bought this journal with the specific purpose of writing to you. Whether you know or not, or even read this. This is so I can talk to you on a daily basis.

Why? Because believe it or not I need you, I want you, and I love you.

I pray that one day you may see my shame and sorrow.

Love always

Your husband

Eric

PENGAD 800-631-6989

STATE'S
EXHIBIT

4

12-9-19

CS

Pam

12/20/01

I started to write something different, but I feel it is not the time.

I have spent time thinking over all I have done, let alone endure. And I wonder is there really any way other than God that you could still love me.

I am a horrible man, father and husband. I deserve nothing less than Hell and Hells wrath, from you and eternity.

I know a million apologies won't matter and as I have thought of these things I am so ashamed I don't even want to ask for one.

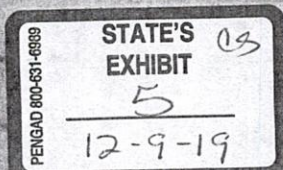
This is where I have to forgive myself and what I struggle with.

What you think though I can imagine because I put you there.

Memorize that I ask that one day you may forgive me.

Truly

for



Pam,

4/27
Early AM

I told you... well a couple days ago now that I wrote you an email I didn't send. Well I want to transfer that over now...

"Pamela

This maybe too late and I am sure it is way too little, but I must tell you.

Three little words can have so little meaning but also have so much. But the proof is in time.

I am sorry. I have done some horrible and awful things. But I want you to know that from the depths of me, from the sobs I cry my sorrow. I feel it is too late but I can only have a prayer that it is not.

I watched a sermon tonight and the preacher talked about being home. I want to be home. Not the heavenly home but home, with you. I long for just a simple hug from you. I don't deserve it I know.

The things I have done and the way I have treated you are inexcusable. I deserve nothing less than Hell here on earth and



for eternity.

You are a very special woman that God sent and I have abused that gift that was given. You choose me, and I abused your trust, I took for granted your kindness, you and your love.

I am so ashamed. I am so broken. I don't even want to ask for forgiveness because I fear it will be another empty promise from within me and I for sure don't deserve it.

I have to work through many things but I can only pray that I can work ~~through~~ them through with you by my side.

I do love you. I fear it is too late and that is my own fault and doing. One day I do ask for forgiveness but I can't ask now because I still have to forgive myself.

God Bless you Pamela. He sent me a gift and I threw it away."

Ram,

At home

I'm here at the Park again
I should be at home working on
finishing up working on the house.
I got up early to go to the library
to do paperwork online for the
new job. Then I came here so we'll
talk to you and thank.

I am scared. Scared and afraid
of so many things. I should be
doing them right. I am already ashamed
and humbled before you and every-
one else. That knows or doesn't know.

I am scared that you or some-
one will turn me in and I will go
[redacted] to jail or even be
just arrested or charged.

I am scared that even if God
allows a chance of us getting
back together that it won't happen.

I am scared that if we do
by God's Grace and mercy renew
our relationship. I will fail you
again.

I sit here and think
at how many times I
can think of that I
have failed you. Hurt



PENGAD 600-631-6988

STATE'S
EXHIBIT

12-9-19

Things like neglected you and your feelings. I don't understand how you lasted as long as you did. I cannot honestly say that I could blame.

You were and still are a true blessing.

I think of what you said the day you came over. You said that I have turned you into me. I cannot even ^{begin} tell you how bad that makes me feel. I pushed you so far past the breaking point I honestly can't even imagine. I realize now and accept so many things I have done. I truly hate myself for them. I am learning to not hate myself tho, but to just hate the things I've done. AND learn how to not do them in any variation again.

I can only ask for forgiveness and hope that one day it may be given.

I am so truly sorry.

Your husband
Eve

AMENDED INDICTMENT
DOCKET NO. 2017-GS-23-001304
CLK

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

October TERM 2019

THE STATE

vs.

ERIC CHARLES PETERSON

WITNESSES

J Bash *OR*

Greer Police Department

12/1/2016

ARREST WARRANT NUMBER
2016A2320501326

ACTION OF GRAND JURY

TRUE BILL

FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Guilty

Mary-Ellean Johnson
Foreperson of Petit Jury
Date: 12/11/19

Amended Indictment for

3661

CRIMINAL SEXUAL CONDUCT WITH A MINOR
3RD DEGREE

VIOLATION § 16-03-0655(C)

ENTERED
ACCT.
H 21

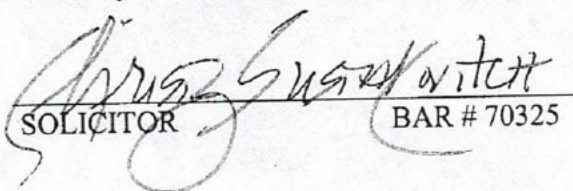
STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

AMENDED INDICTMENT FOR
CRIMINAL SEXUAL CONDUCT WITH A MINOR 3RD DEGREE

At a Court of General Sessions, convened on OCT 29 2019 the Grand Jurors of Greenville
County present upon their oath:

That ERIC CHARLES PETERSON did in Greenville County, between January 29, 2012 and October 1, 2015, being over the age of fourteen years, willfully and lewdly commit or attempt a lewd and lascivious act upon or with the body, or its parts, of ^{Minor 1}, a child under the age of sixteen years, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of himself or such child, to wit; by shaving the pubic area of the victim with a razor. This is in violation of §16-03-0655(C) 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.


SOLICITOR

BAR # 70325

AMENDED INDICTMENT
DOCKET NO. 2017-GS-23-001305
CLK

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

October TERM 2019

THE STATE

vs.

ERIC CHARLES PETERSON

WITNESSES

J Bash CF

Greer Police Department

12/1/2016

ARREST WARRANT NUMBER
2016A2320501328

ACTION OF GRAND JURY

TRUE BILL

FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Guilty

Wary-Elber-Johnson
Foreperson of Petit Jury
Date: 12/11/19

Amended Indictment for

3661

CRIMINAL SEXUAL CONDUCT WITH A MINOR
3RD DEGREE

VIOLATION § 16-03-0655(G)

ENTERED
ACCT.

STATE OF SOUTH CAROLINA)
)
 COUNTY OF GREENVILLE)

AMENDED INDICTMENT FOR
 CRIMINAL SEXUAL CONDUCT WITH A MINOR 3RD DEGREE

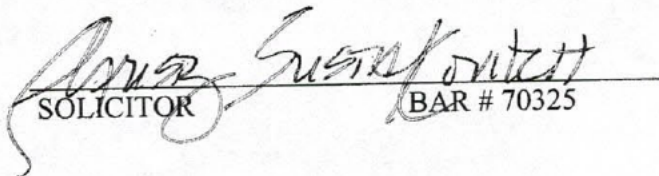
At a Court of General Sessions, convened on
 County present upon their oath:

OCT 29 2019

the Grand Jurors of Greenville

That ERIC CHARLES PETERSON did in Greenville County, between ~~October 1, 2012~~ ^{1/29/2012} and ~~July 1, 2012~~ ^{10/11/2015}, being over the age of fourteen years, willfully and lewdly commit or attempt a lewd and lascivious act upon or with the body, or its parts, of ^{Minor 1} a child under the age of sixteen years, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of himself or such child, to wit; by massaging the body of the child including breasts and/or buttocks in the living room. This is in violation of §16-03-0655(C) 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.


 SOLICITOR BAR # 70325

AMENDED INDICTMENT
DOCKET NO. 2017-GS-23-001306
CLK

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

October TERM 2019

THE STATE

vs.

ERIC CHARLES PETERSON

WITNESSES

J Bash *CF*

Greer Police Department

12/1/2016

ARREST WARRANT NUMBER
2016A2320501330

ACTION OF GRAND JURY

True Bill

FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Guilty

W. Johnson

Foreperson of Petit Jury

Date: 12/1/19

Amended Indictment for

3661

CRIMINAL SEXUAL CONDUCT WITH A MINOR
3RD DEGREE

VIOLATION § 16-03-0655(C)

ENTERED
ACCT. *12/1/19*

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

AMENDED INDICTMENT FOR
CRIMINAL SEXUAL CONDUCT WITH A MINOR 3RD DEGREE

At a Court of General Sessions, convened on

OCT 29 2019

the Grand Jurors of Greenville

County present upon their oath:

That ERIC CHARLES PETERSON did in Greenville County, between January 29, 2012 and ~~July 25, 2012~~, being over the age of fourteen years, willfully and lewdly commit or attempt a lewd and lascivious act upon or with the body, or its parts, of ^{Minor 1} a child under the age of sixteen years, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of himself or such child, to wit; by touching the breasts and/or buttocks of the victim while showering with her. This is in violation of §16-03-0655(C) 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.

SOLICITOR

BAR # 70325

AMENDED INDICTMENT
DOCKET NO. 2017-GS-23-001307
CLK

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

October TERM 2019

THE STATE

vs.

ERIC CHARLES PETERSON

WITNESSES

J Bash *Cf*

Greer Police Department

12/1/2016

ARREST WARRANT NUMBER

2016A2320501332

ACTION OF GRAND JURY

TRUE BILL

FOREMAN GRAND JURY

[Signature]
Foreperson of Grand Jury

VERDICT

Guilty

Mary-Elber Johns
Foreperson of Petit Jury
Date: 12/11/19

Amended Indictment for

3661

CRIMINAL SEXUAL CONDUCT WITH A MINOR
3RD DEGREE

VIOLATION § 16-03-0655(C)

ENTERED
ACCT. *[Signature]*

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

AMENDED INDICTMENT FOR
CRIMINAL SEXUAL CONDUCT WITH A MINOR 3RD DEGREE

At a Court of General Sessions, convened on

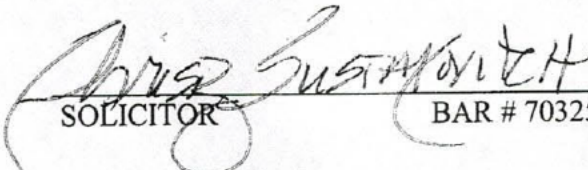
OCT 29 2019

the Grand Jurors of Greenville

County present upon their oath:

That ERIC CHARLES PETERSON did in Greenville County, between January 29, 2012 and October 1, 2015, being over the age of fourteen years, willfully and lewdly commit or attempt a lewd and lascivious act upon or with the body, or its parts, of ^{Minor 1}, a child under the age of sixteen years, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of himself or such child, to wit; by touching the nipples and/or breasts of the child. This is in violation of §16-03-0655(C) 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.


SOLICITOR

BAR # 70325

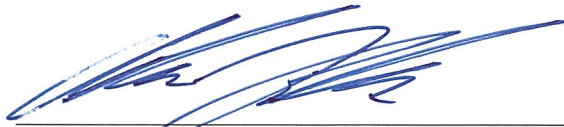
Feb 08 2021

SC Court of Appeals

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,



Adam Sinclair Ruffin
Appellate Defender

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

ATTORNEY FOR APPELLANT

This 8th day of February, 2021.