

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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SC Court of Appeals

Appeal from Kershaw County

G. Thomas Cooper, Jr., Circuit Court Judge

THE STATE,

RESPONDENT,

V.

JONATHAN WILLIAM RAY,

APPELLANT

APPELLATE CASE NO. 2019-001743

RECORD ON APPEAL

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STATE OF SOUTH CAROLINA
KERSHAW COUNTY

IN THE COURT OF GENERAL SESSIONS
CIRCUIT COURT DIVISION
2018-GS-28-1386

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State of South Carolina,  :
                          :
      Plaintiff,         :
                          :
      vs.                 :      TRANSCRIPT OF TRIAL
                          :      VOLUME II
                          :      PAGES 39 - 374
                          :
Jonathan William Ray,    :
                          :
      Defendant.         :
-----x

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Date: October 1 - 4, 2019
Camden, South Carolina

B E F O R E:

The Honorable G. Thomas Cooper, Judge Presiding.

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* * *

MONDAY, SEPTEMBER 30, 2019

CAMDEN, SOUTH CAROLINA

(Whereupon, the following proceedings were held in open court. The Defendant was present with her attorney, along with counsel for the State.)

1 you for your kind attention this morning. I trust you
2 will give the same kind of undivided attention to the
3 attorneys and the parties in this case, and we'll now
4 begin with opening statements.

5 THE COURT: Solicitor?

6 MS. GREEN: May it please the Court, Your Honor?

7 OPENING STATEMENT BY MS. GREEN

8 She was 13 years old. [Minor] was 13 years
9 old in May of 2017 when she and her father traveled
10 from Texas to move back to South Carolina. She was 13
11 years old. And when she got here, it was toward the
12 end of the school year and she was looking forward to
13 spending her summer with family, reconnecting with old
14 friends, and perhaps making new ones. And soon after
15 she arrived back in South Carolina, she went over to
16 her grandparents' house, her grandfather Leon
17 Jefferson and his wife Gail Jefferson who she calls G-
18 ma. They lived on Joe Lenox Road in Cassatt.

19 Now, when [Minor] arrived at the Jefferson home,
20 she didn't have her own bedroom. In fact, she slept
21 on a couch inside of her grandparents' bedroom,
22 because the other three bedrooms were occupied by her
23 cousin Trevon Coe, her cousin Joshua Porte, and the
24 defendant Jonathan Ray. Again, this is in May of 2017
25 when [Minor] was 13 years old.

1 It was at this house in Cassatt on Joe Lenox
2 Road, belonged to her grandfather, this Leon
3 Jefferson, that Jonathan Ray sexually assaulted
4 **Minor**. She was 13 years old. He was 22.

5 Ladies and Gentlemen of the Jury, my name is
6 Donna Green. I am a Solicitor for the State of South
7 Carolina. With me is my co-counsel, Curtis Pauling.
8 We are presenting this case, the State against
9 Jonathan Ray, who has been charged with one count of
10 criminal sexual conduct with a minor in the second
11 degree, with the minor's age being between the ages of
12 11 and 14 years old.

13 When a person commits a criminal sexual conduct
14 against a minor, he commits a sexual battery against
15 the victim and that victim at the time is between the
16 ages of 11 and 14. Sexual battery is defined in the
17 law as sexual intercourse, fellatio, cunnilingus, anal
18 intercourse, or any intrusion of a person's body part
19 or any object or intrusion, and that intrusion is into
20 the person's genital or anal openings unless it's
21 accomplished for a medical purpose.

22 **Minor** will testify that Jonathan Ray had
23 sexual intercourse with her. She will testify she was
24 13 years old at the time and he inserted his penis
25 into her vagina. And that this happened at her

1 grandfather's house on Joe Lenox Road here in Cassatt.

2 Ladies and Gentlemen of the Jury, the Judge has
3 already instructed you that the State bears the burden
4 of proof in every criminal case. In fact, the
5 defendant is presumed to be innocent. You are the
6 sole deciders of the facts and that facts that you
7 hear from this witness stand will help in your
8 deliberations as to whether or not the State has met
9 that burden of proof.

10 You are to determine which witnesses you believe,
11 what parts of their testimony you believe or
12 disbelieve. That's your sole providence as jurors to
13 determine what the facts are. But once you decide
14 what the facts are, you must apply the law as the
15 Judge instructs you those facts.

16 At the end of this case, when we ask you for a
17 verdict, when they ask you for a verdict, we ask that
18 you return a verdict of guilty at that time based on
19 the evidence and the testimony that you hear in this
20 courtroom through these witnesses and evidence.

21 Again, the State bears the burden of proof, and
22 the Judge has already explained to you that that proof
23 is beyond a reasonable doubt. In other words, if you
24 are firmly convinced that the evidence supports the
25 defendant's guilt, then your verdict must reflect

1 that.

2 We appreciate you being here. We appreciate the
3 time that you are taking to listen carefully to all
4 the witnesses and all the testimony and all the
5 evidence that will be presented in this case. This
6 system of justice cannot work without you. The Judge
7 has already explained that to you when you were being
8 qualified for jurors. But we appreciate your time and
9 any attention that you pay for this case, not only for
10 the defendant, but for the victim. Thank you.

11 THE COURT: Mr. Aiken?

12 MR. AIKEN: May it please the Court, Your Honor?

13 THE COURT: Yes.

14 OPENING STATEMENT BY MR. AIKEN

15 Ladies and Gentlemen, my name is Art Aiken. I'm
16 actually from Columbia, but I practice routinely in
17 Kershaw County. This is my opening statement. This
18 is my opportunity to explain to you and kind of give
19 you a roadmap of what I think is going to occur during
20 this trial. This is a criminal trial. The Government
21 is trying to cast my client out from normal society
22 and brand him a sex offender.

23 And in a case like this, I kind of feel like
24 General George Patton. Do you remember George Patton
25 was a general in the United States Army in World War

1 II. And he believed in reincarnation. He believed
2 that when people die, they came back to life as
3 somebody else. And he once said, "I was born to lead
4 the fight against men in a desperate battle." That's
5 what I've got going on here on behalf of Jonathan Ray,
6 a desperate battle.

7 You must not decide this case based on sympathy.
8 I mean I have children. I understand. This is a 13-
9 year-old young lady. But you can't decide the case on
10 that basis.

11 You were given an oath that you would well and
12 truly try this case based on facts and the evidence.
13 And that's the oath you've given, and that is the oath
14 you have to abide by. Sympathy is not a factor.

15 And related to that, I have to tell you that I
16 will do some things during this trial that you will
17 probably find distasteful. That's going to happen.

18 **Minor** I assume is going to take the
19 witness stand. It falls to me to cross-examine Ms.
20 **Minor**. But you can't hold that against my client.
21 He, like I, is in a desperate battle with the
22 Government.

23 And let's not forget, the Government has armies
24 of people. You saw how many people the Government had
25 in here the other day for jury selection. Well, and

1 on our side of the case, it's me and Jonathan Ray.

2 We're in that desperate battle.

3 Now the Government has to prove this case by
4 proof beyond a reasonable doubt. And that is
5 enshrined in our United States Constitution, the fact
6 that in a criminal case, the Government is required to
7 prove the case by proof beyond a reasonable doubt.

8 And the reason for that, James Madison, who was one of
9 the framers of the Constitution and actually wrote the
10 Bill of Rights, said that "Proof beyond a reasonable
11 doubt is a legal principle to ensure that only the
12 guilty are punished." What is one of the most
13 horrible nightmares you could imagine? That would be
14 to be in jail for a crime you never committed. We as
15 the society have to make sure that does not happen.
16 And that's the fundamental reason for the requirement
17 that the Government prove their case beyond a
18 reasonable doubt.

19 This is something that the Government didn't
20 mention in its opening statement. Any indictment the
21 Government says this act of criminal sexual conduct in
22 the second degree occurred sometime between May the
23 8th and May the 27th. So sometime during this 19-day
24 period, they say this act was committed.

25 I'll be perfectly honest with you. I've been

1 practicing law for 30 years, and I've never ever had a
2 situation where I had to face a 19-day window where
3 the Government claims this happened. That alone is
4 reasonable doubt, that they cannot pinpoint a specific
5 date in that 19-day period when this happened. Or
6 perhaps a two-day window or a three-day window, no, 19
7 days.

8 And there's a reason why they didn't mention that
9 in their opening statement, because it is a cancer
10 within their case. It is in itself, by itself,
11 reasonable doubt.

12 Now I said "reasonable doubt" a whole bunch of
13 times. And I need to give you kind of an explanation
14 of what reasonable doubt means. And I'll do that by a
15 story. My mother was kind of a hippy, and she
16 believed that unpasteurized milk was better for you
17 than pasteurized milk. You know, when milk comes out
18 of the cow, it has bacteria in it, and it has to be
19 pasteurized. And that means it's heated up under
20 pressure to kill the bacteria.

21 Well, unpasteurized milk doesn't go through that
22 pasteurization process. And the reason for that --
23 and because of that, it spoils very easily. So all
24 the time when I was a kid, if I went to the fridge and
25 I opened it up and I pulled out some milk to get me a

1 glass of milk, I had to smell it to make sure that
2 milk wasn't spoiled. That's reasonable doubt. The
3 law says reasonable doubt is a sufficient reason to
4 hesitate to act. And that's what that is when I grab
5 that milk and I smelled it to make sure it wasn't
6 spoiled. That's reasonable doubt.

7 But perhaps during this trial we'll get some
8 better understanding of when this happened, something
9 less than 19 days. If they don't give that to you,
10 then that alone is reasonable doubt.

11 Thank you, Ladies and Gentlemen.

12 THE COURT: All right, Solicitor, call your first
13 witness.

14 MR. PAULING: Thank you, Your Honor. At this
15 time, the State will call Minor [REDACTED].

16 Minor [REDACTED]

17 called as a witness by and on behalf of
18 the State to testify, being first duly
19 sworn was examined and testified as follows:

20 DIRECT EXAMINATION

21 BY MR. PAULING:

22 Q Good morning, Minor [REDACTED].

23 A Good morning, sir.

24 Q Minor [REDACTED], can you spell your name for the record?

25 A Minor [REDACTED].

1 Q Your name's [Minor]. Do you go by another name
2 or a nickname?

3 A [Minor].

4 Q [Minor]?

5 A Yes, sir.

6 Q And currently, [Minor], would you tell the member of
7 the Jury, where do you live?

8 A I live [redacted] at Lenox.

9 Q And is that here in Camden?

10 A Yes, sir.

11 Q And who do you live with?

12 A My grandmother and my father.

13 Q Okay. And when you say your grandmother, who are
14 you speaking of? What's her name?

15 A Rosalyn Harris.

16 Q Rosalyn Harris?

17 A Yes, sir.

18 Q Okay. And you mentioned your father?

19 A Yes, sir.

20 Q And what is your father's name?

21 A Arthur Mack.

22 Q Arthur Mack. Is your father in the courtroom at
23 this time?

24 A Yes, sir.

25 Q Where is he?

1 A Right over there (indicating).

2 Q Right over there. What's he wearing?

3 A A bluish shirt.

4 Q A bluish shirt. Okay. And do you go to school
5 here?

6 A Yes, sir.

7 Q And where do you go to school?

8 A Camden High School.

9 Q Camden High School?

10 A Yes, sir.

11 Q And what grade are you in?

12 A Tenth.

13 Q Tenth grade?

14 A Yes, sir.

15 Q Now **Minor**, you said you've been living with
16 your grandmother and your father; is that correct?

17 A Yes, sir.

18 Q Here in Camden?

19 A Yes, sir.

20 Q And do you have other family here in Camden as
21 well?

22 A Yes, sir.

23 Q Who are some of your other family?

24 A My grandmother Gail Jefferson; my granddad Leon
25 Jefferson; I have a cousin Trevon Coe, and --

1 THE COURT: Can you all hear her in the back row?

2 You can hear her okay?

3 (Indication)

4 Okay, good. Just keep your voice up.

5 WITNESS: Yes, sir.

6 THE COURT: Thank you.

7 BY THE WITNESS:

8 A And I have another cousin named Joshua Porte.

9 Q And before you were living here in Camden, at any
10 point in time were you living in a different state?

11 A Yes, sir.

12 Q And where was that?

13 A Texas.

14 Q Texas?

15 A Yes, sir.

16 Q Okay. And do you remember when you lived in
17 Texas?

18 A Yes, sir.

19 Q Do you remember what part of Texas you lived in?

20 A Lufkin.

21 Q Lufkin?

22 A Yes, sir.

23 Q Lufkin, Texas. Okay. And did you go to school
24 in Texas?

25 A Yes, sir.

1 Q What school did you go to?

2 A Lufkin Middle.

3 Q Lufkin Middle School?

4 A Yes, sir.

5 Q And when you went to school in Texas, what grade
6 were you in?

7 A Seventh.

8 Q Seventh grade?

9 A Yes, sir.

10 Q So that would have been almost -- about three
11 years ago almost?

12 A Yes, sir.

13 Q And when you were in Texas -- well, let me ask
14 you this, were you living somewhere else before you
15 moved to Texas?

16 A Yes, sir.

17 Q Where were you living then?

18 A Bethune, South Carolina.

19 Q Bethune, South Carolina. And who were you living
20 with during that time?

21 A My grandmother Janice Wright.

22 Q Okay. And you said Janice Wright?

23 A Yes, sir.

24 Q Now that particular grandmother, whose mother is
25 that?

1 A My mother's.

2 Q Your mother's?

3 A Yes, sir.

4 Q And **Minor** -- and I didn't ask you, you had
5 mentioned, but your mother, is she living?

6 A No, sir.

7 Q And when did your mother pass away?

8 A Twenty fifteen on August 29th.

9 Q August 29th, 2015?

10 A Yes, sir.

11 Q And you were still living in -- were you still
12 living in Bethune at that time?

13 A Yes, sir.

14 Q Okay. And so was it sometime after your mother
15 passed away that you moved to Texas?

16 A Yes, sir.

17 Q With your father?

18 A Yes, sir.

19 Q Now in Texas, when you were in Texas, who were
20 you living with?

21 A My father and his ex-wife.

22 Q Okay. Now at some point, did you move from Texas
23 back to South Carolina?

24 A Yes, sir.

25 Q And do you remember about when that was?

1 A Twenty seventeen.

2 Q Twenty seventeen?

3 A Yes, sir.

4 Q Well, let me ask you this Minor , as far as
5 Texas is concerned and being at Lufkin Middle School
6 -- was school out when you left?

7 A Yes, sir.

8 Q And let me ask you this, Minor , when does
9 summer start?

10 A May 25th.

11 Q Summer starts May 25th?

12 A Yes, sir.

13 Q And why do you say May 25th?

14 A Because that's usually when school lets out.

15 Q Okay. So in your mind, when school lets out is
16 when summer begins?

17 A Yes.

18 Q Okay. Now when you got out of school in Texas,
19 how did you get to South Carolina?

20 A My dad moved us there.

21 Q Just you and your dad?

22 A Yes, sir.

23 Q And once you got to -- do you remember when you
24 got to South Carolina?

25 A No, sir.

1 Q But when you got to South Carolina with your
2 father, where did you go?

3 A My grandmother's house.

4 Q And now when you say your grandmother's house,
5 whose house are you talking about?

6 A Bronson Street.

7 Q Bronson?

8 A Yes, sir.

9 Q Right here in Camden?

10 A Yes, sir.

11 Q And I didn't ask you this, but I don't want to
12 assume, so Rosalyn Harris, whose mother is that?

13 A My father's.

14 Q Okay. That's your father's?

15 A Yes, sir.

16 Q And you stayed at her house?

17 A Yes, sir.

18 Q Do you remember how long you stayed at her house?

19 A Almost a year.

20 Q Okay. And at some point did you get in contact
21 with some other family members?

22 A Yes, sir.

23 Q And who did you get in contact with?

24 A My granddaddy Leon Jefferson.

25 Q Your granddaddy Leon Jefferson?

1 A Yes, sir.

2 Q Okay. And now Leon Jefferson, he's the father of
3 whom?

4 A My mother's.

5 Q Your mother, Janice?

6 A Yes, sir.

7 Q And how did you get in touch with Leon Jefferson?

8 A Through my grand -- my g-ma.

9 Q Okay. And when you ---

10 A Gail.

11 Q Okay. You say your g-ma who is Gail?

12 A Yes, sir.

13 Q Okay. And how is Gail related to Leon Jefferson?

14 A They're married.

15 Q Okay, they're married?

16 A Yes, sir.

17 Q And do you remember how you got in touch with
18 Gail -- with your g-ma?

19 A Uh-huh, I saw her at IGA.

20 Q You saw her at IGA?

21 A Yes, sir.

22 Q Here in Camden?

23 A Yes, sir.

24 Q And that was -- was that shortly after you -- you
25 and your father arrived in Camden?

1 A Yes, sir.

2 Q And now do you remember how long it had been
3 since you had seen your g-ma?

4 A No, sir.

5 Q But you lived in Texas for some time; is that
6 correct?

7 A Yes, sir.

8 Q And do you remember how long you had lived in
9 Texas before you came back?

10 A A year.

11 Q Okay. And during that time, had you seen your g-
12 ma Gail?

13 A No, sir.

14 Q So this was the first time in a while you've kind
15 of seen her?

16 A Yes, sir.

17 Q And was she happy to see you?

18 A Yes, sir.

19 Q Now you said you got in touch with your
20 grandfather through your g-ma. Just explain to the
21 Jury what happened.

22 A She told me to call my grandfather and she gave
23 me his number, so I told my dad and my dad -- and
24 called.

25 Q You called your grandfather?

1 A Yes, sir.

2 Q Did you speak to your grandfather?

3 A Yes, sir.

4 Q What was the purpose of the call with your
5 grandfather?

6 A He wanted me to come stay out there with them for
7 a while.

8 Q Okay. And when you say, "Stay out there with
9 them for a while," where are you talking about?

10 A In Cassatt.

11 Q In Cassatt?

12 A Yes, sir.

13 Q And had you ever stayed out there in Cassatt with
14 your grandfather at his house ---

15 A Yes, sir.

16 Q --- in the past?

17 A Yes, sir.

18 Q Okay. Do you remember how old you were when that
19 took place?

20 A No, sir.

21 Q Okay. Was it before you had moved to Texas?

22 A No, sir.

23 Q So you spoke with your grandfather?

24 A Yes, sir.

25 Q And did you make arrangements to go stay with

25 | A Yes, sir.

1 Q So in May of 2017, how would you have been at
2 that time?

3 A Thirteen.

4 Q So you were thirteen at that time?

5 A Yes, sir.

6 Q You mentioned your cousins Joshua and Trevon, had
7 you -- well, let me ask you this, how old was Joshua
8 back then?

9 A Eighteen.

10 Q And what about Trevon?

11 A Seventeen -- yeah, 17.

12 Q Now had you known them for some period of time?

13 A Yes, sir.

14 Q You had mentioned the time before when you had
15 stayed with your grandfather in Cassatt. Were Joshua
16 and Trevon there, too?

17 A Yes, sir.

18 Q Now when you got to your grandfather's house, did
19 you know exactly where you were going to be staying?
20 When I say where you were staying, what room you were
21 going to be staying in or anything like that?

22 A No, sir.

23 MR. PAULING: May I beg the Court's indulgence?

24 May I approach the witness, Your Honor?

25 THE COURT: Yes, sir.

1 BY MR. PAULING:

2 Q [Minor], I'm going to ask you to look at three
3 photos. They are State's 1, 2, and 3 for ID purposes.
4 I'm going to ask you if you recognize what's in the
5 photos there?

6 A That's --

7 Q I'm sorry, just tell me if you recognize them?

8 A Yes, sir.

9 Q Do you recognize State's 1 and 2?

10 A Yes, sir.

11 Q As well as 3?

12 A Yes, sir.

13 Q And those -- what are those pictures of?

14 A My granddad's house.

15 Q Your granddad's house?

16 A Yes, sir.

17 Q In Cassatt?

18 A Yes, sir.

19 Q Okay. Now, do these pictures fairly and
20 accurately show what the house looked like when you
21 stayed there?

22 A Yes, sir.

23 Q Okay.

24 MR. PAULING: Your Honor, at this time, the State
25 offers Exhibits 1, 2, and 3, I believe, without

1 objection.

2 MR. AIKEN: Without objection, Your Honor.

3 THE COURT: All right. Without objection.

4 MR. PAULING: May the witness step down for just
5 a moment, Judge?

6 THE COURT: Yes.

7 BY THE WITNESS:

8 A (Steps off witness stand.)

9 Q Looking at State's 1, Minor [REDACTED], can you tell the
10 Jury what this shows here?

11 A The front of my granddaddy's house.

12 Q This is the front of the house?

13 A Yes, sir.

14 Q And where this elevated porch and this door with
15 the decorative glass, that's the front?

16 A Yes, sir.

17 Q Okay. Now, would you actually go into the house
18 from that side?

19 A No, sir.

20 Q How would you get inside your granddad's house?

21 A Through the back door.

22 Q The back door?

23 A Yes, sir.

24 Q Okay. Now I'm going to show you what's in
25 State's 3, and when you say the back door, can you

1 point to the Jury where you're talking about the back
2 door?

3 A Yes, sir. (Points to back door.)

4 Q Okay. Also a porch on the other side, but that's
5 the back door there?

6 A Yes, sir.

7 Q Okay. Did you ever go in through the front door?

8 A No, sir.

9 Q So always the back door?

10 A Yes, sir.

11 Q Now you had indicated that you did not know
12 exactly where you were going to stay or what room you
13 were going to stay in when you first got there?

14 A Yes, sir.

15 Q So when you did arrive, which room were you
16 staying in? How was that decision made?

17 A By my granddaddy and my g-ma.

18 Q By your granddaddy and your g-ma?

19 A Yes, sir.

20 Q And where were you to be staying?

21 A In their room on the couch.

22 Q In their room on the couch?

23 A Yes, sir.

24 Q And if you can show the Jury this particular
25 picture, how would you get to -- to their room?

1 A Go through this door, just go straight.

2 Q Straight from this door?

3 A Yes, sir.

4 Q And then go straight?

5 A Yes, sir.

6 Q Now were there other bedrooms in the house?

7 A Yes, sir.

8 Q And who were in the other bedrooms?

9 A Trevon Coe --

10 COURT REPORTER: Mr. Solicitor?

11 MR. PAULING: I'm sorry, you can't --

12 BY MR. PAULING:

13 Q You just need to speak up a little bit so she

14 can --

15 A Trevon Coe, Joshua Porte, and Jonathan Ray.

16 Q Trevon Coe, Joshua Porte, and Jonathan Ray?

17 A Yes, sir.

18 Q Okay. Now I'm going to show you State's 2. I'm

19 actually going to show you State's 2 and 3 somewhat

20 together here.

21 A (Reviews photographs.)

22 Q If you go into your grandfather's house through

23 this door, how would you get to the other bedrooms?

24 A You would go through the hall and you'd walk

25 straight down and then there's three rooms.

1 Q Okay. Well, would you walk past --

2 MR. PAULING: You can't hear her?

3 COURT REPORTER: "Walk straight down," and then I
4 didn't hear after that.

5 BY MR. PAULING:

6 Q Just speak up. Walk straight down, and then
7 what?

8 A You keep going straight and then there's the
9 other rooms.

10 Q Okay. Would you pass through -- and when you say
11 "Three other rooms," you mean three other bedrooms?

12 A Yes, sir.

13 Q Would you pass any other types of rooms before
14 you got to the bedrooms?

15 A The kitchen and the living room.

16 Q The kitchen and the living room?

17 A Yes, sir.

18 Q And I know this is the outside of the house, but
19 can you tell the Jury if you would pass through the
20 kitchen and the living room on the way to those
21 bedrooms?

22 A Yes, sir.

23 Q And this window here in State's 2, what is that
24 window from?

25 A The living room.

1 Q The living room, okay. And then where this, also
2 in State's 2, where the sliding glass door is ---

3 A Yes, sir.

4 Q --- what is that?

5 A Still the living room.

6 Q Still the living room. Okay, well, where would
7 the kitchen have been?

8 A Right there.

9 Q Looking in State's 3, where this window is?

10 A Yes, sir.

11 Q Okay. So you would go in?

12 A Yes, sir.

13 Q Pass through the kitchen?

14 A Yes, sir.

15 Q The living room and then down on to the bedrooms?

16 A Yes, sir.

17 Q Okay. In looking at State's 2 where this is
18 boarded up, do you know what that is?

19 A It was a window.

20 Q It was a window?

21 A Yes, sir.

22 Q Okay. And do you know to which room?

23 A Yes, sir.

24 Q And what room would that have been?

25 A Jonathan Ray's room.

1 Q You can take your seat.

2 A (Goes back to witness stand.)

3 Q Now **Minor**, I asked you about who was staying in --
4 who was there and staying in various bedrooms. When
5 you first got to your grandfather's house, you were
6 told you had to stay in their bedroom on the couch; is
7 that correct?

8 A Yes, sir.

9 Q Now at that particular time when your father
10 dropped you off, was Jonathan Ray there then?

11 A No, sir.

12 Q He was not there then?

13 A No, sir.

14 Q Okay. Now at some point, was he at the house?

15 A Yes, sir.

16 Q And when was that?

17 A The night of that day.

18 Q I'm sorry, say that again?

19 A The night of the day I went to my granddaddy's
20 house.

21 Q Okay. So when you got to your granddad's house
22 and -- was it nighttime?

23 A No, sir.

24 Q Was it like afternoon?

25 A Yes, sir.

1 Q Now so when your father was there, was Jonathan
2 Ray there?

3 A No, sir.

4 Q Do you recall if your father went in the house?

5 A No, sir.

6 Q I'm sorry, I probably asked that wrong. Do you
7 not recall or your father did go in the house?

8 A He did go in the house.

9 Q Okay. Now you said Jonathan Ray got there that
10 same night?

11 A Yes, sir.

12 Q And do you know how he got there?

13 A His girlfriend Alexis.

14 Q His girlfriend Alexis?

15 A Yes, sir.

16 Q Now had you ever met Alexis before?

17 A No, sir.

18 Q When he got there, you say he was with Alexis?

19 A Yes, sir.

20 Q Did he come into the house?

21 A Yes, sir.

22 Q Did Alexis come in the house?

23 A Yes, sir.

24 Q Anybody else?

25 A No, sir.

1 Q Was there anybody else with him?

2 A Oh, his daughter London.

3 Q Whose daughter?

4 A Jonathan's.

5 Q Do you know old London was?

6 A No, sir.

7 Q Can you describe London?

8 A She was -- she's small.

9 Q She's small?

10 A Yes, sir.

11 Q Was she a baby? Was she walking?

12 A She was walking.

13 Q She was walking?

14 A Yes, sir.

15 Q Now did you know that Jonathan was coming to the

16 house?

17 A No, sir.

18 Q Did he and Alexis stay at the house?

19 A No, sir. Jonathan did, but Alexis and the baby

20 didn't.

21 Q Okay. And that was the first night you were

22 there?

23 A Yes, sir.

24 Q And now did -- do you recall if you had any

25 conversation with Jonathan?

1 A No, sir.

2 Q You didn't have any conversation?

3 A No, sir.

4 Q And did you know who he was or did you ask about
5 him?

6 A Yes, sir. I didn't know who he was, but I did
7 ask about him.

8 Q Who did you ask?

9 A My granddad.

10 Q Leon?

11 A Yes, sir.

12 Q Okay. And what did you ask him?

13 A Who was that boy that walked in the house.

14 Q Okay. And did he tell you?

15 A Yes, sir.

16 Q Did you ask your granddad anything else about
17 Jonathan Ray?

18 A No, sir.

19 Q And you said he stayed, so did he stay that
20 night?

21 A Yes, sir.

22 Q And where did he stay?

23 A In the back room of my granddaddy's house.

24 Q When you say the "back room," if you would show
25 the Jury where your grandparents' room would be and

1 then -- was it on the other end of the house?

2 A Yes, sir.

3 Q Now if you recall, when Jonathan arrived, did he
4 have anything with him, any bags or anything; if you
5 remember?

6 A I don't remember.

7 Q You don't remember?

8 A No, sir.

9 Q Now I just want to make sure I've got this right
10 now. You got to the house first; is that correct?

11 A Yes, sir.

12 Q And your grandparents said you had to stay on the
13 couch in their room?

14 A Yes, sir.

15 Q Okay. And you said Trevon had a room?

16 A Yes, sir.

17 Q Joshua had a room?

18 A Yes, sir.

19 Q And Jonathan wasn't there yet; is that correct?

20 A No, sir.

21 Q Okay. But he arrived sometime later?

22 A Yes, sir.

23 Q With Alexis and a baby?

24 A Yes, sir.

25 Q And he had a room as well?

1 A Yes, sir.

2 Q Why didn't you ask your grandfather about them?

3 A Because I never seen them before and it was not
4 usual for my granddad to let other people stay at the
5 house.

6 Q You hadn't stayed with your grandfather in a
7 number of years; is that correct?

8 A Yes, sir.

9 Q Was Jonathan a family member?

10 A No, sir.

11 Q Do you recall that first night if you and your
12 family -- did you all have dinner together or anything
13 like that? Do you remember?

14 A I ate with my granddad and my g-ma.

15 Q You ate with them?

16 A Yes, sir.

17 Q Do you remember, did you eat in the kitchen?
18 Dining room?

19 A No, I ate in their room.

20 Q Okay. You ate with them in their room?

21 A Yes, sir.

22 Q Now did anything happen that night?

23 A No, sir.

24 Q Do you recall the next day?

25 A Yes, sir. We took Jonathan Ray and my cousin

1 Trevon to work in Elgin.

2 Q [Minor], you're doing well, I need you to speak up
3 just a little bit, okay?

4 A Yes, sir.

5 Q You said the next morning you took who? Say it
6 again?

7 A Jonathan Ray and Trevon Coe to work in Elgin.

8 Q When you say "we took," who are you talking
9 about? Who is "we"?

10 A Me and my g-ma.

11 Q Okay. And how did you all get there?

12 A Drove.

13 Q You didn't drive, did you?

14 A No, sir.

15 Q Okay. Who drove?

16 A My g-ma.

17 Q And you took them to work somewhere in Elgin; is
18 that ---

19 A Yes, sir.

20 Q And why did you go?

21 A Because I was going to be home by myself.

22 Q Okay. What about your grandfather? Did he go to
23 work as well?

24 A Yes, sir.

25 Q Do you remember where Joshua was that day?

- 1 A No, sir.
- 2 Q But you went with your grandmother?
- 3 A Yes, sir.
- 4 Q And did you, I guess, then spend most of the day
5 with your grandmama?
- 6 A Yes, sir.
- 7 Q And later that day did you -- well, let me ask
8 you this. Did Jonathan Ray end up at the house that
9 evening?
- 10 A Yes, sir.
- 11 Q And how was that?
- 12 A Me and my g-ma went to go get him.
- 13 Q You're talking about Jonathan and Trevon?
- 14 A Yes, sir.
- 15 Q Picking them up from work?
- 16 A Yes, sir.
- 17 Q Okay. Now at that time, had you and Jonathan
18 talked at all? Had he talked to you?
- 19 A No, sir.
- 20 Q Did he ask you anything?
- 21 A No, sir.
- 22 Q Okay. That particular night, anything happen,
23 anything out of the ordinary?
- 24 A No, sir.
- 25 Q What about the next day?

1 A We took Trevon and Jonathan to work again.

2 Q You took them to work again?

3 A Yes, sir.

4 Q You and your g-ma?

5 A Yes, sir.

6 Q Did you pick them up just like before?

7 A Yes, sir.

8 Q And now that particular evening, did anything in

9 particular happen?

10 A Yes, sir.

11 Q Let me ask you this, **Minor**. I asked you how old

12 you were. Did you know how old Jonathan Ray was?

13 A Yes, sir.

14 Q How did you know that?

15 A Because he had told me.

16 Q He had told you?

17 A Yes, sir.

18 Q At what point though? That's what I'm trying to

19 understand.

20 A When he first came to the house.

21 Q When he first got to the house?

22 A Yes, sir.

23 Q Okay. So I want to make sure I've got this

24 right. When he first got to the house, it was the

25 same day that your father dropped you off?

- 1 A Yes, sir.
- 2 Q But how did that come about? Did you ask him how
3 old he was or did he just tell you? Or did he ask you
4 anything?
- 5 A I asked him.
- 6 Q You asked him?
- 7 A Yes, sir.
- 8 Q How old he was?
- 9 A Yes, sir.
- 10 Q And what did he tell you?
- 11 A Twenty-three.
- 12 Q Did he know how old you were?
- 13 A No, sir.
- 14 Q Okay. He didn't know how old you were?
- 15 A No, sir.
- 16 Q Did he ask you?
- 17 A Yes, sir.
- 18 Q You didn't tell him?
- 19 A I didn't want him to know how old I was.
- 20 Q Okay. I understand. He didn't know how old you
21 were at that point?
- 22 A Yes, sir.
- 23 Q But he did ask you how old you were?
- 24 A Yes, sir.
- 25 Q And what did you tell him?

- 1 A Thirteen.
- 2 Q You told him 13 years old?
- 3 A Yes, sir.
- 4 Q Do you know why he asked you that?
- 5 A No, sir.
- 6 Q Do you know if he was -- if he knew Joshua or
- 7 Trevon before he got there?
- 8 A Yes, sir.
- 9 Q You do?
- 10 A Yes, sir.
- 11 Q Who did he know?
- 12 A He knew Trevon -- he knew my g-ma and my
- 13 granddaddy and Trevon and Joshua.
- 14 Q So he knew them?
- 15 A Yes, sir.
- 16 Q He and Trevon work at the same place?
- 17 A Yes, sir.
- 18 Q Okay. So on that third night, did something
- 19 different happen then? That third night, where were
- 20 you sleeping the first night, the second night, and
- 21 then the third night?
- 22 A My grandma's -- my g-ma's room on the couch.
- 23 Q On the couch within their bedroom?
- 24 A Yes, sir.
- 25 Q Each night?

- 1 A Yes, sir.
- 2 Q And so on this third night, what were you doing?
- 3 A Laying down watching TV.
- 4 Q Watching TV?
- 5 A Yes, sir.
- 6 Q And do you remember about what time it was?
- 7 A No, sir.
- 8 Q Was it late?
- 9 A Yes, sir.
- 10 Q Was it dark outside?
- 11 A Yes, sir.
- 12 Q And do you remember where your grandfather was,
- 13 where Leon Jefferson was?
- 14 A On their bed.
- 15 Q And what about G-ma, what about Gail?
- 16 A On their bed.
- 17 Q Do you remember if they were awake or asleep?
- 18 A They were awake.
- 19 Q And you said that you were watching TV?
- 20 A Yes, sir.
- 21 Q At some point, did you stop watching TV?
- 22 A Yes, sir.
- 23 Q And why was that?
- 24 A 'Cause I got a message from Jonathan.
- 25 Q You say you got a message from Jonathan. How did

1 you get a message?

2 A He sent it to me.

3 Q Was this like a piece of paper or --

4 A No, sir.

5 Q How did he get this message to you?

6 A On my phone.

7 Q On your phone?

8 A Yes, sir.

9 Q So you had a phone back then?

10 A Yes, sir.

11 Q Now was it a text message?

12 A Yes, sir.

13 Q So how did Jonathan have your number?

14 A 'Cause Tre' called him off my phone.

15 Q Tre' called him off of your phone?

16 A Yes, sir.

17 Q Okay. And when would that have occurred?

18 A The second night.

19 Q Do you know why Trevon needed to use your phone?

20 A Because he needed to call Jonathan.

21 Q Okay. Did Trevon have a phone?

22 A No, sir.

23 Q And so that's how Jonathan would have had your

24 number?

25 A Yes, sir.

1 Q And so he sent you a message?

2 A (Nods.)

3 Q What was the message?

4 A. That Tre' was asleep.

5 Q Okay. You said the message was that Tre' was

6 asleep?

7 A Yes, sir.

8 Q You said the message was that Tre' was asleep?

9 A Yes, sir.

10 Q It sounds like he was responding to something.

11 A Yes, sir.

12 Q Can you explain that to the Jury? Did you send a

13 message to Jonathan?

14 A Yes, sir.

15 Q Okay.

16 A It was like the night before when I texted

17 Jonathan to ask him where was Tre' because my g-ma

18 wanted him.

19 Q Because your g-ma wanted him?

20 A Yes, sir.

21 Q Wanted Tre'?

22 A Yes, sir.

23 Q And wanted to know where he was?

24 A Yes, sir.

25 Q Okay. But Jonathan's number was in your phone

1 because Tre' had contacted him off of your phone?

2 A Yes, sir.

3 Q Okay. So did Jonathan ever respond to you -- you
4 said on the second night is when that message went out
5 "Where is Trevon"? Did he respond to you on that
6 second night?

7 A No, sir.

8 Q Okay. Now I understand. But on this third night
9 is when the response came through?

10 A Yes, sir.

11 Q Okay. Did he send you any other message?

12 A What was you doing?

13 Q Okay. He was asking you what you were doing?

14 A Yes, sir.

15 Q And did you respond to it?

16 A Yes, sir.

17 Q What did you tell him?

18 A Laying down watching TV.

19 Q Okay. And you did that by text message?

20 A Yes, sir.

21 Q Were there anymore messages? Did he send another
22 message?

23 A He told me to come to his room.

24 Q Just speak up just a little bit, I'm sorry.

25 A He told me to come to his room.

- 1 Q Did you respond?
- 2 A Yes, sir.
- 3 Q Did you text him back?
- 4 A Yes, sir.
- 5 Q What did you text him?
- 6 A Okay.
- 7 Q Now when these text messages were going back and
8 forth, were your grandparents still awake?
- 9 A No, sir.
- 10 Q Did you know why he wanted you to come to his
11 room?
- 12 A No, sir.
- 13 Q Do you know if you asked him?
- 14 A No, sir.
- 15 Q You didn't ask him?
- 16 A No, sir.
- 17 Q Okay. Did you go to his room?
- 18 A Yes, sir.
- 19 Q How did you get to his room?
- 20 A I walked.
- 21 Q And where did you walk? Just take me along the
22 path.
- 23 A I walked in the kitchen through the living room
24 to his room.
- 25 Q The kitchen, the living room ---

1 A And then his room.

2 Q --- and then his room, okay. Now was that just a
3 straight walk down the hall?

4 A Yes, sir.

5 Q Now were there other -- there were other
6 bedrooms; is that correct?

7 A Yes, sir.

8 Q You said Joshua had a room; is that right?

9 A Yes, sir.

10 Q And Trevon as well?

11 A Yes, sir.

12 Q In going to Jonathan's room, would you have to
13 pass Trevon and Joshua's room?

14 A Yes, sir.

15 Q And which side of the hallway would Joshua's room
16 be on?

17 A The right.

18 Q The right?

19 A Yes, sir.

20 Q And then where would Trevon's room be?

21 A The left.

22 Q On the left?

23 A Yes, sir.

24 Q And when you pass both rooms before you got to
25 Jonathan's room?

1 A Yes, sir.

2 Q As you were walking to Jonathan's room, did you
3 see anybody? Talk to anybody on the way to Jonathan's
4 room?

5 A No, sir.

6 Q Do you know if -- well, you didn't see anybody;
7 is that what you said?

8 A No, sir.

9 Q Okay. Now when you got to Jonathan's room, who
10 was there?

11 A Just him.

12 Q Just Jonathan?

13 A Yes, sir.

14 Q Do you recall if the light was on or off?

15 A It was off.

16 Q Do you remember where Jonathan was inside the
17 room?

18 A On his bed.

19 Q Do you remember if he was sitting or laying down?
20 Do you remember?

21 A He was sitting.

22 Q Once you got to his room, did he say anything to
23 you or did you say anything?

24 A I asked him what did he want.

25 Q You asked him what did he want?

1 A Yes, sir.

2 Q And what did he say?

3 A He didn't answer me.

4 Q Did you ask him again what he wanted, or what did
5 you do?

6 A Yes, sir, I asked him.

7 Q Did he finally answer you?

8 A No, sir.

9 Q So what did you do at that point?

10 A Sat there.

11 Q When you say "sat there," sat where?

12 A At the edge of the bed.

13 Q So you sat on the bed?

14 A Yes, sir.

15 Q Now was the light still off?

16 A Yes, sir.

17 Q Did you have any type of light at all?

18 A Yes, sir, my phone.

19 Q On your phone?

20 A Yes, sir.

21 Q Are you talking about the flashlight on your
22 phone?

23 A Yes, sir.

24 Q Did you have that flashlight on?

25 A Yes, sir.

1 Q Why did you have it on?

2 A Because I couldn't see.

3 Q Okay. You couldn't see when you got to

4 Jonathan's room?

5 A Yes, sir.

6 Q Could you see on the way to Jonathan's room?

7 A Yes, sir.

8 Q Were the lights on in the house? That's what I'm
9 asking.

10 A No, sir.

11 Q Okay. Did you use the flashlight even on your
12 way to his room; or do you remember?

13 A Yes, sir, I did.

14 Q And when you sat on the edge of his bed, did
15 Jonathan say anything to you or what was going on when
16 you saw on the edge of his bed?

17 A He started feeling on me.

18 Q He started feeling on you?

19 A Yes, sir.

20 Q. If you could tell the Jury, when you say feeling
21 on you, what do you mean? What was he doing?

22 A He was rubbing on my thighs.

23 Q He was rubbing your thighs with hands?

24 A Yes, sir.

25 Q Do you remember what you were wearing?

1 A Joggers and a black shirt.

2 Q And joggers are like sweatpants?

3 A Yes, sir.

4 Q Do you remember what he was wearing at the time?

5 A A pair of shorts.

6 Q Do you remember if he had a shirt on?

7 A No, sir.

8 Q He did have a shirt on or he didn't?

9 A He didn't.

10 Q And when he started feeling on your -- you said

11 rubbing on your thighs; is that what you said?

12 A Yes, sir.

13 Q Okay. What was going through your mind at that

14 time?

15 A Why is he touching me.

16 Q Why is he touching you?

17 A Yes, sir.

18 Q When he started rubbing on your thighs, did you

19 say anything to him at that point?

20 A "Stop."

21 Q You told him to stop?

22 A Yes, sir.

23 Q And did he say anything to you or what happened

24 after you told him to stop?

25 A He pushed me onto the bed and starting taking my

1 pants off.

2 Q And once he pushed you on the bed, you said he
3 started taking your pants off?

4 A Yes, sir.

5 Q What did you do at that point?

6 A Nothing.

7 Q What was running through your head at that point,
8 once he pushed you down?

9 A I wanted him to stop.

10 Q You wanted him to stop?

11 A Yes, sir.

12 Q Was he able to get your pants off?

13 A Yes, sir.

14 Q Did you try to stop him from getting your pants
15 off?

16 A No, sir, I had blacked out. I blacked out.

17 Q But you know he got your pants off?

18 A Yes, sir.

19 Q And then what happened?

20 A He went to his drawer for something.

21 Q He went to his drawer for something?

22 A Yes, sir.

23 Q When you say "drawer," are you talking about like
24 a bedside table or ---

25 A A dresser.

1 Q A dresser?

2 A Yes, sir.

3 Q Did you see what he got or ---

4 A No, sir.

5 Q Did he say anything to you when he went to the

6 drawer?

7 A No, sir.

8 Q And after he went to the drawer, you said he got

9 something but you don't know what it was?

10 A No, sir.

11 Q Then tell the Jury what happened after that.

12 A He came back and then he took out his penis and

13 put it inside my vagina and started forcing himself in

14 me.

15 Q He took out his penis and put it inside your

16 vagina and starting forcing himself inside of you?

17 A Yes, sir.

18 Q What was going through your head at that time,

19 **Minor**?

20 A Why did I go in his room?

21 Q Why did you go in the room?

22 A Yes, sir.

23 Q Did you say anything to him at that time?

24 A Get off of me.

25 Q Get off of you?

1 A Yes, sir.

2 Q Did he say anything to you, or what did he do?

3 A He kept forcing himself in me.

4 Q Did it hurt -- did he hurt you?

5 A Yes, sir.

6 Q At some point, did he stop?

7 A Yes, sir.

8 Q And I know you said -- you testified earlier you

9 said you -- I think you testified that he was taking

10 your pants off and you blacked out for a moment; is

11 that correct?

12 A Yes, sir.

13 Q And he went to his drawer?

14 A Yes, sir.

15 Q And do you know what he got or do you -- do you

16 remember what he got?

17 A No, sir.

18 Q All right. But then he got his penis and forced

19 himself inside of you?

20 A Yes, sir.

21 Q And you told him to get off of you?

22 A Yes, sir.

23 Q You said he stopped, what did he do when he

24 stopped?

25 A He went inside the bathroom.

1 Q You said he went inside the bathroom?

2 A Yes, sir.

3 Q And where is their bathroom?

4 A As soon as you walk out of the room and you turn
5 left, and there is the bathroom.

6 Q So would the bathroom then be -- you say turn
7 left, so the bathroom would be on like the same side
8 of the hall as Joshua's room?

9 A Yes, sir.

10 Q Did he say anything to you at all?

11 A "Don't tell nobody or we'll get in trouble."

12 COURT REPORTER: I'm sorry?

13 BY THE WITNESS:

14 A "If I tell anybody, we'll get in trouble."

15 Q He said if you tell anybody, he'll get in
16 trouble?

17 A Yes, sir.

18 Q When did he tell you that? Was that before he
19 went or after he went to the bathroom?

20 A After -- no, before.

21 Q What did you do after he had gone into the
22 bathroom?

23 A I got my pants and walked back to my granddaddy's
24 room.

25 Q Did you put your clothes back on then or did you

1 just grab your pants and go back to your granddaddy's
2 room?

3 A I put my pants back on before I went.

4 Q On the way back to your granddad's room, did you
5 see anybody?

6 A No, sir.

7 Q Did you see Joshua or see Trevon or see anybody
8 when you walked back to your grandparents' room?

9 A No, sir.

10 Q And when you got into your grandparents' room,
11 what did you do?

12 A Went to their bathroom.

13 Q Do they have a bathroom inside of their bedroom?

14 A Yes, sir.

15 Q And why did you go to their bathroom?

16 A Because I had to be use the it.

17 Q. You had to use the bathroom?

18 A Yes, sir.

19 Q And when you went to use the bathroom, did
20 anything in particular happen?

21 A I was bleeding.

22 Q You were bleeding?

23 A Yes, sir.

24 Q From where?

25 A My vagina.

1 Q And were you able to stop the bleeding somehow?

2 A Yes, sir.

3 Q Now the point where you went back to your
4 grandparents' room, I may have asked you this, were
5 they still asleep?

6 A Yes, sir.

7 Q Did you say anything to them at that particular
8 point?

9 A No, sir.

10 Q After you went to the bathroom and saw that you
11 were bleeding, you said you stopped the bleeding; is
12 that correct?

13 A Yes, sir.

14 Q Then what did you do?

15 A I laid down and cried myself to sleep.

16 Q When you laid down, what was going through you
17 mind then?

18 A I shouldn't have went in his room.

19 Q Do you recall what happened the next morning?

20 A We took the -- Jonathan and Trevon to work.

21 Q And again, the "we" you're talking about is your
22 grandma?

23 A Yes, sir.

24 Q Did you talk to anybody about what had happened
25 the night before?

1 A No, sir.

2 Q Why not?

3 A Because I was afraid that I was going to get in
4 trouble.

5 Q You were afraid you were going to get in trouble?

6 A Yes, sir.

7 Q Why did you think you were going to get in
8 trouble?

9 A Because I went into his room.

10 Q Did you tell your father about it that next day?

11 A No, sir.

12 MR. PAULING: I beg the Court's indulgence. May
13 I approach the witness, Your Honor?

14 THE COURT: Yes.

15 BY MR. PAULING:

16 Q **Minor**, I show you what's been just marked for
17 ID purposes State's 4. Do you recognize anything in
18 that particular room?

19 A Yes, sir, the dresser.

20 Q You've got to speak up just a little bit.

21 A A dresser.

22 Q You recognize the dresser?

23 A Yes, sir.

24 Q In State's 4?

25 A Yes, sir.

1 Q Okay. And that dresser, is that the same dresser
2 you said that Jonathan had gone to?

3 A Yes, sir.

4 Q And **Minor**, earlier you testified, or at least I
5 know I asked you about when Jonathan had forced
6 himself on you, did you call out to anybody or scream
7 or anything?

8 A No, sir.

9 Q Was he covering your mouth or anything?

10 A No, sir.

11 Q Why didn't you scream? What was going through
12 your head?

13 A I don't know.

14 Q You don't know?

15 A No, sir.

16 Q And you said the next day you didn't tell -- you
17 didn't tell your grandma and you didn't tell your
18 father, did you?

19 A No, sir.

20 Q Did you tell anybody?

21 A No, sir.

22 Q Okay. And again, why was that? Why didn't you
23 tell anybody?

24 A Because I was afraid I was going to get in
25 trouble.

1 Q You were afraid you were going to get in trouble?

2 A Yes, sir.

3 Q But what did Jonathan tell you before he left the
4 room?

5 A Not to tell anybody because he would get in
6 trouble.

7 Q Not to tell anybody because he would get in
8 trouble?

9 A Yes, sir.

10 Q **Minor**, do you remember about how long you stayed at
11 your grandfather's house after that?

12 A Two days.

13 Q Two days?

14 A Yes.

15 Q And how did you -- who came and picked you up?

16 A My dad.

17 Q Do you remember where you went after that?

18 A To my grandmother's house in Bethune.

19 Q Your grandmother's house in Bethune?

20 A Yes, sir.

21 Q Do you remember if you went back to your
22 granddad's house in Cassatt that summer?

23 A I did.

24 Q You did?

25 A Yes, sir.

1 Q Do you remember how you got there?

2 A My sister.

3 Q Your sister?

4 A Yes, sir.

5 Q And who is that?

6 A Fatima Mack.

7 Q Fatima Mack?

8 A Yes, sir.

9 Q Did you tell -- at that particular time, did you
10 tell Fatima what had happened?

11 A Yes, sir.

12 Q What did you tell Fatima happened?

13 A That Jonathan raped me.

14 Q Had you told your father though?

15 A No, sir.

16 Q At some point, did you tell your father?

17 A Yes, sir.

18 Q Do you remember when that was?

19 A June.

20 Q You think it was --

21 A I think it was -- or even March.

22 Q Well, let me ask you this, so you were in seventh
23 grade when you left Texas; is that correct?

24 A Yes, sir.

25 Q And you had come down with your father back to

1 South Carolina; is that correct?

2 A Yes, sir.

3 Q And you stayed with your grandfather for some
4 period of time in May; is that correct?

5 A Yes, sir.

6 Q Okay. Now when you got back to South Carolina
7 from Texas, did you go to school at all when you first
8 got back here?

9 A No, sir.

10 Q Now after the summer and then the fall, did you
11 go to school?

12 A Yes, sir.

13 Q Where did you go to school?

14 A Camden Middle.

15 Q Camden Middle?

16 A Yes, sir.

17 Q So what grade would you have been then?

18 A Eighth.

19 Q Okay, eighth grade. Now at that time, had you
20 told your father?

21 A No, sir.

22 Q Now your birthday is when again?

23 A [REDACTED].

24 Q So just a few days before Christmas?

25 A Yes, sir.

1 Q So when you had turned 14, had you told your
2 father yet?

3 A Yes, sir.

4 Q You believe you told your father then?

5 A Yes, sir.

6 Q Let me ask you this. Were you 14 when you told
7 your father?

8 A Yes, sir.

9 Q Okay. Why did you end up telling your father?

10 A Because my sister told me to tell him.

11 Q When you say your sister, you're talking about
12 Fatima?

13 A Yes, sir.

14 Q And so you told your father?

15 A Yes, sir.

16 Q Now after you told your father, do you remember
17 what happened after you told your father?

18 A We went to my sister's mother's house.

19 Q Okay. At some point, was Law Enforcement called?

20 A Yes, sir.

21 Q **Minor**, do you remember going to Florence?

22 A Yes, sir.

23 Q To the Care House?

24 A Yes, sir.

25 Q And do you remember speaking to someone there?

1 A Yes, sir.

2 Q When you spoke to that person, was it just you
3 and that person?

4 A Yes, sir.

5 Q Do you remember if it was a man or a woman that
6 you spoke to?

7 A It was a woman.

8 Q And did you tell her what happened?

9 A Yes, sir.

10 Q What did you tell her -- what did you tell her
11 had happened?

12 A. That Jonathan raped me.

13 Q And when you went to the Care House, were you
14 also examined medically?

15 A Yes, sir.

16 Q And did you find out anything after the medical
17 exam or about the medical exam?

18 A No, sir.

19 Q No, you didn't?

20 A No, sir.

21 MR. PAULING: I beg the Court's indulgence.

22 BY MR. PAULING:

23 Q Now **Minor**, at some point did you have to take any
24 type of medication?

25 A Yes, sir.

1 Q And who gave you that medication?

2 A My father.

3 Q Do you know what the medication was for?

4 MR. AIKEN: Objection, Your Honor. That's a
5 diagnosis that she's not competent to give.

6 MR. PAULING: Just a yes or no is what I am
7 asking. Does she knows what the medication is for.

8 THE COURT: Overruled. Go ahead.

9 BY MR. PAULING:

10 Q Just a yes or no, do you what the medication was
11 for?

12 A No, sir.

13 Q Okay. Now **Minor**, after you told your father and
14 gone to the Care House, did anybody contact you about
15 this?

16 A Alexis.

17 Q Alexis?

18 A Yes, sir.

19 Q And who again is Alexis?

20 A Jonathan's girlfriend.

21 Q Do you know how old Alexis is?

22 A No, sir.

23 Q Is she older than you are?

24 A Yes, sir.

25 Q How did she contact you?

1 A On Messenger.

2 Q Say that again.

3 A On Messenger.

4 Q On Messenger. Do you know why she contacted you?

5 MR. AIKEN: Objection, Your Honor. It calls for
6 speculation.

7 THE COURT: Overruled.

8 BY MR. PAULING:

9 Q What did she say to you?

10 A I don't remember.

11 Q You don't remember?

12 A No, sir.

13 MR. PAULING: May I approach the witness, Your
14 Honor?

15 THE COURT: Yes.

16 BY MR. PAULING:

17 Q **Minor**, I'm going to show you what's been
18 marked for ID purposes on State's 5. Do you recognize
19 that?

20 A Yes, sir.

21 Q And is that the message that you were just
22 referring to?

23 A Yes, sir.

24 Q From Alexis?

25 A Yes, sir.

1 Q Do you remember if you responded to her?

2 A Yes, sir, I did.

3 Q What was your response?

4 A Stop texting me.

5 Q You asked her to stop texting her?

6 A Yes, sir.

7 MR. PAULING: I beg the Court's indulgence.

8 **Minor**, that's all the question I have. Please
9 answer any questions the Defense Counsel may have.

10 THE COURT: All right. Ladies and Gentlemen,
11 let's take a short break, a ten-minute break. We'll
12 call it a comfort break. Again, don't discuss the
13 testimony during the break.

14 (Whereupon, the Jury exited the courtroom.)

15 THE COURT: **Minor**, you can't talk to -- I'm
16 going to ask you not to talk to anybody about the
17 case, okay?

18 WITNESS: Yes, sir.

19 THE COURT: You can talk about anything else but
20 just don't talk about the case.

21 (Whereupon, a brief recess was held.)

22 THE COURT: State rested for sure?

23 MR. PAULING: Yes, Your Honor.

24 THE COURT: All right. Bring the Jury in.

25 All right. Let me say something before our Jury

1 comes in. Next time, when I excuse the Jurors, please
2 don't everybody just jump up and run out of the room.
3 Let's have some respect for the Jurors when they enter
4 and when they leave. My practice is that everybody
5 stays seated until the Jury leaves and if you'll do
6 that, I'd appreciate it regardless of how bad you have
7 to go.

8 (Whereupon, the Jury entered into the courtroom.)

9 THE COURT: Mr. Aiken.

10 MR. AIKEN: May it please the Court, Your Honor?

11 CROSS-EXAMINATION

12 BY MR. AIKEN:

13 Q Good morning, Minor .

14 A Good morning.

15 Q How are you?

16 A Good.

17 Q I'm Art Aiken and I represent Mr. Ray and I have
18 some questions I'm going to ask you. Some of them are
19 going to be questions that the government didn't ask
20 you, but we'll go over those. If you don't understand
21 one of my questions, please ask me to rephrase it.

22 I'd be happy to do that, okay?

23 A Yes, sir.

24 Q Now, before you came to live back in 2017 with
25 your grandparents, you lived in Lufkin, Texas?

1 A Yes, sir.

2 Q You went to Lufkin Middle School?

3 A Yes, sir.

4 Q So, you were there for the 2016-2017 school year,
5 right?

6 A Yes, sir.

7 Q The last day of school was a half day on the
8 25th, right?

9 A Yes, sir.

10 Q The 25th of May?

11 A Yes, sir.

12 Q At some point, you leave Texas with your father,
13 correct?

14 A Yes, sir.

15 Q When was that?

16 A On May 25th.

17 Q That's when you left Texas?

18 A Yes, sir.

19 Q The trip from Lufkin, Texas to Camden was what,
20 15, 16 hours?

21 A Yes, sir.

22 Q About what time did you leave on the 25th?

23 A I don't remember.

24 Q Did you arrive in Camden on the 26th?

25 A Yes, sir.

1 Q Do you remember about what time on the 26th you
2 got to Camden?

3 A 12:00.

4 Q Noontime or a.m.?

5 A A. M.

6 Q Midnight?

7 A Yes, sir.

8 Q Midnight on the 26th?

9 A Yes, sir.

10 Q So, that would have been, like, one minute before
11 the 27th, right?

12 A Yes, sir.

13 Q I believe you testified -- well, let me ask you
14 this. When you got to Camden, did you go directly to
15 your grandparent's house?

16 A No, sir.

17 Q How long after you arrived in Camden did you go
18 to your grandparent's house?

19 A I don't remember.

20 Q Okay. But it would have been after the 26th?

21 A Yes, sir.

22 Q I believe you said on direct, and correct me if
23 I'm wrong, that you got to your grandparent's house
24 the weekend you came back to Camden. Is that right?

25 A Yes, sir.

1 Q It would have been the weekend after you came
2 back to Camden? Is that right?

3 A Yes, sir.

4 Q All right. You were at the house three days
5 before you say this happened with Mr. Ray. Is that
6 right?

7 A Yes, sir.

8 Q If you would step down here, please ma'am? The
9 25th is when you left Texas, right?

10 A Yes, sir.

11 Q May the 25th. All right. And you arrived in
12 Camden at midnight on the 26th?

13 A Yes, sir.

14 Q And then the following weekend would have been
15 the 27th and the 28th, right?

16 A Yes, sir.

17 Q So, you would have gone to your grandparent's
18 house either the 27th or the 28th? All right. Now,
19 this incident happened three days after you got to
20 your grandparent's house, right?

21 A Yes.

22 Q So, if it was the 27th, the incident with Mr. Ray
23 would have happened on the 30th of May 2017.

24 A Yes, sir.

25 Q If you got to your grandparent's house on the

1 28th, then the incident would have occurred on the
2 31st. Is that right?

3 A Yes.

4 Q Okay. You can go take your seat. Thank you.
5 Now, if you remember, the government's lawyer showed
6 you State's Exhibit 1, State's Exhibit 2 and State's
7 Exhibit 3?

8 A Yes, sir.

9 Q The pictures of the mobile home where your
10 grandfather lived, Leon Jefferson?

11 A Yes, sir.

12 Q Let me ask you this. You referred to your g-ma
13 as Gail Jefferson. That's the same as Virginia
14 Jefferson, right?

15 A Yes, sir.

16 Q You go in the back door, right?

17 A Yes, sir.

18 Q And you go directly back and that goes to the
19 bedroom that Leon Jefferson and Gail Jefferson stayed
20 in, right?

21 A Yes, sir.

22 Q They were there on the night this incident
23 happened?

24 A Yes, sir.

25 Q Then, if you walk in the back door and you take a

1 left, you go through the kitchen and the living room,
2 right?

3 A Yes, sir.

4 Q And then there's a hallway?

5 A Yes, sir.

6 Q On that hallway, off of that hallway are three
7 bedrooms?

8 A Yes, sir.

9 Q On the right-hand side, the first bedroom would
10 have been Trevon's?

11 A Yes, sir.

12 Q And Trevon was there?

13 A Yes, sir.

14 Q When this incident allegedly happened, right?

15 A Yes, sir.

16 Q On the left-hand side would have been Joshua
17 Porte's bedroom?

18 A Yes, sir.

19 Q And Joshua Porte was there when this alleged
20 incident happened, right?

21 A Yes, sir.

22 Q Next to Trevon's bedroom, on the right-hand side
23 of the hall, would have been Jonathan Ray's bedroom?

24 A Yes, sir.

25 Q So, Jonathan Ray's bedroom was right next to

1 Trevon Coe's bedroom?

2 A Yes, sir.

3 Q And was catty-cornered across the small hallway
4 from Joshua Porte's bedroom?

5 A Yes, sir.

6 Q Now, this was a mobile home, right?

7 A Yes, sir.

8 Q Were the walls kind of thin?

9 A I don't know.

10 Q Don't know?

11 A No, sir.

12 Q Were you able to hear what other people were
13 doing in their various rooms?

14 MR. PAULING: Calls for speculation.

15 THE COURT: Overruled.

16 BY MR. AIKEN:

17 A I don't understand what you're saying.

18 Q You couldn't hear?

19 A No, sir.

20 Q Did Alexis Cunningham and Jonathan Ray and Alexis
21 Cunningham's daughter sometimes stay with Jonathan Ray
22 at [REDACTED] Joe Lenox?

23 A No, sir.

24 Q They never did, ever?

25 A No, sir.

1 Q Were you and your grandmother close?

2 A Yes, sir.

3 Q I'm talking about Gail Jefferson?

4 A Yes, sir.

5 Q g-ma. You were close with g-ma?

6 A Yes, sir.

7 Q You were close with Leon Jefferson, your
8 grandfather?

9 A Yes, sir.

10 Q Now, after this allegedly happened, you said you
11 were bleeding, right?

12 A Yes, sir.

13 Q So, according to you, you'd just had sex for the
14 first time, you're bleeding, and you don't tell your
15 grandmother, with whom you were close?

16 A No, sir.

17 Q At any time, when you were staying at Joe Lenox
18 Road, did you know that Jonathan worked at Chili's?

19 A No, sir.

20 Q I think you mentioned something about some text
21 messages you claim to have gotten from Mr. Ray. Did
22 you ever show those text messages to anybody?

23 A No, sir.

24 Q You never showed those to Trevon Coe?

25 A No, sir.

1 Q In March of 2018, did you have the same phone you
2 had in May of 2017?

3 A No, sir.

4 Q Did you have the same service?

5 A No.

6 Q The same provider?

7 A No, sir.

8 Q Who was your provider in May of 2017?

9 A I don't remember.

10 Q Who was your provider in March of 2018?

11 A H2O.

12 Q H2O?

13 A Yes, sir.

14 Q Do you know whether or not there was any backup
15 of your phone?

16 A No, sir.

17 Q When you went to H2O to get a new phone, did they
18 download all your contacts and all your other
19 information to your phone?

20 A No, sir.

21 Q You had to start from scratch?

22 A Yes, sir.

23 Q Do you remember when you got H2O as a provider?

24 A No, sir.

25 Q This alleged incident with Mr. Ray, what time of

1 night did it happen?

2 A I don't remember.

3 Q While this alleged incident is going on, I think
4 you said Jonathan Ray was touching you and you said,
5 "Stop"?

6 A Yes, sir.

7 Q How forcefully did you say, "Stop"?

8 A I don't understand the question.

9 Q Well, when you said, "Stop," did you holler stop
10 or did you just say, "Stop"?

11 A I just said stop.

12 Q Okay. I think you also said, "Get off of me,"
13 right?

14 A Yes, sir.

15 Q How loudly did you say that?

16 A Loud.

17 Q I think later you said stop again, didn't you?

18 A Yes, sir.

19 Q How loud did you say that?

20 A Loud.

21 Q You're close with your father, right?

22 A Yes, sir.

23 Q Your father is protective of you, isn't he?

24 A Yes, sir.

25 Q You knew that if you reported that you had been

1 raped by someone, that they were going to be reporting
2 it to the authorities, right?

3 A Yes, sir.

4 MR. PAULING: Objection, Your Honor.

5 THE COURT: Overruled. Go ahead.

6 BY MR. AIKEN:

7 Q I'll ask it again and make sure we've got it
8 clear. You knew that if you told your father that you
9 had been raped by someone, that person was going to be
10 reported to the authorities, right?

11 A Yes, sir.

12 Q I think you said you told your sister, Fatima,
13 right?

14 A Fatima.

15 Q Fatima, I apologize. When did you tell Fatima?

16 A I don't remember.

17 Q Did you ever tell Trevon Coe?

18 A No, sir.

19 Q May I have just one moment, please, Your Honor?

20 THE COURT: Sure.

21 BY MR. AIKEN:

22 Q Now, **Minor**, when this alleged incident
23 occurred with Mr. Ray, he was wearing a condom, wasn't
24 he?

25 A I think so.

1 Q You think so?

2 A Yes, sir.

3 Q Actually, you gave a statement on videotape at
4 the Care House, right?

5 A Yes, sir.

6 Q In that statement, you stated that Mr. Ray was
7 wearing a condom, right?

8 A Yes, sir.

9 Q You gave another statement at the solicitor's
10 office on July 19th, 2019 and in that statement, you
11 said, "He went to his drawer and got a condom," right?

12 A Yes, sir.

13 Q On April the 16th of 2018, you were interviewed
14 by Investigator Carmen Ford, right?

15 A Yes, sir.

16 Q You stated that he grabbed a condom and placed
17 the condom on his penis and then proceeded to
18 penetrate her, right?

19 A Yes, sir.

20 Q So, he was definitely wearing a condom, right?

21 A Yes, sir.

22 MR. AIKEN: If I could just have one more moment?

23 THE COURT: Yes.

24 BY MR. AIKEN:

25 Q Thank you, Minor .

1 A You're welcome.

2 THE COURT: Any redirect?

3 MR. PAULING: Yes, just briefly, Your Honor.

4 REDIRECT EXAMINATION

5 BY MR. PAULING:

6 Q [Minor], you were asked about if Alexis and
7 Jonathan ever spent any time at -- the question was at
8 [redacted] Joe Lenox Road. Is that correct?

9 A Yes, sir.

10 Q Isn't your grandfather's address [redacted] Joe Lenox
11 Road?

12 A I have no idea.

13 Q Okay. You just know it's on Joe Lenox Road?

14 A Yes, sir.

15 Q All right. Now, while you were staying at your
16 grandparents --

17 A Yes, sir.

18 Q Were Alexis and the baby ever staying there at
19 that time?

20 A No.

21 Q While you were there?

22 A No, sir.

23 Q But Jonathan was there. Is that correct?

24 A Yes, sir.

25 Q So, the three of them were never staying there at

1 the same time. Is that correct?

2 A No, sir.

3 Q While you were there?

4 A No, sir.

5 Q You were asked about whether or not you knew

6 Jonathan had worked at Chili's.

7 A Yes, sir.

8 Q But you indicated that you and your grandmother

9 took Jonathan and Trevon to work. Is that correct?

10 A Yes, sir.

11 Q And you said in Elgin?

12 A Yes, sir.

13 Q Where was that in Elgin?

14 A At some house.

15 Q Some house?

16 A Yes, sir, it was for construction.

17 Q For construction?

18 A Yes, sir.

19 Q I just want to make sure I've got this right. On

20 direct exam, I asked you about the rooms and where

21 everybody was.

22 A Yes, sir.

23 Q When you were leaving your grandparent's room,

24 and you were heading to Jonathan's room, which rooms

25 would you pass on the way to Jonathan's room?

- 1 A Tre and Joshua's.
- 2 Q Okay. Whose room would you pass first?
- 3 A Joshua's.
- 4 Q On which side?
- 5 A The right side.
- 6 Q The right side?
- 7 A Yes, sir.
- 8 Q What room would come next?
- 9 A Trevon's or Jonathan's, then Trevon's.
- 10 Q Jonathan's and then Trevon's?
- 11 A Yes, sir.
- 12 Q Okay. Just want to make sure I've got this
- 13 right. So, Jonathan's room is straight back?
- 14 A Yes, sir.
- 15 Q But you go straight to his room?
- 16 A Yes, sir.
- 17 Q You pass Joshua's room on the right.
- 18 A Yes, sir.
- 19 Q Where's Trevon's room?
- 20 A On the left.
- 21 Q On the left. And then you would continue on to
- 22 Jonathan's room?
- 23 A Yes. Well, you get to Jonathan's room first
- 24 before you get to Tre's.
- 25 Q You get to Jonathan's room first?

1 A Yes, sir.

2 Q Okay. Now, that particular night, the night that
3 this happened, you said you didn't see anybody. Is
4 that correct?

5 A Yes, sir.

6 Q Do you know if Trevon and Joshua were actually in
7 the house that night?

8 A I know Trevon was, but I don't know if Joshua
9 was.

10 Q You don't know if Joshua was. You know that
11 Trevon was?

12 A Yes, sir.

13 Q How do you know Trevon was there?

14 A Because we had talked with him before he went in
15 his room and I heard him.

16 Q How long before Jonathan texted you was that?

17 A I don't know.

18 Q So, you know Trevon was there, but you didn't
19 talk to him or see him on the way to Jonathan's room?
20 Did you?

21 A No, sir.

22 Q Or on the way back?

23 A No, sir.

24 Q As far as Texas, when you moved from Texas, who
25 drove you here from Texas to South Carolina?

1 A My father.

2 Q Your father did?

3 A Yes.

4 Q As far as school in Texas was concerned -- do you
5 remember the exact time that you all left?

6 A From Texas?

7 Q From Texas.

8 A No, sir.

9 Q But you were no longer in school?

10 A No, sir.

11 Q Do you remember if you got your report card?

12 A No, sir.

13 Q You don't remember, or you didn't get your report
14 card?

15 A I don't remember.

16 Q You don't remember if you got your report card?

17 A No.

18 Q Okay. Mr. Aiken asked you if you ever said
19 anything to Trevon Coe about this. Did Trevon ever
20 say anything to you?

21 A No, sir.

22 Q You indicated that Jonathan Ray had a condom on?

23 A I don't know if he did, but he went in his drawer
24 and got some.

25 Q He went into a drawer and got some. Did you

1 actually see it?

2 A No, sir.

3 Q When that happened, was the light on or off?

4 A Off.

5 Q Did you have your flashlight on, on your phone?

6 A No, sir.

7 Q But you do recall telling the interviewer at the
8 care house that he had put a condom on or had a
9 condom?

10 A Yes, sir.

11 Q Do you think he had a condom, or did you actually
12 see a condom?

13 A I think.

14 Q Again, **Minor**, why didn't you tell anyone?

15 A Because I was afraid that I would get in trouble.

16 Q You were afraid you would get in trouble?

17 A Yes, sir.

18 Q Did somebody tell you not to tell?

19 A Jonathan did.

20 Q Is that person in here?

21 A Yes, sir.

22 Q Where is he?

23 A Over there.

24 Q What is he wearing?

25 A A blue shirt.

1 Q What else?

2 A I don't know what color pants.

3 Q Okay. Is he wearing a tie?

4 A Yes, sir.

5 Q Is he also wearing glasses?

6 A Yes, sir.

7 MR. PAULING: I'd ask that the record reflect
8 that **Minor** has indicated the Defendant, Jonathan
9 Ray.

10 THE COURT: Record so reflect.

11 BY MR. PAULING:

12 Q When Jonathan was staying there, was he wearing
13 glasses back then?

14 A No, sir.

15 Q Have you ever seen him wear glasses before?

16 A No, sir.

17 Q And that's the same person who forced himself on
18 you?

19 A Yes, sir.

20 MR. PAULING: No further questions, ma'am.

21 THE COURT: Anything further?

22 MR. AIKEN: No, sir.

23 THE COURT: Okay. You may come down. Thank you
24 very much. Next witness?

25 MR. PAULING: The State calls Arthur Mack.

1 ARTHUR MACK,
2 called as a witness by and on behalf of
3 the State to testify, being first duly
4 sworn was examined and testified as follows:

5 DIRECT EXAMINATION

6 BY MR. PAULING:

7 Q How are you doing, Mr. Mack.

8 A Sir?

9 Q How are you?

10 A I'm okay.

11 Q Mr. Mack, take your time. Okay? So, just relax.

12 Do you need a moment to get yourself together? Are
13 you all right? Mr. Mack, tell the Jury, sir, where
14 are you from originally?

15 A I'm from New Jersey.

16 Q You grew up in New Jersey?

17 A I stayed in New Jersey until I was 12.

18 Q At some point, did Camden become your home?

19 A Yes, sir, in '86.

20 Q Sir, how old are you?

21 A 45.

22 Q 45?

23 A Yes, sir.

24 Q Did you go to school here?

25 A Yes, I did.

1 Q Did you graduate?

2 A Yes, I did.

3 Q What school did you graduate from?

4 A Camden.

5 Q Was that 1992?

6 A Yes, sir.

7 Q Do you have other family here in Camden?

8 A Yes, I do.

9 Q Who is some of your family who lives here?

10 A My mom and my daughters. I have three girls and
11 one son.

12 Q One of your daughters being, Minor [REDACTED], of
13 course?

14 A Yes, sir.

15 Q And Fatima Mack as well?

16 A Yes, sir.

17 Q How old is Fatima?

18 A Fatima is 25.

19 Q You said that Camden is your home and you grew up
20 here and graduated from Camden High School in 1992,
21 but at some point, were you living in Texas?

22 A Yes, sir.

23 Q What took you to Texas? What led you going to
24 Texas?

25 A I had a better job opportunity.

1 Q About when did you move to Texas?

2 A I moved to Texas October of 2015.

3 Q Was **Minor** with you at that time?

4 A No, sir.

5 Q Where was she at that time?

6 A She was staying with her grandmother Janice.

7 Q What is **Minor**'s mother's name?

8 A Excuse me, Leanne.

9 Q At that time, when **Minor** was staying with her
10 grandma Janice, was Leanne still living at that time?

11 A Yes, she was.

12 Q Okay. At some point, did Leanne pass away,
13 unfortunately?

14 A Yes.

15 Q After that, at some point, did you get **Minor**?

16 A Yes, sir. I contacted her grandmother that,
17 that's -- well, during the school year, I had
18 contacted her, let her know that I'm going to come and
19 get her that summer.

20 Q Did you get **Minor**?

21 A Yes, I did.

22 Q Is that when you moved to Texas? Not moved to
23 Texas. Is that when you took her to Texas?

24 A Yes, it is.

25 Q Did you enroll her in school there? In Texas?

1 A Yes, I did.

2 Q When you and Minor were living in Texas, you
3 still had family here in Camden. Is that correct?

4 A Yes, I do.

5 Q At some point, though, did you decide to move
6 back home?

7 A Yes, I did. Me and my wife were -- we agreed --
8 we were separated.

9 Q Okay, and you're not talking about Minor's
10 mother, you're talking about your wife at the time?

11 A Yes, sir.

12 Q That was when you were living in Lufkin, Texas?

13 A Yes, it is.

14 Q So, you decided to move back home?

15 A Yes, sir.

16 Q Minor was in school at that time?

17 A Yes, she was.

18 Q Do you remember where she was attending school?

19 A Yes, sir.

20 Q Where was that?

21 A Lufkin Middle.

22 Q Did you decide to -- when you decided to move --
23 when did you make that decision?

24 A I decided to move -- the plan was to move April
25 1st, because we had to pay our rent, but my wife left

1 us, so we didn't pay the rent so I ended up paying
2 another 28 days. Well, another month and I tried to
3 sign my daughter out of school two weeks prior of me
4 leaving, but they said if I sign her out that early,
5 that she would not pass there. So, instead of me
6 signing her out that early, I had to wait two weeks
7 after that, which was May the 9th.

8 Q So, you signed her out of school on May 9th?

9 A Yes. I tried to sign her out as I told you, two
10 weeks prior, but like I said, I had to wait and then I
11 went up there that morning.

12 Q The morning of May 9th?

13 A Yes, sir.

14 Q To sign her out of school, did you have to get
15 any paperwork?

16 A Yes, sir. They made me sign a release form so I
17 could get all the records.

18 Q All of her school records?

19 A Yes, sir. That's the final thing I had to sign,
20 but they gave me, like, all the records first, all the
21 teachers came and said goodbye and, on our way out the
22 door I had to sign a form.

23 Q The day you signed the form, would that be the
24 same day that you would have left Texas?

25 A Yes, sir. We packed the car, I left all our

1 furniture, everything. All we took was all our
2 clothes, so we packed all that day. All night. Had
3 all our clothes in there. As soon as I got the
4 paperwork and I signed her out, I jumped on the road.

5 MR. PAULING: May I approach the witness, Your
6 Honor?

7 THE COURT: Yes.

8 BY MR. PAULING:

9 Q Mr. Mack, I'm going to show you a document for ID
10 purposes. State's 6. Do you recognize that document?

11 A Yes, I do.

12 Q What is that, sir?

13 A That's the release form.

14 Q For when you -- regarding the records you were
15 just speaking of?

16 A Yes, sir.

17 Q Is this the form that you had to sign?

18 A Yes, it is.

19 Q Is your signature on this form?

20 A Yes, it is.

21 Q What is the date on that signature?

22 A 5/9/17.

23 Q So, that's the record -- that's what you would
24 have signed off on for them to transfer the records.

25 Is that correct?

1 A Yes, sir. They said that I can't get the records
2 until I signed this form.

3 Q And that's the form you signed on that day?

4 A Yes, sir. And as soon as I signed the form, I
5 went outside, got in my car, we jumped on the road.

6 MR. PAULING: Your Honor, at this time I'd offer
7 State's 6 into evidence.

8 MR. AIKEN: Without objection, Your Honor.

9 THE COURT: Without objection.

10 (Whereupon, State's Exhibit Number 6 is offered into
11 evidence without objection.)

12 BY MR. PAULING:

13 Q On State's 6, Mr. Mack, does it also indicate on
14 there her last date of attendance on that form?

15 A Yes, sir.

16 Q When was that?

17 A 5 --

18 Q The last date of attendance?

19 A Yes. Her last day of attendance was 5/8, no 5/9,
20 because I signed her out.

21 Q Okay. You signed her out that day?

22 A Yes, sir.

23 Q Did she stay in school that whole day?

24 A No, sir. As soon as I signed her out, we jumped
25 on the road.

1 MR. PAULING: May the witness step down, Judge?

2 THE COURT: Sure.

3 BY MR. PAULING:

4 Q Step on down. So, when we're talking about 5/8
5 would have been her last day of attendance, on that
6 Monday?

7 A Right.

8 Q And you signed her out on May 9th. Is that
9 correct?

10 A Yeah.

11 Q Okay. And that's when you would have left and
12 come to South Carolina?

13 A Yes, sir. I got to South Carolina, here, and I
14 dropped her off to her grandfather here and I picked
15 her up from her grandfather -- here.

16 Q And when you say, "here," you're pointing to --
17 and you said "here," I know the Jury can see, but for
18 the record, you're saying you're looking at Saturday,
19 May 13th?

20 A I dropped her off Saturday, yes.

21 Q May 13th?

22 A Yes.

23 Q Okay. You can take your seat. Thank you.

24 A You're welcome.

25 Q As far as the trip to Texas, it was just you and

1 Minor . Is that correct?

2 A Yes, sir.

3 Q And when you got to -- you got back to Camden,

4 where did you go, initially?

5 A To my mom's house, Wateree Boulevard.

6 Q Wateree Boulevard?

7 A Yes, sir.

8 Q Was she expecting you and happy to see you?

9 A Very.

10 Q Did you and Minor stay there for a few days?

11 A Yes, sir. A couple days and then she went to her

12 sister's house for about another two days and then

13 that's when her --

14 Q Let me slow you down. You say her sister's

15 house. Who are you referring to?

16 A Fatima Mack.

17 Q Where Fatima living at that time?

18 A The apartments are called Riverwinds.

19 Q Here in Camden?

20 A Yes, sir.

21 Q After that, I know I cut you off, but you were --

22 where did she go after that? Did you take her

23 somewhere else?

24 A Yes, sir. I took her to her grandfather's house,

25 Leon.

1 Q How did it end up that you were taking her out to
2 Leon's house?

3 A Because he called **Minor** and asked her could
4 she come and see him, because he hadn't seen her in,
5 like, a year and some change.

6 Q All that time while you were in Texas?

7 A Yes, sir.

8 Q Did you, in fact, take her out to the house?

9 A Yes, I did.

10 Q As you recall, when you took her to the house,
11 can you remember who was there?

12 A Mr. Mack, this is just -- if you need a moment to
13 just relax.

14 THE COURT: Do you need some water, Mr. Mack?

15 A No.

16 THE COURT: No.

17 A Excuse me. Can I get some water?

18 Q Yes, sir. I've got it here.

19 MR. PAULING: Your Honor, can I approach the
20 witness with some water?

21 THE COURT: You may. Ask the question again.

22 BY MR. PAULING:

23 Q Mr. Mack, when you took **Minor** to Leon
24 Jefferson's house, do you remember who was there when
25 you arrived?

1 A Yes, I do. Her grandfather, Leon, and her
2 cousin, Red, which is Joshua.
3 Q Joshua Porte?
4 A Yes, sir.
5 Q Do you remember if her g-ma, Gail, was there?
6 A No, sir. The only ones that came outside was
7 Leon and Red.
8 Q What about Trevon?
9 A No, sir.
10 Q When you took Minor there, did you have a
11 discussion with Leon Jefferson? Did you talk to him
12 at all?
13 A Yes, I did.
14 Q What did you say to him?
15 A I asked him -- excuse me. I asked him was any --
16 any other guys inside.
17 Q Any other guys inside staying in the house?
18 A Yes, sir.
19 Q Why did you want to know that?
20 A Because I'm very, very cautious.
21 Q Very cautious with Minor?
22 A Yes, sir.
23 Q When you had that discussion with him, where were
24 you?
25 A We were standing outside, right under the car --

1 MR. PAULING: May I approach, Your Honor?

2 THE COURT: Yes.

3 BY MR. PAULING:

4 Q In States 3, looking at States 3, where were you
5 standing? Where were you talking to him?

6 A I pulled up like right here. We were standing
7 right up under this.

8 Q When you say, "under this," it's kind of like a
9 lean-to, like a covered park -- I said park, just a
10 covered area?

11 A Yeah. Like a carport.

12 Q Okay. But that's where you were standing?

13 A Yes, sir.

14 Q And it was Leon as well as Red?

15 A Yes, sir.

16 Q You asked him if any other guys were there. What
17 was his response to you?

18 A He was like --

19 Q Take your time. Breathe.

20 A He was like, it's just him, Gail, Trevon, Red.

21 Q And you knew who Trevon and Red were?

22 A Yes, sir.

23 Q And who are they to **Minor**?

24 A That's her cousins.

25 Q Although you had that conversation with him, did

1 you go in the house?

2 A No.

3 Q Why didn't you go in the house?

4 A Because I trusted her grandfather.

5 Q Did you, after talking with -- well, let me ask
6 you. You said you didn't go in the house. Did you
7 know where she was going to be staying within the
8 house?

9 A No, sir. I didn't.

10 Q After having that conversation with Leon
11 Jefferson, did you leave Minor in his care?

12 A Yes, I did. I thought he was going --

13 Q I'm sorry. Just relax. You left her in his
14 care. Is that correct?

15 A Yes. Yes.

16 Q Did you have contact with or talk with Minor
17 while she was at her grandfather's house?

18 A Yes, I did. Every day.

19 Q You talked to her on the phone?

20 A Yes, sir. On the phone.

21 Q When you would talk to her on the phone, did she
22 ever indicate that something was wrong or anything?

23 A No, sir.

24 Q When you picked her up -- at some point you
25 picked her up. Is that correct?

1 A Yes, sir.

2 Q When you picked her up, do you remember who was
3 there when you picked her up?

4 A Yes, sir. The only people that came outside was
5 the grandfather, Leon, and her cousin, Red.

6 Q When you picked her up, did you go inside the
7 house or did she just come out?

8 A I didn't go inside.

9 Q Did she already know that you were on your way?

10 A Yes, sir.

11 Q I know we talked about Leon Jefferson's house,
12 but where is this?

13 A It's in Gaston.

14 Q Do you know the address?

15 A No, I don't.

16 Q But you've been out there several times?

17 A Yes, I'd been there.

18 Q At that particular --

19 A Yes, sir. Excuse me.

20 Q I'm sorry. That particular house, that trailer,
21 is it kind of by itself or --

22 A Yes, it is. It's like when you turn on the road,
23 it sits way back off, like, like it's on dirt. It
24 sits at the top. You've got to ride all the way down,
25 like, down a road and then you've got to go up.

1 Q Okay. When you picked Minor up, did she say
2 anything was wrong?

3 A No, sir.

4 Q If she had told you something, would you have
5 done something? Would you have called law
6 enforcement?

7 A Yes, sir.

8 Q At some point, Mr. Mack, did Minor come to you
9 and tell you that something had happened to her?

10 A Yes, sir.

11 Q Do you recall when she told you or about when she
12 told you? Was it that summer?

13 A No, sir.

14 Q Was it later in the --

15 A It was the following -- the following year.

16 Q The following year?

17 A Yes, sir.

18 Q So, she had already turned 14 at that time?

19 A Yes, sir.

20 Q When she told you, did she indicate to you where
21 it had happened?

22 A Yes, sir.

23 Q Where did she tell you it happened?

24 A At the grandfather's house.

25 Q Grandfather's?

1 A Yes, sir.

2 Q Did she tell you when it happened?

3 A Yes, sir.

4 Q When did she tell you it happened?

5 A She told me it was the first week that I dropped
6 her off. She didn't say what day, just in that week.

7 Q But it was when she was staying out there in May
8 of 2017?

9 A Yes, sir.

10 Q After she told you, did you contact law
11 enforcement?

12 A Yes, I did.

13 Q Did -- at that time it was Investigator Carmen
14 Ford, at least speak with you about the case and about
15 the investigation?

16 A Yes, sir. She did.

17 Q At some point, as part of that, did you take
18 Minor to the care house?

19 A Yes, I did.

20 Q At some point, did you also speak with now Chief
21 Deputy Steve Knafelc regarding this case?

22 A Yes, I did.

23 Q Did he contact you after Minor was taken to
24 the care house? Do you recall?

25 A Yes, he did.

1 Q Do you remember why he contacted you?

2 A Yes.

3 Q Why did he contact you?

4 MR. AIKEN: Your honor, I object. I think we're
5 getting into hearsay here. Pretty close.

6 BY MR. PAULING:

7 Q Let me rephrase. Did he contact you?

8 A Yes, he did.

9 Q What did you do after he contacted you?

10 A I had to go to Walmart to get some medicine.

11 Q Who was the medicine for?

12 A It was for my daughter.

13 Q Did you give the medicine to her?

14 A Yes, I did.

15 Q Did you tell her what it was for?

16 A No.

17 MR. PAULING: Beg the Court's indulgence.

18 BY MR. PAULING:

19 Q Mr. Mack, thank you. Please answer any questions
20 the Defense Counsel may have.

21 MR. AIKEN: May it please the Court, Your Honor.

22 THE COURT: Yes.

23 CROSS EXAMINATION

24 BY MR. AIKEN:

25 Q I'm Art Aiken and I represent Mr. Ray. I'm going

1 to ask you some questions and if you don't understand
2 one of my questions, please ask me to rephrase it and
3 I'll be happy to. Okay?

4 A All right.

5 Q If you need to take a break and get a drink of
6 water or something like that, just tell me.

7 A All right.

8 Q Now, I want to make sure. This is not to make
9 you uncomfortable.

10 A I understand.

11 Q So, you say you left Texas on May 9th?

12 A Yes, I did.

13 Q What time did you leave on May the 9th?

14 A I signed her out -- we got on the road, I'm going
15 to say, a little after 8 a.m.

16 Q So, you didn't actually put her in school, you
17 just drove up and signed her out? In other words, she
18 didn't -- she didn't go to class or anything like
19 that, you just went in the morning and signed her out,
20 right?

21 A Correct.

22 Q And you immediately got on the road?

23 A Yes, sir.

24 Q I think that's about a 15-hour trip?

25 A 16.

1 Q 16? Did you make any stops?

2 A Yes, sir.

3 Q With the stops, about how long did it take to get
4 to Camden?

5 A One of my tires went out so I had to get towed
6 from off the road to a Walmart and then we had to wait
7 in line for, like, 2 hours altogether. We was at
8 Walmart for, like, 3-4 hours.

9 Q So, it ended up being about a 20-hour trip?

10 A 22 hours exactly.

11 Q 22 hours?

12 A Yes.

13 Q You left at eight a.m. central time, right? Is
14 Lufkin on central time?

15 A Eight in the morning.

16 Q Eight in the morning. Is it on central time or
17 eastern time.

18 A I don't know.

19 Q Is it an hour behind us?

20 A No.

21 Q Oh, it's not?

22 A No.

23 Q So, that would have put you -- May 11th at about
24 six in the morning is when you arrived in Camden.

25 Does that sound about right?

1 A No. That's not right.

2 Q That's not right?

3 A If I left May the 9th, and I drove 16 hours, that
4 would put me home may the 10th.

5 Q Okay. Well, I thought you said it took a total
6 of 22 hours because of the tire problem and going to
7 the Walmart and all that? So, if it took 22 hours --
8 I'm sorry. You're correct. May 10th --

9 A Early in the morning?

10 Q At six a.m. Yeah, yeah. Okay. So, you would
11 have arrived May the 10th at six a.m., right?

12 A So, it is the 10th, right?

13 Q Yeah, the 10th, yeah.

14 A All right.

15 Q When you got to Camden, did you go immediately to
16 the Joe Lenox Road house?

17 A No, sir. I went to see my mom.

18 Q Where does she live?

19 A [REDACTED] Wateree Boulevard.

20 Q Okay. At some point, you took your daughter to
21 Joe Lenox Road, Leon and Gail Jefferson's house.
22 Right?

23 A Yes, sir.

24 Q When was that?

25 A That was that Saturday.

1 Q May the 13th?

2 A Yes, sir.

3 Q What time did you arrive there?

4 A We got there before -- it was before -- before
5 five.

6 Q Five p.m.?

7 A Yes, sir.

8 Q I think you said Minor told you that this
9 incident with Mr. Ray happened during the first week
10 she was at Joe Lenox Road, right?

11 A Yes, sir.

12 Q So, that would have put it somewhere between the
13 13th and the 20th, right?

14 A I can't see the calendar.

15 Q Oh, I'm sorry. Do you want to step down so you
16 can see it easy?

17 A You said the 13th through the 20th?

18 Q 13 --

19 A Yes, sir.

20 Q To the 20th?

21 A Yes.

22 Q That would have been during that week, right?

23 A Yes, sir.

24 Q You were here for Minor's testimony. Correct?

25 A Yes, sir.

1 Q I think she said that it happened three days
2 after she got there, right?

3 A Yes, sir.

4 Q So, if she got there on the 13th, three days
5 after she got there would have been the 16th of May,
6 right?

7 A Right.

8 Q I believe you said you picked up Minor and
9 when was that? Do you want me to turn this for you,
10 so you can see it a little bit better?

11 A I picked her up on the 20th, that Saturday.

12 Q I believe you reported this alleged crime on
13 March the 22nd of 2018. Does that sound right to you?

14 A Yes, sir.

15 Q Was that the day that Minor told you?

16 A Yes, sir.

17 Q That same day?

18 A Yes.

19 Q So, about ten months after it allegedly happened,
20 right?

21 A Yes, sir.

22 MR. AIKEN: May I have just one moment, please,
23 Your Honor?

24 THE COURT: Yes.

25 BY MR. AIKEN:

1 Q Now, Mr. Mack, Minor told you that no force
2 was used by Mr. Ray, didn't she?

3 A Excuse me?

4 Q Minor said to you that no force was used by
5 Mr. Ray, didn't she?

6 A That's not true.

7 Q You didn't say that to William Dunlap, the
8 original report writer for the Sheriff's Department on
9 March the 22nd of 2018?

10 A I never told nobody that.

11 Q Okay. You didn't say -- you didn't state that,
12 "Minor stated that no force was used in the
13 incident"?

14 A Sir, the only two officers that I ever seen on
15 these cases is right on here. Officer Ford and so,
16 that guy there, no. I never seen nobody else. Does
17 that answer your question?

18 Q Sir?

19 A No.

20 Q I'm sorry.

21 A Not really.

22 Q Thank you, Mr. Mack.

23 THE COURT: Redirect?

24 MR. PAULING: No further questions, Your Honor.

25 THE COURT: You may step down. Thank you very

1 much. Approach the bench please, Counsel. Ladies and
2 Gentlemen, the attorneys tells me the next witness may
3 be somewhat lengthy. It's a quarter of 12. I'm
4 sorry, it's a quarter to 1. It is, according to my
5 watch, 20 minutes until 1, so I'm going to ask you to
6 be back in the Jury Room at 2:00. It's a little
7 longer than I usually do for lunch, but this works
8 out. 2:00.

9 Don't discuss the case among yourselves when you
10 return to the Jury Room or with anyone else over your
11 lunch hour. Thank you very much.

12 (Whereupon, the jury exited the courtroom.)

13 (Whereupon, a luncheon recess was held.)

14 (Whereupon, the following proceedings were
15 held in open court. All parties were present,

16 along with their attorneys.)

17 THE COURT: State ready?

18 MR. PAULING: We are, Your Honor.

19 THE COURT: Defense ready?

20 MR. AIKEN: Yes, Your Honor.

21 THE COURT: Bring in the jury.

22 THE COURT: Thank you. All right. Ladies and
23 Gentlemen, we are now ready to continue the trial.
24 Please call your next witness.

25 MS. GREEN: The State calls Virginia Jefferson.

26 VIRGINIA JEFFERSON,

1 called as a witness by and on behalf of
2 the State to testify, being first duly
3 sworn was examined and testified as follows:

4 DIRECT EXAMINATION

5 BY MS. GREEN:

6 Q Ms. Jefferson, do you go by Gail?

7 A Only family.

8 Q What is your relationship to Minor [REDACTED] ?

9 A Grandmother.

10 Q What does she call you?

11 A G-ma.

12 Q Where do you live, Ms. Jefferson?

13 A [REDACTED] Joe Lenox Road.

14 Q How long have you been at this address?

15 A Twenty-one years.

16 Q Is that in the area of Kershaw County?

17 A Yes.

18 Q This is a mobile home?

19 A Yes.

20 Q How many bedrooms are in your home?

21 A Four.

22 Q Are you currently working?

23 A No.

24 Q What was your last job that you held?

25 A With the Sheriff's Department.

1 Q What was your position there?

2 A Constable, Courthouse.

3 Q Did you retire from that position?

4 A Yes.

5 Q How long were you in that position?

6 A About five years.

7 Q Where did you work prior to that?

8 A Department of Corrections.

9 Q What was your role at the Department of
10 Corrections?

11 A Corporal.

12 Q How long were you in that position?

13 A 16 years.

14 Q Are you currently experiencing some health
15 issues?

16 A Yes.

17 Q Can you briefly describe for the Jury the issues
18 that you have?

19 A I have extreme nerve damage from my back to the
20 bottom of my feet.

21 Q Were you diagnosed with neuropathy?

22 A Yes.

23 Q Do you have any other health issues?

24 A Allergies, cholesterol, high blood sugar.

25 Q When you say sugar, is that diabetes?

1 A Yes.

2 Q And high blood, you mean high blood pressure?

3 A Yes.

4 Q Do you take medication for those?

5 A Yes.

6 Q Okay. Do you recall **Minor** coming to your
7 house in May of 2017?

8 A I don't remember the month, but I remember her
9 coming.

10 Q Do you know where she was coming from before she
11 came to stay with you?

12 A If I'm not mistaken, Texas.

13 Q Do you know how long she'd been in Texas?

14 A No.

15 Q But you know that it had been awhile since you'd
16 seen her?

17 A Yes.

18 Q Where did you first run into **Minor** in 2017?

19 A She came to my house. She had called and wanted
20 to come and to see us.

21 Q Do you remember how long she stayed at your
22 house?

23 A I think it was a week, ten days, something.

24 Q Do you know -- was **Minor** in school when she
25 came to your house?

1 A No.

2 Q Do you know if school was out?

3 A I think so.

4 Q When **Minor** came to your house, who else was
5 living in your house?

6 A My grandson, Joshua.

7 Q His name is Porte?

8 A Joshua Porte. My other grandson was in and out,
9 Trevon Coe. And their friend, Jonathan.

10 Q Jonathan Ray?

11 A Jonathan Ray.

12 Q Is he seated in the courtroom today?

13 A Yes.

14 Q Can you describe what color shirt he has on?

15 A Blue.

16 Q Is that him at the end of the table?

17 A Yes.

18 MS. GREEN: Can the record reflect that she has
19 identified the Defendant?

20 THE COURT: Let the record so reflect.

21 BY MS. GREEN:

22 Q Was your husband also there, Leon Jefferson?

23 A Yes.

24 Q When **Minor** came to stay with you, do you remember
25 who brought her to your house?

1 A I think her dad did.

2 Q Were you there when she got there?

3 A Yes.

4 Q Were you inside the house, outside the house?

5 A In, on the inside.

6 Q When **Minor** came to your house, did she have --

7 where did she sleep?

8 A She -- first we told her that she had to sleep in

9 our room. We have -- our room is big enough for the

10 big sofa and she was to sleep there.

11 Q Can you tell the Jury why she was to sleep on the

12 sofa?

13 A Because she didn't have any business in the back

14 with the boys back in the back area and she was to

15 help me with whatever I needed help with while she was

16 staying there.

17 Q Okay. When you say the back area, are you

18 talking about the bedrooms where Jonathan, Joshua and

19 Trevon slept?

20 A Yes.

21 Q Is that on the opposite area of the home from

22 where your bedroom is?

23 A Yes.

24 Q Was she staying with you for the whole summer or

25 just for a short period of time?

1 A Just a short period.

2 Q What did [Minor] typically do while she was at your
3 house each day?

4 A She would listen to her music on her phone and
5 watch TV in the room with me.

6 Q Did she help you out any?

7 A Yes.

8 Q If you left the house, would she go with you?

9 A Yes.

10 Q Do you recall whether or not Jonathan was working
11 at the time he was at your house when [Minor] was there?

12 A He was working at one time and he -- that job, he
13 quit that job or was let go one and it was a while
14 before he got another job at -- later on at Chili's.

15 Q Do you recall if Trevon was working during this
16 time that [Minor] was there?

17 A Yes.

18 Q Do you recall whether or not you would take them
19 to work from time to time?

20 A From time to time, if I was able to do it, I
21 would take them but if not, they wasn't able to go.

22 Q Do you recall while [Minor] was there, taking
23 Jonathan and Trevon to work?

24 A I'm sorry. Repeat that?

25 Q Do you recall during the time that [Minor] was

1 there, do you recall taking Jonathan and Trevon to
2 work?

3 A Yes.

4 Q Did [Minor] go with you when you took them?

5 A Yes.

6 Q Do you recall where you took -- what job or what
7 jobsite you took them to?

8 A Highway 12.

9 Q What type of jobs, if you recall?

10 A They were on -- building houses.

11 Q Some type of construction?

12 A Yes.

13 Q While [Minor] was at your home, do you recall seeing
14 her interacting in any way with Jonathan?

15 A No, not really.

16 Q Did you observe any changes in her behavior while
17 she was there?

18 A No.

19 Q Did she tell you anything happened between her
20 and Jonathan while she was there?

21 A No.

22 Q You say she stayed there about a week or so?

23 A Yes, ma'am.

24 Q When she left, do you know where she went?

25 A Home with her dad.

1 Q Did he come pick her up?

2 A Yes.

3 Q Was Jonathan still living in your home when Minor
4 left?

5 A Yes.

6 Q At some point, did he stop staying with you?

7 A Yes.

8 Q Do you recall or remember when that was?

9 A No.

10 Q Do you recall last Spring, the Chief Deputy
11 Knafelc coming to your home to take some photographs?

12 A Yes.

13 Q Were you present when he was there?

14 A Yes.

15 Q Do you remember approximately when that might
16 have been?

17 A No.

18 Q Do you know specifically what areas of your house
19 he took photos of?

20 A The outside and the room where Jonathan stayed.

21 Q Would you show them which room that was?

22 A Yes.

23 Q Ms. Jefferson, I'm going to hand you what's been
24 marked for identification as State's Number 4 and ask
25 if you recognize this picture?

1 A Uh-huh.

2 Q Do you recognize specifically the dresser in this
3 picture?

4 A It's just a dresser.

5 Q Do you know who that dresser belongs to?

6 A No. I'm not sure if it was one that was always
7 in there or if it was one my stepdaughter had brought
8 when she come. I'm not sure.

9 Q Okay.

10 A My stepdaughter had moved in after he moved out,
11 so I'm not sure if it was one that was there or if it
12 was one she brought.

13 Q Okay. But this was in -- this picture was taken
14 in Jonathan's room?

15 A Yes.

16 Q Okay. And do you recall how long it had been
17 there?

18 A No.

19 Q Okay. But this dresser was there whenever he
20 came and took the photograph?

21 A Uh-huh.

22 Q Do you recall if there was a dresser in
23 Jonathan's room while he stayed there?

24 A I don't recall.

25 MS. GREEN: Beg the Court's indulgence.

1 BY MS. GREEN:

2 Q Just a few more questions, Ms. Jefferson. While
3 [Minor] was at your house, did Alexis or Jonathan's child,
4 were they there at the same time that [Minor] would have
5 been there? Were they living with you at the time
6 that [Minor] would have been at your house?

7 A Alexis?

8 Q Shay.

9 A Shay. I'm not sure if they were there before or
10 during. I can't recall.

11 Q At some point they were residing in your home?

12 A Yes.

13 Q But you can't recall if they were there when [Minor]
14 was there?

15 A No.

16 Q You can't recall or they weren't there?

17 A I can't recall.

18 Q Please answer any questions from Mr. Aiken.

19 A Okay.

20 CROSS EXAMINATION

21 MR. AIKEN: May it please the Court, Your Honor.

22 BY MR. AIKEN:

23 Q Hello, Ms. Jefferson.

24 A Hey.

25 Q My name is Art Aiken and I represent Mr. Ray. I

1 just have a couple of questions for you. Minor

2 came after school ended in Texas, right?

3 A Yes.

4 Q She didn't go to school in South Carolina when
5 she got here, right?

6 A No. No, sir.

7 Q When did you first hear about this allegation
8 about Mr. Ray and Minor?

9 A The first time I heard about it my husband's
10 sister had called and --

11 MS. GREEN: Objection, Your Honor. It's hearsay.

12 THE COURT: Just tell him when you heard about
13 it. That was the question.

14 A It was after the fact, I guess.

15 Q All right. And after you heard about it, did you
16 talk to Trevon Coe about it?

17 A I asked Trevon and Joshua did they know anything
18 about it and they told me no.

19 MS. GREEN: Objection; hearsay. You can only say
20 what you said.

21 BY MR. AIKEN:

22 Q Now, Mr. Ray was working at Chili's when Minor was
23 there, right?

24 A I'm not sure if it was before or after Minor had
25 left.

1 Q Do you remember giving a statement to the
2 Sheriff's Department about this case?

3 A Yes.

4 Q I think it was on September 18th of 2019. Is
5 that right?

6 A I guess.

7 Q Okay. You said in that statement, didn't you,
8 that Jonathan worked at Chili's when [Minor] was staying
9 at Lenox Road. Isn't that right?

10 A If I said it, yeah.

11 Q Did you say it or not say it?

12 A Sir?

13 Q Did you say it or not say it?

14 A Yes.

15 Q You said it?

16 A If they said I said it, I said it.

17 Q Did you have a close relationship with [Minor] ?

18 A Yes.

19 Q She's not your biological grandchild, right?

20 A My stepdaughter's.

21 Q Your stepdaughter's grandchild?

22 A Yes.

23 Q Okay -- child. Did you all talk about things and
24 that sort of thing?

25 A Yes, sir.

1 Q And it was always friendly, and cordial and you
2 all got along okay?

3 A Yes, sir.

4 Q When you found out about this, were you surprised
5 that **Minor** hadn't told you earlier?

6 A Yes, sir.

7 MR. AIKEN: If I could have one moment, please,
8 Your Honor?

9 BY MR. AIKEN:

10 Q Thank you, Ms. Jefferson.

11 THE COURT: Redirect?

12 MS. GREEN: No, Your Honor.

13 THE COURT: You may come down, ma'am. Thank you
14 very much.

15 MR. AIKEN: May we approach the bench? May
16 Ms. Jefferson be excused from her subpoena, Judge?

17 THE COURT: No objection?

18 MR. GREEN: No, Your Honor.

19 THE COURT: You're free to go. Call your next
20 witness.

21 MR. PAULING: The State calls Dr. Allison Foster.

22 THE COURT: Just for your information, ladies and
23 gentlemen particularly in criminal trials, witnesses
24 are sequestered so that witnesses who are waiting to
25 testify don't hear necessarily what the other previous

1 witness had to say and the likelihood that they would
2 parrot or say the same thing. So, witnesses are
3 always kept out of the courtroom. I don't where they
4 are kept, but they're kept out of the courtroom until
5 it's their time to testify, so that's why there's
6 always a little break between witnesses.

7 MR. PAULING: Dr Foster is here, she was just
8 outside a second ago. We're trying to locate her.

9 THE COURT: We have no witness?

10 MR. PAULING: She was here during the lunch
11 break.

12 THE COURT: Well, has anybody seen her?

13 MR. PAULING: Yes.

14 THE COURT: In the last 30 minutes?

15 MR. PAULING: The young lady who was sitting back
16 there is -- my understanding, is a student of hers.
17 She has seen her. So, she's here.

18 THE COURT: She's in the county?

19 MR. PAULING: Yes, sir. That's correct, Your
20 Honor.

21 MR. AIKEN: Now, Your Honor, that could mean two
22 different things. Some people say, "in the county,"
23 and they mean in the county jail.

24 THE COURT: So, we have no witness?

25 MR. PAULING: Not at this time, Judge.

1 THE COURT: Let's move on.

2 MR. PAULING: Will do. The State calls Carmen
3 Ford.

4 CARMEN FORD,
5 called as a witness by and on behalf of
6 the State to testify, being first duly
7 sworn was examined and testified as follows:

8 DIRECT EXAMINATION

9 BY MS. GREEN:

10 Q Investigator Ford, where are you currently
11 employed?

12 A Camden Police Department.

13 Q How long have you been employed there?

14 A For about a year, a little over a year.

15 Q What are your general responsibilities at Camden
16 Police Department?

17 A I'm a detective with the Camden Police Department
18 and I investigate sexual assault crimes, juveniles,
19 domestic violence and property crimes.

20 Q Where were you previously employed before joining
21 the Camden Police Department?

22 A The Kershaw County Sheriff's Office.

23 Q How long have you been there?

24 A About five years.

25 Q What were your responsibilities when you were at

1 the Sheriff's Office?

2 A I started in the civil division. I moved to road
3 patrol and then I went to investigations.

4 Q Were you in investigations back in March of 2018?

5 A Yes, ma'am.

6 Q Please tell the Jury how you became involved in
7 this case.

8 A I was the lead investigator for sexual assaults
9 or any cases dealing with sexual assaults. The report
10 came to me on March 24th, excuse me, 23rd, the morning
11 after this incident was reported. I immediately made
12 phone calls. I believe I attempted to contact Mr.
13 Arthur Mack but the phone number that was given had
14 been disconnected or changed in some way.
15 I then made contact with Fatima Mack, which is Arthur
16 Mack's daughter and she relayed the message for Arthur
17 Mack to get back in contact with me.

18 Q What was your understanding of when this sexual
19 was alleged to have taken place?

20 A My understanding in the beginning was sometime
21 between the month of May 2017.

22 Q Were you able to meet with the victim, Minor
23 [REDACTED]?

24 A Typically, I do not due to the juvenile's age. I
25 do not interview juveniles that young. We have a

1 system where I got with the victim's advocate. I
2 brought in Mr. Arthur Mack and he was able to meet me
3 at the Sheriff's Department. I spoke with him. The
4 protocol which I do these type of cases from then on,
5 I stated if he was okay that we would set a forensic
6 interview at the Florence Care House and a medical to
7 be done on the child, which he agreed. I got with the
8 victim's advocate. We set those times and dates up
9 and I then told Mr. Arthur Mack when the dates and
10 times were to show up with **Minor** to the
11 Florence Care House.

12 Q So her initial interview was actually at the Care
13 House?

14 A Yes, ma'am.

15 Q That was the forensic interview that she had?

16 A Yes, ma'am.

17 Q Just if you recall, do you know her date of
18 birth?

19 A Not off the top of my head.

20 Q Do you know what age she was when she alleged
21 that this had happened?

22 A Thirteen.

23 Q Did you accompany **Minor** to the Care House?

24 A Yes, ma'am.

25 Q Did you observe her interview?

1 A Yes, ma'am.

2 Q Were you present when she was also given the
3 medical examination?

4 A I was at the Florence Care House, but I was not
5 present for when the medical took place.

6 Q Did you make -- that interview with her forensic
7 interview and medical records a part of your case
8 file?

9 A Yes, ma'am.

10 Q Did you have the opportunity, as part of your
11 investigation, to interview any other potential
12 witnesses about this alleged -- about this sexual
13 assault?

14 A Yes, ma'am. We were in the process of doing
15 that, but I shortly left the Sheriff's Office a week
16 or two after this case came about to me and it was
17 handed over to Captain Knafelc at that time.

18 Q So, at the time that you were at the Sheriff's
19 Office, were you able to interview any witnesses?

20 A No, ma'am.

21 Q Have you subsequently had the opportunity to do
22 so?

23 A Yes, ma'am.

24 Q Was that part of your investigation, to speak to
25 witnesses in relationship to this particular trial?

1 A Yes, ma'am.

2 MS. GREEN: Beg the Court's indulgence.

3 BY MS. GREEN:

4 Q As part of your investigation, did you speak to
5 Jonathan Ray?

6 A No, ma'am.

7 Q Other than meeting with the -- can you tell the
8 Jury what witnesses you met with in regard to this
9 case?

10 A I met with Virginia Jefferson and Leon Jefferson
11 and Trevon Coe.

12 Q And these are the grandparents and the cousin of
13 Minor [REDACTED] ?

14 A Yes, ma'am.

15 Q Any other witnesses that you interviewed as part
16 of your investigation?

17 A No, ma'am.

18 Q Is that pretty much the extent of your
19 involvement in the investigation?

20 A Yes, ma'am.

21 Q Please answer any questions from Mr. Aiken.

22 THE COURT: Mr. Aiken.

23 MR. AIKEN: May I have just one moment, Your
24 Honor? No questions, Your Honor.

25 THE COURT: All right. Thank you very much. You

1 may come down. Thank you. Next witness?

2 MR. PAULING: Your Honor, at this time the State
3 would call Dr. Allison Foster.

4 ALLISON MARIE FOSTER,
5 called as a witness by and on behalf of
6 the State to testify, being first duly
7 sworn was examined and testified as follows:

8 DIRECT EXAMINATION

9 BY MR. PAULING:

10 Q How are you doing, Dr. Foster?

11 A Good, how are you?

12 Q Can you tell the Jury where you are currently
13 employed?

14 A Yes. I have two jobs and a faculty appointment.
15 My first job is, I am Chief Psychologist at the
16 Metropolitan Children's Advocacy Center in Columbia.
17 That's a children's advocacy center where we conduct
18 forensic interviews of children who are suspected of
19 being sexually or physically abused or they've
20 witnessed violent crime. I've worked there for 24
21 years.

22 My second position, I'm in private practice, a
23 practice called Forensic Family Associates and through
24 that I conduct court related evaluations of children
25 and families, so for family court or I consult with

1 attorneys in criminal matters and then I have a
2 faculty appointment and that's as an Assistant
3 Professor at the University of South Carolina School
4 of Medicine, Department of Neuro-psychiatry and
5 Behavioral Science.

6 Q As far as your educational background, can you
7 expound on that?

8 A Sure. College, I went to Emory University in
9 Atlanta and graduated with a degree in psychology in
10 1988. Then I worked for a year at a residential
11 treatment facility for adolescents and then moved to
12 Columbia where I entered the PHD program at the
13 University of South Carolina and graduated with my PHD
14 in Clinical Psychology in 1996.

15 Q Dr. Foster, is there a particular field of
16 psychology that you practice in?

17 A Yes. Forensic psychology and specifically, child
18 and family forensic psychology.

19 Q Are you licensed in that field?

20 A Yes, I'm a licensed clinical psychologist in
21 South Carolina since 1997.

22 Q And you may have answered this and I apologize,
23 but are there areas of psychology that you specialize
24 in?

25 A Yes. So, basically my whole career I've

1 specialized in interviewing or evaluating children and
2 allegations of abuse and then kind of developed beyond
3 that into doing custody evaluations, parenting
4 evaluations, and throughout my career, testifying as
5 an expert witness in matters involving children and
6 legal matters.

7 Q What professional associations are you affiliated
8 with?

9 A I'm a member of the American Psychological
10 Association, called the APA, and then there's a State
11 Chapter of the same. I'm a member of the American
12 Professional Society on the Abuse of Children, and
13 that's it right now.

14 Q The field of child abuse dynamics, what does that
15 consist of?

16 A In our field, we talk about child abuse dynamics
17 and that encompasses the dynamics between perpetrator,
18 victim and also other people that might be involved in
19 the system in terms of how a perpetrator gains access
20 to a victim, how they maintain access to a victim.
21 So, it involves all of those dynamics, all of those
22 interactions.

23 Q In that particular area, have you had specialized
24 training?

25 A Yes, sir.

1 Q Can you just describe that?

2 A Sure. So, starting in, really in 1994 when I was
3 a pre-doctoral intern, I started my training in child
4 abuse evaluation and treatment and then once you get
5 your PHD and you get licensed, there's continuing
6 education and so all of my continuing education is
7 related to children and families and child
8 maltreatment.

9 So, I to go national conferences, regional
10 conferences, statewide conferences, where I make
11 presentations and, of course, go to seminars, and then
12 beyond that, I've been trained through several five-
13 day, 40 hour courses that are very specific to this
14 field, and then there are journals that I read on a
15 continuous basis.

16 Q You mentioned Journals, so there's particular
17 literature that you study as it relates to this field
18 as well. Is that correct?

19 A Absolutely. So, there are many peer reviewed
20 journals at this point that are dedicated to issues of
21 child abuse, child forensic areas of specialization
22 that relate to my work in terms of development,
23 linguistics, dynamics, so yes, we're always keeping up
24 with the research.

25 Q As far as presentations, have you participated in

1 certain presentations in this particular area as it
2 relates to child abuse dynamics to include the latest
3 literature?

4 A Yes, definitely. I'm a senior faculty for a
5 five-day, 40 hour course called Child First, where we
6 teach law enforcement investigators, DSS investigators
7 and children's advocacy center employees about
8 appropriate techniques for interviewing children and I
9 teach, in that course I teach dynamics of -- there's
10 literally a lecture called Child Sexual Abuse Dynamics
11 that I teach and then just around the country at
12 various conferences I often am an invited speaker to
13 teach on matters related to dynamics of child abuse.

14 Q You mentioned about your work at the Child
15 Advocacy Center. In the course of your career,
16 approximately how many forensic interviews have you
17 conducted as it relates to child abuse?

18 A More than 2,000. Somewhere between 2,000 and
19 2,500.

20 Q As it relates to forensic interviews and
21 evaluations, have you conducted training as to those?

22 A Yes.

23 Q Approximately how many?

24 A Well, since 2000, I've been a faculty member for
25 Child First and I've also trained in the National

1 Children's Advocacy Center in Huntsville, Alabama.

2 So, I've been teaching in those areas for 19 years
3 now.

4 Q This particular area, this field, is this
5 information common to the general public or is this
6 something that everyone just kind of understands?

7 A No. It's not. Some of it -- sometimes we use
8 the expression, "counterintuitive," but sometimes
9 there can be expectations that people have that don't
10 work in this field about how children might respond or
11 what these crimes might look like, so without sort of
12 expert knowledge, it's unlikely to be something that
13 people are just generally familiar with.

14 Q Can understanding this information actually aid
15 the Jury?

16 A In my opinion, yes.

17 Q Have you previously been qualified and testified
18 as an expert in the field of child abuse dynamics and
19 disclosure?

20 A Yes.

21 Q Approximately how many times?

22 A Definitely more than 100. I've testified in at
23 least 250 cases, the majority of which have to do with
24 child abuse. So, I would say maybe -- we'll call it
25 150 times would be a safe estimate.

1 Q Would that be in the State of South Carolina?

2 A Mostly, but I'm also -- I also testify in Court's
3 Martial for the Army, the Air Force and the Navy and
4 I've testified out of state in various criminal
5 jurisdictions around the country and then a couple of
6 U. S. District Court cases, civil litigation cases.
7 Most of my testimony is in South Carolina.

8 MR. PAULING: Your Honor, at this time, I'd like
9 to qualify Dr. Foster in the field of child abuse
10 dynamics and disclosure.

11 THE COURT: Any exception or objection?

12 MR. AIKEN: Without objection, Your Honor.

13 THE COURT: All right. You may proceed. So
14 qualified.

15 MR. PAULING: Thank you, Your Honor.

16 BY MR. PAULING:

17 Q Now, Dr. Foster, as it relates to this particular
18 case, have you had any preexisting relationship with
19 the victim in this case, **Minor**?

20 A No.

21 Q Have you reviewed any of the records or any
22 statements in this case?

23 A No, I have not.

24 Q Do you have any personal interest, any
25 preexisting personal interest in this case at all?

1 A None at all.

2 Q If you could tell the Jury, as it relates to
3 disclosure in child abuse, child sexual abuse cases,
4 are there different types of disclosures?

5 A Yes.

6 Q If you could just tell the Jury, what are the
7 different types?

8 A Yep. Absolutely. Disclosure is kind of a term
9 in our field that has to do with how the telling
10 happens, how children come forward or get discovered
11 and how an allegation comes out. So, that's called
12 the process of disclosure in our field.

13 There are basically two types of discovery that lead
14 to five potential stages of disclosure. So, I can
15 break that down, if you'd like. The two types of
16 discovery are accidental and purposeful. In other
17 words, some children or adolescents -- when I say
18 children, I mean teens or younger children.

19 Some children make a decision to come forward and
20 tell somebody and that would be called a purposeful
21 discovery. So, they've made a choice, they've picked
22 somebody that they want to tell, and they tell. An
23 accidental discovery, in contrast, is when a child
24 perhaps wasn't planning on telling but something
25 caused it to come up to where they get confronted.

1 So, that might be like -- an example might be a child
2 writes something in a journal and mom reads the
3 journal and then confronts the child, and that's an
4 accidental discovery.

5 So, those are two different doorways in and then
6 depending on how that disclosure process starts,
7 children can be in any one of five stages from denial
8 of true allegations, to a tentative disclosure stage
9 where they are testing the waters and starting to
10 tell, to an active stage of disclosure. Sometimes,
11 for some cases, there's a stage called recantation
12 where children take it back and then the majority of
13 those go through a stage called reaffirmation or
14 rehabilitation where they'll come back forward and
15 reaffirm that what they alleged is what they
16 experienced.

17 So, not all children go through all of those
18 stages, but those are the five categories of
19 disclosure.

20 Q As it relates to delayed disclosure, what is
21 that?

22 A Yes, sir. That's the process of disclosure --
23 delay disclosure has to do with the fact that there is
24 a delay between the events of sexual abuse and the
25 telling or the revealing that it happened. Delayed

1 disclosure is common. So, that's a common theme in
2 our work is that there is most commonly an event or
3 series of events and then there's a delay and then
4 there's a discovery downstream.

5 Q Just in your training and your experience, how
6 common is delayed disclosure?

7 A Common. It's very common. It's the -- an
8 immediate disclosure an immediate outcry after an
9 event of sexual assault or sexual abuse is the -- it
10 happens, but that's the exception to the rule. So,
11 that's much less common.

12 Q Are there certain factors that kind of lead to
13 delayed disclosure?

14 A Yes. We're talking about child sexual abuse, so
15 we begin at a position where you're talking about
16 children or adolescents are not -- they're dependent
17 on adults, they're not fully developed, they don't
18 fully understand their options, so some of it has to
19 do with child dynamics.

20 Beyond that, it has to do with the emotional
21 response to victimization. So, there's a sense of
22 helplessness, sometimes there's a sense of guilt,
23 responsibility, shame, worry about the consequences,
24 worry about the consequences to themselves if they
25 tell or if it's discovered, worrying about the

1 consequences to the offender, because often their
2 feelings are complicated. It's not -- I know this to
3 be true, maybe I need to say it to the Jury because I
4 don't know if this is common knowledge, but most often
5 child sexual abuse happens between an offender who
6 knows the child. It's not a stranger.

7 So, the relationship tends to have multiple
8 facets to it. So, children can have all kinds of
9 worries about what will happen if it gets discovered.
10 They can worry about consequences to their parents, I
11 mean, just all kinds of things. So, that interferes
12 with disclosure and then sometimes it has to do with
13 what the offender may have said or done.

14 They may feel afraid, they may have been
15 threatened, but they may just have been manipulated
16 and they may just be confused or concerned about
17 whether they have a right to tell, whether they should
18 tell.

19 Q So, sometimes it depends on what they have been
20 told by the offender?

21 A Yes.

22 Q And sometimes how they feel about their -- I'll
23 ask it like this. You have situations where the
24 victim blames themselves, as such?

25 A For sure and that increases with age. So,

1 adolescents in particular, that's an issue where -- as
2 children get older, they feel progressively more
3 responsible for their actions and we, as adults, make
4 them more responsible for their actions.

5 So, as they come into upper elementary school and
6 then middle school and then into high school, we place
7 more and more responsibility on their shoulders and so
8 it makes sense that they, in turn, can feel that it's
9 their fault, that they're responsible, that they
10 either created the situation, lead somebody on, didn't
11 act right in some way that they should have and so
12 they can blame themselves.

13 MR. PAULING: Beg the Court's indulgence.

14 BY MR. PAULING:

15 Q Dr. Foster, from your training and experience
16 there is this delayed disclosure. Is the sequencing
17 of events, is that an issue sometimes -- the delayed
18 disclosure?

19 A Do you mean their memory?

20 Q That's correct.

21 A Oh, yes. For sure. That's a whole area of study
22 that we've learned a lot about in the last 20 years.
23 So, memory is affected by a few things.

24 First of all, when an event is happening that has
25 certain dynamics associated with it that might

1 increase somebody's anxiety, their adrenalin, the way
2 they code events, what they pay attention to, how they
3 store it, all of those things are affected. But then
4 too, if somebody has suppressed information about the
5 event for some period of time -- so, if somebody is
6 intent on keeping it secret, basically, they are
7 working very hard to suppress thinking about an event,
8 they don't talk about the event to people.

9 Well, when you suppress thinking about an event
10 and when you don't talk about an event, your memory
11 for that event gets somewhat weaker and so it becomes
12 harder to retrieve it, organize it and provide the
13 information later. So, when we interview kids, a lot
14 of times it's -- I mean, sometimes it's months later,
15 but often it's years later that we're interviewing
16 children about something that happened.

17 So, you know, years of things have gone by and
18 the child is just getting comfortable even organizing
19 that memory and providing information about it, so
20 they often will remember and relate information about
21 the parts that maybe were most significant to them or
22 the parts that are most easily accessible but for
23 things like time and date are very poorly retained and
24 then, just the exact sequencing of events can be
25 disorganized.

1 Q Thank you, Dr. Foster. Please answer any
2 questions Mr. Aiken may have.

3 A Thank you, sir.

4 CROSS-EXAMINATION

5 BY MR. AIKEN:

6 Q Hello, Dr. Foster.

7 A Hello.

8 Q I'm Art Aiken and I represent the Defendant, Mr.
9 Ray. Most of the abuse cases you evaluate are within
10 families, aren't they?

11 A Probably so, yes.

12 Q So, the majority would be one family member
13 perpetrating against another family member, right?

14 A That is more common, yes.

15 Q When it comes to delayed disclosure, that's
16 significant, isn't it? That there's a family member
17 involved. Isn't that right?

18 A Yes. The dynamics around telling about a family
19 member, that's certainly -- yes, that colors those
20 cases for sure.

21 Q For example, a child that's abused by her father.

22 A Right.

23 Q She doesn't want to tell on her father because
24 she doesn't want to break up the family, she doesn't
25 want her father to lose his job, she doesn't want her

1 father to go to jail, all that kind of stuff.

2 A That's right.

3 Q And that all goes into the delayed disclosure
4 dynamic, correct?

5 A Correct, yes.

6 Q One other factor is one of the things I just
7 mentioned. The threat to the breakup of the family,
8 right?

9 A In those cases, yes.

10 Q In those -- which are the majority of your cases,
11 right?

12 A They are, yes.

13 Q Also, one of the factors on delayed disclosure is
14 chronic abuse, right?

15 A I certainly evaluate a lot of cases with chronic
16 abuse, but I do not -- I would disagree that the
17 literature says that delayed disclosure is correlated
18 with chronic abuse only. So, there could be delayed
19 disclosure for abuse of a single incident or multiple
20 incidents.

21 Q But is it not true that chronic abuse has a
22 tendency to increase the likelihood of delayed
23 disclosure?

24 A I don't think so.

25 Q It does not?

1 A I don't know any literature that says that.

2 Q How about the use of aggravated force in the
3 sexual assault? Does that have an impact on delayed
4 disclosure?

5 A We get complicated here. It can. However, the
6 use of aggravated force is most typically present in
7 assault cases where there's not preexisting
8 relationship and in those cases, for example, a
9 stranger assault or like a -- kind of a -- where
10 there's -- typically offenders, when they're
11 victimizing someone who's known to them, they don't
12 use violence. They use manipulation, they use other
13 tools.

14 So, those really violent, aggravating
15 circumstances tend to show up in more of the stranger
16 cases and an actual fact, in those stranger cases,
17 disclosure is often more immediate.

18 Q So, in a stranger case you would expect
19 disclosure to be more immediate?

20 A It is more immediate. When it doesn't happen,
21 it's very much about being terrorized and afraid for
22 one's life.

23 Q So, a single incident involving a stranger, that
24 makes delayed disclosure less likely?

25 A If it's a stranger, yes.

1 Q If it's a stranger. Would you consider a non-
2 family member a stranger?

3 A No.

4 Q Okay. Well, then, how would you distinguish
5 between a stranger and a non-stranger?

6 A Okay. So, we talk in our field about a
7 continuum. Victim perpetrator relationship continuum,
8 that goes from stranger to lover. Stranger, there's
9 no investment, there's no emotional investment for the
10 victim in taking care of the offender. So, anything
11 that suppresses the victim from telling or anything
12 that makes the victim comply, has to do with just fear
13 and that's the stranger case.

14 Then you go into, on the continuum from stranger
15 you go to friend and the friend relationship is not a
16 family member. It's somebody who is not related and
17 often the friend relationship is what we call the
18 predatory pedophile, so that's the kind of adult who's
19 just very good at grooming and making friends with
20 children or adolescents in order to victimize.

21 Then you move into the continuum to siblings and
22 other family members. Siblings and then parent or
23 adult relative members. That's when you get into the
24 dynamics you were just asking me about initially.
25 Then you get to the final edge on the continuum which

1 is the lover dynamic and that's where you have victims
2 who don't feel like victims, they feel like they're in
3 love with and they are compliant, we use the word
4 compliant. They are victims by law, but they made
5 themselves have trouble even recognizing that they are
6 victims because of their emotional state.

7 Q Well, on the continuum, as you move closer to
8 stranger, you're going to have a less likelihood of
9 delayed disclosure. Is that right?

10 A No, sir. No. The friend perpetrator is quite
11 adept at grooming and gaining compliance for long-term
12 victimization and delayed disclosure.

13 Q What about somebody who is not a friend and goes
14 down the continuum toward stranger. Does that make
15 delayed disclosure less likely?

16 A A stranger's a stranger. A stranger is somebody,
17 "I don't know you. You don't know me. You just
18 picked me up out of the park or the parking lot."

19 Q What about an acquaintance, who is not a friend?

20 A An acquaintance is some level of a friend.

21 Q Just because you know somebody, you're their
22 friend?

23 A Well, yeah, and especially children. Children
24 make friends very easily. Children are trained to --
25 well, it depends on -- I don't know the details of

1 this case, so I don't know if it's an -- I don't know.
2 I'm assuming it's an adult defendant, but children are
3 trained to take their social cues from adults. If
4 adults pay attention to them, that they get to know
5 them. They get to know their teachers, their friend's
6 parents, their parent's friends and so on.

7 Q Well, as you know, this is a criminal case.

8 A Right.

9 Q Have you ever testified for a defendant in a
10 criminal case?

11 A Yes.

12 Q You have?

13 A Yes.

14 Q How many times?

15 A In South Carolina, I have testified for the
16 Defense in only three cases, but they were all child
17 sexual abuse cases. In Court's Martial, I've
18 testified for a number of defendants. And then in
19 family court, in DSS matters, I've testified for both
20 sides.

21 Q In any of those cases, did you testify about
22 delayed disclosure on the defense side?

23 A Let me think if that's come up. I mean,
24 probably, but --

25 Q I mean for the defendant on delayed disclosure.

1 Have you testified for the defendant in a delayed
2 disclosure case?

3 A No, I don't think that would be the substantive
4 reason that a defense attorney has put me on the
5 stand. It's been more things like memory and
6 suggestibility or technical flaws in the forensic
7 interview process or other issues like that.

8 Q Is the government paying you to testify today?

9 A No, they are not. I'm a State employee half-
10 time, when I work for the Children's Advocacy Center
11 and this is just something I do as part of my job
12 duties.

13 Q Okay. So, it's part of your job?

14 A It is part of my job. I'm not here on a vacation
15 day. I am here working as a State government
16 employee.

17 Q So, you work for the government, in fact?

18 MR. PAULING: Your Honor, I believe she's
19 answered the question.

20 THE COURT: I think she's answered the question.

21 MR. AIKEN: May I have just one moment, please,
22 Your Honor?

23 THE COURT: Certainly.

24 MR. AIKEN: Thank you, Ms. Foster.

25 THE COURT: Any redirect?

1 MR. PAULING: None. Thank you, Dr. Foster.

2 MR. PAULING: May this witness be excused?

3 MR. AIKEN: No objection.

4 THE COURT: No objection. Approach the bench.

5 You're probably wondering what all is going on up
6 here. There's no water in the building. I've been
7 told that the pipe leading into the building has
8 broken, erupted, something and there's no water either
9 in the spigots or in the toilets.

10 So we're getting out of here. I'm going to ask
11 you to be back -- we're going to adjourn for the day.
12 I can't even think of a way to keep everybody happy
13 for the rest of the afternoon, so I'm going to ask you
14 to be back tomorrow morning at 9:00. We're going to
15 lose about two-hours worth of testimony today, but
16 maybe we'll gain a little bit of it back tomorrow. Is
17 9:00 all right? Everybody can make 9:00? All right.
18 Let's get started at 9:00, hopefully. I hope the
19 problem will be fixed by then. So, just leave your
20 pads in the chairs.

21 (Whereupon, the jury exited the proceedings.)

22 THE COURT: We will be in recess until 9:00.

23 (Whereupon, the proceedings were continued
24 to be resumed the following day without
25 interruption.)

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END OF VOLUME II

PROCEEDINGS

WEDNESDAY, OCTOBER 2, 2019

CAMDEN, SOUTH CAROLINA

(Whereupon, the following proceedings were held in open court. All parties were present, along with their attorneys.

THE COURT: State ready for the jury?

MR. PAULING: Yes, Your Honor.

THE COURT: Defense ready?

MR. AIKEN: Yes, Your Honor.

THE COURT: Bring them in.

(Whereupon, the jury entered the courtroom.)

THE COURT: Since you have occupied that seat since we started, I'm going to ask that you -- that's generally the seat that's reserved for the Foreman of the Jury. I'm going to ask that you act as Foreman for the Jury for this trial. Meaning that, if and when the case goes to the Jury, you would write the verdict on the verdict form and preside in the Jury Room during deliberations and you don't get any bump in pay. Thank you very much. Thank you for being willing. All right, Solicitor, next witness?

1 MS. GREEN: May it please the Court, the State
2 calls Trevon Coe.

3

4

TREVON COE,

5

called as a witness by and on behalf of

6

the State to testify, being first duly

7

sworn was examined and testified as follows:

8

DIRECT EXAMINATION

9

BY MS. GREEN:

10

Q Mr. Coe, can you speak up so that everybody can

11

hear you? Okay?

12

A Yes, ma'am.

13

Q Where do you currently live?

14

A Antioch.

15

Q Who lives there with you in Antioch?

16

A My daughter and my baby momma.

17

Q Are you originally from Kershaw County?

18

A Yes, ma'am.

19

Q How do you know Minor [REDACTED] ?

20

A That's my cousin.

21

Q You've known her her whole life?

22

A Yes, ma'am.

23

Q How do you know Jonathan Ray?

24

A High school friend.

25

Q You've known him for a while?

1 A Yes, ma'am.

2 Q Approximately how long have you known Jonathan?

3 A Since I was like 13.

4 Q How old are you now?

5 A 20.

6 Q So, about seven years or so?

7 A Yes, ma'am.

8 Q Did you ever live at [REDACTED] Lenox Road in Cassatt?

9 A Yes, ma'am.

10 Q Who lived at that address?

11 A My grandparents and -- my grandparents and my

12 cousin, me, and Jonathan.

13 Q When you say your grandparents, can you give us

14 their names?

15 A Virginia Jefferson and Leon Jefferson.

16 THE COURT: Speak a little louder so everybody

17 can hear.

18 BY THE WITNESS:

19 A Virginia Jefferson and Leon Jefferson.

20 Q You say your cousin?

21 A Joshua Porte.

22 Q And yourself and Jonathan?

23 A Yes, ma'am.

24 Q Do you remember when Minor [REDACTED] lived in

25 Texas?

1 A Yes, ma'am.

2 Q Do you remember how long she had been in Texas
3 before she came back to Kershaw County?

4 A No, ma'am.

5 Q Do you remember when she did come back to
6 Kershaw?

7 A Before her mother died.

8 Q I'm sorry. Say that again?

9 A Before her mother died.

10 Q That's when -- before her mother died was when
11 she came back to Kershaw? Is that what you're saying?

12 A Yes, ma'am.

13 Q Okay. Then at some point she left and moved to
14 Texas?

15 A Yes, ma'am.

16 Q I need you to speak up.

17 A Yes, ma'am.

18 Q Do you remember a time when **Minor** came to the
19 Lenox Road address with your grandparents?

20 A Yes, ma'am.

21 Q Do you remember when that was?

22 A No, ma'am.

23 Q Do you recall -- did you live there in Cassatt at
24 the Lenox Road address in 2017?

25 A Yes, ma'am.

1 Q Do you remember Minor coming to visit during
2 May of that year?

3 A Yes, ma'am.

4 Q Was that at the time that Jonathan also lived at
5 that address?

6 A Yes, ma'am. I think -- yes, ma'am.

7 Q How old were you in May of 2017?

8 A 17.

9 Q 17?

10 A Yes, ma'am.

11 Q When is your birthday?

12 A .

13 Q So, it was right before you turned 18?

14 A Yes, ma'am.

15 Q Do you remember how long Jonathan lived at the
16 Lenox Road address in Cassatt?

17 A No, ma'am. No, ma'am.

18 Q How long had you lived there?

19 A My whole life.

20 Q When Jonathan was living there and you were
21 living there at the same time, where -- can you
22 describe for the Jury where the bedrooms were in that
23 particular residence?

24 A They were right beside each other. Mine was next
25 door to his and my cousin was across the hall from

1 both of ours. Ours are like this and our cousin was
2 right here on the end.

3 Q So, on one side -- your bedroom would have been
4 right next door to Jonathan's and across the hall
5 would have been Joshua's bedroom?

6 A Yes, ma'am.

7 Q Was that on -- where were the Jefferson's
8 bedroom?

9 A On the end of the house.

10 Q Okay. Do you remember where **Minor** slept?

11 A She started sleeping in my grandparent's room
12 when she first got there, I think. In my
13 grandparent's room.

14 Q Had you ever seen Jonathan and **Minor** talking or
15 interacting while you were at your grandparent's
16 house?

17 A We all lived together, so yes, ma'am.

18 Q Can you describe those interactions?

19 A No, ma'am.

20 Q Just general conversations?

21 A Yes, ma'am.

22 Q At some point, did Jonathan stop living there?

23 A Yes, ma'am.

24 Q At some point later, did you find out something
25 happened to **Minor**?

1 A Yes, ma'am.

2 Q Did you ever talk to Jonathan Ray about what
3 happened with Minor?

4 A Yes, ma'am.

5 Q Can you tell us what Jonathan told you?

6 A No, ma'am.

7 Q Mr. Coe, can you tell us what Jonathan told you?
8 Mr. Coe, you are under oath.

9 A I don't remember. I remember the conversation,
10 but I don't remember what was said.

11 Q What did he say? What did Mr. Ray tell you? I'm
12 sorry, I've got to hear you. Mr. Coe, you're under
13 oath to tell the truth.

14 THE COURT: Answer the question.

15 A I mean to say that didn't nothing happen.

16 Q He said --

17 A He said that nothing happened. That it was just
18 false allegations, but --

19 Q Did he later change that story?

20 A Yeah, he changed later on down the road. Yes,
21 ma'am.

22 Q What did he tell you down the road?

23 A He said he didn't rape my cousin. He didn't --

24 Q He said he didn't rape her?

25 A Yes, ma'am.

1 Q Did he ever tell you that he slept with her? Did
2 Jonathan ever tell you that he had sex with Minor?

3 Mr. Coe, you're under oath.

4 A Yes, ma'am. I know.

5 Q And we have to understand and hear your answer.

6 Did Jonathan ever tell you that he slept or had sex
7 with Minor?

8 A I don't know. I can't -- I can't do this.

9 Q Let me ask you this. Did you ever go to the
10 Health Department with Jonathan?

11 A I went to the Health Department but not exactly
12 with him. We had a conversation about me going to the
13 Health Department and he -- with him being like a big
14 brother to me, we spoke about the situation, but we --

15 Q So, you didn't go with him, but you became aware
16 that he had to go?

17 THE COURT: Speak up.

18 A Yes, ma'am.

19 Q After the whole incident with the Health
20 Department, did you ever have a conversation with
21 Jonathan after that about Minor?

22 A After that I haven't spoke to Jonathan since. We
23 spoke once after that and that was our last
24 conversation.

25 Q Did you ever -- did Jonathan ever tell you

1 anything about his relationship with Minor?

2 A He didn't speak about him and Minor's relationship.
3 We spoke about what was said to me and he told me that
4 it wasn't true and that none of it happened. That's
5 really the only type of conversation we had about the
6 whole situation.

7 MS. GREEN: Beg the Court's indulgence.

8 BY MS. GREEN:

9 Q Mr. Coe, do you remember meeting with
10 Investigator Ford regarding this case?

11 A Yes, ma'am.

12 Q Did you have a conversation with her?

13 A Yes, ma'am.

14 Q Did you tell her what you knew about this case?

15 A Yes, ma'am.

16 Q Do you recall telling her that you felt as if
17 Jonathan was like a brother to you?

18 A Yes, ma'am.

19 Q Do you remember telling her that you felt like
20 Minor was like your little sister?

21 A Yes, ma'am.

22 Q You really don't want to be here today, do you?

23 A No, ma'am.

24 Q Why is that?

25 A Because that's my little cousin and that's my

1 homeboy. He was like my brother. I don't think this
2 should -- this situation should have even came about.

3 Q At some point, at any point, did Jonathan admit
4 to you that he had sex with Minor?

5 A Uh-uh.

6 Q You're under oath, Mr. Coe.

7 A I can't remember.

8 Q Please answer any questions from Mr. Aiken.

9 MR. AIKEN: May I have just one second please,
10 Your Honor? No questions, Your Honor.

11 THE COURT: All right.

12 MS. GREEN: Your Honor, may the witness be
13 excused?

14 THE COURT: Sorry?

15 MS. GREEN: May the witness be excused?

16 THE COURT: If you want him to be, yeah.

17 MS. GREEN: That's fine. You can step down. The
18 State calls Dr. Michael Foxworth.

19 MR. AIKEN: Judge, before we begin with this
20 witness, may we approach the bench?

21 THE COURT: Sure.

22 MICHAEL KENNETH FOXWORTH, II, M.D.

23 called as a witness by and on behalf of

24 the State to testify, being first duly

25 sworn was examined and testified as follows:

1 DIRECT EXAMINATION

2 BY MS. GREEN:

3 Q Good morning, Dr. Foxworth. Can you state where
4 you are currently employed for the record?

5 A I'm employed at Hope Health in Florence.

6 Q What is your position there?

7 A I'm a pediatrician there, a physician there. I
8 practice pediatrics, general pediatrics, pediatric
9 infectious diseases and I also perform forensic
10 medical exams for the Care House in Florence.

11 Q Can you just give us a little bit of background
12 about your medical studies?

13 A Sure. I went to medical school at MUSC,
14 graduated in 2006. Completed my pediatrics residency
15 at VCU in Richmond, Virginia in 2009. I did a year of
16 Chief Residency and completed that in 2010 and then
17 completed a pediatric infectious disease fellowship in
18 2013.

19 Q Are you Board certified here in South Carolina in
20 the fields of pediatrics and pediatric infectious
21 diseases?

22 A That's correct.

23 Q Can you just explain to the Jury what your
24 general responsibilities are as it relates to the
25 medical exams that you perform on behalf of Hope

1 Health?

2 A Sure. When cases are called in to the Care House
3 for any child abuse or neglect, if it's decided a
4 forensic exam is needed, I have days that I perform
5 those. We're actually housed next door to them and so
6 either after or before a forensic interview is done,
7 they bring them over to our office and then I perform
8 the physical exam on those patients. I'm also doing
9 any type of pictures that might be needed or labs,
10 treating any type of things that might need to be
11 treated as well.

12 Q Can you pull the mike a little bit closer to you?

13 A Sure.

14 Q Thank you. When you say pediatric, is that any
15 child up to age 18?

16 A Generally, with my general pediatric practice,
17 I'll see patients up through about age 21. With one
18 of my specialty clinics, which is an HIV clinic, I see
19 up through 24, but there's no, like, set definition
20 for pediatrics.

21 Q Approximately how many forensic medical exams
22 have you performed?

23 A At the last count it was 519.

24 Q Have you had to previously testify in court to
25 your findings?

1 A I have.

2 Q Have you previously qualified as an expert
3 witness in the field of forensic medical examinations?

4 A I have.

5 Q Did you perform a forensic medical examination on
6 Minor [REDACTED] in 2018?

7 A Yes, I did.

8 Q Do you recall when this examination was
9 performed?

10 A Yes. It was April of 2018.

11 Q In general, can you explain to the Jury the
12 protocol for conducting a forensic medical
13 examination?

14 A My assistant will bring the patient into the room
15 and prepare them by telling them exactly the order of
16 everything that we're going to do, so there's no
17 surprises. Then I -- and they also take vital signs,
18 such as blood pressure, pulse, temperature, weight.
19 Then I'll go into the room, do a complete head to toe
20 exam. Whenever I do the genital exam, I also take
21 photos as well and then after the exam is complete, I
22 will do lab testing depending on the allegations that
23 are present.

24 Q Once the examination is completed, do you compile
25 a report?

1 A I do.

2 Q Was that procedure followed in this case
3 concerning Minor [REDACTED] ?

4 A It was.

5 Q When you performed your examination on Minor [REDACTED] ,
6 were you aware of what the allegations were concerning
7 the reason why she was even at the Care House?

8 A I was aware of the allegations and typically, I
9 know if it's allegations of neglect or sexual abuse or
10 physical abuse. Sometimes before the exam, a forensic
11 interview has already been done, so I can review the
12 disclosure. Sometimes it's done afterwards.

13 Q As part of your examination of Minor [REDACTED] , did that
14 include any examination as it relates to whether or
15 not there was a sexual trauma?

16 A Yes. I did perform, as part of the complete
17 exam, a genital exam.

18 Q Can you tell the Jury what, if anything, you
19 noted about her particular genital exam?

20 A So, the positive findings that I saw in the
21 genital exam were two transections of the hymen, and
22 so that's an area of where there an absent hymen all
23 the way to the base of the vagina. Both at 6:00, so
24 in the posterior area or if you think about a clock,
25 the 6:00 area and then one at around 7 to 8.

1 Q Can you explain to the Jury why that was
2 noteworthy as part of your examination?

3 A Transections, whether acute, happening recently
4 or healed, are one of the highly suspicious findings
5 of sexual contact or trauma and particularly in this
6 area of the posterior hymen.

7 Q Would part of your examination also include any
8 STD screenings?

9 A After the exam, we did labs to test for
10 gonorrhea, chlamydia, syphilis and HIV.

11 Q Do you have the results of the screening that was
12 conducted on **Minor** ?

13 A The chlamydia came back positive and the other
14 tests were negative.

15 Q Did you also indicate that in your report
16 findings?

17 A I did.

18 Q Can you describe for the Jury how a person, in
19 general, would contract an STD, specifically
20 chlamydia, how that can be transmitted?

21 A Chlamydia is transmitted sexually from sexual
22 contact, from exposure to bodily fluids that are
23 infected.

24 Q Is there any other way besides sexual contact,
25 that a person would contract chlamydia?

1 A No.

2 Q Would your findings be consistent with the report
3 that was provided by Minor ?

4 A Yes.

5 Q Did you make any diagnostic findings as a result
6 of your examination on her?

7 A Based on the findings of the transections and the
8 positive chlamydia, both of these were consistent with
9 her clear disclosure of --

10 MR. AIKEN: Object, Your Honor. The expert
11 witness cannot give evidence supporting the
12 credibility of a witness.

13 THE COURT: Sustained.

14 BY MS. GREEN:

15 Q I'll withdraw the question. Please answer any
16 questions for Mr. Aiken.

17 THE COURT: Cross-examination?

18 MR. AIKEN: Thank you, Your Honor.

19 CROSS-EXAMINATION

20 BY MR. AIKEN:

21 Q How are you, Dr. Foxworth?

22 A I'm good.

23 Q I'm Art Aiken and I represent Mr. Ray. The fact
24 that you saw transection of the hymen doesn't tell you
25 who caused that, does it?

1 A No, it doesn't.

2 Q Now, chlamydia, is that the most common sexually
3 transmitted disease?

4 A I don't know if I could say it's the most common,
5 but it's definitely one of the most common diseases
6 that we see.

7 Q I've seen figures, like, 90 million globally
8 infected with chlamydia. Does that sound about right
9 to you?

10 A I couldn't say specifically.

11 Q Could you say about how many cases would show up
12 in the United States in one year?

13 A Not with certainty.

14 Q Chlamydia prevention -- the best prevention is to
15 abstain. Right?

16 A That's correct.

17 Q To not have sex at all?

18 A For no sex to happen. Correct.

19 Q But the second best way to prevent it is by using
20 a condom, right?

21 A That's correct.

22 Q As a matter of fact, if you're going to have sex,
23 the way to prevent chlamydia and the only way is by
24 using a condom.

25 A If you're having sex with a partner that has

1 chlamydia, that does decrease the chance. It's not
2 100 percent, obviously.

3 Q Wouldn't you say it would be unlikely for
4 chlamydia to be transmitted if an infected partner
5 used a condom?

6 A I would say it's less likely.

7 Q Less likely?

8 A Uh-huh.

9 Q Is it more likely than not?

10 A Not to mince words, I think my original statement
11 of it being less likely is probably more accurate in
12 the medical world.

13 Q Wouldn't you agree that sex with a partner
14 infected by chlamydia without a condom is much more
15 likely to transmit chlamydia than sex with an infected
16 partner with a condom?

17 A Yes.

18 MR. AIKEN: May I have just one moment please,
19 Your Honor?

20 Thank you, Doctor. I have no further questions,
21 Your Honor.

22 REDIRECT EXAMINATION

23 BY MS. GREEN:

24 Q Dr. Foxworth, is it possible to transmit
25 chlamydia even with condom usage?

1 A It is.

2 Q No further questions.

3 THE COURT: Anything further?

4 MR. AIKEN: No, Your Honor.

5 THE COURT: You may come down. Can this witness
6 be excused?

7 MS. GREEN: Yes.

8 MR. AIKEN: No objection.

9 THE COURT: No objection. You're free to go.
10 Thank you very much.

11 MS. GREEN: The State calls Krystal Keith.

12 KRYSTAL JONES KEITH,

13 called as a witness by and on behalf of

14 the State to testify, being first duly

15 sworn was examined and testified as follows:

16 DIRECT EXAMINATION

17 BY MS. GREEN:

18 Q Ms. Keith, are you a registered nurse?

19 A Yes, ma'am.

20 Q Where do you currently work?

21 A I am currently employed at the local Kershaw
22 County Health Department.

23 Q How long have you been there?

24 A I have been with DHEC for 16 years and there 4,
25 right at 4.

1 Q There at the Kershaw Clinic?

2 A Yes, ma'am.

3 Q What is your official job title?

4 A I am current the site supervisor, but I'm also a
5 preventive health nurse.

6 Q Prior to becoming site supervisor, were you still
7 employed as a preventive health nurse?

8 A Yes, ma'am.

9 Q Can you describe what that entails as it relates
10 to your job duties?

11 A We provide preventive health services to clients
12 in our community. For females, that would be like
13 birth control, contraceptive methods, STD testing and
14 treatment and pap smears, breast exams and then for
15 our male clients would be, again, STD testing and
16 treatment and contraceptive would be condoms.

17 Q Is there a protocol that is commonly used at your
18 clinic to test for sexually transmitted diseases?

19 A Yes. For instance, if a client comes in and --
20 it depends on certain aspects. If someone comes in
21 and tells us they are not symptomatic and they decline
22 a physical exam, they haven't been deemed a contact,
23 an STD, a sexually transmitted disease, our standard
24 testing is blood work for HIV and syphilis and then a
25 urine sample for gonorrhea and chlamydia.

1 Q That's your standard tests?

2 A That's our standard tests.

3 Q Unless you have additional information?

4 A Yes, like I said, if an exam warrants additional
5 testing, signs and symptoms, warrant additional
6 testing.

7 Q A person that is generally treated in the Health
8 Department for an STD, is there a procedure for
9 notification of that person if there is positive
10 result?

11 A Yes, we do thorough education during their visit.
12 We would let the client know that it takes about a
13 week or two, depending on if there's a holiday or
14 weekend involved, to receive their test results and
15 that if it's a positive result, we would call them
16 immediately and notify and based on confidentiality,
17 they would give us their name, their date of birth,
18 and a password that only we and they would know.

19 But to cover that too, just in case a client were
20 to change their cell phone in that time, we tell them,
21 "If you have not heard from us, you definitely give us
22 a call," too, just to make sure nothing has been
23 missed. Then we even give them a little card with
24 that information. So, again, if anything definitely
25 comes back positive, we notify them the day of, that

1 it prints positive.

2 Q On August 18th of 2017, did you have occasion as
3 part of your duties as a preventive health nurse to
4 take a specimen from Jonathan Ray for STD testing?

5 A Yes, ma'am.

6 Q Were you the person that collected the samples?

7 A Yes, ma'am.

8 Q Did you follow the protocol that you just
9 outlined in this particular case?

10 A Yes, ma'am.

11 Q Were you provided lab results with the report of
12 those findings?

13 A Yes, ma'am. When the results came back. Yes,
14 ma'am.

15 MS. GREEN: Your Honor, may I approach the
16 witness?

17 THE COURT: Yes, ma'am.

18 MR. AIKEN: Your Honor, I object to the use of
19 the report, because the witness hasn't even told us
20 what kind of test --

21 THE COURT: She hasn't offered it either.

22 MR. AIKEN: Oh. Ok, Your Honor. I just wanted
23 to --

24 THE COURT: I understand.

25 BY MS. GREEN:

1 Q Ms. Keith, I'm handing you what's been marked for
2 identification as State's Exhibit Number 7 and ask if
3 you recognize that document?

4 A Yes, ma'am.

5 Q Is that concerning a sample that was provided to
6 you, that you particularly collected on Jonathan Ray?

7 A Yes, ma'am.

8 Q Other than marking for Court purposes it hasn't
9 been changed or altered in any way?

10 A It does not appear so. No, ma'am.

11 Q Is that a record that's ordinarily kept in the
12 course of your business at the Health Department? Is
13 that a normal record that would be produced as part of
14 your protocol?

15 A Yes, ma'am. It's kept in the client's record.

16 MS. GREEN: Your Honor, the State would like to
17 admit State's Number 7 into evidence.

18 MR. AIKEN: Your Honor, I object. This witness
19 hasn't told us what test was done, who did the test
20 and how the test was done.

21 THE COURT: It's only for identification at this
22 point.

23 MS. GREEN: Your Honor, I believe the testimony
24 of the witness was that on August 17, excuse me,
25 August 18 of 2017 that she collected a sample from Mr.

1 Ray and that it was tested for STD.

2 THE COURT: Received in evidence.

3 BY MS. GREEN:

4 Q Ms. Keith, can you explain to the Jury how once
5 you obtain a specimen for STD testing, the protocol
6 for having it tested?

7 A Okay. Once the client requests and agrees to the
8 testing, I verify, explain what we're going to do and
9 then before we label the tubes, I verify again to make
10 sure everything is spelled correctly on the label, the
11 tube, name, date of birth, so forth. We label the
12 tubes.

13 We also tape the tubes so there's no indication
14 that the label may come off. In cases of HIV or
15 syphilis, it's a blood test that is drawn and for
16 gonorrhea and chlamydia it's a urine sample. Once
17 those samples are collected, lab requisitions are
18 filled out accordingly, everything is packaged for
19 that one individual and shipped to our preventive
20 health laboratory where it's tested by a certified lab
21 specialist.

22 Q Was that procedure followed in this case?

23 A Yes, ma'am.

24 Q Did the lab provide you with the results of their
25 testing of two, of the blood sample as well as the

1 urine sample on Jonathan Ray?

2 A Yes, ma'am.

3 Q Were you provided a copy of that report?

4 A Yes.

5 MS. GREEN: Your Honor, may I approach the
6 witness again?

7 BY MS. GREEN:

8 Q Is this the report that was produced -- that was
9 provided to you from the lab regarding the test
10 results on Jonathan Ray's specimen?

11 A Yes, ma'am. That's the report.

12 MS. GREEN: Your Honor, at this time the State
13 would like to offer Number 7 into evidence.

14 MR. AIKEN: I need to see that, Judge. I don't
15 think I've seen that.

16 THE COURT: Okay.

17 MR. AIKEN: Oh, this is the report?

18 MS. GREEN: Yes.

19 MR. AIKEN: Okay, I thought you had seen.

20 THE COURT: All right. Received.

21 (Whereupon, State's Exhibit Number 7 is offered
22 into evidence without objection.)

23 BY MS. GREEN:

24 Q Ms. Keith, were there any findings -- Ms. Keith,
25 were there any positive findings from this lab report?

1 A I'm sorry, you had your back turned. Were there
2 any --

3 Q I apologize. Can you explain to the Jury what,
4 if any, results were reported on the specimen that was
5 tested for Jonathan Ray?

6 A All results came back non-reactive or negative.
7 Non-reactive means the patient is not currently
8 infected with infection. The only positive that
9 printed was chlamydia and positive just means that the
10 client tested positive and does have chlamydia at that
11 time of testing.

12 Q Did you date and initial that report once you
13 received it?

14 A Yes, ma'am.

15 Q Those are your initials at the bottom?

16 A Yes, ma'am.

17 Q Right corner of that document?

18 A At the bottom. Yes, ma'am, that's my initials.

19 Q Thank you, Ms. Keith. Please answer any
20 questions from Mr. Aiken.

21 MR. AIKEN: If you could just hand that back to
22 the witness, I'm going to ask some questions.

23 CROSS-EXAMINATION

24 BY MR. AIKEN:

25 Q Hello, Ms. Keith.

1 A Hey, how are you?

2 Q I'm Art Aiken and I represent Mr. Ray.

3 A Yes, sir.

4 Q When was the sample taken for this?

5 A The sample was taken on August 18th.

6 Q That doesn't tell you anything about whether Mr.

7 Ray had chlamydia in May of 2017, does it?

8 A In May. That would only let us know, unless we
9 tested before then, I can only address the day that he
10 came in. So, August 18th is the only thing I can say
11 he tested positive for.

12 THE COURT: What year? What year?

13 A Of August 18 of 2017.

14 Q Of 2017?

15 A August 18th of 2017. That's all I can attest to
16 today, that he was positive that day.

17 Q Okay.

18 MR. AIKEN: May I have one moment please, Your
19 Honor. Thank you, Ms. Keith. That's all the
20 questions I have, Your Honor.

21 THE COURT: Redirect?

22 MS. GREEN: No redirect, Your Honor.

23 THE COURT: You may come down. You're free to
24 go. Thank you very much. Next witness?

25 MR. PAULING: Your Honor, the State would call

1 Chief Kafelc.

2 STEPHEN JOHN KNAFELC,

3 called as a witness by and on behalf of

4 the State to testify, being first duly

5 sworn was examined and testified as follows:

6 DIRECT EXAMINATION

7 BY MR. PAULING:

8 Q Chief Deputy Knafelc, I apologize. I think I
9 introduced you improperly earlier as Captain Knafelc.

10 It's Chief Deputy now. Is that correct?

11 A Yes, sir.

12 Q You've been Chief Deputy at the Sheriff's Office
13 since when, sir?

14 A January of this year.

15 Q January of this year?

16 A Yes, sir.

17 Q If you could tell the Jury, what's your prior law
18 enforcement background?

19 A I've been with the Sheriff's Office since 1995.

20 Actually, I went through the academy, through
21 West Columbia Police Department in '94. I've been
22 with the Sheriff's Office since '95, road deputy,
23 criminal investigations, Sergeant, Lieutenant, Captain
24 and then now Chief Deputy.

25 Q Back in March of 2018, what was your position

1 then for Kershaw County Sheriff's Office?

2 A I was Captain over Investigations.

3 Q As Captain of Investigations, what did that
4 entail?

5 A Just oversee all crime scenes. We have -- at the
6 time, I think we had ten investigators. One VA or two
7 VA's --

8 Q Is that a Victim Advocate?

9 A Yes, I'm sorry. Victim's Advocate. Just
10 overseeing just different things within Criminal
11 Investigations and also a part of the command staff at
12 that time also.

13 Q As a Captain of Investigations, what you did
14 oversee -- but as far as cases that came up or came
15 into the office, what was your role in how those were
16 executed?

17 A Once the road deputies or a deputy does a report,
18 incident report, on the road, it gets assigned to --
19 possibly gets assigned to Investigations and I assign
20 that to each investigator depending on the area that
21 they work.

22 We have investigators this side of the -- excuse
23 me, other side of the river, Lugoff side and we've got
24 the Camden side, which is everything on this side of
25 the river. So, whatever incident happened, I try to

1 assign that to that particular investigator.

2 Q Back in March of 2018, did you become involved in
3 an investigation regarding Jonathan Ray?

4 A Yes, I did.

5 Q And I said became involved in an investigation,
6 were you aware of the investigation?

7 A Yes.

8 Q When that came in, did it come in the way you
9 described, as far as it was reported by a road deputy
10 initially?

11 A Yes, sir.

12 Q Would that have been on March the 22nd of 2018?

13 A Was it 2018?

14 Q Would the report have come in March 22nd of 2018?

15 A Yes.

16 Q Then, did you assign that particular case to
17 someone?

18 A Yes.

19 Q Who would that have been?

20 A Carmen Ford.

21 Q Carmen Ford?

22 A Yes.

23 Q At that time, she was an investigator with the
24 Sheriff's Office?

25 A Yes.

1 Q As an investigator makes a case, do they discuss
2 cases with you, or do they come to you for approval on
3 certain things or how does that just normally work?

4 Or do you just kind of let them work their cases?

5 A I let each investigator work their own case.
6 Obviously, my door is always open. They can come to
7 me for any advice or questions or anything as it
8 relates to that case. Criminal sexual conduct cases,
9 I try to have one investigator overseeing those type
10 of cases and at that time, Carmen was the investigator
11 dealing with mainly adult on child CSC's.

12 Q Just in your past history, your career, have you
13 dealt with or handled criminal sexual conduct cases
14 involving minors?

15 A Yes, sir. Definitely.

16 Q At some point in this particular investigation,
17 did you take over this investigation?

18 A Yes, sir.

19 Q Was that due to Investigator Ford leaving the
20 agency?

21 A Yes.

22 Q Leaving the Sheriff's Office?

23 A Yes, sir.

24 Q Did you have her case file with case notes at
25 that particular time?

1 A Yes, sir.

2 Q At the time where you became involved, had a
3 forensic interview already taken place?

4 A Yes, sir.

5 Q You didn't go to the forensic interview, did you?

6 A No, sir. I didn't.

7 Q Did Investigator Ford attend it?

8 A Yes, sir.

9 Q As far as her case file, were there notes from
10 the investigation?

11 A Yes, sir.

12 Q From the forensic interview?

13 A Yes.

14 Q Of what she observed as well?

15 A What she observed and the report that was given.

16 Q So, there wasn't actually an interview by
17 Investigator Ford of **Minor**, but there's just
18 notes?

19 A Yes.

20 Q Back from April of 2018?

21 A Yes.

22 Q At the point where you became involved or you
23 took over the investigation, at that point, what were
24 you tasked of doing at that point? You had already
25 seen the forensic interview. Is that correct?

1 A Yes. Basically, most of the work Ms. Ford had
2 already completed. I know me and her spoke in regards
3 to the actual case and obviously the case notes, the
4 report that was given by the Care House from the
5 examiner, and also just based on the video from the
6 exam itself, from the forensic exam itself. Just
7 reviewed everything and moved forward from there.

8 Q Were you contacted by the Care House regarding
9 the medical exam of Minor [REDACTED]?

10 A Yes.

11 Q Once you were contacted, did you contact anyone?

12 A Yes, sir. I did.

13 Q Who did you contact?

14 A The father.

15 Q Is that Arthur Mack?

16 A Yes.

17 Q Why did you contact him?

18 A To inform him of the issue that -- the findings
19 of the Care House. I wanted to make sure he --

20 Q Of Dr. Foxworth?

21 A Yes.

22 Q Was that so he could get some medication?

23 A Definitely.

24 Q For Minor [REDACTED]?

25 A Yes.

1 Q As far as the incident location, the [REDACTED] Joe
2 Lenox Road, is that correct?

3 A Yes, sir.

4 Q Is that here in Kershaw County?

5 A Yes, sir.

6 Q Have you traveled to that location?

7 A I have.

8 Q If you can tell the Jury, where about is that,
9 that location, or what part of the county? We talked
10 about West side and Camden, but where is this
11 location?

12 A It's in Cassatt. It's kind of -- obviously, you
13 all know Cassatt is kind of rural, definitely. It's
14 out in the country.

15 Q Did you have occasion to go there?

16 A I did.

17 Q Why did you go there?

18 A I wanted to -- at the time, Ms. Ford did not have
19 pictures of the incident location and that's one of
20 the steps that I try to do when I work a criminal
21 sexual conduct type of case, to give Court a better
22 understanding of the incident location.

23 Q Did you make contact with someone out there?

24 A I did.

25 Q Who was that?

1 A It was the grandmother.

2 Q Virginia Jefferson?

3 A Yes.

4 Q The photos that have been admitted, were those
5 the photos, are those the photos, State's 1 through 4?
6 State's one through 4?

7 A Yes, sir.

8 MR. AIKEN: I think one of those has not been
9 admitted yet. I think it's ID'd.

10 BY MR. PAULING:

11 Q I apologize. State's 1 through 3 that are in,
12 but also State's 4 for ID?

13 A They look like the pictures. Yes, sir.

14 Q Okay. If you can tell the Jury, what further
15 investigation did you do after that? Was there any
16 further investigation?

17 A I don't believe so. Like I said, most of the
18 work was already done by Ms. Ford, other than the
19 pictures and the reviewing of the notes and moving
20 forward with me obtaining an arrest warrant.

21 Q And you did obtain an arrest warrant?

22 A I did.

23 Q Did you have any occasion to speak with Mr. Ray?

24 A I did not.

25 Q Okay.

1 MR. PAULING: Beg the Court's indulgence.

2 BY MR. PAULING:

3 Q Thank you Chief Deputy. I have no further
4 questions at this time.

5 A Thank you.

6 MR. AIKEN: No questions for this witness, Your
7 Honor.

8 THE COURT: You may come down. Next witness?

9 MR. PAULING: Judge, I think there's a matter we
10 need -- we'd like to discuss outside the presence of
11 the Jury.

12 THE COURT: All right, Ladies and Gentlemen of
13 the Jury. There's a matter of law I need to take up
14 with the attorneys. It's about 10:15. Just go to
15 your Jury Room for a few minutes and relax and we'll
16 call you when we're ready. Thank you.

17 (Whereupon, the Jury left the courtroom.)

18 THE COURT: Mr. Pauling?

19 MR. PAULING: Yes, sir, Your Honor. I'd like to
20 place on the record, some time yesterday after -- I'm
21 sorry, Your Honor, this is regarding some additional
22 information and really, to make a motion to have an
23 additional witness.

24 Judge, yesterday afternoon it was brought to my
25 attention by Detective Ford, who is currently at the

1 THE COURT: Do you want to make the motions now
2 or do you want to wait until after he rests? He's
3 telling me he's going to rest. It's on the record.

4 MR. AIKEN: I understand, Your Honor.

5 THE COURT: I just hate to bring the Jury in and
6 send them right back out.

7 MR. AIKEN: Bring them in and bring them out.
8 Yes, sir. I understand.

9 Your Honor, first of all I make a motion for a
10 directive verdict on the grounds that given the
11 evidence and in light of what's fair to the State, the
12 Defendant wins the case on the law and there's a more
13 specific directive verdict motion and I think I'm
14 making it correctly as a directive verdict motion.

15 Let me get this calendar right here, Judge, so
16 that we can go over this real quickly. If you'll look
17 at the calendar, Your Honor, Minor testified that
18 she came to Cassatt on the 25th and she further
19 testified that three days later is when the alleged
20 assault occurred, which would have been on the 28th.
21 The indictment lists the dates the 8th through the
22 27th.

23 So, looking at Minor's testimony, there was an
24 unresolvable variance between the allegation and the
25 indictment as to when the alleged offense occurred and

1 when **Minor** says it occurred. Because she says it
2 occurred after the last date in the date range of the
3 indictment. So, we move for directive verdict on that
4 basis as well.

5 THE COURT: State's position?

6 MR. PAULING: Your Honor, I believe there is
7 testimony -- well, Your Honor, I believe there is more
8 than enough evidence to go to the Jury.

9 THE COURT: Let me ask you review this. If you
10 wish to amend the indictment to conform to the rule?

11 MR. PAULING: Beg the Court's indulgence.

12 THE COURT: Look at Section 17-19-100. Just read
13 the section.

14 MR. PAULING: Yes, Your Honor. After having
15 reviewed that, I would move that the indictment
16 pursuant to 17-19-100 be amended to conform with the
17 testimony to the 28th. I'm sorry, Your Honor. To the
18 end of May, Your Honor.

19 MR. AIKEN: May I, Your Honor?

20 THE COURT: Yes.

21 MR. AIKEN: I think the Statute is pretty clear.
22 The problem is, Your Honor, I have tried this case
23 based upon the timeframes that they have given me in
24 the indictment. That is a notice document that is
25 given to the Defendant to notify the Defendant of what

1 he has to defend against. And it's vitally important
2 that the Defendant be able to rely on what is alleged
3 in the indictment as what he is required to defend,
4 because I have, through cross-examination, attempted
5 to respond to the timeframe that's in the indictment
6 and the evidence. Now the entire government's case is
7 completed, and it's just fundamentally unfair and in
8 violation of the constitution requiring in indictment
9 a notice document to be served on the Defendant pre-
10 trial and allow that Defendant to rely on the notice
11 that he receives from that document.

12 THE COURT: I understand. I'm going to allow it.

13 MR. PAULING: Thank you, Your Honor.

14 THE COURT: As to the remainder of the motion for
15 directive verdict, I feel that the evidence goes
16 beyond that of mere conjectural suspicion that there's
17 evidence either direct or circumstantial or some
18 combination of both which reasonably tends to prove
19 the guilt of the Defendant or from which that guilt
20 might be logically and reasonably deducted or deduced,
21 if that evidence is taken in the light that is
22 favorable to the State.

23 So, Mr. Aiken, I respectfully deny your motion
24 for a directive verdict. Now, I'd like to advise the
25 Defendant of his constitutional rights regarding

1 testimony.

2 MR. AIKEN: Yes, sir.

3 THE COURT: Mr. Ray, if you'll please stand. Mr.
4 Ray, at this time, I'm going to explain certain of
5 your rights. If you do not understand anything I say,
6 please let me know. If you want me to explain
7 anything in more detail, please let me know. Do you
8 understand?

9 MR. RAY: Yes, sir.

10 THE COURT: We have now reached the stage in this
11 trial where you may present your defense. You have
12 the right to claim protections given to you by the 5th
13 Amendment to the Constitution of the United States.
14 This amendment states, in part, "No person shall be
15 compelled in any criminal case, to be a witness
16 against himself or herself."

17 This means that you cannot be required to testify
18 in this case. You have a right to testify on your own
19 behalf, however, no one can make you testify. This is
20 a personal right. No one can waive this right except
21 you. If you decide to testify, you will be subject to
22 the same rules that govern other witnesses and you may
23 be examined and cross-examined on any relevant issue
24 in this case.

25 In addition, if you have convictions involving

1 dishonesty or false statement, or for crimes
2 punishable by imprisonment for more than one year and
3 this court determines that the prejudicial value of
4 the record outweighs it's prejudicial fact to you, the
5 solicitor will be able to introduce your record to
6 attack your credibility.

7 If you decide to testify, this decision on your
8 part must be freely, voluntarily, intelligently made
9 with knowledge of the protection given to you by the
10 5th Amendment to the Constitution and the consequences
11 of your decision to testify.

12 If you decide not to testify, I will instruct the
13 Jurors that they cannot give that fact that you did
14 not testify any consideration whatsoever and that
15 there is to be absolutely no prejudice to you because
16 you did not testify.

17 It's left entirely up to you whether or not you
18 testify. You may talk with your attorney, your family
19 and friends or anyone else, but the final decision
20 will be left entirely up to you.

21 Do you understand what I've explained to you?

22 MR. RAY: Yes, sir.

23 THE COURT: Do you have any questions about what
24 I have explained to you?

25 MR. RAY: No, sir.

1 THE COURT: Now, Solicitor, are there any parts
2 of this -- any record of the Defendant which would
3 qualify as impeachable offenses?

4 MR. PAULING: He does have a breach of peace, but
5 I don't believe those go to -- Your Honor, he does
6 have a conviction for auto break in.

7 THE COURT: When?

8 MR. PAULING: October of 2017.

9 THE COURT: 17? That carries more than a year?

10 MR. PAULING: It does, Your Honor. Yes.

11 THE COURT: Is that the only --

12 MR. PAULING: The only other thing he has is
13 breach of preace judgement in 2014.

14 THE COURT: That would be admissible.

15 MR. AIKEN: May I be heard on that, Your Honor?

16 THE COURT: Yes.

17 MR. AIKEN: I rely on the case of State versus
18 Broadnax, which was an armed robbery case.

19 THE COURT: I happen to know it very well.

20 MR. AIKEN: Yes, sir. Since you know it, I won't
21 go into detail what it says, but --

22 THE COURT: Mr. Broadnax had two or three prior
23 armed robbery convictions that I allowed it as
24 evidence.

25 MR. AIKEN: Yes, sir.

1 THE COURT: The Supreme Court said I shouldn't
2 have done that.

3 MR. AIKEN: Yes, sir. Yes, sir.

4 THE COURT: And the charge was armed robbery.

5 MR. AIKEN: That's correct. And pursuant to
6 statute, our argument is that under Broadnax, it's not
7 categorically a crime of dishonesty, number one and
8 number two, the danger of unfair prejudice
9 substantially outweighs the probative value of the
10 evidence.

11 THE COURT: Overruled. I think it's admissible.

12 MR. AIKEN: Let me make sure I understand. We're
13 talking about one auto break-in.

14 THE COURT: Yes. One. It's a conviction, right?

15 MR. PAULING: Yes, it's one -- it's three counts
16 of auto break-in, from October 2017 where it looks
17 like he got five years suspended to probation.

18 THE COURT: Okay.

19 MR. AIKEN: What year was that?

20 MR. PAULING: 2017 was the -- October of 2017.

21 THE COURT: Now, Mr. Ray, your lawyer can explain
22 what that question was about, but have you discussed
23 with your lawyer whether or not you should testify?

24 MR. RAY: Yes.

25 THE COURT: You have talked to him? Do you want

1 to talk to him any more about this?

2 MR. RAY: Yes, sir.

3 THE COURT: All right. How much time do you
4 need? Do you need it explained fully to you?

5 MR. AIKEN: I need to explain the advisement and
6 a whole lot of other stuff. So, I would say at least
7 30 minutes.

8 THE COURT: That's fine. All right. I tell you
9 what I'm going to do. I'm going to let the State rest
10 on the record in front of the Jury. Dismiss the Jury,
11 tell them to come back at 1:00.

12 MR. AIKEN: 1:00?

13 THE COURT: That will give you two hours to talk
14 to your client.

15 MR. AIKEN: Thank you, Your Honor.

16 THE COURT: Bring the Jury. Actually, I said
17 meet with you before I meet -- before the Jury
18 returns, I'd like -- well, we'll talk about that.

19 MR. AIKEN: All right, Your Honor.

20 THE COURT: Bring in the Jury.

21 (Whereupon, the jury entered the courtroom.)

22 THE COURT: Call your next witness, Solicitor.

23 MR. PAULING: Your Honor, at this time, the State
24 rests.

25

1 STATE RESTS

2 THE COURT: Okay. All right, Ladies and
3 Gentlemen, that's all the evidence the State plans to
4 introduce in this case. At this point, I need to talk
5 with the attorneys about going forward with the
6 Defense.

7 As I told you to begin with, the Defendant has no
8 obligation to do anything. The question is whether
9 the State's proved their case beyond a reasonable
10 doubt. But I need to discuss that with the attorneys
11 and with the Defendant, so I don't want to hold you
12 sitting back in the Jury Room anymore.

13 I'm going to dismiss you now until 1:00, at which
14 time we will either resume or not -- well, we will
15 resume, but the Defense will then have their
16 opportunity to put on a defense. All right? 1:00.
17 Thank you very much.

18 (Whereupon, the jury exited the courtroom.)

19 THE COURT: Let me just say this. Depending on
20 how things break, we may argue a charge this
21 afternoon. I don't know. I think you should both be
22 prepared to do that. In that regard, I'll ask that if
23 either party has any requested Jury instructions.

24 MR. AIKEN: I have none from the Defense, Your
25 Honor.

1 THE COURT: I have prepared, I hope, a good set of
2 instructions.

3 MR. PAULING: Judge, I was just going to -- and
4 the last time you were here, I guess I wanted just to
5 see what those were, but I will review those.

6 THE COURT: You what?

7 MR. PAULING: I'm sorry. When you were here for
8 Willy Gray. No, I know you had a case here several
9 months ago. I guess what I'm saying is --

10 THE COURT: Go ahead.

11 MR. PAULING: That, if you had the standard
12 charge based upon that.

13 THE COURT: Probably did. That was May 20th.
14 Does that make sense?

15 MR. PAULING: Yes, sir.

16 THE COURT: The last time I --

17 MR. PAULING: That's right. That's what I'm
18 talking about. Yes, sir.

19 THE COURT: Okay. I think -- there would be
20 nothing different.

21 MR. PAULING: Okay.

22 THE COURT: Let's say 12:30, at which time Mr.
23 Ray, I'm going to ask you at 12:30 if you wish to
24 testify.

25 (Whereupon, a luncheon recess was held.)

1 (Whereupon, the following proceedings were held
2 in open court. All parties were present, along
3 with their attorneys.)

4 THE COURT: Is the State ready for the Jury?

5 MR. PAULING: The State is ready, Your Honor.

6 THE COURT: Is the Defense ready for the Jury?

7 MR. AIKEN: The Defense is ready, Your Honor.

8 THE COURT: Bring the Jury.

9 (Whereupon, the jury entered the courtroom.)

10 THE COURT: All right, Ladies and Gentlemen, we
11 are about to continue with the trial.

12 Mr. Aiken, you may call your first witness.

13 MR. AIKEN: May it please the Court, Your Honor.

14 THE COURT: Yes, sir.

15 MR. AIKEN: The Defense calls Jonathan Ray.

16 JONATHAN WILLIAM RAY

17 called as a witness by and on behalf of

18 the State to testify, being first duly

19 sworn was examined and testified as follows:

20 DIRECT EXAMINATION

21 BY MR. AIKEN:

22 Q Where do you live, Mr. Ray?

23 A I live on [REDACTED] Mt. Hebron Road, Cassatt, South
24 Carolina.

25 Q How long have you lived in Kershaw County?

1 A Oh man. Most of my life. I'd say probably about
2 20 years, because we moved around a lot.

3 Q How old are you now?

4 A I'll be 25 October 30th.

5 Q Do you have any children?

6 A Yes, sir. I have two and one that's not
7 biologically mine, but I love her to death just like
8 my own.

9 Q What are your kids names?

10 A London R. is my daughter and she's three
11 years old and I've got a little boy. His name is
12 Jadon H. . He's two, two and a half.

13 Q Are you working right now?

14 A No, sir.

15 Q Why not?

16 A I got a job offer, but as you know, I was put on
17 house arrest from 10 p.m. to 6 a.m. and I was told by
18 the Court that I would be allowed to work upon
19 receiving the job offer, that they would work with me
20 if I got a job, but the solicitor, Curtis Pauling,
21 denied me, apparently.

22 Q Now, in May of 2017, were you working?

23 A Yes.

24 Q Where were you working?

25 A I worked at Chili's in Camden. I was a line

1 cook. I worked on salad station side in the back.

2 MR. AIKEN: May the witness step down, Your
3 Honor?

4 THE COURT: Sure.

5 BY MR. AIKEN:

6 Q Specifically, Mr. Ray, from May the 13th until
7 May the 20th, were you working?

8 A Yes, sir.

9 Q Where were you working?

10 A At Chili's.

11 Q Where is that located?

12 A In Camden, right there by the Walmart parking
13 lot. Right beside Zaxby's.

14 Q During that period of time, the 13th through the
15 20th, did you work every day?

16 A Pretty much, yeah. Yeah, I was always scheduled
17 for afternoons and nights. I was always closing the
18 restaurant.

19 Q In the afternoons when did you work from?

20 A I probably worked from anywhere between 3 p.m. to
21 12 a.m. Sometimes I'd work on the weekends and 11 on
22 weekdays. Sometimes I'd have to work overtime because
23 it's a restaurant and you've got to make sure it's up
24 to par for the next day.

25 Q Were you kind of responsible for closing up after

1 the restaurant actually closed to customers?

2 A Yes, sir. Everybody that worked night shift was
3 responsible except for the waitresses, once they got
4 their job cleared up, it was the responsibility of the
5 people in the back to take care of everything else.

6 Q Specifically, from the 13th to the 20th, were you
7 working night shift that whole time?

8 A Yes, sir.

9 Q During the weekends, how late did the restaurant
10 actually stay open?

11 A I believe it stayed open till, like, 11.
12 Sometimes we would be there till 12:30, 1:00 in the
13 morning closing out the restaurant.

14 Q On the weekdays, how long did it stay open?

15 A Till 10:00, and we'd be there till, like, 11 to
16 12:00 in the morning.

17 Q During this period of time, were you always
18 responsible for helping close down the restaurant?

19 A Always.

20 Q You can go back and have a seat, Mr. Ray. Now,
21 Mr. Ray --

22 A Yes, sir.

23 Q While you were working at Chili's, did they post
24 your schedule so you would know when you had to work?

25 A Yeah. They always had it in the office, so we

1 would always check if we was unsure or anything like
2 that.

3 Q So, that's how you found out when you were
4 supposed to work?

5 A Of course. Yes, sir.

6 Q Who made up the schedule?

7 A I believe it was our supervisors, our managers.
8 Either the manager would be TC or it would Shawn.
9 He's the manager over the cook line in the back. So,
10 he made up the line for me. Shawn would be the one
11 for me.

12 Q So, they would set the schedule?

13 A Yes, depending on which section you worked, the
14 supervisor over you would set the schedule for you.
15 Shawn worked the cook line in the back as our
16 supervisor, so he set the schedule for me.

17 Q So, they would formulate the schedule and then
18 they would post it for you all to go look at to know
19 when to come to work?

20 A Yes, sir.

21 Q Mr. Ray, I'm showing you what's been marked for
22 identification as Defense Exhibit 1. Is that one of
23 the postings that was put up to tell you when to come
24 to work?

25 A Yes, sir. This is what they would print off and

1 have on their clipboard in the office for us to come
2 look at.

3 Q Now, that is for May the 18th. Is that right?

4 A Yes, sir.

5 Q That is a Thursday, right?

6 A Yes, sir.

7 Q So, that would have been during the week and when
8 does it have you working on that Thursday?

9 A On second shift, which is dinner time, 4 p.m. to
10 11 p.m.

11 Q But you would have to stay after, is that right?

12 A. Oh, yes, sir.

13 Q Now I'm showing you what's been marked for
14 identification as Defense Exhibit Number 2. Is that
15 another one of the postings that were put up to tell
16 you when to come to work?

17 A Yes, sir.

18 Q When does that have you working?

19 A It has me working the lunch in the kitchen that
20 day from 9 a.m. to 3 p.m. and then I would take a
21 break for three hours and come back at 6 p.m. and work
22 till 12 a.m. and that's on a Saturday.

23 Q So, that would be on a weekend?

24 A Yes, sir.

25 Q That would have been at a time when the

1 restaurant stayed open later?

2 A Yes, sir.

3 MR. AIKEN: I move to admit these as Defense
4 Exhibits 1 and 2.

5 THE COURT: Any objection?

6 MR. PAULING: Without objection, Your Honor.

7 THE COURT: All right.

8 (Court Reporter marks Defense Exhibits Number 1 and 2,
9 work schedules, attached hereto.)

10 BY MR. AIKEN:

11 Q Let's talk for a minute about when you were at
12 Joe Lenox Road. Do you remember when you moved in
13 there?

14 A I think it might have been mid-April, maybe late
15 April. I'm not sure.

16 Q How long did you stay there from then?

17 A I know I left, because me and the guy that lived
18 there, Trevon, we had gotten into an altercation over
19 some stuff that was stolen from me and I didn't want
20 to be around there and me and him wasn't getting
21 along. So, I left to come get my stuff and I was
22 actually -- never came back after that.

23 Q Would that have been on the 28th?

24 A Yes, sir. That would be after the 28th, I never
25 showed up back at the house.

1 Q You've never set foot on Joe Lenox Road since
2 that day?

3 A No. I was told not to.

4 Q Were you in the hospital on the 27th?

5 A Yes, sir. I was. My daughter's birthday is on
6 the 25th and it wasn't convenient for us to celebrate
7 her birthday that day, so the family, we all planned
8 an event, me, my daughter's mother and her family, to
9 have it at Jacob's Creek in Pontiac and we went over
10 there and celebrated her birthday and I actually got
11 hit by a car, by my daughter's mother's cousin and I
12 was thrown out into a field and it was hard for me to
13 walk, my leg was messed up, and I was told that they
14 was calling the police and ambulance.

15 Four hours later, nothing came and we didn't have
16 a babysitter for my daughter and Alexis had to work at
17 Walmart, so I had to stay at Walmart all day with her
18 while I watched my little girl and times was hard and
19 we couldn't afford gas money to run back and forth
20 everywhere, so afterward, after Alexis got off work, I
21 believe it was, like, 10:00 or maybe sooner, maybe
22 like 8, we went to Kershaw County Medical Center where
23 I was examined and checked out for wounds pertaining
24 to a car wreck where I got hit by a car.

25 I believe I was released around 12:00 at

1 midnight, somewhere around there, and then after that,
2 that's when me and Trevon got into an altercation and
3 he started threatening me because I questioned him
4 about my tattoo equipment he stole and he's like, "You
5 need to come --

6 MR. PAULING: Objection. Calls for hearsay.

7 THE COURT: You just can't say what somebody else
8 told you. You can say what you did.

9 A Oh. Okay. Yes, sir. Well, I had tattoo
10 equipment that was stole. Me and him got in an
11 argument about it. So, I was told to come get my
12 stuff and I came and I was arrested for a breach of
13 peace after I rescued my stuff. At 1:00 in the
14 morning, right after I got out of the hospital.

15 Q Mr. Ray, you have three convictions for auto
16 break-in.

17 A Yes.

18 Q From October of 2014. Is that correct?

19 A Yes, sir. I do.

20 Q Tell me about all that.

21 A I was younger and I was going through a lot of
22 tough times, finding my right place, but hanging still
23 around the wrong crowd, you know, my mind wasn't in
24 the right place and I had literally just got off of
25 YOA and I was hanging around these wrong people, like,

1 these are old friends that I've known since 6th grade
2 and they was on Xanax and I was chilling with them and
3 we were supposed to go to the bar and drink and then
4 Alexis, the mother of my son, had dropped us off in
5 town and them boys took it upon themselves to start
6 breaking into cars and needless to say, I knew about
7 it, but I didn't report it and they tried to write
8 statements on me and they ended up catching the
9 charges that they tried to pin on me because they lied
10 and needless to say, I ended up getting probation and
11 probation terminated upon payment.

12 So, basically, just hanging out with the wrong
13 crowd, doing dumb stuff, you know, being around the
14 wrong people, wrong place, wrong time.

15 Q Are you a different person now than you were
16 then?

17 A Yes, sir. Most definitely. I don't hang around
18 people at all. I mess with my mother. I've got one
19 friend that I hang out with. He's been my best friend
20 since I was 15. He don't do nothing but sit at the
21 house and I don't do nothing but sit at the house with
22 him when we're hanging out and I've got two babies
23 that I like to spend time with, my daughter and my son
24 and my daughter's little sister, Paris, also.

25 Oh, I love her to death and that's basically what

1 consists of my time, unless I'm working or have a job
2 or something.

3 Q Who is Alexis Cunningham?

4 A That's the mother of my daughter.

5 Q When you were living at Joe Lenox Road, was
6 Alexis Cunningham and your daughter staying there with
7 you?

8 A Initially, like, no. But then I asked Mr.
9 Jefferson, probably about a couple of days after I
10 moved in, because I told him me and her were getting
11 back together and he had met her and he said, "Yes,
12 she can move it." So, that was probably -- she moved
13 in before May.

14 I know that, because we were staying there
15 together for a while and we had -- there was two
16 bedrooms originally in the house and me and her had
17 the back bedroom with my daughter because it was the
18 biggest. It was originally Joshua Porte's room and he
19 gave it up because he wanted a smaller area anyway.

20 So, we took over that and we stayed together the
21 whole time and then I had -- so, yeah, she was staying
22 with me the whole time until I left, period.

23 Q If you could step down here again, please, Mr.
24 Ray? Specifically, from May 13th to May the 20th, was
25 Alexis Cunningham with you every night during that

1 period of time?

2 A Yes, sir. She would be the one to pick me up
3 from work, even if it was late, because she was the
4 only ride I had, she was the only transportation I had
5 back and forth to work.

6 Q So, that was the only way you could get to work
7 and the only way you could back from work?

8 A Yes.

9 Q How long a drive is it from Chili's to Joe Lenox
10 Road?

11 A I'd say probably 30, 35 minutes.

12 Q All right. Thank you. Please take your seat.
13 Now, at Joe Lenox Road, did the mobile home originally
14 have three bedrooms?

15 A No, it only originally had -- yeah, it only
16 originally had three, not four. It was Virginia and
17 Leon's room that was in the back, because when they
18 bought the house, I originally helped them to try and
19 get it parked with Code because the house they had
20 lived in caught fire at one point and they was
21 remodeling the inside to move out of their old house.

22 So, I helped them with that and it really had
23 their room, the big bedroom in the back, which was
24 really the master bedroom of the house, and a child's
25 bedroom, which was a smaller version of everything.

1 And there was only two bathrooms in the house. One of
2 them didn't work because I never connected the
3 plumbing to it. The only bathroom in the house was
4 the one in Virginia and Leon's room. That's the only
5 plumbing that worked. That's the only ones I
6 connected because Leon told me he didn't want to
7 connect it back.

8 Q Did you essentially cut one of the bedrooms in
9 half by installing a wall?

10 A Yes, sir. I did. It was Joshua Porte's room to
11 begin with, like I said, and he moved out from that
12 room into the other room so me and Alexis could have
13 our own room.

14 Trevon came back to stay at the house, I believe
15 this is before **Minor** came and even showed up, and
16 upon him coming back, the terms was that he help me
17 build a wall and Leon wanted me to build a wall so Tre
18 could have his own room, because of me and Alexis
19 having the baby.

20 So, we built a wall together to separate the
21 rooms. We literally split the big bedroom in half, to
22 create two rooms and I basically just used, like, some
23 thin paneling and 2x4's to just build a wall. Some of
24 them didn't even have paneling on one side.

25 We just basically patched what we could with what

1 we had in the yard, down in the field from the old
2 houses that Leon had tore down.

3 Q Was it easy to hear between the two parts of the
4 room?

5 A Heck, yeah. Yeah. Most definitely.

6 Q You could talk to each other through that wall?

7 A Yeah, me and Trevon used to talk to each other
8 through the wall all the time. All you had to do, he
9 could be on his bed sitting there and I'd be sitting
10 on my bed and all you had to do was say, "What's up?,"
11 and he'd be like, "What's up?," you know, it was that
12 easy to hear. The only time you couldn't hear
13 anything in that house was when Josh had his speakers
14 blaring.

15 Q Okay, Mr. Ray, if you would come down here,
16 please?

17 A Yes, sir.

18 Q And stand on that side so the Jurors can see
19 these photographs. State's Exhibit 1, State's Exhibit
20 and State's Exhibit 3. Are those pictures of the
21 mobile home?

22 A Yes, sir. That is. This would be Leon and
23 Virginia's bedroom right here. It cuts off --

24 Q Okay, watch out. Don't get in their way.

25 A It cuts off probably around right here where you

1 would have like a room, but on the other side would be
2 the kitchen. You have the living room in the middle
3 and there's a wood stove. There's a glass door on the
4 other side. This is a part of the bedroom that Joshua
5 Porte moved into. The rest of the house is cut off.

6 So, okay, on this side --

7 Q Is that the back?

8 A Yeah, this is the back. We closed up a window.
9 Their bathroom would literally be -- you would go
10 through their door -- this is the back door, the door
11 that you see. You would go through this door to reach
12 Leon and Virginia's room and the bathroom would
13 literally be over here, walk straight past their bed
14 and you had like 2 doors on each side and the bathroom
15 is literally right there on the right and it's here.

16 My and Alexis' room -- okay, this right here
17 would be -- there would be a bedroom on this side and
18 a bedroom on this side and there was a wall in between
19 and then the big, originally just one room in the back
20 that was big and me and Trevon had built a wall to
21 separate it.

22 Q So, let me make sure. On May the 13th through
23 the 19th, was Trevon Coe staying at the house?

24 A I believe so, yes.

25 Q Was Joshua Porte staying at the house?

1 A Yes, sir.

2 Q Was Virginia Jefferson staying at the house?

3 A Yes, sir.

4 Q Was Leon Jefferson staying at the house?

5 A Yes, sir. And for a couple of days during that
6 month, I believe it was towards the middle, I'm not
7 sure, Virginia and her daughter, come out with her
8 boyfriend for a cookout at the house and it was just
9 me, Trevon and Josh, Virginia, Leon and the baby and
10 her boyfriend and me and Alexis and my baby.

11 Q So, you were there during that time, the 13th
12 through the 20th, right?

13 A Yes, sir.

14 Q And Alexis was there?

15 A Yes, sir.

16 Q And your daughter, London, was there?

17 A Yes, sir.

18 Q You can go back to your seat. Thank you, Mr.
19 Ray. Please answer any questions the government
20 lawyers may have for you.

21 A Yes, sir.

22 CROSS EXAMINATION

23 BY MR. PAULING:

24 Q Mr. Ray?

25 A Yes, sir.

1 Q I'm going to ask you a question, a couple of
2 questions quite honestly, but you had mentioned
3 earlier in your testimony that you are on house
4 arrest. Is that correct?

5 A There's a house arrest from 10 p.m. to 6 a.m.

6 Q 10 p.m. to 6 a.m.? And why were you on house
7 arrest?

8 A I was on house arrest because when I got out of
9 jail, you tried to have me thrown back in jail and
10 have my bond clarified.

11 You filed a motion for it and upon concluding
12 that I would not be placed back in jail, you requested
13 that I be placed on house arrest from 10 p.m. to 6
14 a.m. and the judge even specified that if I found a
15 job -- Robert Hood is his name, Judge Hood, stated
16 that if I find a job to notify my attorney, you and
17 you all would help me, you know, get that job, you all
18 would work with me on my house arrest, is what I
19 understood.

20 Q So, you understood that I would help you get a
21 job. Is that what you're saying, sir?

22 A No, not that you would help me get a job but that
23 you would work with me on my house arrest so that I
24 could make money to take care of my children and my
25 responsibilities.

1 Q Did you speak with your attorney?

2 A Yes, I did.

3 Q But you indicated to this Jury that I was the one
4 that was stopping it.

5 A It was from my understanding, that you would --
6 that you wanted us to go back to Court, from what I'm
7 understanding, that you would not change the
8 conditions of my house arrest, for me to be able to
9 achieve that job.

10 Q But that your attorney could move before the
11 Court, isn't that correct?

12 A Yes.

13 Q So, I wasn't the one stopping it, was I?

14 A I mean, the way I look at it, yes, because you
15 could have worked with me on that and you know that I
16 had to go back to Court soon anyway to come here for
17 trial and in the meantime, it would have been very
18 well and constructive for me to work a job.

19 So, the fact that you was not cooperating with me
20 on getting a job, seemed like you was opposing me to
21 begin with, just to take me back to Court.

22 Q I wasn't cooperating with you getting a job?

23 A No, sir. Not the way I see it.

24 Q Not the way you see it. Okay. Yes, sir. Let's
25 see. Now, speaking of a job, at some point you

1 testified that you worked at Chili's. Is that
2 correct?

3 A Yes, sir. I did work at Chili's.

4 Q Looks like Defense's 1 and 2, these are you said
5 schedules?

6 A Yes, sir.

7 Q One from May 18th and one for May 20th. Is that
8 correct?

9 A Yes, sir.

10 Q This one says Saturday, May 20th? Is that
11 correct? Can you see it?

12 A Yeah, I already seen it.

13 Q Do you need your glasses?

14 A No.

15 Q Okay. What about May 18th?

16 A May 18th? Yeah, that's what I said also.

17 Q All right. That's the schedule. Is that
18 correct?

19 A Yes, sir.

20 Q When you worked at Chili's, how would they know
21 you were there?

22 A I'd show up to work.

23 Q You'd show up to work?

24 A Yeah.

25 Q Did you clock in?

1 A Yeah.

2 Q Yeah? You did?

3 A Yes, sir.

4 Q How would you clock in?

5 A Swipe my card.

6 Q Swipe your card?

7 A Yes, sir.

8 Q Is it like an employee card you have? Explain
9 it.

10 A If I remember correctly, we would swipe our card
11 at an electronic device that would show that we
12 clocked in.

13 Q That would show you clocked in?

14 A Yes, sir. And when we clocked out, so they could
15 keep track of payroll.

16 Q Keep track of payroll? Keep track of when you
17 were there. Is that correct?

18 A Yeah.

19 Q Why couldn't they just go by this?

20 A I mean, that's our schedule that we have to show
21 up for.

22 Q That's the schedule you have to show up for?
23 That's correct, right?

24 A Yeah.

25 Q But that's not saying that's when you showed up,

1 does it?

2 A I mean, no, not specifically, no.

3 Q Not specifically. That's not a report of your
4 timecard, is it?

5 A No, sir.

6 Q That's the schedule for two days, May 18th and
7 May 20th. Isn't that correct?

8 A Yes.

9 Q It shows that your name is on the schedule.
10 Isn't that right?

11 A Yes.

12 Q It shows you showed up, does it?

13 A No, it doesn't.

14 Q It doesn't. Did you have transportation?

15 A Yes.

16 Q What transportation did you have?

17 A Alexis Cunningham. I had actually helped her get
18 a car. She had a white Ford Focus and she took me
19 back and forth to work.

20 Q She took you back and forth?

21 A Yes.

22 Q And you worked every day, at least that's what
23 you said, from May 13th to May 20th?

24 A Pretty much, so.

25 Q Well, you either did or you didn't. What's

1 pretty much?

2 A I mean, the schedule is right there. That's
3 pretty much my schedule. I would always -- they put
4 me on night shift and I would always close the
5 restaurant, because I was pretty good at it. We would
6 try to get it done as quick as possible, instead of
7 being in there till 2:00 in the morning, we'd get out
8 at 12:30, maybe 1:00. Sometimes 1:30, depending on
9 how bad things got.

10 Q So, they put you on the schedule from the 18th to
11 May 20th. That's it?

12 A No, I was on the schedule more than that. But
13 that's all they had on their records at Chili's and in
14 order for me to get more, I have to go through the
15 head corporate office.

16 Q You said Shawn was the one that set this
17 schedule?

18 A Yes, Shawn was the line cook supervisor.

19 Q What's Shawn's last name?

20 A I don't know.

21 Q Excuse me?

22 A I don't know.

23 Q You don't know?

24 A No, we just called him Shawn.

25 Q But he's the one that set the schedule?

1 A Yes, sir.

2 Q He's the one that had you on the schedule all
3 these times, pretty much that whole time. Is that
4 correct?

5 A Yes. I was the only one that worked salad and
6 nachos on that night. They didn't have nobody else to
7 replace me on the position that I worked, so I would
8 always close on that position.

9 Q You were the only one to work what? I'm sorry.

10 A Salad and nacho is the position that I worked.
11 That's what they call it, where I would make the
12 salads, tacos, cook shrimp, things like that.

13 Q So, you were the only one who worked salad
14 nachos?

15 A Yes, sir, at night.

16 Q So, if it weren't for you, Chili's wouldn't have
17 salad nachos between May 13th and the 20th, is
18 whayou're saying?

19 A If I didn't show up for work, they'd have to find
20 somebody else to do it and nobody liked to show up for
21 work to cover somebody else's shift. Especially on
22 short notice, so I need the money to raise my child,
23 so I showed up to work every day that I could.
24 Period.

25 Q Okay. Where you living again?

1 A Where was I living while I was working there?

2 Q Where were you living?

3 A [REDACTED] Joe Lenox Road.

4 Q Okay. And you said you got there when? Sometime
5 in April?

6 A I believe so, yes.

7 Q You believe so? Were you working at Chili's in
8 April?

9 A I think I started Chili's probably about -- I got
10 the job while I was there, because there was Jessica
11 McAlister who showed up as soon -- no sooner than I
12 moved in, Jessica McAlister dropped the kids off to
13 get babysitted by Virginia Jefferson and she told me
14 to come get a job at Chili's and the next day I ended
15 up getting a job at Chili's.

16 Q And that was in April?

17 A Yes, sir. I believe.

18 Q There's no schedule for April though, is there?

19 A No, sir.

20 Q Who else was living there when you first got
21 there?

22 A Trevon, Joshua Porte, Leon Jefferson and Virginia
23 Jefferson.

24 Q That was it?

25 A Yes, sir.

1 Q And Alexis wasn't living there?

2 A She didn't come there till a couple of days

3 later.

4 Q How did you get out there?

5 A How did I get what?

6 Q How did you arrive at [REDACTED] Joe Lenox Road?

7 A Oh, I caught a ride with a friend.

8 Q Who?

9 A I don't remember.

10 Q Don't remember?

11 A No.

12 Q But it wasn't Alexis?

13 A No.

14 Q Where were you staying before you were at [REDACTED]

15 Joe Lenox Road?

16 A I was staying at my mother's.

17 Q Your mother, who is your mother?

18 A Mary Ray.

19 Q Is she in the courtroom?

20 A Yes, sir.

21 Q Where in the courtroom?

22 A She's right there in the burgundy dress.

23 Q Okay. So, where were you living, with your

24 mother where?

25 A [REDACTED] Mount Hebron Road, my address currently.

1 Q Was anybody else living there with you other than
2 you and your mother?

3 A Archie Semons, her boyfriend at the time. Still
4 is. Archie Semons was her boyfriend at the time. He
5 was staying there too.

6 Q What about Alexis?

7 A Alexis had stayed there with us. Her and my
8 mother had got in an argument and she told her that
9 she had to get her behind off her property and
10 basically, they --

11 Q She told -- when you say, "she," who are talking
12 about?

13 A My mother. So, basically, I didn't want her out
14 on the street, you know, or without a place to stay
15 because she had my little girl, so with that being
16 said, I asked Leon and Virginia if I could stay there
17 and have her stay with me and Leon said he needed to
18 think about it.

19 So, a couple days later, he said, "Yes, that's
20 fine," because Virginia said it would be up to Leon
21 because that's his house. And he said yes and she
22 moved in.

23 Q Why weren't you staying at Ms. Hebron?

24 A Because I want to be with my child.

25 Q So, when you left Mt. Hebron, and this is because

1 Alexis and your mother got into it, your mother told
2 her to get her behind off her mother's, your mother's
3 property. Is that correct?

4 A Yeah.

5 Q So, once she got kicked out, you needed to go to
6 [REDACTED] Joe Lenox Road?

7 A She needed a place to stay and I wanted to be
8 with my child, so we stayed there. I was good friends
9 with Leon. Me and Joshua Porte got along all right.
10 Me and Tre had our ups and downs, but there wasn't too
11 many problems with us, like, if there was, me and him
12 would just fight and get it over with.

13 Q How long have you known Trevon?

14 A I've known Trevon since he was about 13 years
15 old.

16 Q Since when?

17 A Since he was about 13, 14 years old.

18 Q Since he was about 13 or 14?

19 A Yeah.

20 Q Are you all the same age?

21 A No.

22 Q So, when he was 13 or 14, how old were you?

23 A I was 18.

24 Q You were 18? Okay. So, had you ever stayed out
25 at Joe Lenox Road before?

1 A Before?

2 Q Before April?

3 A Oh, yes.

4 Q Yes?

5 A Yes, I have. I stayed out there for probably
6 about a year I lived with them. Leon told me I could
7 stay out there. He seen I was good with a hammer,
8 tape measure, nails. I could do construction work, so
9 he was like, "Hey, I need you to do build me a barn
10 for my equipment," so I built him a barn and he was
11 like, "Listen, if you want to -- I know you're not
12 working, if you want to stay out here, you need a
13 place to stay, because I know you're going through
14 problems with your mom, you can come stay out here
15 with me and that would be awesome."

16 It started originally when I came over to chill
17 with Trevon and we was --

18 Q What problems did you have with your mom at that
19 time?

20 A Me and my mom would get in arguments from time to
21 time. That's all.

22 Q Go ahead.

23 A But, it started off with me being friends with
24 Trevon and Josh and I would come over there and play
25 video games with them and I had met them through

1 Virginia Jefferson and those are her grandchildren and
2 she offered me to come over there and hang out and we
3 got along great and afterwards, when I was having
4 issues, they offered me to stay.

5 Q When you were having issues, they offered you to
6 stay?

7 A Yes, sir. Leon would tell me that his grandsons
8 are lazy and didn't want to do no work around the
9 house, so he needed a man around there to help him
10 because he was too old.

11 Q So, you're there in April, at least?

12 A Yes.

13 Q Alexis is not -- what's Alexis' full name?

14 A Alexis Lashae Cunningham.

15 Q Alexis Lashae Cunningham?

16 A Yes, sir.

17 Q You said Alexis was not out there initially. Is
18 that correct?

19 A No. Not for the first couple of days, no.

20 Q Okay. At what point did she come?

21 A A few days after I moved in.

22 Q A few days, but you don't know exactly when that
23 was?

24 A Yeah, no more than a week.

25 Q How did she get there?

1 A She drove her car.

2 Q Is this this white Focus you were talking about?

3 A Yeah.

4 Q All right. Now, you had mentioned that at some
5 point, Trevon had left and come back to stay but this
6 was before **Minor** came and stayed?

7 A Trevon went to go stay with his dad before
8 **Minor** ever showed up. Because he wanted to see his
9 father and see his girlfriend. When they were having
10 -- when they had a problem, whenever him and his dad
11 didn't get along, he came back because he had stole
12 his grandfather's gun and that's why he got put out to
13 begin with, but then him and his grandfather --

14 Q You're not responding, okay. Simply --

15 A I don't know how I'm not responding to your
16 question.

17 THE COURT: Just try to answer the question.

18 A Tell me the question again?

19 Q Let me rephrase. At some point, Trevon had left.
20 Is that correct?

21 A Yes.

22 Q When did **Minor** arrive?

23 A I'm not sure exactly when. I'm really not.

24 Q You're not sure when Trevon left, is that what
25 you're saying?

1 A Sir?

2 Q Trevon was not there. Is that what you're
3 saying?

4 A When she arrived?

5 Q Yes.

6 A Yes, he was there when she arrived. Everybody
7 that's on the list was there and the one person that's
8 not on the list, is there too. That's Alexis
9 Cunningham and my daughter.

10 Q So, you tell me about when **Minor** arrived. How
11 do you know she arrived?

12 A I just seen this young girl there one day, that
13 was it.

14 Q You just seen this young girl there one day?

15 A Yeah.

16 Q Do you see that young girl here in the courtroom?

17 A Yes, sir.

18 Q Where is she?

19 A She's right there, in the yellow dress.

20 Q Right there in the yellow dress?

21 A Yes, sir. With the glasses on.

22 MR. PAULING: Your Honor, I ask that the record
23 reflect that the Defendant has indicated the victim,
24 **Minor**.

25 THE COURT: The record so reflect.

1 BY MR. PAULING:

2 Q Explain to the Jury how did you just see this
3 young girl. Were you just sitting in the house and
4 did she just appear or, explain that to me. Explain
5 that to the Jury.

6 A Explain -- can you rephrase the question or ask
7 it again, please, so I can try to understand? How did
8 I see her with my two eyes?

9 Q When **Minor** arrived at the house.

10 A Yeah.

11 Q Explain that. When did she arrive?

12 A I'm not sure of the exact date. I know it was
13 probably near the end of May.

14 Q How did she arrive?

15 A I don't know.

16 Q How did you know she was there?

17 A Because I came in the house and there was a
18 person there that I've never met before.

19 Q Okay. All right. So, you weren't there when she
20 arrived at the house? She was there when you got
21 there?

22 A Yeah, no. Yeah.

23 Q Where had you been prior to that?

24 A With the mother of my child.

25 Q Alexis, is that who you're talking about?

1 A Yes. We were always together.

2 Q You were always together? Okay. So, did both of
3 you go into the house?

4 A Yes.

5 Q And, I guess, through this same -- In State's 3,
6 that same back door there?

7 A Yes, sir. We were -- the first thing we do when
8 you come in the house is walk into Leon and Virginia
9 Jefferson's room and let your presence be known that
10 you're there, because that's their property and that's
11 how they like it.

12 Q And that's how they like it?

13 A Yes, sir.

14 Q So, at that point, you say some young girl. Is
15 that correct?

16 A Yeah. I just noticed a person that I'd never
17 seen before in the house.

18 Q Okay.

19 A There's a lot of people that come through that
20 house. They were very extensive -- they have a very
21 extensive family.

22 Q Very extensive family?

23 A Yes. A very big family. There was always people
24 coming in and out of the house.

25 Q When you saw her, were you introduced to her or

1 did -- what happened?

2 A No, I wasn't introduced to her.

3 Q Why do you say it like that?

4 A Because there was no reason for me to be
5 introduced to her. She was no concern of mine.

6 Q No concern of yours?

7 A No.

8 Q Okay. What did you do at that point?

9 A I probably just went to my room. That's what I
10 would do, when I would come home, I would go to my
11 room, probably get dressed or change or something like
12 that and I didn't like staying there because -- I
13 didn't like staying at the house, just because I'd be
14 bored. It's all the way out in the country.

15 So, I would go get changed and me and Alexis
16 would go hang out at the park with my daughter or go
17 out to eat, you know, just anything to kill the time.

18 Q Would this have been when you were working at
19 Chili's?

20 A Yeah.

21 Q But you would be bored at the house, you'd hang
22 out at the park, anything to kill time?

23 A Yeah, pretty much. We always just hung out. It
24 was just me --

25 Q This is during that same time period that you

1 worked at Chili's. Is that correct?

2 A Yes.

3 Q You're working almost all the time, isn't that
4 correct?

5 A Yeah. I had to.

6 Q You had to?

7 A The only time I didn't work was during the days.
8 I would sometime come to work during the day if they
9 had a call out or I had to work a double, but every
10 other time I worked, would be on second shift at
11 night. I was a closer for them.

12 Q So, when you saw the young girl, **Minor**,
13 said she was no concern of yours.

14 A Yeah.

15 Q And then what did you do?

16 A I would go to my room. I would normally go to my
17 room. I can't say I specifically seen her and just
18 went to my room. I just notice an individual there.
19 Okay? I have seen her at the house, but I don't
20 interact with -- I don't interact with her. Never
21 have.

22 Q On how many occasions have you seen her at the
23 house?

24 A Probably, like once or twice.

25 Q Once or twice?

1 A Yes, sir.

2 Q And you never interacted with her? That's what
3 you're telling this Jury?

4 A No.

5 Q Is that correct?

6 A No. I never had to speak with her, for any
7 reason.

8 Q So, I guess that means that Alexis never spoke to
9 her for any reason either?

10 A I don't know if they did or didn't.

11 Q You don't know if they did or didn't? Mr. Ray,
12 you know you're trial, aren't you?

13 A Yes, sir.

14 Q You know what you're on trial for. Is that
15 correct?

16 A Yes, sir. Criminal sexual conduct, second
17 degree.

18 Q Okay. Did you ever have a discussion with Ms.
19 Alexis Lashae Cunningham about that?

20 A Talking about this? About the charge?

21 Q Yes.

22 A I mean, yeah, we have a child together. She
23 would ask -- she would be, like, "Jon, what the hell?"
24 and I'm like -- excuse my language. She'd be like,
25 "What the heck," you know, and I'd be like, "This

1 ain't true." Me and her actually, once I got arrested
2 for this, we stopped talking for a minute. She had
3 literally -- we had stopped talking for a minute.
4 It's understandable, her being a mother and me having
5 a little girl and me being in charged with it, that
6 she would question, but I guess once she found out
7 more about the story, I guess, through family --

8 Q I asked and you answered the question.

9 A Okay.

10 Q Do you know if she contacted anybody about it?

11 A If she contacted anybody?

12 Q Uh-huh.

13 A About it?

14 Q Yes. About the allegations? I'll be a little
15 more specific. Do you know if she contacted this
16 young girl here, **Minor**, about it?

17 A Yes.

18 Q Yes? How do you know that?

19 A Because I seen it in my discovery.

20 Q You seen it in your discovery?

21 A Yes.

22 Q What do you mean when you say that?

23 A I seen messages from my child's mother to Ms.
24 Mack.

25 Q Did you know about that message prior to seeing

1 it in your discovery?

2 A No.

3 MR. PAULING: May I approach the witness, Your
4 Honor?

5 THE COURT: Sure.

6 BY MR. PAULING:

7 Q This is marked, excuse me, State's -- for ID,
8 State's 5. Is that the message that you're talking
9 about?

10 A Yes, sir. Yes, sir. This is it.

11 Q Is that a text message from Lashae?

12 A Yeah, that's -- I guess on Facebook Messenger.

13 Q So, do you know why Lashae was contacting her?

14 A Probably because she's angry that I'm being
15 falsely accused. We have a whole child together and -
16 -

17 Q You have a whole child together?

18 A Yes, sir. Not a half one, a whole one. And at
19 the end of the day, I need to be there in my
20 daughter's life. That's my princess. My little girl
21 loves me to death.

22 Q Mr. Ray, you said that you stayed there from
23 April until you left and when did you leave?

24 A Technically, I left at like 1:00 in the morning
25 on the 28th, but after I got out of the hospital on

1 the 27th, is when I came to go pack my stuff and I was
2 arrested on the 28th at 1:00 in the morning by --

3 Q Why were you arrested?

4 A Sir?

5 Q Why were you arrested?

6 A For breach of peace.

7 Q What was going on out there at that time?

8 A Me and Trevon had got into an argument because he
9 stole my tattoo equipment. When I told him he was
10 going to have to pay me back, I got cursed out,
11 threatened to burn my clothes, my stuff, told me I
12 needed to come get my stuff and leave.

13 Q Where was your tattoo equipment?

14 A Where was my tattoo equipment? In my room.

15 Q Where in your room?

16 A By my bed, in my bags.

17 Q Did you have any furniture in that room?

18 A No.

19 Q None at all? You don't recall --

20 A I didn't have no furniture, man, all I had was
21 clothes.

22 Q Not a dresser?

23 A No, I didn't have no dresser. I don't own a
24 dresser. You can't fit a dresser in a Ford Focus.
25 Not the one she drove.

1 Q Do you recall talking to law enforcement about
2 that?

3 A About what?

4 Q About having an altercation with --

5 A Yeah, I had -- I actually called law enforcement,
6 because when I got out of the hospital that night
7 after being hit by a car, and I received those
8 messages, I called law enforcement because it was my
9 understanding of the fact that because I was proffered
10 to come get my belongings from the residence by a
11 person that lived there, it was my understanding that
12 I didn't need a claim and delivery.

13 So, I had called law enforcement and asked them
14 if they could, you know, escort me and help me just
15 get my stuff peacefully and we could just end that
16 matter, that way my stuff didn't get burned or messed
17 up in any type of way.

18 Q You say you saw Minor [REDACTED] at the Jeffersons'
19 home on two occasions?

20 A Yeah.

21 Q I assume that was the first occasion, when was
22 the other occasion?

23 A The day before.

24 Q The day before?

25 A Yeah, so when I got arrested on the 28th, she was

1 there at the house.

2 Q You're saying she was -- the 27th?

3 A Yes, the 27th she was there and the 28th she was
4 there.

5 Q The day that **Minor** was there, the first day
6 she was there is when you saw her?

7 A Yes, sir. Yes.

8 Q And that's when Alexis Lashae was there?

9 A Yes.

10 Q You go to your room at some point?

11 A Yeah, I always go to my room.

12 Q And you don't see her again until when now?

13 A Probably until I come back, because I would leave
14 my room and me and Alexis leave all the time.

15 Q Well, I'm trying to understand. You're saying
16 you saw her two days, back to back. Is that what
17 you're saying?

18 A Yeah. I seen her the day I got arrested and --
19 well, technically, the 27th and the 28th and the day
20 before. So, you've got the 27th and early morning,
21 like 1:00, on the 28th when I was arrested and the day
22 before that. That's when I first remember seeing that
23 girl there at the house.

24 Q How did you know her name?

25 A How do I know her name now or how did I know her

1 name?

2 Q You had testified earlier about **Minor** on
3 direct exam, about her being in the house. How do you
4 know her name?

5 A How do I know her name? Because she's accused me
6 of a crime I didn't commit. That's how I know her
7 name. Her name is all throughout my discovery motion.

8 Q So, your testimony is that while you stayed there
9 at Joe Lenox Road, you only saw her on those two
10 occasions?

11 A Yes, sir.

12 Q Is that correct? She never stayed there at all
13 during the other times you were there? You're nodding
14 your head. Is that a yes?

15 A No, no, no.

16 Q But you recognize her as that same young girl
17 from two years ago?

18 A Yes, sir. That's the same person I seen, because
19 when I came to pack my stuff, that's the same girl
20 that I seen swirling in that chair while me and Trevon
21 was about to fight, because he was following me around
22 with a pipe and I told him if he hit me, I was going
23 to put him down. And that's just how that was.

24 Q You said that the Jefferson's have a large
25 family?

1 A Yeah.

2 Q Right?

3 A Yes, sir.

4 Q But you didn't know Minor as being a part
5 of the family? You didn't know Trevon -- she and
6 Trevon were cousins? That she and Joshua were
7 cousins?

8 A I mean, if she's there, I'm pretty sure she's
9 part of the family, period. The only people that come
10 there is family.

11 Q Do you consider yourself family?

12 A At one time I considered me and Trevon to be like
13 brothers. We got pretty tight and then fell off
14 because of his sister. I used to date his sister.
15 She took my virginity. We was pretty close. I
16 thought of him like my brother. But as far as the
17 family in general, I was just a friend.

18 Q Just a friend?

19 A Yeah.

20 MR. PAULING: Beg the Court's indulgence.

21 BY MR. PAULING:

22 Q Mr. Ray?

23 A Yes, sir.

24 Q You had mentioned going into the house through
25 the back and you always had to announce your presence

1 when you got home, is that correct?

2 A Yeah, I always went in there to speak to Leon and
3 Virginia before I came in there, just to let them know
4 I was in the house.

5 Q How often would that occur? Every day you were
6 there?

7 A I mean, yeah, I'd always go in and talk to them
8 because Leon always wanted me to come do something.
9 He would always call me into his room.

10 Q How long were you there?

11 A How long did I stay at the residence? Probably
12 almost two months. Including April and --

13 Q A couple months? So, like April and May?

14 A Yeah, so maybe two months, maybe less.

15 Q And you'd always go into their room first. Is
16 that correct?

17 A Yeah. When I'd come in the house, I would always
18 go in there and talk to g-ma and ask her what she's
19 cooking, you know, for dinner or ask Leon if he needed
20 anything done around the house and when I would get it
21 done.

22 Q You talked to who? Who did you say?

23 A Leon and Virginia Jefferson.

24 Q That's not what you said. You said g-ma, is that
25 correct?

1 A Yeah, g-ma.

2 Q Okay. So, is that what you called her as well?

3 A Yes, sir. I call her g-ma. It's easier than
4 just to say Virginia or Gail. It's what everybody
5 called her, g-ma. The only person that didn't call
6 her that was her husband, Leon.

7 Q Did **Minor** call her g-ma?

8 A I don't know.

9 Q You don't know?

10 A She testified she did, I guess. She said g-ma.

11 Q But you don't know because you only saw her two
12 times. Is that correct?

13 A Yeah.

14 Q Or that's what you told the Jury. Is that right?
15 Is that right?

16 A Yes, sir.

17 Q You said there was only one working bathroom. Is
18 that what you said?

19 A Yeah. There's only one working bathroom in the
20 house and that's in their room -- in Leon and
21 Virginia's room. It's right, exactly right beside
22 their bed.

23 Q So, would you use that bathroom?

24 A Yeah, when I had to during the day, when I
25 didn't, like, when it was nighttime, I wouldn't bother

1 to go in there because I would wake them up if I
2 opened up the door. Leon done got onto my behind
3 about that.

4 Q So, you just had to hold it, I guess, during the
5 night?

6 A Yeah. Either that or go out in the field.

7 Q And you never once talked with the young girl you
8 saw that day?

9 A No, I didn't speak to her.

10 Q Never asked her how old she was?

11 A No, I never asked her how old she was.

12 Q Did you ever contact her by cell phone?

13 A No.

14 Q Text message?

15 A No.

16 Q Never called her down to your room?

17 A Nope.

18 Q Where was your room again?

19 A My room was in the back of the house, to the
20 left, exactly beside Trevon's room because we had
21 split one bedroom in half.

22 Q You never touched her?

23 A No, sir.

24 Q Never forced yourself on her?

25 A Never.

1 Q Never even had sex with her?

2 A No.

3 Q She's just making this up?

4 A Yes. The mother of my daughter stayed with me
5 every night.

6 Q Say that again?

7 A My baby momma, my child's mother, her and my
8 daughter was with me every night.

9 Q Every night those two months you were there at
10 the Jefferson's?

11 A Yes. Until I left. Alexis still continued to
12 stay there after I left.

13 Q After you left. Alexis and the baby?

14 A Yes, sir. She'll tell you I left before her.
15 She got tired of the drama at the house --

16 THE COURT: Sir, just answer his questions.

17 A Oh. Yes, sir.

18 Q When you would go to work, who was taking care of
19 the baby?

20 A She was.

21 Q She, being Alexis?

22 A Yes, sir.

23 Q You indicated at some point, you talked about the
24 accident, that she was working?

25 A Yeah.

1 Q At Walmart?

2 A Yes.

3 Q Is that correct? Okay. So, did she -- when did
4 she work?

5 A She would work during the days. She would work
6 during the days, like, middle afternoon, sometimes
7 until maybe 8:00 in the afternoon, p.m. She was only
8 part-time.

9 Q She was only part-time?

10 A Yes, sir. She worked in sporting goods.

11 Q And she was with you -- she and the baby were
12 with you every night at the Jefferson's house?

13 A Yes.

14 Q Just yes or no. Did you and Trevon ever talk
15 about this situation and the fact that you were
16 charged? Just yes or no.

17 A No.

18 Q You never talked with him?

19 A No.

20 Q At all?

21 A Nope. Never. I've had one conversation with him
22 -- oh, sorry.

23 THE COURT: Answer the questions.

24 BY MR. PAULING:

25 Q You had mentioned earlier, Mr. Ray, that at some

1 point you were hanging with the wrong crowd? Is that
2 correct?

3 A Yeah.

4 Q And that's with the auto break-in charges?

5 A Yes, sir.

6 Q Do you remember when those occurred?

7 A Those occurred before I moved in. I believe they
8 occurred before I moved in or -- I believe, if I
9 remember correctly, I believe they occurred before I
10 moved in. If I can remember correctly.

11 Q And you were just hanging out with the wrong
12 crowd. Is that what you said?

13 A Yes, sir. Some old friends that I shouldn't have
14 been hanging out with no more, because they was bad
15 for me.

16 Q Where were you living at that time?

17 A I think [REDACTED] Mt. Hebron Road.

18 Q You think that was in March of 2017?

19 A Sir?

20 Q Would that have been around March of 2017?

21 A I'm not sure.

22 Q You're not sure?

23 A No, sir.

24 Q But you did plead guilty to those charges?

25 A Yes, sir. I pled guilty to three of those

1 charges, because I knew about it.

2 Q And that was just kind of wrong place, wrong
3 time?

4 A Yes, sir. Wrong place, wrong time, hanging out
5 with the wrong crowd.

6 Q Hanging out with the wrong crowd?

7 A Yes, sir.

8 MR. PAULING: Beg the Court's indulgence. No
9 further questions at this time, Your Honor.

10 THE COURT: Re-direct?

11 MR. AIKEN: No re-direct, Your Honor.

12 THE COURT: You may come down. Next witness?

13 MR. AIKEN: Yes, sir. May I go get her?

14 THE COURT: Sure.

15 MR. AIKEN: She should be outside. Your Honor,
16 the Defense calls Ms. Rudine Hutto.

17 RUDENE B. HUTTO,

18 called as a witness by and on behalf of

19 the State to testify, being first duly

20 sworn was examined and testified as follows:

21 DIRECT EXAMINATION

22 BY MR. AIKEN:

23 Q Ms. Hutto, where do you work?

24 A I work at Kershaw Health Medical Center.

25 Q What position do you hold there?

1 A I am the Director of Health Information
2 Management.

3 Q Are you one of the custodians of medical records
4 for Kershaw Health?

5 A Yes, I am.

6 Q Now, I have some documents -- Ms. Hutto, I'm
7 showing you what's been marked for identification as
8 Defendant's Exhibit Number 3. Okay? This is a little
9 bit different than what I sent you before. It's the
10 same records, but it's less of it. Okay? Now, if you
11 could look through those real quickly for me, please
12 ma'am? Are those records reports of past visits or
13 diagnoses of Jonathan Ray?

14 A Yes, they are.

15 Q Are those made during the time in question from
16 information transmitted by a person with knowledge?

17 A Yes, sir.

18 Q Are they kept in the course of the regularly
19 conducted business activity by Kershaw Health?

20 A Yes, they were.

21 Q Was it the regular practice of Kershaw Health to
22 make medical records of this sort?

23 A Yes, it is.

24 MR. AIKEN: Your Honor, I move to admit these
25 records as Defendant's Exhibit Number 3.

1 MR. PAULING: Your Honor, I'd object at this
2 time.

3 THE COURT: What's your objection?

4 MR. PAULING: Your Honor, Mr. Aiken is intending
5 to put in the full record. It's my understanding we
6 just wanted to show when he went in and when he came
7 out. I think that can be done without all the other
8 information that is cumulative to the testimony that's
9 already been given.

10 MR. AIKEN: All I've got, Your Honor, is a cover
11 sheet that shows the service date and service time and
12 is identifying information and a four-page thumbnail
13 summary of what was done when he was in the hospital
14 and most importantly for me, when he got out of the
15 hospital.

16 THE COURT: Let me see.

17 MR. AIKEN: Yes, sir.

18 THE COURT: Objection is overruled.

19 (Court Reporter marks Defendant's Exhibit Number 3,
20 medical records, attached hereto.)

21 BY MR. AIKEN:

22 Q Now, I'm showing you what's been marked
23 Defendant's Exhibit 3 in evidence, Ms. Hutt. Does
24 that reflect -- do those documents reflect the
25 beginning date of the service that was provided by

1 Kershaw Health to Jonathan Ray on May the 27th of
2 2017?

3 A Yes, it does.

4 Q What's the time on that?

5 A 23:10.

6 Q If you would flip toward the back of those
7 records -- I think it's the page before that, Ms.

8 Hutto The page before that. Does the record show
9 when he was discharged from the hospital?

10 A Discharged on 5/28/17 at 00:15.

11 Q So, it would have been 12:15 a.m. on the 28th?

12 A That's correct.

13 Q Okay. If you would look further up in the
14 records, I believe it's on the second page, does it
15 indicate the reason why Mr. Ray was getting services
16 at Kershaw Health?

17 A The stated complaint was, "hit by a car earlier
18 today," with chief complaint being, "motor vehicle
19 crash."

20 Q Okay. Thank you, Ms. Hutto. That's all I have
21 for you.

22 THE COURT: Cross examination?

23 MR. PAULING: Nothing from the State, Your Honor.

24 THE COURT: You may come down, ma'am. Next
25 witness?

1 MR. AIKEN: Your Honor, the Defense calls Alexis
2 Cunningham.

3 ALEXIS CUNNINGHAM,
4 called as a witness by and on behalf of
5 the State to testify, being first duly
6 sworn was examined and testified as follows:

7 DIRECT EXAMINATION

8 BY MR. AIKEN:

9 Q Ms. Cunningham, how old are you?

10 A I'm 22.

11 Q Where do you live?

12 A I live in Bethune, South Carolina.

13 Q Where do you work?

14 A Arby's in Camden.

15 Q How long have you worked there?

16 A A week.

17 Q Where did you work before that?

18 A Waffle House for three years in Columbia.

19 Q Have you had sort of an on-again, off-again
20 relationship with Jonathan Ray?

21 A Yes. Two years ago.

22 Q Now, in 2017, was your relationship on?

23 A Yes, sir.

24 Q Do you and Jonathan Ray have a child together?

25 A Yes, sir.

1 Q What's that child's name?

2 A **London R.** .

3 Q How old is London?

4 A She's three.

5 Q Back in May of 2017, were you and Jonathan living
6 at the Jefferson's home in Cassatt, South Carolina?

7 A Yes, sir.

8 Q If you could step down here for just one moment,
9 Ms. Cunningham? Specifically, we're talking about
10 May, if you could move over this way a little bit so
11 that everybody can see. Specifically, we're talking
12 about May of 2017 from the 13th of May to the 20th of
13 May. Okay? At that time, was Jonathan working at
14 Chili's?

15 A Yes.

16 Q Did he work every day during that period of time?

17 A Yes.

18 Q Did he work primarily the night shift?

19 A Yes.

20 Q Did you provide him transportation to and from
21 work?

22 A Yes, sir.

23 Q He didn't have a car?

24 A No, sir.

25 Q So, were you the only way he could get there?

1 A Yes, sir.

2 Q During that time, from the 13th to the 20th,
3 about what time would you pick him up from work?

4 A Sometimes he'd work over so he would get off
5 like, 11 or something.

6 Q Then would you all go back to Joe Lenox Road?

7 A Uh-huh.

8 Q Now, the 13th through the 20th, were you with
9 Jonathan every night during that period of time?

10 A Yes. We were together.

11 Q So, you lived together, you and Jonathan and
12 London, you all lived at Joe Lenox Road?

13 A Uh-huh.

14 Q You can go ahead and have a seat. Do you know
15 the last time that Jonathan was at Joe Lenox Road?

16 A May 27th.

17 Q May the 27th was the last time he was there? Did
18 you actually stay there longer than that?

19 A Yes.

20 Q On the 27th, did you have a birthday party for
21 your daughter?

22 A Yes, sir.

23 Q Either during or after that party, was Jonathan
24 hit by a car?

25 A Yes, sir.

1 Q Did you take him to the hospital?

2 A He actually didn't -- he went, but he didn't
3 really get treated or anything because it was my
4 cousin that actually hit him, and he told my cousin
5 that it was all right. I mean, he talked to a State
6 Trooper, but that was about it.

7 Q Well, did he show up and just wait and then
8 decide to leave?

9 A Yeah. At first he wasn't going to, like, do
10 anything about it but once the pain started hitting,
11 he wanted to go get seen.

12 Q Did you take him back to the hospital later that
13 evening?

14 A No, later that evening I went to work, and he was
15 at work with me at Walmart on Two Notch.

16 Q But at some point, he went to the hospital? Is
17 that right?

18 A Yes, sir.

19 MR. AIKEN: May I have just one moment, please,
20 Your Honor?

21 THE COURT: Uh-huh.

22 BY MR. AIKEN:

23 Q Ms. Cunningham, please answer any questions the
24 government's lawyers might have for you.

25 THE COURT: Ms. Green?

1 CROSS EXAMINATION

2 BY MS. GREEN:

3 Q Ms. Cunningham, when did you move into the
4 address on Joe Lenox Road?

5 A It was after May 11th.

6 Q That's when you moved in?

7 A I was coming over there and really staying at
8 night, but when I officially moved my things in it was
9 May 11th, May 12th.

10 Q Okay. So, you didn't move in, in April, with
11 Jonathan?

12 A I was just, like, going over there.

13 Q But my question was, you didn't move in in April?

14 A On May 11th and May 12th.

15 Q Okay. You said that -- where did you work at that
16 time?

17 A Walmart on Two Notch.

18 Q What were your hours then?

19 A I got off at 8 p.m., so -- I can't really
20 remember.

21 THE COURT: Ma'am, you'll have to speak up.
22 Nobody can hear you.

23 A I got off at 8 p.m.

24 Q Did you work a full-time or a part-time shift?

25 A Full-time.

1 Q You were full-time?

2 A Yes, ma'am.

3 Q Would that be eight hours a day?

4 A Yes, ma'am.

5 Q So, you were going in at noon and getting off at

6 8 p.m.?

7 A Yes, ma'am.

8 Q You also took Jonathan to work every day?

9 A Yes, ma'am.

10 Q What was his shift again?

11 A I don't remember, but he got off later than I
12 did, like around 11. They were supposed to get off at
13 11, but when they clean up and stuff, they get off at
14 11:15 and 11:30 at night.

15 Q Do you know what time he went in?

16 A Early in the morning, maybe like 10 a.m. When
17 they opened, sometimes he went there and pulled a
18 double.

19 Q He didn't pull a double every day, did he?

20 A No, ma'am.

21 Q When he pulled a double, would you take him to
22 work and pick him up?

23 A Yes, ma'am.

24 Q And when he didn't work a double do you know what
25 time he would go in?

1 A Not by heart.

2 Q But, would you have been the person to take him
3 to work?

4 A Yes, ma'am.

5 Q You stated that he worked every day from the 13th
6 to the 20th of May. Is that correct?

7 A Yes, ma'am.

8 Q And you transported him to and from work?

9 A Yes, ma'am.

10 Q Were you also working at Walmart during that
11 time?

12 A I was working at Waffle House at first, but I
13 moved, and I started working, like, April 17th, I
14 think, exactly is when I started working at Walmart on
15 Two Notch.

16 Q So, both when you were working at Waffle House
17 and when you were working at Walmart, you would
18 transport Mr. Ray to and from his job at Chili's here
19 in Camden?

20 A Well, when I was working at Waffle House, I
21 wasn't living over here.

22 Q But you transported him to work even though you
23 weren't living there, right?

24 A When I started working at Walmart, I transported
25 him to work.

1 Q And that would have been April the 17th, right?

2 A Yes.

3 Q And April 17th is before you moved in May, right?

4 A Yes.

5 Q Just trying to clarify. You stated how long did
6 you live at Joe Lenox Road?

7 A From May 12th or 13th to May 28th.

8 Q Why did you move out on May 28th?

9 A Because we got into an argument and I didn't want
10 to live there anymore.

11 Q When you say, "we," who was the we that you
12 argued with?

13 A Jonathan Ray.

14 Q So, you moved out on the 28th?

15 A Yes, ma'am.

16 Q You're familiar with the address at Joe Lenox
17 Road, did everybody come into that back door to get
18 inside the residence?

19 A Yes, ma'am.

20 Q So, if you were at the residence, you also came
21 through the back door, which is Leon Jefferson's
22 bedroom?

23 A Yes.

24 Q If anybody was in that room, you would see them
25 as you entered the house?

1 A Yes.

2 Q Do you recall ever seeing Minor at that
3 residence in May of 2017?

4 A No.

5 Q So, it's your testimony that you never saw her?

6 A Yes, ma'am.

7 Q At the time you were living there?

8 A Yes, ma'am.

9 Q And if she was there, you would have seen her?

10 A Yes.

11 Q Who else was living there while you were there?

12 A Trevon Coe, Joshua Porte, Leon Jefferson,
13 Virginia Jefferson and Jonathan Ray and me and my
14 daughter.

15 Q At no time while you were there, did you ever see
16 Minor?

17 A No, ma'am.

18 Q You moved out on the 28th?

19 A Yes, ma'am.

20 Q Which is the same day that Jonathan got arrested?

21 A He got arrested on the 27th, well, it was 12
22 a.m., so yes, the 28th.

23 Q Did you move out or were you kicked out?

24 A I moved out.

25 MS. GREEN: Approach the witness, Your Honor?

1 BY MS. GREEN:

2 Q Ms. Lashae, did you -- you go by Cunningham, is
3 your last name, correct?

4 A Yes, ma'am.

5 Q Ms. Cunningham, did you ever make any contact
6 with **Minor**?

7 A Yes, ma'am.

8 Q In what manner did you contact her?

9 A What?

10 Q What manner did you contact her?

11 A Curiosity.

12 Q I said, what manner? How did you contact her?

13 A Social media.

14 Q Okay. How did you know who she was?

15 A I was told.

16 Q Did you send her a text message or a Facebook
17 Messenger message?

18 A Yes, ma'am.

19 Q I'm going to hand you what's been marked as
20 State's Number 5 and ask if you recognize the content
21 of that document?

22 A Yes, ma'am.

23 Q Those are the messages that you sent to **Minor**?

24 A Yes.

25 Q Okay. Do you remember the exact date that you

1 sent these messages?

2 A No, ma'am.

3 Q Can you read this statement here to the Jury?

4 A Which? Both of them?

5 Q Both of them.

6 A "Saying he gave you gonorrhea, but he's clean and
7 so am I. I just got checked yesterday." "When did
8 this happen, because if you're lying and someone is
9 getting you to lie, it's gonna be trouble and that's
10 on both of my children."

11 Q You sent that message to **Minor**?

12 A Yes, I did.

13 Q And you're saying that she wasn't there when this
14 happened, right?

15 A Right.

16 Q And you never saw her there?

17 A Right.

18 Q But you contacted her on social media to
19 communicate a threat to her. Is that correct?

20 A It wasn't a threat, but I contacted her because I
21 was told.

22 Q You were told to contact her?

23 A No, I was told about the situation and I was
24 curious, because that's my child's father.

25 Q So, your response was to contact her directly and

1 mention gonorrhea?

2 A Yes.

3 Q Why specifically gonorrhea?

4 A Because I was told that's what it was.

5 Q But you didn't have any personal knowledge of
6 anything regarding gonorrhea concerning **Minor**?

7 A Right.

8 Q So, you're just going by hearsay?

9 A Right.

10 Q You didn't have gonorrhea, did you?

11 A No, ma'am.

12 Q Did you ever have an STD?

13 A No, ma'am.

14 Q Okay. Never been tested for one?

15 A Yes, ma'am.

16 Q Never tested positive?

17 A No, ma'am.

18 Q Your testimony is that you didn't know her in May
19 of 2017 at all?

20 A I knew of her because Joshua Porte messaged me
21 from her profile page, but I didn't know her
22 personally.

23 Q But you enough about her to contact her on social
24 media after these allegations?

25 A Yes, I knew enough about the situation, yes.

1 Q No further questions, Your Honor.

2 THE COURT: Re-direct?

3 MR. AIKEN: No re-direct, Your Honor.

4 THE COURT: You may come down, ma'am. You're
5 free to go. Without objection?

6 MR. PAULING: Without objection, Your Honor.

7 Next witness?

8 MR. AIKEN: May I speak with my client for just
9 one moment?

10 THE COURT: Sure

11 MR. AIKEN: Your Honor, the Defense rests.

12 ***

13 DEFENSE RESTS

14 THE COURT: All right. Ladies and Gentlemen,
15 that's the case. Now, the remaining portion of the
16 trial will consist of the summations or arguments of
17 Counsel and my instructions to you on the law of the
18 State of South Carolina as it applies to this case.

19 We're going to take about a ten-minute break
20 right now so I might just confer and make sure the
21 procedures are set for the attorneys and they're
22 prepared to move forward. So, just go to your Jury
23 Room for a few minutes, maybe ten minutes, relax and
24 we'll call you when we're ready. Again, don't discuss
25 the case among yourselves while you're in the Jury

1 Room.

2 (Whereupon, the jury exited the courtroom.)

3 THE COURT: Counsel, are you ready to proceed?

4 MR. AIKEN: Defense is ready, Your Honor.

5 MR. PAULING: State's ready, Your Honor.

6 THE COURT: The State will open in full?

7 MR. PAULING: Yes, Your Honor.

8 THE COURT: The clerk has the indictment and I
9 planned to use the verdict form on the front of the
10 indictment. Is there any objection to that?

11 MR. AIKEN: Nothing from the Defense.

12 MR. PAULING: Not from the State, Your Honor.

13 THE COURT: Let's take our ten minutes and we'll
14 see where we are.

15 (Whereupon, a recess was held.)

16 (Whereupon, the following proceedings were
17 held in open court. All parties were present,
18 along with their attorneys.

19 THE COURT: Is the State ready for the Jury?

20 MR. PAULING: The State's ready, Your Honor.

21 THE COURT: Is the Defense ready for the Jury?

22 MR. AIKEN: Defense is ready, Your Honor.

23 THE COURT: Bring the Jury in, please.

24 (Whereupon, the jury entered the courtroom.)

25 THE COURT: You may proceed.

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CLOSING ARGUMENT BY MR. PAULING

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MR. PAULING: Ladies and gentlemen, than you for your close attention in this matter. This is something that is very important to the Defendant, Mr. Ray and it's very important to the State. We thank you for your service. Thank you for your time and attention to this particular matter.

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This case is all about decisions. Now, Mr. Ray was arrested, he was charged and he was indicted. Criminal sexual conduct of a minor in the second degree. Although he's been charged, although he's been arrested, although he was indicted, in this courtroom from the beginning of the trial and throughout, he is presumed to be innocent.

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The Judge instructed you of that earlier and will continue to do so with his Jury Charge. He's presumed to be innocent. The burden is upon the State. The burden is proof beyond a reasonable doubt. The burden is supposed to be squarely on our shoulders. We welcome that burden. That's the way our justice system works, that's the way it should work.

The Judge will tell you about this presumption of innocence and this -- well, we say this robe of

1 righteousness that the Defendant has with him
2 throughout the course of the trial. I submit to you
3 that having heard the evidence and the testimony, that
4 we've met our burden, that we stripped off that robe
5 of righteousness.

6 The Judge is going to instruct you about what
7 reasonable doubt is. I will tell you that it is not
8 beyond any and all doubt. There's a few things we
9 know with complete certainty in this world, but beyond
10 a reasonable doubt. A doubt which causes you to
11 hesitate to act. The Judge is going to instruct you
12 on the law, so as the Judge instructs you, you take
13 that as the law.

14 But what is criminal sexual conduct of a minor in
15 the second degree? Well, under South Carolina law,
16 where someone commits a sexual battery upon someone
17 who is at least, in this case, which is second degree,
18 someone who is at least 11 years of age, but no more
19 than 14 years of age. Sexual battery is defined as
20 sexual intercourse, vaginal intercourse, anal
21 intercourse, or any intrusion in the body of another
22 person with an object or with a part of a person's
23 body to the genital openings of another, unless it's
24 allowed by a medically recognized purpose. That's
25 what he's charged with, that's what he is on trial

1 for.

2 Now, what's your role? The Judge told you some
3 time ago that he rules over the law. Your province is
4 the facts. So, you all have to decide what happened
5 out on Joe Lenox Road to **Minor** back in May of
6 2017. You have to decide that. How do you do that,
7 though? You test the evidence. You test the
8 testimony, the evidence that was brought before you.

9 Now, what you all bring to the table is a
10 specialized skill. The Judge is going to tell you
11 about expert witnesses and what that means, but your
12 specialized skill is your life experience, your common
13 sense.

14 So, as these witnesses came to the witness stand,
15 as you heard the evidence, you have to decide what to
16 believe. Credibility is key. Credibility is always
17 key in cases such as this.

18 How do you test that? When witnesses, they came
19 and testified to tell the truth, the whole truth and
20 nothing but the truth when they take that stand. So,
21 while that was going on, while they were testifying,
22 you've just got to think about, remember, what was
23 their demeanor? How did they act on the witness
24 stand? Did what they say make sense? Was it that
25 testimony, was it evidence, was it corroborated by

1 other evidence or testimony you may have heard? But
2 you have to decide that.

3 Now, what do we have? You heard first from [REDACTED]
4 Minor [REDACTED]. She bravely took the stand and told
5 you that she and her father, Arthur Mack, had lived in
6 Texas for some period of time. They moved back from
7 Texas, back to South Carolina. That she had been in
8 the 7th grade, but they moved back, they got back to
9 Camden, they had gone to her grandma's house, Grandma
10 Roselyn Harris' house at that time, but at one point
11 at IGA, she ran into her g-ma, she ran into Gail,
12 Virginia Jefferson.

13 She hadn't seen her in a while and she got in
14 contact with her grandfather, Leon Jefferson, and
15 asked if she could come out and stay for a little
16 while, out at [REDACTED] Joe Lenox Road, out in Cassatt.
17 So, she talked to her father and he agreed to take her
18 out there.

19 So, he took her out there. She went there and
20 Leon was there and g-ma and, excuse me, her cousins
21 Trevon and Joshua. Now, out at that residence there
22 were four bedrooms but she had to stay in the bedroom
23 with her grandparents, Virginia and Leon's bedroom and
24 she didn't know when she first arrived, but shortly
25 afterwards it came to her attention that that fourth

1 bedroom was spoken for.

2 That fourth bedroom belonged to the Defendant,
3 Mr. Jonathan Ray. She explained to you on the witness
4 stand how the first night she was there that Alexis
5 had brought Jonathan and the baby to the house, but
6 that Jonathan was the one that stayed, and Alexis and
7 the baby left. She told you that she asked her
8 grandfather, did Jonathan stay here?

9 She found out he did. She also told you that
10 although she and Jonathan didn't talk much, he did ask
11 her how old she was. She told him she was 13. Now,
12 **Minor** also told you that the first night, the second
13 night, not anything out of the ordinary happened, but
14 that third night, that third night she was in her
15 grandparent's room, she was watching TV and she got a
16 text message from Jonathan Ray.

17 She said she got that text message and it was
18 really he'd responded to a text that was the day
19 before. She had indicated that her cousin, Trevon,
20 had contacted Jonathan off of her phone and that's how
21 he had her number.

22 Jonathan asked her to come down to his room. She
23 said, "Okay." And so, **Minor** did walk down to
24 Jonathan's room and when she got there she said the
25 light was off, she the flashlight on her phone but the

1 light was off and that she asked him, "What do you
2 want?" He didn't say anything but she did sit on the
3 edge of the bed.

4 She said that he then started rubbing on her
5 thighs and I asked her what was going through your
6 mind? Why is he touching me? She said that she told
7 him to stop but he continued and at some point, he
8 pushed her down on the bed. She said she blacked out
9 at some point, but he pushed her down on the bed and
10 began to pull off her jogging suit, sweatpants, and
11 began to pull off her joggers.

12 That he had gone to the dresser to get something,
13 wasn't quite sure what it was but then he took out his
14 penis and he forced it inside her vagina. She told
15 him to get off of her. I said, "What was going
16 through your mind?" and she said, "Why did I go in
17 this room"? "Why did I go in this room"?

18 She told him to stop but he kept forcing himself
19 inside her. Eventually, he stopped. Her recollection
20 is that he had gone to the bathroom, at any rate, she
21 put her clothes back on and went back to her
22 grandparent's room.

23 She had to use the bathroom and upon going to the
24 bathroom she realized that she was bleeding. She
25 cleaned herself up as best she could, she went to bed,

1 she cried herself to sleep. She said she didn't tell
2 because she thought she would get in trouble.

3 Ladies and Gentlemen, the interesting thing is,
4 she also told you before she left Jonathan's room, he
5 told her, "Don't tell anyone" or he would get in
6 trouble, and I'll come back to that later. But she
7 didn't want to tell anybody. She went back to her
8 grandparent's room. No, she didn't tell her
9 grandfather. No, she didn't tell her grandmother.

10 She told you she didn't tell her cousin Joshua
11 and she didn't tell Trevon and she definitely didn't
12 tell her father. In fact, she didn't tell anyone
13 until she was confronted by her sister, Fatima Mack
14 and she ended up telling her father.

15 You saw Mr. Mack come to this witness stand, he
16 told you he contacted law enforcement after his
17 daughter told him that something had happened.
18 Several other things he told you. He told you that
19 they had lived in Texas, in fact, Lufkin, Texas. That
20 she had been in middle school there. He told you that
21 he'd had some personal issues with his ex-wife and
22 decided to leave.

23 Well, in fact, she had left previously, but he
24 needed to leave and go back home. Come back home to
25 South Carolina. And that's what he did. He explained

1 to you that he would have left earlier, but he
2 couldn't do that just yet because he had to get the
3 school records. He had to get the school records from
4 the middle school, which he did and that's in
5 evidence, State's 6, and he did that the very day they
6 left to head back to South Carolina, May 9th, 2017,
7 that **Minor** 's last day was May 8th of 2017.

8 Arthur Mack told you that once they arrived that
9 he was contacted by Leon Jefferson, that Leon wanted
10 to know if **Minor** could come out and stay a little while
11 out at the house in Cassatt. Leon was **Minor** 's
12 mother's father.

13 Arthur agreed to take her out there and when he
14 got there and he told you, he asked Leon was anyone
15 else, anyone else, any other guys staying there at Joe
16 Lenox Road. He told you he only saw Leon and Red and
17 Red is Joshua Porte. He saw them.

18 He told you, "I'm very protective of **Minor** ,"
19 and asked them if there were any other guys staying
20 there. Leon told him no. Arthur Mack took him at his
21 word and that's probably a decision that he regrets.

22 Arthur Mack testified and told you that **Minor**
23 didn't tell him anything until March 22, 2018. This
24 was the same day he contacted law enforcement. Now,
25 you also heard from Virginia Jefferson and she told

1 you about when Minor came and stayed at Joe Lenox Road.
2 She told you that Jonathan Ray was also staying at the
3 house and that Minor stayed for about a week or so soon
4 after she came from Texas. There were a few other
5 things she told you. She told you that Minor would
6 travel with her.

7 She told you that Minor would help her out around
8 the house as well. Minor would be there listening to
9 her music or on her phone.

10 You also heard from Dr. Foster and Dr. Foster
11 came before you to somewhat educate you, I hope. In
12 the Jury Box, all of you were probably 13 at some
13 time. Only half of you were 13-year-old girls.

14 You sit in that Jury Box with a specialized
15 skill, life experience, common sense. You don't sit
16 in that Jury Box as 13-year-olds. Dr. Foster was
17 offered as an expert in child abuse dynamics and
18 delayed disclosure. An area that not many people know
19 about in general. She told you about disclosure and
20 delayed disclosure, purposeful disclosure, accidental
21 disclosure. Accidental disclosure, in this case,
22 Minor was actually confronted and she ended up
23 disclosing to her father some ten months after the
24 incident.

25 Dr. Foster told you that delayed disclosure is

1 very common among children and immediate disclosure
2 may happen, but it's not common. She indicated that
3 some child victims are concerned about consequences
4 for themselves. [Minor] said she thought that she would
5 get in trouble, even though Jonathan Ray told her,
6 "Don't tell anybody or else I'll get in trouble." She
7 believed that she would get in trouble.

8 Dr. Foster said that as children get older even,
9 they begin to feel more responsible for what happens
10 to and around them. She also told you that memory is
11 also affected. It's affected by anxiety, it's
12 affected by suppressing, trying to suppress that
13 memory of what happened. Trying to wash it away.
14 Especially, when the child is intent on keeping it a
15 secret.

16 I know Mr. Aiken has and I feel will continue to
17 show you this calendar and I understand that, and as
18 far as the timeframe was concerned and [Minor] told
19 you that she arrived at her grandparent's after school
20 was out. She was asked and she said, "May 25th."

21 Ladies and Gentlemen, we know, we know [Minor]
22 was no longer in school. She left on May 9th. We
23 know that. Did [Minor] make plans to leave Texas?
24 No, Arthur Mack told you that. Did [Minor] drive
25 from Texas? No, Mr. Mack did that. We know her last

1 day of school wasn't May 25th. We know that. Was
2 Minor marking a calendar when this happened? She's
3 trying to forget it even happened.

4 Dr. Foster even said not only your memory may be
5 affected, but even the sequencing of events can be
6 affected during all that. You heard testimony from
7 Dr. Michael Foxworth with Hope Health. He explained
8 to you that after Minor was seen at the Care House,
9 next door is their facility where they do the forensic
10 medical exam.

11 He explained the findings and indicated a
12 transection of Minor's hymen in two locations.
13 6:00 and between 7 and 8:00. He indicated that those
14 were, those vaginal tears were consistent with a high
15 suspicious finding of trauma to that area. Not only
16 that, there was a standard that they screening that
17 they do for STD's and that she tested positive for
18 chlamydia.

19 He further testified that chlamydia is only
20 transmitted through sexual contact with bodily fluids.
21 He also indicated that it can be transmitted even if a
22 condom was used.

23 Ladies and Gentlemen, then we had Trevon Coe. He
24 testified that he was friends with Jonathan Ray, that
25 that was his homeboy, that Minor was like his

1 little sister. You saw him testify. You could see
2 that he appeared to be conflicted in this case and
3 that he didn't want to be here. It is up to you to
4 judge the credibility of the witnesses. You must
5 decide what to believe.

6 You also heard from Krystal Keith, who was the
7 RN. She was the nurse at the Kershaw Health
8 Department. She had indicated that Jonathan Ray had
9 been there in August of 2017 and he was tested, STD
10 screened and he tested positive for chlamydia.

11 Ladies and Gentlemen, there was an interesting
12 question that Mr. Aiken asked Arthur Mack on the
13 witness stand and I think the law will address that,
14 but Mr. Aiken, if I recall correctly, asked Mr. Mack
15 if when he contacted law enforcement, did he tell law
16 enforcement that no force was used. If I remember his
17 response, he was upset, he indicated that he had not
18 even talked to a responding officer, that he only
19 talked to Chief Deputy Knafselc and Detective Ford.
20 But the question all the same is very interesting.

21 The Judge will instruct you, I believe, that
22 because of her age, she could not consent to having
23 sexual intercourse with the Defendant. She could not
24 consent. So, whether or not force was used doesn't
25 matter. The fact of the matter is, and Donna Green

1 told you at the very beginning, he was 22, she was 13.
2 She cannot consent. That is what the law says. That
3 is the law constructed by the Court that you must
4 follow.

5 It's not about what you think the law should be,
6 but what the law is. He was 22, she was 13. I told
7 you that this case is about decisions.

8 Minor decided to leave her grandparent's
9 room after Jonathan Ray asked her to come to the room.
10 Does she regret that decision? Probably. Does she
11 think or does she wish she could have done things
12 differently, had done things differently? Probably
13 so.

14 She told you, "Why did I come down to this room?"
15 Perhaps the reason, she may feel it was her fault.
16 Perhaps the reason she wanted to keep that a secret
17 and hidden. When she testified today, in some form or
18 fashion, she had to go back to May of 2017.

19 Arthur Mack made some decisions too. He made the
20 decision to drop his 13-year-old off at her
21 grandfather's house. Her mother had since passed, but
22 this is family of her mother. He made a decision not
23 to go in that house. He didn't go in the front door.
24 He didn't go in the back door. He didn't check it
25 out. He decided to take the word of Leon Jefferson

1 that there were no other guys there. Does he regret
2 that decision? You saw him on the stand. You saw the
3 pain in his face. Does he wish he had just never left
4 her day? I'm sure.

5 Then there's the Defendant, Jonathan Ray. What
6 he decided to do was take advantage of a 13-year-old
7 child. He decided to call her to his room. He
8 decided to push her down on that bed. He decided to
9 pull her clothes off, her joggers and he decided to
10 force himself inside of her. The decisions that
11 **Minor** made, the decision that Arthur Mack
12 made, they were unfortunate.

13 The decisions that Jonathan Ray made are
14 criminal. Criminal. But you have to decide. And you
15 have to test the evidence and testimony. Mr. Aiken
16 said at the beginning of his testimony, excuse me, I
17 apologize, at the beginning of his opening statements.
18 I apologize, I wanted to get it correct.

19 He likens himself to General Patton, I believe,
20 and he said that he felt like he was going to lead men
21 into a desperate battle. The representation of Mr.
22 Ray is one of a desperate battle. To paraphrase,
23 "desperate times offer desperate measures."

24 Mr. Ray testified and he told you a lot about a
25 lot of different things and he told you how he was on

1 the schedule for Chili's at least for two days and the
2 Judge will tell you, he doesn't have to prove
3 anything, but he chose to take the witness stand and
4 tell you that he was on the schedule for Chili's on
5 Thursday, May 18th and on Saturday, May 20th. He
6 doesn't tell you or show you that he was there those
7 days.

8 We talked about May 13th through the 20th. Then
9 Alexis Cunningham, Lashae. Her testimony was
10 interesting too, but it wasn't quite consistent with
11 Mr. Ray's testimony. Even as to her working at
12 Walmart, full-time, part-time and she indicated that
13 the entire time that Jonathan Ray was staying out at
14 Joe Lenox Road, she was there. She and the baby.

15 Virginia Jefferson did not remember that being
16 the case. She indicated she didn't see Syriana there.
17 Jonathan Ray told you when you go in the house, you've
18 got to go into Virginia and Leon's bedroom, because
19 you have to announce yourself. That's just the way.
20 It's their house, those are rules. You have to
21 announce yourself.

22 Virginia Jefferson told you where **Minor**
23 stayed. Another thing, Jonathan was gone two days,
24 that being the 28th and the day before. But Alexis
25 Lashae said that they stayed and she stayed there the

1 entire time. But it's interesting, because if she was
2 there the entire time, she would have been in the same
3 room with, I guess, the baby.

4 But she also testified that, yes indeed, she did
5 contact [Minor] and she contacted [Minor] because of
6 -- because she heard about the situation and she asked
7 her about gonorrhea. She said she was curious. Well,
8 why was she so curious?

9 Because if you believe Jonathan and you believe
10 Alexis Lashae, she doesn't have to ask the question
11 because if she's with Jonathan Ray every night, she's
12 never seen [Minor] out there. But she's with him
13 every night. Why would she even have to ask the
14 question? Why does she have to ask the question?

15 She wasn't simply curious. Maybe she was
16 suspicious. She indicated on direct exam that her
17 relationship with Jonathan Ray had been on and off.
18 Mr. Aiken said, "Well, in May of 2017 was it on?" You
19 heard her testify she was 22. She said she was 22,
20 assuming she was 20 years old, two years ago. But she
21 contacted at 13, maybe 14 at that time, 13-year-old
22 girl about something that she just kind of heard
23 about.

24 Test the evidence. Test the testimony. The
25 Judge will mention about credibility and somebody

1 having a reason to lie. Desperate times call for
2 desperate measures.

3 Ladies and Gentlemen, we've about come to the
4 point where you have to make a decision and we were
5 before you these last few days seeking justice and
6 nothing more and nothing less. I submit to you that
7 with the testimony and evidence that's been presented,
8 you will be able to deliberate and return a verdict.
9 A verdict - and the Judge will tell me if I'm wrong,
10 means to speak the truth. We're asking that this
11 charge of CSC with a minor second degree, charged to
12 Jonathan Ray, that you return a verdict of guilty.
13 Thank you.

14 MR. AIKEN: May it please the Court, Your Honor?

15 THE COURT: Yes, sir. You may proceed.

16 ***

17 CLOSING ARGUMENT BY MR. AIKEN

18 MR. AIKEN: As they say in the upstate, we
19 disagree with near about everything he says. And I
20 tell you, in 30 years of practicing law, I've never
21 seen a victim run away, I mean, the State, run away
22 with their hair on fire from their own victim. He's
23 up here discrediting his own witness. Trying to
24 demonstrate that his own victim is not telling the
25 truth. Because if you remember, Minor [REDACTED], the

1 government's indictment says this happened sometime
2 between the 9th and the 27th of May.

3 Well, Minor said she got out of school on
4 the 25th, got to Joe Lenox Road on the 26th and then
5 three days later, three days later, she was the
6 incident with Mr. Ray, which puts it on the 29th,
7 which is two days after the dates they have in the
8 indictment.

9 If you conclude that Minor is telling the
10 truth about when this actually happened, you cannot
11 convict Jonathan Ray. You cannot convict Jonathan
12 Ray, because it's two days after the last date they
13 put into the indictment.

14 The indictment is not evidence. It's a mere
15 charge, but it has an important purpose and the
16 important purpose of the indictment is it gives notice
17 to the Defendant of what the Defendant has to defend.

18 What do they say I did, so I know how to defend
19 myself? Well, this indictment doesn't even say that.
20 It doesn't even say, "This is when it happened. It
21 happened on this date, this time at this place." It
22 doesn't say anything about that. Which is horribly
23 unfair. It's horribly unfair.

24 And you've heard the evidence, Ladies and
25 Gentlemen. It was within the State's power at the

1 very beginning of this case to tell Jonathan Ray what
2 he had to defend against. It was within their power.
3 They could have told him that but they chose not to,
4 so they could get an unfair advantage against Jonathan
5 Ray. All right? The evidence came in. This either
6 happened on the 28th or the 29th, as Minor
7 said, or as Arthur Mack said.

8 If you remember, Arthur Mack said, "I got her to
9 Joe Lenox Road on the 13th and I picked her up on the
10 19th." So, that's when Minor was at Joe Lenox
11 Road. From the 13th to the 19th. Well, Minor
12 said it happened on the third day after I was at Joe
13 Lenox Road.

14 Well, if she's counting the 13th, then it's the
15 13th, excuse me, the 13th, the 14th and the 15th. So,
16 it would have been on the 15th. Or, if she's not
17 counting the 13th as the date she got there, then it's
18 the 14th, 15th, it's on the 16th. They could have
19 told us that. They could have given us a fair
20 opportunity to present what's called an alibi.

21 In the normal criminal case, the Defendant is
22 given an opportunity to say, the government says it
23 happened on this date at this time at this location.
24 I was not there and I have evidence of that. We could
25 have had a fair opportunity to do that, if the

1 government had just told us from the very beginning
2 when they say this happened. It was within their
3 power. I'm the one who proved this.

4 Who proved these dates? Did Mr. Pauling say one
5 word about when Arthur Mack said he dropped off his
6 daughter and picked her up? In his closing argument,
7 he's running away from that too. He doesn't want you
8 to conclude that it happened on a specific day or want
9 to coincide any dates. He doesn't want to do that
10 because he wants to leave it wide open so you can just
11 say, "Well, Jonathan Ray didn't say he wasn't there on
12 the 22nd," say, for example.

13 So, it could have happened on the 22nd. That's
14 not fair. That's not justice. That's not the
15 American way. Now, you've got to understand that this
16 case is not about sympathy for the victim. That is
17 not at all what it's about.

18 You've got to set that aside and you have given
19 your oath that you will do that, that you will set
20 that aside and you've got to decide if, based on the
21 law and the evidence, which is the oath you took when
22 you were seated as Jurors.

23 Now, under the American system, Jonathan Ray,
24 unless you find him guilty beyond any reasonable
25 doubt, is presumed innocent. He remains presumed

1 innocent up to that point and he has been presumed
2 innocent during this entire trial. And the government
3 has to prove him guilty beyond a reasonable doubt.
4 Now, the fact that the government has not identified
5 any specific dates when this happened and that I, the
6 Defense lawyer, had to bring all that out, shows you
7 that there's doubt in this case.

8 Now, since Minor [REDACTED]'s timeline puts the date
9 of the alleged incident after the dates in the
10 indictment and you can't convict on that basis, I
11 focused in our case on the 13th through the 20th,
12 which is the dates -- 13th being the date when Mr.
13 Mack says he dropped his daughter off and the 20th
14 being the date when he says he picked his daughter up.

15 Jonathan Ray testified that he was working at
16 Chili's at the time and he was working on the night
17 shift and he didn't get off until late in the evening
18 and we supplied whatever we could get from Chili's.
19 This is all we could get from them, for a lot of
20 reasons, not the least of which is, this wasn't
21 reported until 10 months after the alleged event.

22 So, most of the documents weren't even available.
23 We had these documents, luckily, we had these and
24 that's the best that we could do and you've got to
25 understand and you can't -- you can't let the

1 government get away with this, but they can't shift
2 the burden of proof to my client. Okay? Because the
3 burden of proof is two things. One is called the
4 burden of production and one is called the burden of
5 persuasion. Okay?

6 The government always has the burden of
7 production. I have no obligation and Mr. Ray has no
8 obligation to produce anything. We don't have to
9 produce anything. And he can't say, "Well, they could
10 have used these documents, or they could have used
11 those documents, so don't believe Mr. Ray because he
12 doesn't have those documents." He can't say that.
13 That shifts the burden of production. That's
14 unconstitutional.

15 But we gave you the best we could about Jonathan
16 Ray's work for Chili's. Then, we presented Ms.
17 Cunningham and Ms. Cunningham said, "I was with him at
18 Joe Lenox Road," and every evening from the 13th
19 through the 20th, I was with Jonathan Ray. Now, if
20 she was with Jonathan Ray, obviously, he could not
21 have done what **Minor** says he did.

22 **Minor** came up with these allegations ten
23 months after this allegedly happened. Of course, that
24 raises some issues about whether what actually
25 happened is what she says happened, because it wasn't

1 raised until ten months later.

2 You've got to remember, Minor testified that
3 she was very close to Virginia Jefferson, also known
4 as Gail Jefferson. Gail Jefferson was on the stand
5 and she was asked, "Were you surprised when you heard
6 about this and that Minor didn't tell you
7 about it?" and she said, "Yes, I was very surprised."

8 Let's not forget this. According to Minor
9 , this wasn't just her first sexual encounter.
10 She was injured. She was bleeding, according to her
11 testimony. Now, if she's injured and she's bleeding,
12 isn't she going to tell somebody about that? Isn't
13 she going to be concerned that she might be hurt or
14 injured in some way and say something to somebody?

15 And then we heard from Allison Foster. Now,
16 Allison Foster said something, and she said it's
17 counterintuitive. Okay? When an academic says it's
18 counterintuitive, you need to be very, very careful
19 with what they're about to say, because it doesn't
20 line up with common sense.

21 Ms. Foster testified that the majority of her
22 cases are family on family cases. She also testified
23 that she had never testified for a Defendant in a
24 delayed disclosure case and she said that she had
25 testified any number of times, I don't remember the

1 exact number, but it was a lot and as she was sitting
2 there, she was employed by the State of South
3 Carolina, which is, of course, Jonathan Ray's opponent
4 in this case.

5 Dr. Foxworth said that you are more likely to get
6 chlamydia from unprotected sex with an infected person
7 than from protected sex with an infected person and in
8 that regard, concerning chlamydia, on the Health
9 Department records, you need to look at those very
10 carefully because the sample for Jonathan Ray was
11 actually taken in August of 2017, which is a full
12 three months after this allegedly happened.

13 So, the test itself does not demonstrate that Mr.
14 Ray actually had chlamydia in May of 2017. Now, I
15 told you a story in my opening statement about
16 unpasteurized milk and about the smell.

17 In this case, if you find yourself stopping and
18 saying, "I've got to smell the milk. I'm not
19 completely sure. I have doubts about the probability
20 that Mr. Ray is guilty." To satisfy your oath, under
21 those circumstances, you have to return a verdict of
22 not guilty. Thank you.

23 THE COURT: Mr. Pauling.

24 MR. PAULING: Beg the Court's indulgence for just
25 a moment.

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FINAL CLOSING ARGUMENT BY MR. PAULING

MR. PAULING: Just briefly, Your Honor. Ladies and Gentlemen, again, Judge Cooper is going to charge you on the law regarding a CSC. I believe the evidence that we've shown does fit what we have alleged.

Time is not the element as it relates to a CSC case. There's testimony, there's evidence, Minor was 13. There's testimony and evidence to that. He was 22.

This happened in Kershaw County between May 9th and May 27th of 2017. Listen carefully to the instructions as the Judge gives it to you. Mr. Aiken mentioned Dr. Foster and I told you Dr. Foster was here to educate you about child abuse dynamics and delayed disclosures.

She told you that she didn't talk with Minor. She hasn't reviewed her records, incident reports, but she's given you a general understanding of delayed disclosure. She indicated to you that delayed disclosure happens more often than not. That doesn't mean that we can't go forward with the prosecution of the case because there's a delayed disclosure.

1 As far as Jonathan Ray is concerned, Art Aiken
2 indicated that the testing was done in August of 2017.
3 Can't disagree with that. That's when the testing was
4 done, that's when it was confirmed that he had
5 chlamydia.

6 Minor [REDACTED] was not tested until April of 2018.
7 It was confirmed by Dr. Foxworth that she had
8 chlamydia as well. You have to decide based on what
9 you've heard from the witness stand, from the
10 evidence, you have to decide whether or not we've met
11 our burden of proof. I submit to you that we have.
12 Thank you.

13 ***

14 JURY CHARGE

15 THE COURT: Thank you. All right, Ladies and
16 Gentlemen, you've now heard all the testimony in this
17 case. You've heard -- somebody please take this -- I
18 can't see half the Jury. Thank you.

19 You've heard the arguments for both the State and
20 the Defendant, and you will take to the Jury Room with
21 you all the evidence that's been introduced in the
22 case. Now, it becomes my responsibility to explain
23 the law as it applies to this case.

24 I remind you that during this trial I have
25 certain duties to perform. As the Trial Judge, it's

1 my responsibility to preside over the trial of the
2 case and I have the duty to rule on the admissibility
3 of evidence offered during the trial. You are to
4 consider only the competent evidence that was
5 presented and is before you. You are only to consider
6 the testimony, which has presented from this witness
7 stand and any exhibits which may have been made part
8 of the record in this case.

9 I have the additional duty to charge you the law
10 applicable to this case and as the presiding Judge,
11 I'm the sole Judge of the law and it is your duty as
12 Jurors to accept and apply the law as I now state it
13 to you.

14 If you already have an idea of what the law is or
15 what the law ought to be, and it does not agree with
16 what I now tell you the law is, you must abandon this
17 idea, because you are sworn to accept the law and
18 apply the law as I -- exactly as I state it to you.
19 In every case tried in this courtroom before a Jury,
20 the Jury becomes, as I told you before, the sole and
21 exclusive judge of the facts in the case.

22 The Trial Judge, myself, cannot intimate, state,
23 comment on or make any statement to a Trial Jury about
24 the facts in the case. Since you are the sole judges
25 of the facts in the case, you are not to infer from

1 what I have said during the progress of this trial,
2 that I have an opinion upon the admissibility of
3 evidence or otherwise or anything that I may say now
4 during the course of these instructions, that I have
5 any opinion about this case.

6 The law does not allow me to have an opinion
7 about the case or about the facts in the case. It's a
8 matter solely for you, the Jury, to determine and as
9 Jurors, it's your duty to determine the effect, value,
10 weight and truth of the evidence presented during this
11 trial.

12 Now, the indictment, as you know, charges the
13 Defendant with criminal sexual conduct with a minor in
14 the second degree. I remind you of the fact that
15 because the Defendant was arrested, charged and
16 indicted in this case, is not evidence in this case
17 and cannot be considered by you as evidence in this
18 case. Nor does it create any presumption or inference
19 of guilt.

20 This document, as I've explained before, is
21 simply the formal written instrument, which contains
22 the charge made against the Defendant. It's the
23 formal document by which the case is brought into
24 court. Now, the Defendant has pled not guilty to this
25 indictment and that plea puts the burden on the State

1 to prove the Defendant guilty.

2 A person charged with committing a criminal
3 offense in South Carolina is never required to prove
4 himself or herself innocent. I charge you again, this
5 is an important rule of law, that the Defendant in a
6 criminal case, no matter what the seriousness of the
7 crime may be, will always be presumed innocent of the
8 crime for which the indictment was issued, unless
9 guilt has been proved by evidence satisfying you of
10 that guilt beyond a reasonable doubt.

11 This presumption of innocence does not end even
12 when you begin your deliberations, but it accompanies
13 the Defendant throughout the trial, until you reach a
14 verdict of guilt beyond, all that based on evidence,
15 satisfying you of that guilt beyond a reasonable
16 doubt.

17 In other words, presumption of innocence is like
18 a robe of righteousness placed about the shoulders of
19 the Defendant, which remains with the Defendant until
20 it's been stripped from the Defendant by evidence
21 satisfying you of that Defendant's guilt beyond a
22 reasonable doubt.

23 The presumption of innocence is not a mere legal
24 theory or a legal term, it is -- I remind you again,
25 it's a substantial right to which every Defendant is

1 entitled, unless you, the Jury, are satisfied from the
2 evidence of the Defendant's guilt beyond a reasonable
3 doubt.

4 But what does a reasonable doubt involve? The
5 attorneys have tried to explain it to you. My
6 explanation is that a reasonable doubt is the kind of
7 doubt that would cause a reasonable person to hesitate
8 to act. I'll repeat that. A reasonable doubt is the
9 kind of doubt that would cause a reasonable person to
10 hesitate to do something. The State has the burden to
11 prove the Defendant guilty beyond a reasonable doubt.

12 Some of you may have served as Jurors in civil
13 cases where you were told it's only necessary to prove
14 a fact is more likely to true than not true, such as
15 by the greater weight or preponderance of the
16 evidence. In criminal cases, the State's proof must
17 be more powerful than that. It must be beyond a
18 reasonable doubt.

19 Proof beyond a reasonable doubt is proof that
20 leaves you firmly convinced of the Defendant's guilt.
21 There are very few things in this world we know
22 without absolute certainty, and in criminal cases, the
23 law does not require proof that overcomes every doubt,
24 every possible doubt. If, based on your consideration
25 of the evidence, you are firmly convinced that the

1 Defendant is guilty of the crime charged, you must
2 find the Defendant guilty.

3 If, on the other hand, you think there's a real
4 possibility the Defendant is not guilty, you must give
5 the Defendant the benefit of the doubt and find him
6 not guilty.

7 Now, there are two types of evidence which are
8 generally relied on and presented during a trial.
9 They are called direct evidence and circumstantial
10 evidence. Direct evidence is testimony from a person
11 who claims to have actual knowledge of a fact, such as
12 an eyewitness. It's evidence which immediately
13 establishes the main fact to be proven.
14 Circumstantial evidence is proof of a series or chain
15 of facts and circumstances indicating the existence of
16 some fact. It's evidence which immediately
17 establishes collateral facts from which the main fact
18 may be inferred.

19 Circumstantial evidence is based on inference, in
20 other words, and not on personal knowledge or
21 observations, but the law makes absolutely no
22 distinction between the weight or value to be given
23 either circumstantial evidence nor direct evidence.
24 Nor is a greater degree of certainty required of
25 circumstantial evidence than of direct evidence.

1 You should weigh all the evidence in the case and
2 after weighing all the evidence, if you're not
3 convinced of the guilt of the Defendant beyond a
4 reasonable doubt, you must find the Defendant not
5 guilty.

6 Now, necessarily, in any case, you must determine
7 the credibility of the witnesses who've testified in
8 front of you. Credibility simply means believability.
9 It becomes your duty as Jurors to analyze and
10 evaluation the evidence and determine which evidence
11 convinces you of its truth.

12 In determining the believability of witnesses
13 who've testified in this case, you may believe one
14 witness over several witnesses or several witnesses
15 over one witness. You may believe a part of the
16 testimony of a witness and reject the remaining part
17 of the testimony of that same witness. You may
18 believe the testimony of a witness in its entirety or
19 reject the testimony of a witness in its entirety.

20 You may consider whether any witness has
21 exhibited to you any interest or bias or prejudice or
22 other motive in this case. You may also consider the
23 appearance and manner of the witness while on the
24 witness stand. The rules of evidence do not
25 ordinarily permit witnesses to offer opinions or

1 conclusions. An exception to this rule is that it
2 exists for witnesses we call expert witnesses. A
3 witness who by education and experience, has become an
4 expert in some art, science, profession or other
5 calling, may state an opinion to you as to relevant
6 material matter in which the witness claims to be an
7 expert and may also state the reasons for that
8 opinion.

9 You should consider the expert's opinion received
10 into evidence in this case, like any other evidence
11 and give it the weight you think it deserves. If you
12 decide that the opinion of an expert witness is not
13 based on sufficient education or experience or if you
14 conclude that the reasons given in support of the
15 opinion are not sound or that the opinion is
16 outweighed by any other evidence, you may disregard
17 that testimony and opinion entirely.

18 In other words, an expert witnesses' testimony is
19 to be given no greater weight than that of other
20 witnesses, simply because the witness is an expert.
21 You've heard evidence that the Defendant was convicted
22 of a crime, not the subject, other than the one for
23 which the Defendant is now on trial. That evidence
24 may be considered by you if you conclude that it is
25 true, only in deciding whether the Defendant's

1 testimony is believable and for no other purpose. You
2 must not consider the Defendant's prior record as
3 evidence of any evidence of the Defendant's guilt in
4 the charge that we are trying today.

5 In order to establish criminal liability,
6 criminal intent is required. For example, the mental
7 state required to be proven by the State for a
8 particular crime might be some purpose or knowledge or
9 recklessness or criminal negligence.

10 Criminal intent must be proven beyond the State
11 beyond a reasonable doubt. Criminal intent is always
12 a matter that must be determined by the Jury from the
13 circumstances surrounding the situation.

14 There's no way of proving intent to a
15 mathematical certainty. There's no way medical
16 science can dissect a person's brain and determine
17 what the person had in mind, so the law says that
18 criminal intent may be inferred from the circumstances
19 shown to have existed at the time and place of the
20 event.

21 This is how you make a determination of whether
22 or not the element requiring intent was present. It's
23 not necessary to establish intent by direct and
24 positive evidence, but intent may be established
25 through inference, in the same way as any other fact,

1 by taking into consideration the acts of the parties
2 and all the facts and circumstances in the case.
3 Criminal intent, in other words, is a mental state, a
4 conscious wrongdoing.

5 It's up to you to determine what the Defendant
6 intended to do, based on the circumstances shown to
7 have existed in this case. Criminal sexual conduct
8 with a minor in the second degree is the charge in
9 this case and as I said, the State must prove beyond a
10 reasonable doubt that the Defendant engaged in the
11 sexual battery with the victim. Sexual battery is
12 defined as sexual intercourse, vaginal or anal
13 intercourse, or any intrusion, however slight, of any
14 part of a person's body or of an object into the
15 genital or anal openings of another person's body,
16 except when the intrusion is accomplished for
17 medically recognized treatment or diagnostic purposes.

18 The State must then prove beyond a reasonable
19 doubt, that the Defendant was at least 11 years old
20 but not more than 14 years old at the time of the
21 sexual battery. Consent, willingness, indifference or
22 ignorance on the part of the minor, if any, as to what
23 was taking place, does not in any way affect the
24 charge of criminal sexual conduct with a minor,
25 because an unmarried woman under the age of 14, cannot

1 legally consent to sexual intercourse.

2 Ladies and Gentlemen, those are my instructions
3 to you. Mr. Foreman, you'll take with you to the Jury
4 Room the evidence and this indictment. On the front
5 of it, on the bottom, left-hand corner, it just says,
6 "verdict." It gives you a place to enter your
7 verdict, either not guilty or guilty, sign your name
8 and date it.

9 Do you understand? I know you understand. Your
10 verdict, all of you, must not be based on sympathy or
11 prejudice or any other factor that's not in evidence
12 in this case.

13 All 12 of you must agree on a verdict. In other
14 words, your verdict must be unanimous. Mr. Foreman,
15 when the Jury agrees on a verdict, you'll write the
16 verdict on the back of the indictment as I indicated
17 and sign your name as Foreperson. Knock on the Jury
18 Room door and inform the bailiff you've reached a
19 verdict and at that time, we will receive you back
20 into the courtroom.

21 Now, I'm going to excuse you and allow you to go
22 to the Jury Room at this time, but just relax when you
23 get there. When you've received all the evidence
24 that's been presented and the verdict form, you may
25 begin your deliberations. All right? Thank you very

1 much, Ladies and Gentlemen. Oh, one other thing, let
2 me just -- before you -- the notes, if you took any,
3 the notes if you took any, I'll remind you again, they
4 are for your own purposes. For your own
5 recollections, not to be used to try to convince
6 anybody else that your notes are better than theirs.
7 All right. You may retire to the Jury Room.

8 JURY IS DISMISSED

9 THE COURT: Any objections to the Charge from the
10 State?

11 MR. PAULING: Not from the State, Your Honor.

12 THE COURT: From the Defense?

13 MR. AIKEN: None from the Defense, Your Honor.

14 THE COURT: Any objection to releasing the
15 alternates?

16 MR. PAULING: Not from the State, Your Honor.

17 MR. AIKEN: None from the Defense.

18 THE COURT: All right, bring the alternates,
19 please? Counsel if you'll -- as soon as we do this,
20 get the evidence, check the evidence, please?

21 (Whereupon, the alternate jurors entered the
22 courtroom.)

23 We always need alternate jurors, so I appreciate
24 your time and willingness to sit and listen to this
25 case and then either of you may have some desire to go

1 into the Jury Room to hear what they're talking about,
2 but I can't let you do that.

3 You're certainly welcome to stay until the Jury
4 makes a decision but I don't know when that will --
5 you never know when that will be. It could be ten
6 minutes from now, it could be midnight, but I wanted
7 you to know you're welcome to stay.

8 Otherwise, I want to thank you on behalf of
9 myself and these attorneys, the Court staff and
10 everybody else for your willingness to come and sit
11 and listen to this case. I'm going to dismiss you now
12 and you're free to go.

13 We will destroy your notes. I'll see to that.
14 Now, let me say one thing, if you're going to stay.
15 You don't have to talk to anybody. You can talk to
16 anybody if you want to, but if anybody gives you a
17 hard time, you let me know about it and I'll handle
18 it.

19 THE COURT: We will be at ease while they
20 deliberate.

21 (Whereupon, court stood in recess while the jury
22 deliberated upon their verdict.)

23 THE COURT: All right. Let's bring in the jury.

24 (Whereupon, the jury entered the courtroom.)

25 THE COURT: All right, Ladies and Gentlemen of

1 the Jury, the Clerk of Court tells me your Jury Room
2 is overheated, too warm. We'll try to get the air
3 conditioning going for tomorrow morning, but she's
4 indicated that you would prefer to recess now and
5 start again in the morning. I'll ask you to be back
6 in the Jury Room at 9:30 at which time you can
7 continue deliberations.

8 I'll not call you back into the courtroom, but do
9 not begin your deliberations until all 12 of you are
10 present. I appreciate you following my advice in that
11 regard.

12 Again, don't discuss the case with anyone else
13 over the evening hours, please, and only discuss it
14 among yourselves when you return to the Jury Room.

15 Thank you very much. Have a pleasant evening and
16 we'll see you at 9:30 in the morning.

17 (Whereupon, the jury exited the courtroom.)

18 THE COURT: We will be in recess until 9:30 in
19 the morning.

20 (Whereupon, the proceedings were continued to be
21 resumed the following day without interruption.)

22 * * *

23 (The following proceedings were held in open
24 court. All parties were present, along with
25 their attorneys.)

1 THE COURT: We have a note. Counsel approach.
2 (Whereupon, a bench hearing was held outside the
3 presence of the jury and out of the presence of
4 the court reporter.)

5 (Whereupon, the jury entered the courtroom.)

6 THE COURT: I will start in the order in which
7 you have these on your note.

8 What is reasonable doubt in the law? Reasonable
9 doubt is the kind of doubt that could a person to
10 hesitate to act. And I said yesterday, I repeated it
11 by saying "A reasonable doubt that's the kind of doubt
12 that would cause a reasonable person to hesitate to do
13 something."

14 Now the State has the burden of proving the
15 defendant guilty beyond a reasonable doubt. Some of
16 you may have served as jurors in civil cases where you
17 were told that it's only necessary to prove that a
18 fact is more likely true than not true, such as by the
19 greater weight or preponderance of the evidence. In
20 criminal cases, the State's proof must be more
21 powerful than that. It must be beyond a reasonable
22 doubt.

23 Proof beyond a reasonable doubt is proof that
24 leaves you firmly convinced of the defendant's guilt.
25 There are very few things in this world that we know

1 with absolute certainty, and in criminal cases, the
2 law does not require proof that overcomes every
3 possible doubt. If, based on your consideration of
4 the evidence, you are firmly convinced that the
5 defendant is guilty of the crime charged, you must
6 find the defendant guilty. If on the other hand you
7 think there's a real possibility that the defendant is
8 not guilty, you must give the defendant the benefit of
9 the doubt and find him not guilty.

10 Now there are two types of evidence which are
11 generally presented during a trial: direct evidence
12 and circumstantial evidence. Direct evidence is a
13 testimony of a person who claims to have actual
14 knowledge of a fact, such as an eyewitness. It is
15 evidence which immediately establishes the main fact
16 to be proven.

17 Circumstantial evidence, on the other hand, is
18 proof of a chain or series of facts and circumstances
19 indicating the existence of some fact. It is evidence
20 which immediately establishes collateral facts from
21 which the main fact may be inferred. Circumstantial
22 evidence is based on inference and not on personal
23 knowledge or observation. But the law makes
24 absolutely no distinction between the weight or value
25 to be given either direct or circumstantial evidence,

1 nor is a greater degree of certainty required of
2 circumstantial evidence than of direct evidence. You
3 should weigh all the evidence in the case, and after
4 weighing all the evidence, if you're not convinced of
5 the guilt of the defendant beyond a reasonable doubt,
6 you must find the defendant not guilty.

7 All right, Ladies and Gentlemen, that concludes
8 the reinstruction. I'm told that your lunch is
9 waiting in the jury room. You may continue to
10 deliberate while you are eating lunch, however you
11 want to proceed.

12 All right. Thank you very much, and now please
13 return to the jury room.

14 (Whereupon, the Jury exited the courtroom.)

15 BAILIFF: All clear in the courtroom, Your Honor.

16 THE COURT: Thank you very much. Stand at ease
17 until we hear from the Jury.

18 (Whereupon, a recess was held.)

19 (Whereupon, the following proceedings
20 were held in open court. The defendant was
21 present with his attorney, along with counsel
22 for the State.)

23 READING OF THE VERDICT

24 THE COURT: Bring the Jury, please.

25 (Whereupon, the Jury enters the courtroom.)

1 Mr. Foreman, the bailiffs inform the Court the
2 Jury has reached a verdict. Is that correct?

3 FOREPERSON: Yes, sir, Your Honor.

4 THE COURT: Will you hand the verdict to the
5 bailiff, please?

6 FOREPERSON: (Hands verdict to the bailiff.)

7 THE COURT: All right, Madam Clerk, will you
8 publish the verdict and read the caption first?

9 MADAM CLERK: The State of South Carolina, County
10 of Kershaw, Court of General Sessions, The State
11 versus Jonathan William Ray, Indictment Number 2018-
12 GS-28-1386, the verdict is guilty. Signed by the
13 foreperson of the Jury October the 3rd, 2019.

14 THE COURT: Any desire to poll the Jury?

15 MR. AIKEN: Yes, Your Honor, Defense requests
16 polling.

17 THE COURT: Please poll the Jury.

18 MADAM CLERK: I'm going to call your number.
19 Okay?

20 Juror Number 1?

21 JUROR NUMBER 1: Guilty.

22 MADAM CLERK: Juror Number 5?

23 JUROR NUMBER 5: Guilty.

24 THE COURT: Ask them the question.

25 MADAM CLERK: I'm sorry.

1 THE COURT: Let's start over.

2 MADAM CLERK: Juror Number 1, was this your
3 verdict and is this still your verdict?

4 JUROR NUMBER 1: Yes.

5 MADAM CLERK: Juror Number 5, is this your
6 verdict; is this still your verdict?

7 JUROR NUMBER 5: Yes.

8 MADAM CLERK: Juror Number 11, is this your
9 verdict; is this still -- I'm sorry, that's an
10 alternate.

11 Juror Number 22, is this your verdict; is this
12 still your verdict?

13 JUROR NUMBER 22: Yes.

14 MADAM CLERK: Juror Number 53, is this your
15 verdict; is this still your verdict?

16 JUROR NUMBER 53: Yes.

17 MADAM CLERK: Juror Number 76, is this your
18 verdict; is this still your verdict?

19 JUROR NUMBER 76: Yes.

20 MADAM CLERK: Juror Number 81, is this your
21 verdict; is this still your verdict?

22 JUROR NUMBER 81: Yes.

23 MADAM CLERK: Juror Number 82, is this your
24 verdict; is this still your verdict?

25 JUROR NUMBER 82: Yes.

1 MADAM CLERK: Juror Number 117, is this your
2 verdict; is this still your verdict?

3 JUROR NUMBER 117: Yes.

4 MADAM CLERK: Juror Number 123, is this your
5 verdict; is this still your verdict?

6 JUROR NUMBER 123: Yes.

7 MADAM CLERK: Juror Number 154, is this your
8 verdict; is this still your verdict?

9 JUROR NUMBER 154: Yes.

10 MADAM CLERK: Juror Number 168, is this your
11 verdict; is this still your verdict?

12 JUROR NUMBER 168: Yes.

13 MADAM CLERK: Juror Number 180, is this your
14 verdict; is this still your verdict?

15 JUROR NUMBER 180: Yes.

16 MADAM CLERK: Your Honor, the Jury has been
17 polled.

18 THE COURT: Thank you very much.

19 All right, Ladies and Gentlemen, that will
20 conclude your service, jury service, this week. I
21 know by the length of time that you deliberated and
22 questions you asked, the fact that you actually came
23 back and asked for additional -- listening to
24 additional testimony that you took your oath of office
25 very seriously and seriously considered this case.

1 The remainder of this case will consist of the
2 sentencing of the defendant.

3 Now this is not like Law and Order where
4 sometimes you get a conviction and they tell you that
5 the sentencing will be sometime in the future. We've
6 got so much work to do and cases backed up in this
7 District and in the State of South Carolina for that
8 matter that we're just not afforded that luxury. So
9 we have to go ahead and have a sentencing procedure
10 following the verdict.

11 Now you are welcome to stay for that. You are
12 also going to be released, and you certainly can
13 leave. Some jurors prefer to stay and watch the
14 sentencing proceeding sort of as a matter of closure.
15 Some do not.

16 So it's going to take a few minutes,
17 probably five to ten minutes to get the paperwork done
18 and I'll ask you to -- I'm going to release you now.

19 I'm going to thank you for your service. You
20 don't know how much it's appreciated by myself the
21 court staff and these attorneys. You're such an
22 important part of our whole system here in Kershaw
23 County and in the State of South Carolina and this
24 United States.

25 So I'm going to release you now. Those who

1 wish to stay may remain in the jury room and we'll
2 call you back out if you wish to stay and watch the
3 sentencing proceeding.

4 Otherwise, good luck to all of you. Thank you
5 very much for your service.

6 (Whereupon, the Jury is released from service.)

7 THE COURT: Any motions?

8 MR. AIKEN: Your Honor, at this time, we make a
9 motion for a new trial. With due respect, Your Honor,
10 we contend that you erred in denying the motion to
11 quash the indictment, that you erred in permitting
12 into evidence the prior convictions of the defendant,
13 and we contend that you erred in denying our directed
14 verdict motion.

15 THE COURT: All right, sir. What's the State's
16 position?

17 MR. PAULING: Your Honor, I believe you ruled
18 appropriately in all those matters. I'd also like to
19 note that as far as the defendant's prior record, that
20 was brought out in direct exam by defense counsel. It
21 was only mentioned in cross-examination because it had
22 been brought out on direct examinations.

23 But I believe the Court's previous rulings
24 were appropriate given the facts and circumstances,
25 and I believe that the Jury did fairly try this case

1 and reach a decision, Your Honor. So for those
2 reasons, I respectfully request that Defense Counsel's
3 motion be denied.

4 THE COURT: Okay. All right. As to all motions,
5 I respectfully deny your motion.

6 Let's get the paperwork done and we'll get to
7 sentencing unless there's some objection to moving
8 ahead with that?

9 MR. AIKEN: I have no objection to moving ahead
10 with sentencing, Your Honor.

11 MR. PAULING: And I don't either, Your Honor. We
12 are still trying to get ahold of the family. That's
13 the only --

14 THE COURT: Well, I'm going to take a few
15 minutes' break while you do the paperwork, ---

16 MR. PAULING: Yes, sir.

17 THE COURT: --- and if they're here, they're
18 here. If they're not, they're not.

19 MR. PAULING: Yes, sir.

20 THE COURT: Call me when the paperwork is ready,
21 please. I've got to make a phone call.

22 (The following proceedings were held in open
23 court. All parties were present, along with
24 their attorneys.)

25 SENTENCING HEARING

1 THE COURT: Is the State ready to proceed?

2 MR. PAULING: The State is ready to proceed.

3 THE COURT: Bring the Jury in, please.

4 (Whereupon, the Jury enters the courtroom.)

5 THE COURT: Solicitor, you may proceed.

6 MR. PAULING: Thank you, Your Honor, may it
7 please the Court.

8 Your Honor, I will not belabor the facts as
9 you've heard the testimony in this case these last few
10 days. Judge, I will tell the Court that prior to the
11 trial we did enter at least into discussions regarding
12 some sort of plea resolution on this case.

13 I will tell the Court that the State initially
14 had an offer that negotiated 12 to 15 years, Your
15 Honor. That was rejected. There was a counteroffer
16 regarding a assault and battery 2nd degree for a
17 negotiated time served sentence with no sex offender
18 registry.

19 After that, Defense Counsel and I spoke
20 about a recommendation, the State recommending that a
21 plea to the charge as charged recommendation for a
22 range of eight to ten years. Now Judge, that was --
23 in an effort to resolve it without the victim having
24 to testify and in essence relieve what happened back
25 in May of 2017, that plea offer was also rejected.

1 Judge, the sentence -- I mean it carries up to 20
2 years. State's recommendation is we're asking for not
3 less than 15. I know that the -- any defendant also
4 has the right to a trial and is not to be punished for
5 requesting a trial, but that's the State's
6 recommendation and request.

7 I have spoken with **Minor**, Arthur Mack,
8 and it's my understanding they do not wish to address
9 the Court. They were informed of the verdict.

10 As it relates to Mr. Ray's prior record,
11 Judge, dates back to 2014 of breach of peace; driving
12 under suspension 2nd, that's in 2016; public
13 disorderly conduct, in 2017; it looks like two counts
14 of auto-breaking and also in 2017, October 2017, for
15 which he received a probationary sentence and a DUS
16 3rd non-DUI related also from 2017. Those are the --
17 those are the only convictions I see on his rap sheet.

18 THE COURT: All right. Mr. Aiken.

19 MR. AIKEN: Your Honor, Mr. Ray has turned 25
20 this month. As the Solicitor related to you, he has a
21 minimal record. The main concern he has and what he's
22 always expressed to me about his concern should this
23 happen is for his two children. He has a three-year-
24 old daughter and two-year-old son, and he wants his
25 children to at least have some time with him when they

1 are young. And that's his main concern. And that
2 would be the reason why we would ask that you be as
3 lenient as you can.

4 As the Solicitor said, there shouldn't always be
5 a trial, and, you know, based upon the evidence
6 presented and the length of time the Jury considered
7 it, I think it was a case that probably needed to be
8 tried, and it was tried, and there was a reason for
9 it. It's not one of these cases where somebody was
10 just being a knucklehead and, you know, and insisting
11 on a trial.

12 Thank you, Your Honor, and Mr. Ray does not wish
13 to address the Court.

14 THE COURT: All right.

15 Mr. Ray, I've listened to all the elements
16 of this case, and the Jury has found you guilty of
17 criminal sexual conduct with a minor. The charge
18 carries a penalty of zero to 20 years. I understand
19 that you have young children, but you're going to have
20 time to be with them at some point.

21 I sentence the defendant to be committed to the
22 State Department of Corrections for a period of eight
23 years. There is going to be a sex offender registry
24 for the rest of your life.

25 Good luck to you, sir.

1 MR. PAULING: Thank you, Your Honor.

2 * * *

3 - - -END OF TRANSCRIPT- - -

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WITNESSES

(S) Steven J Knafelc
- Kershaw County Sheriff

DOCKET NO. 2018GS281386

The State of South Carolina

County of

Kershaw

AMENDED INDICTMENT

COURT OF GENERAL SESSIONS

SEPTEMBER TERM 2019
K26

ARREST WARRANT NUMBER

2018A2810200091

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury **SEP 18 2019**
Date:

VERDICT

Guilty

Foreperson of Petit Jury
Date: 10/3/2019

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

2019 SEP 18 PM 2:27

JANET C. HASTY
CLERK OF COURT
KERSHAW COUNTY, S.C.

Indictment for
SEX / CRIMINAL SEXUAL CONDUCT WITH
MINOR, OR ATTEMPT - VICTIM 11 TO 14
YRS OF AGE INCLUSIVE - SECOND

SC Code: 16-03-0655(B)(1)
CDR Code: 0396

STATE OF SOUTH CAROLINA)
COUNTY OF KERSHAW)

INDICTMENT

At a Court of General Sessions, convened on October 17, 2018, the
Grand Jurors of Kershaw County present upon their oath:

CRIMINAL SEXUAL CONDUCT WITH A MINOR
2ND DEGREE (AGE 11-14)

That Jonathan William Ray did in Kershaw County, State of South Carolina,
between May 9 and May 27, 2017, willfully, unlawfully and feloniously engage in
sexual battery with a minor who was at least fourteen (14) years or less but who was
at least eleven (11) years of age, to wit: **Minor**, whose date of birth
is **██████████**, by engaging in sexual intercourse with the victim, in violation of
Section 16-03-655(B) [formerly Section 16-3-655(2)], S. C. Code of Laws, 1976,
as amended.

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



BYRON E. GIPSON, SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

317

COUNTY OF Kershaw
 STATE VS.
Jonathan William Ray
 AKA: _____
 Race: WHITE Sex: M Age: 24
 DOB: [REDACTED] SS#: [REDACTED]
 Address: [REDACTED] Mount Hebron Rd
 City, State, Zip: Cassatt, SC 29032-9617
 DL#: [REDACTED] SID#: [REDACTED]

INDICTMENT/CASE#: 2018GS281386
 A/W#: 2018A2810200091
 Date of Offense: 5/27/2017
 S.C. Code § : 16-03-0655(B)(1)
 CDR Code #: 0396

SENTENCE SHEET

D-20 yrs.

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

☒ CONVICTED OF or ☐ PLEADS

TO: Sex / Criminal sexual conduct with minor, or Attempt - victim 11 to 14 yrs of age inclusive - Second

in violation of § 16-03-0655(B)(1) of the S.C. Code of Laws, bearing CDR Code # 0396
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45
 (CSC w/minor 1st or CSC w/minor 3rd)

The charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)

The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST: [Signature] 68671 [Signature] 12983
 Solicitor SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
 for a determinate term of 8 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
 and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
 of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on:

☐ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the SCDOC.

☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

☐ Set by SCDPPPS _____

Recipient: _____

*Fine:	\$
§ 14-1-206 (Assessments 107.5 %)	\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100
§ 14-1-211(A)(2) (DUI Surcharge)	\$100
§ 56-5-2995 (DUI Assessment)	\$12
§ 56-1-286 (DUI Breath Test)	\$25
Proviso (Public Def/Probation)	\$500
§ 14-1-212 (Law Enforce. Funding)	\$25
§ 14-1-213 (Drug Court Surcharge)	\$150
§ 50-21-114 (BUI Breath Test Fee)	\$50
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea
3% to County (if paid in installments)	\$ 3.75

TOTAL \$ 128.75

Clerk of Court/ Deputy Clerk [Signature]

Court Reporter: Kimberly Williams

SCCA/217 (04/2018)

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐

Random Drug/Alcohol testing ☐

Fine may be pd. in equal, consecutive weekly/monthly

pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: Sex Offender Registry

☐ Appointed PD or appointed other counsel,
 Proviso requires \$500 be paid to Clerk
 during probation and shall be collected before
 any other fees.

Presiding Judge [Signature]

Judge Code: 2126

Sentence Date: 10-3-2019

CERTIFICATE OF COUNSEL FOR APPELLANT

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

Respectfully Submitted,

s/Susan B. Hackett

Susan B. Hackett

Appellate Defender

South Carolina Commission on Indigent Defense

Division of Appellate Defense

PO Box 11589

Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

RECEIVED

Feb 18 2021

SC Court of Appeals

This 18th day of February, 2021.