

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Greenville County

Honorable Alex Kinlaw, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

MICHAEL SULLIVAN,

APPELLANT.

APPELLATE CASE NO. 2019-000084

RECORD ON APPEAL

RECEIVED

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SC Court of Appeals

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P R O C E E D I N G S

1
2 THE COURT: We're going to go on the record in the
3 case of State v. Michael Sullivan. And this is indictment
4 2018-GS-23-4165 and 4166.

5 The Defendant is present. The Counsel for the
6 Defendant, Mr. Mussetto, is, also, present. And the State
7 is, also, present.

8 And this is Ms. Elizabeth Major?

9 MS. MAJOR: Yes, Your Honor.

10 THE COURT: And she is present.

11 It's my understanding, Counsel, that we're going to
12 proceed with a Jackson v. Denno hearing; is that correct?

13 MR. MUSSETTO: That's correct, Your Honor.

14 THE COURT: Are both sides ready to proceed?

15 MS. MAJOR: Yes, Your Honor.

16 THE COURT: Okay. Do you want to call your witness?

17 MS. MAJOR: Your Honor, the State would call
18 Investigator Cheri Lyda.

19 THE COURT: All right. Ms. Lyda, if you would --

20 THE CLERK: Ma'am, if you'll, please, come forward.

21 Please place your left hand on the Bible and raise
22 your right hand.

23 WHEREUPON,

24 CHERI LYDA,

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

1 THE CLERK: Thank you.

2 Please be seated.

3 And, please, state your name for the record.

4 THE WITNESS: Cheri Lyda.

5 THE CLERK: Thank you.

6 DIRECT EXAMINATION

7 BY MS. MAJOR:

8 Q Investigator, are you employed with the Greenville
9 County Sheriff's Office?

10 A Yes, ma'am.

11 Q And in what capacity?

12 A I'm an investigator in crimes against children.

13 Q Okay. Did you investigate the case that we're here
14 for today?

15 A Yes, ma'am.

16 Q Did you interview the Defendant?

17 A Yes.

18 Q How did you set up the interview?

19 A By telephone.

20 Q And what day did you speak with him on the phone?

21 A I spoke with him on the 17th. And we scheduled it
22 for the 20th.

23 Q Did you tell him that -- did you inform him why you
24 wanted to speak with him?

25 A Yes.

1 Q Did you tell him that he had to come in and speak
2 with you?

3 A No. I just asked to schedule an appointment to meet
4 with him.

5 Q To talk about what?

6 A The investigation.

7 Q All right. Did he willingly come in?

8 A Yes.

9 Q And what day did he come in?

10 A On the 20th.

11 Q All right.

12 A February 20th.

13 Q Where did the interview take place?

14 A At my office in the interview room.

15 Q Was it recorded?

16 A Audio and video.

17 Q Okay. Who was present?

18 A Myself and the Defendant.

19 Q All right. Was the Defendant under arrest when he
20 came in for the interview?

21 A No.

22 Q Okay. Was he free to leave?

23 A Yes.

24 Q Did you inform the Defendant of his rights?

25 A Yes.

1 Q And how did you do that?

2 A With the Miranda rights form.

3 Q And did you review the form with him?

4 A Yes.

5 Q Okay. What is the Miranda rights form?

6 A I just read him his rights as -- as far as being in
7 the interview. After I read him his rights, I asked him
8 if he understood everything that I read to him to initial
9 each line.

10 I asked him if he could read and write. He stated,
11 Yes. I asked him if he would read one of the paragraphs
12 to me at the bottom. And then he signed the form. And
13 then I witnessed the form and signed it, also.

14 MS. MAJOR: Can I mark it as a Court's Exhibit?

15 THE COURT REPORTER: You want to mark it as a Court's
16 Exhibit?

17 MS. MAJOR: Yes.

18 (WHEREUPON, Court's Exhibit No. 1 was marked for
19 identification only.)

20 BY MS. MAJOR:

21 Q Investigator, I'm going to show you what's been
22 marked as Court's Exhibit No. 1. Do you recognize that?

23 A Yes.

24 Q And what is that?

25 A That's the Miranda rights.

1 Q Has it been altered in any way?

2 A No, ma'am.

3 Q Okay. Please read out that top line.

4 A Where it states, Your rights?

5 Q Yes -- I'm sorry. That top portion.

6 A Okay. It says, Before we ask you any questions, you
7 must understand your rights. That's initialled by the
8 Defendant. You have the right to remain silent. That's,
9 also, initialled. Anything you say can be used against
10 you in court, initialled. You have the right to talk with
11 an attorney for advice before you -- before we ask you any
12 questions and to have him with you during questioning.
13 That's, also, initialled. If you have no money to pay for
14 a lawyer's fee, the Court will appoint one to represent
15 you without cost, if you wish. That's initialled.

16 If you describe -- I'm sorry. If you decide to
17 answer questions now without a lawyer present, you will
18 still have the right to stop answering at any time. You,
19 also, have the right to stop answering at any time until
20 you have -- until you talk with a lawyer. Those are all
21 initialed that he understood.

22 Q All right. And then under the waiver of rights,
23 please, read that out.

24 A It says, I have -- I have read the statement of my
25 rights. And I understand what my rights are. I am

1 willing to make a statement and answer questions. I do
2 not want a lawyer at this time. I understand and know
3 what I am doing. No promises or threats have been made to
4 me. And no pressure to -- or coercion of any kind has
5 been used against me. That's initialled. The word
6 "coercion" was explained to me, and I understand. That's
7 initialled.

8 Q Okay. When you were going over this with him and he
9 was initialing, did he indicate to you that he understood
10 his rights?

11 A Yes, ma'am.

12 Q Did he -- did the Defendant appear to be under the
13 influence of any drugs or alcohol?

14 A No, ma'am.

15 Q Was the Defendant handcuffed when you took his
16 statement?

17 A No, ma'am.

18 Q Did you promise him anything in exchange for his
19 statement?

20 A No, ma'am.

21 Q Did you threaten him in exchange for his statement?

22 A No, ma'am.

23 Q And, to the best of your knowledge, was the
24 Defendant's statement given freely and voluntarily?

25 A Yes, ma'am.

1 Q Did the Defendant leave after speaking with you?

2 A Yes, ma'am.

3 Q Okay. And approximately how long did the interview
4 last?

5 A Between probably 30 to 40 minutes.

6 MS. MAJOR: Okay. Please answer any questions the
7 Defense has.

8 THE COURT: Cross-examination;

9 CROSS-EXAMINATION

10 BY MR. MUSSETTO:

11 Q Ms. Lyda, good morning.

12 A Good morning.

13 Q Do you recall the date that you first called my
14 client on the phone?

15 A I know it was the 17th, February 17th.

16 Q Okay. And did he pick up the phone the first time
17 that you called?

18 A I -- I don't recall if he did.

19 Q Okay. And then you asked that he come in to talk
20 with you about the allegations. When was -- how many days
21 later did he come in?

22 A I believe the -- I -- without looking at my report, I
23 believe the 17th falls on a Friday. And we met on a
24 Monday.

25 Q And did you tell him either on the phone or when he

1 came in that he was not under arrest, and that he was free
2 to leave at any time?

3 A Yes.

4 Q So you both told him that on the phone and then when
5 he came in that day?

6 A I don't -- I don't believe I told him on the phone.
7 I -- I just asked -- told him I wanted to meet with him
8 regarding the investigation.

9 Q Okay. And he went over that Miranda rights form with
10 you?

11 A Yes.

12 Q Did you ask him if he knew how to read and write?

13 A Yes, sir.

14 Q And he signed and, also, witnessed that form?

15 A I'm sorry.

16 Q He signed it -- he signed that form?

17 A Yes, sir.

18 Q And you were the witness of that form?

19 A Yes, sir.

20 Q Did he -- did you tell him at the interrogation that
21 you would be seeking a warrant for his arrest?

22 A Yes.

23 Q And that -- did he leave the investigation at that
24 time?

25 A Yes.

1 Q How much longer after the investigation -- or the
2 interrogation was he arrested?

3 A I -- I would have to look at -- at my file.

4 Q Do you think it was that day? Next day?

5 A I honestly -- I can't say if I got warrants that day,
6 but I'm sure it was shortly after.

7 MR. MUSSETTO: No further questions.

8 THE COURT: All right. Anything on redirect?

9 MS. MAJOR: No, Your Honor.

10 THE COURT: All right. And I have no questions.

11 You can step down.

12 Anything else from the State?

13 MS. MAJOR: No, Your Honor.

14 I'd just argue that this statement -- that he -- he
15 was not -- it was not a custodial interrogation because he
16 was not under arrest or in custody. And even if it were,
17 the statement was freely and voluntarily given.

18 THE COURT: All right. Mr. Mussetto.

19 MR. MUSSETTO: Your Honor, I think this is a clear
20 case where my client was not in any sort of custody or
21 detention. So I'm not going to be making a motion.

22 THE COURT: All right. After hearing the testimony
23 presented, I find that the statement was freely and
24 voluntarily given. And I will go ahead and admit the
25 same.

1 All right. I think that was marked --

2 Madam Court Reporter, what was that marked? State's
3 Exhibit No. 1?

4 THE COURT REPORTER: Court's Exhibit No. 1.

5 THE COURT: Court's Exhibit No. 1?

6 THE COURT REPORTER: Yes, sir.

7 THE COURT: All right. Anything else before we bring
8 the panel in?

9 MS. MAJOR: No, Your Honor.

10 After just interacting, I realize I have some
11 pictures. If I -- if you'd like me to go ahead and get
12 those pre-marked so that --

13 THE COURT: All right. Any objection to that,
14 Mr. Mussetto?

15 MR. MUSSETTO: No objection.

16 THE COURT: All right. I think that'll move things
17 along. Let's go ahead and do that.

18 (WHEREUPON, State's Exhibit Nos. 1, 2, 3, 4, 5, 6, 7,
19 and 8 were marked for identification only.)

20 THE COURT: All right. Anything else before we bring
21 the panel in?

22 MS. MAJOR: Nothing from the State, Your Honor.

23 THE COURT: Anything?

24 MR. MUSSETTO: Nothing from the Defense.

25 THE CLERK: May I call for the panel?

1 She is eight years old now. But she was six years old
2 when she told what this Defendant had done to her.

3 The Defendant is her step-grandfather. And although
4 he's technically her step-grandfather, he was more like
5 a -- any biological grandfather. He had been in her life
6 since she was born. And he had been married to her
7 grandmother for a very long time.

8 As the Judge told you, the Defendant has been charged
9 with two counts of criminal sexual conduct with a minor.
10 And it's third degree. And it is my job to prove to you
11 that he is guilty of those two counts beyond a reasonable
12 doubt. So the Judge will tell you -- at the end, he will
13 charge you on the law and tell you what the elements of
14 the offense are. But I'd like to briefly go over that.

15 So criminal sexual conduct with a minor in the third
16 degree, I've got to prove to you that the Defendant
17 committed a lewd act on the child, who was under 16 years
18 old. So what is a lewd act? A lewd act is any touching,
19 rubbing, any act done on the child or with the child's
20 body with the intent of arousing either the child or
21 himself.

22 So now that you know what this case is about and what
23 we are required and intend to prove, let me briefly
24 outline what you'll hear in this case and how we intend to
25 prove this case. You will hear from several witnesses.

1 You will hear from Shannon Richards. Shannon Richards has
2 a daughter, L.R. [REDACTED]. L.R. [REDACTED] and [REDACTED] were friends and still
3 are friends. And Shannon Richards is the adult that [REDACTED]
4 first told what happened to.

5 You will hear from Pat Sullivan, who was married to
6 the Defendant. Pat Sullivan is [REDACTED]'s grandmother. You
7 will hear from Tameka Williams, who is [REDACTED]'s mother and
8 Pat's daughter. You will hear from two members of law
9 enforcement. You'll hear from Deputy Pelicano, who first
10 responded when the family called police. You will hear
11 from Investigator Cheri Lyda with the Greenville Sheriff's
12 Department. And she conducted the follow-up
13 investigation.

14 You will see what we call a forensic interview. And
15 that is an interview with [REDACTED] and somebody from the Julie
16 Valentine Center shortly after she disclosed what happened
17 when she was six years old.

18 You will, also, hear from -- from [REDACTED]. And she's
19 eight years old now. And she will tell you what her
20 grandfather did to her when no one else was around.

21 Ladies and gentlemen, please keep in mind that these
22 types of crime and this particular crime, it is a --
23 it's -- it's a secret, crime of secret. It is a secret
24 crime. Nobody commits this crime out in the open. It
25 happens behind closed doors. So we don't have a roadside

1 video like we would in a DUI case, or fingerprints as we
2 would in a burglary case. It happens behind closed doors.
3 It is a crime of opportunity and manipulation by an adult
4 against a young, vulnerable, and impressionable child.

5 So the standard is beyond a reasonable doubt. Now,
6 that is not beyond all doubt. That is not beyond any
7 doubt, beyond a shadow of a doubt. It's beyond a
8 reasonable doubt. You must be firmly convinced of the
9 Defendant's guilt. You have brought the best tool with
10 you when you walked into the courtroom, and that is your
11 common sense.

12 I will keep this trial moving as expeditious -- as
13 expeditiously as possible and give you what you need to
14 convict this Defendant. And at the end, I will ask you to
15 return a verdict of guilty.

16 THE COURT: Thank you, ma'am.

17 MS. MAJOR: Thank you.

18 THE COURT: Mr. Mussetto.

19 MR. MUSSETTO: Thank you, Your Honor.

20 May it please the Court.

21 THE COURT: Yes, sir.

22 MR. MUSSETTO: Your Honor, Madam Prosecutor.

23 Ladies and gentlemen of the jury, Mr. Foreman, my
24 name is John Mussetto. And, as I stated earlier, I'm a
25 criminal defense lawyer in Greenville. I have a small

1. office over on Pettigru Street. And I've been practicing
2 law now for approximately 10 years. I have the
3 opportunity to represent Mr. Sullivan here today in,
4 obviously, what are very serious charges.

5 Ladies and gentlemen of the jury, a story sometimes
6 is told incorrectly. Some peoples perceptions are
7 sometimes incorrect. And last night as I was preparing
8 for this case, I was reminded of a neighbor that I had who
9 told me a story a couple weeks back as I was walking my
10 dog with my wife. I live of Pelham Road. The
11 neighborhood is -- the neighbor that I was speaking to has
12 a house that abuts Pelham Road.

13 And he told me that every Sunday morning, a bag of
14 trash was left in his yard religiously around -- between
15 8:00 to 10:00 in the morning. He said this went on for
16 weeks. He said, Why, John, would a person be leaving a
17 random bag of trash in my yard?

18 And I said, That's odd.

19 He said, I'm going to start doing surveillance. I'm
20 going to call the police to find out who is leaving this
21 litter in my yard. He assumed just someone was driving
22 down Pelham Road dumping a bag of trash in his yard.

23 Last night, I was walking with my wife and I went up
24 to the same neighbor. He was working outside. And I
25 said, Hey, what's the status of you finding that

1 individual that's been dumping this trash in your yard?

2 He said, John, you'll never believe it. He said,
3 Last Sunday morning, I was out looking for the individual.
4 And I saw this 85-year-old man slowly walking up Pelham
5 Road with a bag of trash in his hand. What I didn't know
6 was that every Sunday morning, he goes out and he
7 voluntarily picks up garbage that's left on the side of
8 the road to help clean up the road.

9 He said, By the time that he gets to my property,
10 he's too frail, he's too tired to walk the bag of garbage
11 back. So he was leaving it in my yard in hopes that I
12 would dispose of it. His perception, originally, was
13 wrong. His story was wrong.

14 And your -- and, ladies and gentlemen, I'd like for
15 you to sit here today and understand that, sometimes,
16 peoples stories are wrong. Sometimes, peoples perceptions
17 are wrong.

18 Now, the State has the burden of proof in this case.
19 And what does that mean? As Your Honor told the jury,
20 there are certain elements that each crime has. If the
21 State does not beyond a reasonable doubt prove that every
22 single one of those evidence -- every single one of those
23 elements, then it's your job, as a jury, to return a not
24 guilty verdict. You'll hear from the State's witnesses
25 today. I'll have a chance to cross-examine them.

1 As Your Honor, also, told the jury that my client
2 does not have the responsibility to testify here today.
3 He can absolutely remain one hundred percent silent from
4 the very beginning of this case to the very end of this
5 case.

6 However, Mr. Sullivan wants to tell his story. He
7 wants to get on the stand, and talk to you, and tell you
8 his version. He's 53 years old. He was born and raised
9 in the upstate. He's worked in the upstate all of his
10 life.

11 This case is going to come down to credibility. Do
12 you believe my client? Do you believe the State's
13 witnesses? Do you believe the victim?

14 And, obviously, this is a difficult case. Of all the
15 cases that I prosecute [sic], whenever there's an
16 allegation by a child of sexual molestation, it is a
17 difficult case all around. And I would like to ask every
18 one of you to, please, give us your utmost attention. My
19 client would appreciate it. The State would appreciate.
20 The Judge would appreciate it. I would, obviously,
21 appreciate it as well.

22 And at the end of this case, I will be asking -- I
23 will be standing before you and asking that you all return
24 a not guilty verdict on behalf of my client.

25 Thank you.

1 THE COURT: All right. Is the State ready to
2 proceed?

3 MS. MAJOR: Yes, Your Honor.

4 THE COURT: Call your first witness.

5 MS. MAJOR: The State calls Shannon Richards.

6 THE CLERK: Ms. Richards, please, come forward.

7 If you'll, please, pause at the end of the bench.

8 Place your left hand on the Bible and raise your
9 right hand.

10 WHEREUPON,

11 SHANNON NICOLE RICHARDS,

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

13 THE CLERK: Thank you.

14 Please be seated.

15 Would you, please, state your name for the record?

16 THE WITNESS: Shannon Nicole Richards.

17 THE CLERK: Thank you.

18 DIRECT EXAMINATION

19 BY MS. MAJOR:

20 Q Good morning, Ms. Richards.

21 A Good morning.

22 Q Where are you employed?

23 A TD Bank.

24 Q And do you live in Greenville?

25 A Greer, South Carolina.

1 Q Okay. Have you lived here for a while?

2 A All my life.

3 Q Do you have any children?

4 A I do. I have a daughter that's eight.

5 Q And what is her name?

6 A L.R. [REDACTED].

7 Q Do you know MINOR [REDACTED]?

8 A I do.

9 Q And what do you know her as?

10 A She's my daughter's best friend.

11 Q Okay. Does she go by another name?

12 A MINOR [REDACTED].

13 Q What is her mother -- what is MINOR [REDACTED]'s mother's name?

14 A Tameka.

15 Q All right. And how do you know Tameka and MINOR [REDACTED]?

16 A L.R. [REDACTED] and MINOR [REDACTED] went to the same elementary school

17 together.

18 Q Is that where they first met?

19 A Yes.

20 Q Are you close with Tameka Williams and MINOR [REDACTED]?

21 A Yes.

22 Q Okay. What kind of things would y'all do together?

23 Would -- would MINOR [REDACTED] come over to your house?

24 A Yes. She would spend the night. MINOR [REDACTED] would come spend

25 the night with L.R. [REDACTED]. And L.R. [REDACTED] would go spend the

1 night with [REDACTED]. I would take them on outings. I mean,
2 they -- you know, they was best friends. So they were
3 together a lot.

4 Q Okay. And so were you around [REDACTED] a lot?

5 A Oh, yeah.

6 Q What -- what is [REDACTED] like as a child?

7 A She's sweet. She's a sweet -- she's funny. She
8 likes to dance. She likes to be a little girl, you know.
9 So her and my daughter are just alike. She's a -- she's a
10 good kid.

11 Q Did [REDACTED] disclose sexual abuse to you?

12 A She did.

13 Q All right. When did this happen?

14 A In January around -- they was out of school for
15 Martin Luther King holiday. And so [REDACTED] had spent the
16 day -- she spent the night at my house.

17 Q All right. What year was this?

18 A 2017.

19 Q Okay. How did this come about?

20 A I was ironing clothes. And [REDACTED] and [REDACTED] were laying
21 on the floor in front of me -- were sitting on the floor
22 in front of me. And we were just having casual
23 conversations. And I -- we was talking about
24 grandparents. And I was talking about, you know, do you
25 like going over to you grandparents house, you know,

1 just -- just general conversation. And ^{MINOR} said she didn't
2 like going to her grandparents house. And I said, Well,
3 why not? And she kind of froze up.

4 Q What was her demeanor like?

5 A She -- I mean, you know, we was -- you know, at
6 first, she was happy. And then when I asked that, it was
7 like her -- she got, like, in a stance of just quietness,
8 you know. And I was like, Well, why not? And she --

9 Q What -- excuse me for interrupting. What made you
10 ask her about that statement?

11 A Because for a kid to say they don't like going -- I
12 mean, your grandparents is next close to you I would think
13 as -- you know, from your parents. So, you know, when you
14 have a kid to say I don't like going -- and I -- you know,
15 I know she's over there a lot.

16 So for her to ask -- ask -- just ask a parent -- I
17 just -- you know, asked, you know why you don't like
18 going. And she got quiet. And she looked at my daughter.
19 And my daughter said, you know, Don't look at me. Tell
20 her, you know.

21 And I was, like, you know, What's wrong?

22 So for the longest time, she still wouldn't say
23 anything. And --

24 Q And what was her demeanor like at this point?

25 A I -- it seemed like she was trying -- you know,

1 trying -- she was scared. I mean, I could tell she was
2 scared. Because, you know, she could tell I was not
3 letting off of asking her those questions, you know --
4 any -- I wasn't so, you know. And I could tell even in my
5 daughter something -- you know, something wasn't right.

6 So I -- I said, you know, What's -- what's going on?
7 And she said, My -- she said, My papa.

8 And I said, Well, what about your papa? You know --
9 and, you know, she still said -- I'm like, you know, MINOR
10 you're going to have to talk, you know. You -- you know,
11 What's going on?

12 And she said, My papa does the N.

13 And I said, Well, what's the N, you know?

14 And she said, You -- you know.

15 I said, No, I don't know, you know. You need to tell
16 me. Now, what are you talking about?

17 And she said, He does the nasty.

18 And immediately, I think my whole demeanor just
19 changed. I said, Well, what do you mean by "the nasty"?
20 And she started crying. And I said, You're not going to
21 get in trouble, you know. You -- you need to tell me
22 what's going.

23 And she was like, I don't want to get in trouble. I
24 don't want to get in trouble. She said -- you know.

25 And I said, Well, you've got to tell me, you know.

1 And she said that she -- her grandma would go to
2 bingo. Her mother worked at BMW third shift. And she
3 would be left there with him.

4 Q Did she say where it happened?

5 A In the living room. She told me in the living room.
6 And she said that she would wear gown -- gowns. She would
7 have a gown on. And he would have her to sit on top of
8 him. And I said, Well, what do you mean? You know, I
9 need details.

10 And she said she would -- she would -- he -- she
11 would be facing out to the door and her back is to him.

12 And I said, Well, what else would go on?

13 And she said he would make her put her hands down his
14 pants. And he would put his hands down her private area.

15 And I said, Okay. And I said --

16 MR. MUSSETTO: Judge, I'm going to object on the
17 grounds of hearsay. All of the testimony that's being
18 told goes directly to the truth of the matter asserted in
19 this case. I mean, she's repeating what her recollections
20 are verbatim as to what this child has disclosed to her.
21 And that's hearsay, Your Honor.

22 THE COURT: Take the jury out for just a second.

23 Please don't discuss the case with each other.

24 (WHEREUPON, the jury was excused from open court at
25 approximately 11:35 a.m.)

1 THE COURT: All right. Do you want to respond?

2 MS. MAJOR: Yes, Your Honor.

3 Under -- I don't have the rule in front of me. But
4 under one of the hearsay rules --

5 THE COURT: Exceptions?

6 MS. MAJOR: Yes. One of the exceptions under the
7 definition of hearsay, I believe it's eight -- I'll find
8 the rule. But it allows a witness to testify as to time
9 and place of sexual abuse allegations.

10 And I believe that her testimony is -- is laying the
11 foundation that this was sexual abuse that was disclosed.
12 But -- but that is -- I can move on because -- it is
13 801(d) (1) (D).

14 THE COURT: All right. For the record, A statement
15 which is not hearsay -- a statement is not hearsay as
16 it -- as it relates to this case, you're talking about
17 801(d). It's consistent with the declarant's testimony in
18 a criminal sexual conduct case or attempted criminal
19 sexual conduct case where the declarant is the alleged
20 victim and the statement is limited to time and place of
21 the incident.

22 Is that what you're --

23 MS. MAJOR: Yes, Your Honor.

24 And I'm laying the foundation that sexual abuse was
25 disclosed and that it will be consistent with the victim's

1 testimony. But I think we've laid that foundation. And
2 I'm prepared to move on from the question.

3 THE COURT: Well, I'm going to -- and -- and that's
4 fine. And I'm going to just overrule his objection on the
5 record. Then we'll just move on.

6 MS. MAJOR: Okay.

7 THE COURT: All right. Bring the jury back.

8 (WHEREUPON, the jury came into open court at
9 approximately 11:38 a.m.)

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

11 The objection's overruled.

12 Yes, ma'am.

13 CONTINUED DIRECT EXAMINATION

14 BY MS. MAJOR:

15 Q Ms. Richards, after -- what -- what was [REDACTED]'s demeanor
16 like after she told you what she told you?

17 A She was crying because she was still scared. And I
18 said, Well, I'm going to tell your mother.

19 And she said, No, no, no. She said, Because I said I
20 wouldn't say anything.

21 And I said, Well, I have a daughter. And if this
22 happened to her, I would want to know. I said, So I'm
23 telling your mother.

24 Q And what did you do after that?

25 A I called Tameka.

1 Q Okay. Did you tell Tameka the gist of what [REDACTED] had
2 told you?

3 A I did.

4 Q What was Tameka's reaction?

5 A I heard her scream. And I heard her drop the phone.
6 And -- and [REDACTED] was in front of me just crying hysterically.
7 And so I'm trying to calm her. And I'm trying to,
8 you know, talk to Tameka. And by that time, Tameka picked
9 back up the phone. She said, What do you -- what did you
10 say? She was like, you know -- she was like bring --
11 bring her here to me, you know. I need to see her.

12 And I was like -- I said, Okay, you know, I will.

13 So by that time, Tameka -- I just kept on hearing her
14 scream. I mean, she lost it. And her mom got on the
15 phone. And she said, Can you, please, tell me what's
16 going on? Where's [REDACTED]

17 And I told her just a little bit. And I said, you
18 know, [REDACTED] is right here.

19 So I put her on the phone. So [REDACTED] got on the phone.
20 And you really couldn't understand -- I -- I can't
21 understand -- I don't know what her mom was saying to [REDACTED].
22 But [REDACTED] was just, you know, crying. And I -- you know, by
23 the time I got the phone back and I said, You know, I'll
24 just bring her to Tameka. And so we proceeded.

25 But before I left, I did explain to [REDACTED] that that is

1 not acceptable if anyone does that to you. They're
2 don't [sic] supposed to do that, you know. That's not
3 what's supposed to go on. And she was just saying, I
4 didn't never supposed to say anything. I didn't never --
5 so I think she was just pretty much scared, I mean, so.

6 Q Did you -- did you take [REDACTED] over to her mother's house
7 at that point?

8 A I did.

9 Q Okay. And who was there when you got there?

10 A Tameka was there. Tameka and her son was there.

11 Q Okay. How old was her son at the time?

12 A He was a baby. He was a baby.

13 Q A little baby?

14 A Yeah, yeah. He was a baby.

15 Q Okay. When you saw Tameka, what was her demeanor?
16 What was her reaction?

17 A I mean, she was mad. She was like, [REDACTED] what's going
18 on? Tell -- tell me everything you told Shannon.

19 Q And what was [REDACTED]'s reaction?

20 A She was still -- she -- she had calmed down a little
21 bit. But she was still scared. She was still scared. I
22 think she was more scared she was going to get in trouble.
23 And I was like, [REDACTED] you know, you need to talk to your
24 mom. You need to tell your mom everything you told me.

25 So her mom made her demonstrate, you know, her -- how

1 she had to sit on him. And [REDACTED] was saying that he would
2 make her lay on the floor on her stomach --

3 Q We'll -- we'll wait for hearsay purposes.

4 A Okay.

5 Q What -- what was -- was Tameka, I mean, a little bit
6 mad? I mean, on a scale of --

7 A No. She was --

8 Q -- one to 10, how mad was she?

9 A She was 10.

10 Q Okay.

11 A She was 10.

12 Q Okay. How long were you over there? Do -- do you
13 know how long you were over there?

14 A Probably about 10 or 15 minutes.

15 Q Okay. Was your daughter with you?

16 A Yes.

17 Q Okay. And what did you do after that?

18 A Tameka said that she was going to call him, and she
19 was going to take [REDACTED] to the hospital. So I told [REDACTED] -- I'm
20 sorry. I told Tameka that I would take her son with me so
21 she wouldn't have to worry about him.

22 So I got her son. And me, my son -- me, and her son,
23 and my daughter left.

24 Q Okay. At the time [REDACTED] told you what happened, did you
25 know the Defendant?

1 A No. I had never seen him a day in my life.

2 Q Okay. Do you know Pat Sullivan, Tameka's mother,
3 ■■■'s grandmother?

4 A I -- I know of her.

5 Q Okay. Are you close with her?

6 A No.

7 Q Okay. Prior to this, did you have -- do you have
8 anything -- did you have anything against the Defendant?

9 A I don't even know him.

10 Q Okay. Are you still close with ■■■ and Tameka?

11 A Uh-huh.

12 MS. MAJOR: All right. Please answer any questions
13 the Defense has.

14 THE COURT: Cross-examination, Mr. Mussetto.

15 MR. MUSSETTO: No questions, Ms. Richards.

16 THE WITNESS: Okay.

17 THE COURT: All right. And I have -- well, anything
18 on --

19 MS. MAJOR: Nothing --

20 THE COURT: You can step down.

21 Thank you, ma'am.

22 THE WITNESS: Thank you.

23 MS. MAJOR: Your Honor, may she be excused from her
24 subpoena?

25 THE COURT: All right. Any objection?

1 MR. MUSSETTO: No objection.

2 THE COURT: Okay. Without objection.

3 MS. MAJOR: Your Honor, the State next calls Pat
4 Sullivan.

5 THE CLERK: Ma'am, please, come forward.

6 If you'd, please, stop at the end of the bench.

7 Place your left hand on the Bible and raise your
8 right hand.

9 WHEREUPON,

10 VIVIAN PATRICIA SULLIVAN,

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

12 THE CLERK: Thank you.

13 Please be seated.

14 And, Ms. Sullivan, please state your name for the
15 record.

16 THE WITNESS: Vivian Sullivan.

17 THE CLERK: Thank you.

18 DIRECT EXAMINATION

19 BY MS. MAJOR:

20 Q Ms. Sullivan, what name do you go by?

21 A Pat.

22 Q All right. Do you live in Greenville?

23 A Yes, ma'am.

24 Q How long have you lived in Greenville?

25 A All my life.

- 1 Q Where do you work?
- 2 A At the post office.
- 3 Q And how long have you worked there?
- 4 A 29 years.
- 5 Q Do you know the Defendant?
- 6 A Yes.
- 7 Q How do you know him?
- 8 A My husband.
- 9 Q And, just for the record, do you see him in the
10 courtroom today?
- 11 A Yes.
- 12 Q And do you see him sitting at defense counsel --
- 13 A Yes.
- 14 Q And what -- what color shirt does he have on?
- 15 A Which one?
- 16 Q The Defendant. What color of shirt does the
17 Defendant have on, just for the record?
- 18 A Burgundy.
- 19 Q All right. Where did you first meet him?
- 20 A In Greenville.
- 21 Q All right. When did you first meet him?
- 22 A I guess about maybe 12 years ago. I knew him from --
23 from his sister. But I didn't know him personally until
24 he moved here.
- 25 Q When did y'all get married?

1 A In 2008, September the 14th.

2 Q Okay. And where did y'all live?

3 A The first time -- well, when he first moved here, we
4 were staying in Greer.

5 Q Okay. In 2015, and '16, and '17, where were y'all
6 living?

7 A On [REDACTED].

8 Q And is that in Greenville County?

9 A Yes, ma'am.

10 Q Okay. How was your relationship with the Defendant?

11 A Not bad.

12 Q What do you mean by that?

13 A We had our problems like married people do, but not
14 bad.

15 Q Okay. Were -- before this, were you contemplating
16 divorce?

17 A No.

18 Q Okay. How many children do you have?

19 A Together?

20 Q No.

21 A Oh, I have four.

22 Q Four children. Are any of them with the Defendant?

23 A No.

24 Q All right. What are your childrens names?

25 A Tameka Williams, Shericka McNatt [phonetic], Janie

1 Williams, and Brandon Williams.

2 Q All right. Who is the oldest?

3 A Tameka.

4 Q Okay. How did your children get along with the
5 Defendant?

6 A Okay.

7 Q Did they ever fight with him constantly?

8 A Not fight. But they had their disagreements.

9 Q Okay. Would they -- would they be around the
10 Defendant?

11 A Oh, yeah.

12 Q Okay. What would they disagree over?

13 A I guess if it was something pertaining to me, you
14 know, if we was having a problem about something. But
15 nothing really personal with them.

16 Q Okay. Do you have any grandchildren?

17 A Yes, five.

18 Q Okay. In 2017 -- or 2000 -- who was your first
19 grandchild?

20 A **MINOR**. We call her "**MINOR**."

21 Q Okay. And she -- when was she born?

22 A **[REDACTED]**.

23 Q Okay. And she was your only grandchild at that time?

24 A Yes, ma'am.

25 Q Okay. When -- how old are your other grandchildren?

1 A KJ is three. **BROTHER** is two. And then I've got a set
2 of twins seven months.

3 Q All right. You said you work at the post office?

4 A Uh-huh.

5 Q And you've worked there for 29 years?

6 A Uh-huh.

7 THE COURT: Make sure you say -- make sure you say
8 "yes" or "no," ma'am.

9 THE WITNESS: Oh, yes, ma'am.

10 BY MS. MAJOR:

11 Q Okay. And were you working there when you met the
12 Defendant --

13 A Yes, ma'am.

14 Q -- and when y'all were married?

15 Did the Defendant work?

16 A Yeah. He was working through a temporary service. I
17 can't remember the name of the place.

18 Q During your marriage, did you depend on him
19 financially?

20 A No, ma'am.

21 Q Okay. Were you the breadwinner?

22 A Yes, ma'am.

23 Q Okay. In July 2015, how old was **MINOR**

24 A **MINOR** she was six.

25 Q Okay. I'm sorry. In July 2015, she was five?

1 A Yeah.

2 Q Okay.

3 A Yes, ma'am.

4 Q And were y'all living at [REDACTED] at that time?

5 A Yes, ma'am.

6 Q And who lived there with you?

7 A It was me, and Michael, and my son, Brandon. My
8 daughter Janie was staying there. But I think she had
9 moved out. Within that time frame we was there, she moved
10 out and got her own place.

11 Q All right. And then what about your other daughter?

12 A Shericka McNatt?

13 Q Uh-huh.

14 A She --

15 Q Was she living there?

16 A She -- she had her own place as well at that time.

17 Q Okay. And did Tameka have her own place?

18 A Yes, ma'am.

19 Q All right. How often would you see [REDACTED] ^{MINOR} Just --
20 let's start from -- from the beginning. When she was
21 born, how often --

22 A Well, when she was born, we saw her all the time.
23 Because Michael and I used to watch her for Tameka while
24 she worked. So we -- we had her for quite -- we had her
25 for quite some time.

1 Q And where did Tameka work?

2 A BMW.

3 Q All right. And what would y'all -- you said that you
4 would watch her while Tameka worked?

5 A Yes, ma'am.

6 Q And how often was that?

7 A Just however her schedule fell.

8 Q Was she working full-time?

9 A Yes, ma'am.

10 Q And when would she be working?

11 A Well, we watched her at night when [REDACTED] was first born.
12 She was on night shift.

13 Q Tameka was on night shift?

14 A Yes, ma'am.

15 Q Okay. And did that continue up until these
16 allegations?

17 A Yes, ma'am. When all this started, that's when she
18 had to go into another shift.

19 Q What was the relationship like between [REDACTED] and the
20 Defendant?

21 A Oh, she loved her papa.

22 Q What kind of things would they do together?

23 A He would take her to the park, or places like that.
24 They would -- you know, different places that kids like to
25 go.

- 1 Q Were they close?
- 2 A I think so.
- 3 Q Okay. Would he ever watch her alone?
- 4 A Oh, all the time.
- 5 Q And -- and why was that?
- 6 A Because I used to go out and, you know, just -- well,
7 I like to play bingo.
- 8 Q Okay.
- 9 A So when I would go to bingo, he would watch them for
10 her -- watch her for me if Meka left her in my care.
- 11 Q And when would you play bingo? Would that be during
12 the daytime or at nighttime?
- 13 A That would be at night.
- 14 Q And would Tameka be working?
- 15 A Sometimes. Sometimes might would just get her just
16 to watch her.
- 17 Q Okay. How did you learn about the sexual abuse
18 allegations?
- 19 A We was at the house one -- I can't really recall the
20 time of the day. I just know that we had received a phone
21 call from a young lady, you know, telling Meka what had --
22 what REDACTED had just told her.
- 23 Q Okay. And were you at REDACTED that day?
- 24 A Yes, ma'am.
- 25 Q Okay. What's the layout of that house, as far as how

1 many bedrooms are there?

2 A It was a three bedroom with a living room, a den,
3 kitchen, two bath -- two and a half bath. We had made one
4 room out of a sitting room.

5 Q Did Brandon -- was he living there at that time?

6 A Yes, ma'am.

7 Q And did he have his own bedroom?

8 A Yes, ma'am.

9 Q Okay. Did you know who called your daughter, Meka,
10 to tell her about the allegations?

11 A The young lady named Shannon, or whatever. I don't
12 know -- I don't know her personally. I just met her today
13 for the first time.

14 Q Okay. What was -- and what was -- do you remember
15 what Meka was doing over at your house?

16 A She had come over because she -- she had anticipated
17 to come and take me out for breakfast. I don't recall why
18 we were all off. But she had come over to take me out for
19 breakfast.

20 Q Okay. What was her reaction -- what was Tameka's
21 reaction when she received that --

22 A She just started screaming, and hollering, and
23 crying. And I heard her yelling Mike's name. And I was
24 trying to figure out what was going on. And she just
25 started saying, Mike, Mike. She said, Please don't tell

1 me it's true.

2 You know, and I was just saying, What's going on?
3 What's happening, you know? And then that's when she
4 started telling me about what the phone call was about.

5 Q Okay. On a scale of one to 10, what was -- how angry
6 was Meka?

7 A Mad, 10.

8 Q Okay. What did the -- was the Defendant there when
9 this happened?

10 A Yes.

11 Q And what did he do?

12 A He didn't do anything. He just said that that's
13 crazy is pretty much.

14 Q Okay. What did you do? What was your reaction?

15 A First of all, I was trying to calm everybody down.
16 But that wasn't happening. But I was just shocked, you
17 know. Because he had been around so long that I wouldn't
18 have never expected anything like that.

19 Q Okay. Did you know what to think at first?

20 A I didn't at first. I didn't know what to believe.
21 But I know my granddaughter. And we have this special
22 kind of relationship that I know that she hadn't -- ain't
23 never had a reason to lie to us. She's just a sweet
24 little girl.

25 Q What did Tameka to do after that phone call and after

1 getting angry? Did she leave your house?

2 A Yeah. She left and went home.

3 Q Okay. What happened next? Do you recall what the
4 Defendant did?

5 A If my memory serves me right, I don't -- I don't
6 know. I think that he was getting ready for work. But
7 they all were going to meet up over at Tameka's house. I
8 don't -- I don't remember if that's the same day or not,
9 but I think it is.

10 Q Were you there for that meeting?

11 A No, I didn't -- no. Because they wanted him to just
12 swing by just to ask him some questions.

13 Q Okay. Are you divorced from the Defendant?

14 A No, ma'am.

15 Q Are you separated from the Defendant?

16 A Yes, ma'am. We've been separated right at two years
17 now.

18 Q Okay. Tell me about that. How soon after these
19 allegations came out did y'all separate?

20 A Once the allegations came out, he didn't want to
21 leave the house. So I had started staying in motels. And
22 since I'm a mail carrier, it's people on my route that was
23 letting me rent out the guest house to stay there. So I
24 just pretty much made myself available as well since he
25 wouldn't move.

1 Q How long did he remain in the house?

2 A He stayed there maybe a month later. Then he got his
3 own apartment.

4 Q Did you move back in?

5 A Yes, ma'am.

6 Q And why aren't y'all divorced now?

7 A Mainly because once he left the house, we had a lot
8 of financial debt that we both had, you know, accumulated
9 together. And when Mike left, he left me with pretty much
10 everything that I'm still trying to take care of now. So
11 it's just financially been, you know, hard for me.

12 Q Do you have any plans to reconcile with him? Is that
13 the reason that you're not divorced now?

14 A Oh, no.

15 Q Okay.

16 A Absolutely not.

17 Q Okay. And before this came out, I mean, how was
18 y'all's relationship?

19 A It wasn't bad. Like I said, we had our problems, you
20 know, mostly it was because I felt like I got tired of
21 pulling the load around the house, something that we
22 argued about the most or either him -- his drinking or his
23 pornography, you know. It was stuff that we argued about
24 all the time. That's what made it bad. But other than
25 that, it was never a question of divorce.

1 Q Okay. Did you get [REDACTED] -- did you tell [REDACTED] to make up
2 these allegations?

3 A Oh, no, ma'am.

4 Q Okay. Are you better off financially with him out of
5 the house? I mean, I guess you're still -- are you
6 still --

7 A Like I said, I'm still dealing with it. Because,
8 everything was left on me because -- and then just picked
9 up something else, you know. We had a car in our names
10 together. He just let that go back. And I had to pick
11 that car up, too. So that's one more debt, you know.

12 Me trying to take care of all this debt is just
13 making it harder for me to try and get the divorce. But I
14 asked -- I spoke to Michael one time about it after we
15 separated. And he said he was unable to help me do
16 anything, so:

17 Q Have you talked with him since these allegations have
18 come out since he moved out of the house?

19 A About this? Or just --

20 Q I'm sorry.

21 A Just talked to him at all?

22 Q Yes.

23 A I ran into him in a store one time at Dollar Tree.

24 MR. MUSSETTO: Objection, Your Honor. Relevancy.

25 THE COURT: Overruled.

1 BY MS. MAJOR:

2 Q You ran into him -- you ran into him at a store?

3 A Uh-huh.

4 Q Okay. But other than that --

5 THE COURT: You have to say "yes" or "no."

6 THE WITNESS: Yes, ma'am. I'm sorry.

7 BY MS. MAJOR:

8 Q Other than that, do y'all communicate --

9 A No. We don't communicate at all.

10 MS. MAJOR: Okay. Thank you.

11 Please answer any questions the Defense has.

12 THE COURT: Cross-examination.

13 CROSS-EXAMINATION

14 BY MR. MUSSETTO:

15 Q Ms. Sullivan, you say that you were married to
16 Mr. Sullivan in 2008?

17 A Yes, sir.

18 Q How long prior to that did you date him?

19 A About a year.

20 Q Okay. And how long after you started dating him were
21 y'all engaged?

22 A I didn't understand the question. Say that again.

23 Q Prior to being married, how long were you two
24 engaged?

25 A A year. I mean, we dated a year and then we got

1 married.

2 Q Okay. How long was the engagement is, I guess, my
3 question, when he asked you to be his wife?

4 A Really wasn't no engagement.

5 Q Okay.

6 A I mean, we dated and then we just got married.

7 Q Okay. And you said that y'all met in Greenville.
8 Where did y'all meet in Greenville?

9 A I don't recall if it was at his sister's house or if
10 it was at a club that we used to hang out at. Because
11 he -- like I say, he was living in Charlotte when I first
12 knew of him. But he was still living in Charlotte as well
13 when we first started dating. When we first started, he
14 was living in Charlotte. He was just coming back and
15 forth. I was still living here in Greenville.

16 Q Okay. And how long have you been with the post
17 office for?

18 A 29 years.

19 Q And what was he doing in Charlotte at the time as far
20 as work?

21 A I want to say he was working for a paper company. I
22 can't remember the name of it.

23 Q Okay. And then when did he move to Greenville?

24 A I don't even remember. I want to -- I want to say in
25 '07.

1 Q So from '07 to '08, that's when he moved to
2 Greenville where y'all dated?

3 A Yes, sir. Because we had got a house at shipyard in
4 Greer.

5 Q Did he move to Greenville to be more exclusive with
6 you so y'all could have a normal --

7 A Yes. That was the purpose.

8 Q -- dating relationship?

9 A Yes, sir.

10 Q Was he married before?

11 A Yes, sir.

12 Q And how many times was he married?

13 A Once of my knowledge.

14 Q Okay. And do you know when that marriage happened?

15 A No.

16 Q Okay.

17 A I mean, he was -- he was already divorced when we
18 started dating.

19 Q Do you know how long his first marriage was?

20 A Maybe 20, 21, 22 years, something like that.

21 Q So a considerable amount of time?

22 A Yes.

23 Q Is this your first marriage?

24 A Yes.

25 Q And you have children not with Mr. Sullivan; correct?

1 A No, sir.

2 Q And how many -- how many kids do you have?

3 A Four.

4 Q Okay. Does Mr. Sullivan have any kids from a
5 previous relationship?

6 A Yes, sir.

7 Q And how many kids --

8 A Three.

9 Q Three kids. Do you know their names and ages?

10 A I don't know their ages. I don't -- I probably don't
11 know their names. I remember Michael Jr., which we call
12 MJ. We didn't have the best relationship. So I don't
13 really remember their names. I -- I don't know their
14 names. I know he got two girls and a boy.

15 Q Two girls and a boy. And are -- when you married
16 Mr. Sullivan in 2008, were his children already adults?

17 A They were -- well, the baby boy, he was a young
18 teenager. The other -- the two oldest girls were, like,
19 over 18.

20 Q Okay. Prior to these allegations -- and you kind of
21 touched on this before. How would you say that
22 Mr. Sullivan was as a husband?

23 A He wasn't a bad husband as far as relationship wise.
24 He just had his -- he wasn't the best provider as a
25 husband. And he didn't really take that very seriously.

1 Q Okay. When you said that he wasn't the "best
2 provider," can you go into more detail on that?

3 A Meaning when the tough got going, I was the one that
4 had to figure it out.

5 Q Okay. Are you talking about he wasn't able to help
6 you financially?

7 A He helped me because he worked. I mean, he would
8 give me his check. But if we got to a point where we --
9 something urgent needed to be taken care, he looked for me
10 to take care of it.

11 Q Okay. What was his work experience while -- during
12 your marriage?

13 A He worked at BMW before all of this stuff happened.
14 And then after this -- the allegations came out, he was
15 working at Eaton.

16 Q Okay. When [REDACTED] was born -- she was born in the year
17 [REDACTED]; is that correct?

18 A Yes, sir.

19 Q Is that correct?

20 A Yes, sir.

21 Q How much after -- how much later after she was born
22 did you and Michael start baby-sitting?

23 A I mean, as soon as she went back to work after her
24 maternity leave. So maybe six or eight weeks, I guess.

25 Q And on an average week per se, how many days would

1 y'all babysit?

2 A Just depending on her schedule. They do, like, three
3 days on, four days off, four days on. Just however it --
4 it would be three days some weeks, four days some weeks.
5 It just depends on her schedule.

6 Q Okay. Would she -- and when I'm referring to "she,"
7 [REDACTED]'s mother. Would she always be the one that both drops
8 the child off and picks the child up?

9 A Yes, sir.

10 Q Okay. Were -- did -- did you and Mr. Sullivan ever
11 baby-sit other kids?

12 A Not to my knowledge, I mean, until KJ was born. We
13 would watch him. That was my second grandson.

14 Q And when did you start watching KJ?

15 A KJ wasn't like how we watched [REDACTED]. He would just stay
16 with us sometimes, you know, just spend the night. But
17 his mom always was on a schedule where she could, you
18 know, watch her own child. So we didn't watch him like
19 that.

20 Q Okay. And when you would watch [REDACTED] how long would
21 you watch her, say, on any particular night?

22 A All night long until her mom got off.

23 Q And what time would her mother get off work?

24 A 7:00 in the morning.

25 Q So she would --

1 A She would come and take, you know -- well, I'm
2 talking -- I'm thinking now as she got older, you know,
3 she would just come and take her to school, and stuff like
4 that.

5 Q So her mother would work night shift?

6 A Yes, sir.

7 Q What time did night shift start?

8 A 7:00. It was a 12-hour job.

9 Q Okay. And what time would she, typically, drop
10 off?

11 A 6:00, maybe 5:30, 6:00.

12 Q So from 5:30 to 6:00, would you and Mr. Sullivan be
13 responsible for her dinner?

14 A Yes, sir.

15 Q Bathing?

16 A Yes, sir.

17 Q Putting her to bed?

18 A Yes, sir.

19 Q And this happened approximately how many times per
20 week?

21 A Well, like I said, just depending on her work
22 schedule however many days we had her.

23 Q Okay. Prior to these allegations coming up that
24 we're talking about here today, can you talk about how the
25 responsibilities were divided between you and Mr. Sullivan

1 as to feeding ^{MINOR} bathing ^{MINOR} putting ^{MINOR} to bed?

2 A It was really no division. I bathed her. I never
3 let him bathe her.

4 Q Okay.

5 A He never bathed her. But, you know, as far as
6 feeding her, like I said -- well, like I was -- stated
7 earlier, if I went to bingo that night, Mike would make
8 sure she eat, and stuff like that.

9 Q Okay. So he would feed her dinner?

10 A Yes, sir.

11 Q Would he prepare the dinner?

12 A No, sir.

13 Q You would prepare the dinner?

14 A It was mostly eat out.

15 Q Okay. He would take her out to eat?

16 A No -- that or either go get something and bring it
17 back.

18 Q Okay. And when you went to bingo, how long would you
19 be at bingo for?

20 A It started about 7:00. And I'd be back home by
21 10:30.

22 Q Okay. And on an average week, how many nights would
23 you go to bingo?

24 A When I had the money. Well, let me see. Then, maybe
25 three or four nights a week.

1 Q Three or four nights a week?

2 A Uh-huh.

3 THE COURT: Is that a "yes"?

4 THE WITNESS: Yes, sir.

5 BY MR. MUSSETTO:

6 Q Okay. Prior to these allegations, how would you
7 describe Mr. Sullivan as a grandfather?

8 A He was a good grandfather.

9 Q Okay. What did he do with MINOR

10 A Well, like I stated earlier, he would take her to the
11 park. He would take her to Frankie's. He would just take
12 her to do things that kids like to do.

13 Q Would she look forward to coming over?

14 A Yes, sir.

15 Q Who is Brandon?

16 A My son, my youngest son.

17 Q And how old was Brandon in 2015?

18 A 19, I think.

19 Q Okay. And did Brandon -- when did Brandon live with
20 you?

21 A The whole time until he got his own place about a
22 couple years ago.

23 Q Okay. So when MINOR would come over to baby -- or when

24 MINOR would come over for you and Mr. Sullivan to baby-sit,

25 Brandon would be living there?

1 A He lived there. He wasn't always home. But, yeah,
2 he lived there.

3 Q How much interaction did Brandon have with MINOR

4 A That was her favorite uncle. They had a pretty good
5 relationship.

6 Q So on the nights when you went to bingo, it would
7 just be Brandon and Mr. Sullivan at the house?

8 A For the most part. Because Brandon was into his
9 music. He, like, stayed at the studio a lot.

10 Q Did -- was Mr. -- was Brandon working from 2015 to
11 2017?

12 A Yes, sir, at Zaxby's.

13 Q Okay. How often would Brandon be, also, at the house
14 when Mr. Sullivan was at the house?

15 A It just depends. I mean, he was a young man. So he
16 had his own car. So he would come and go as he pleased.

17 Q Okay. Is Mr. -- is Brandon married?

18 A No, sir.

19 Q Okay. How many other people lived in your house
20 from, let's say, the year 2000 [sic] until 2017?

21 A Janie and Brandon both stayed there the whole time
22 until Janie moved out. And then Brandon moved out. They
23 got an apartment together.

24 Q And who's Janie?

25 A Janie's my baby girl. She's 24.

1 Q Okay. And no other people have ever lived in the
2 house?

3 A And Shericka lived there until she moved. That's my
4 second daughter.

5 Q And when did Shericka move out?

6 A The dates I can't -- I can't be specific. I just
7 know it was in -- within that time frame. She may have
8 moved out in 2014. I don't recall.

9 Q To your knowledge, has [REDACTED] ever made any other
10 allegations against anybody else prior to these
11 allegations against Mr. Sullivan?

12 A Allegations against, like, my son, or somebody like
13 that?

14 Q Correct.

15 A Well, Brandon's name did come up one time.

16 Q Okay. Can you --

17 A But I don't know if she made any allegations against
18 him. I just heard his name come up.

19 Q When you say Brandon's name came up, who brought
20 Brandon's name up?

21 A Just in -- just in the conversation, you know -- you
22 know, people talking, just saying that -- because when
23 Brandon went over to -- when they went over to the house
24 to meet, Brandon -- I think they asked Brandon to come
25 over, too. I -- I don't know because I wasn't there. I

1 would be -- I would be sitting here not telling the truth
2 if I knew. I just know his name came up. I don't -- I
3 don't know.

4 Q Would you characterize it that Brandon was accused of
5 touching MINOR

6 A No.

7 Q Okay. How would you characterize it then?

8 A Just saying that he -- never touching her, just -- I
9 don't know. She -- she never accused him of touching her.
10 Let's put it like that. I -- I don't know. That was
11 never brought to my knowledge, so.

12 Q So when you say that Brandon's name was brought up,
13 I'm trying to understand in what way was Brandon brought
14 up in relation to allegations of sexual molestation?

15 A She just -- she never spoke anything to me about it
16 anyway. So that's -- that's the reason why it's hard for
17 me to say. I just know that when they all were going to
18 meet, they asked Brandon to come over as well. And I
19 asked them why. So I don't know. That's -- that's
20 somebody -- that's -- that's just something I didn't get
21 into.

22 Q Okay.

23 A Because she never said anything about Brandon
24 touching her inappropriately.

25 Q She never said anything to you about it?

1 A No, not to me.

2 Q Okay. Let's talk about this meeting that you
3 referenced.

4 A I can't -- I can't really speak on it because I
5 wasn't there.

6 Q Okay.

7 A They went over to Tameka's house. I didn't go over
8 there.

9 Q Let's -- let's -- who's "they"?

10 A Who all went to the house?

11 Q Yes.

12 And whose house did they go to?

13 A They went to Tameka's house.

14 Q Who's "they"? First of all, who's "they"?

15 A Tameka, Shericka, Michael, and REDACTED. And I don't know
16 who else was there because I wasn't there.

17 Q And whose house did this meeting happen --

18 A Tameka's..

19 Q Okay. Did Brandon go to this meeting?

20 A No. I don't think so.

21 Q But he was asked to come to the meeting?

22 A I think so. I don't -- I don't know. This meeting
23 thing, I can't really just speak on because I wasn't

24 there. I don't really know what happened over there.

25 That would be me -- I can't really speak on that meeting.

1 I just know they -- Tameka asked Michael to come over
2 there. And from what I understand, they wanted Brandon to
3 come. That's -- that's the most I can tell you about that
4 because I wasn't there. And I don't know what happened.
5 And I don't even know what was said.

6 Q Okay. But your understanding is that Mr. Sullivan
7 did go to the meeting?

8 A He did go over there. But my understanding as well
9 is he really took it very lightly.

10 Q Okay. But he did go and "face the accusers"?

11 A He went.

12 Q Okay. And how long after this family meeting was he
13 then arrested?

14 A Was he arrested?

15 Q Uh-huh. What was the duration? How many days was he
16 arrested after this family meeting?

17 A I don't remember. I don't know. This -- this is so
18 long ago. I don't remember specific dates. I can't
19 remember if it was the same day, or the next day, or -- I
20 don't -- I don't -- I just know he was asked to go down to
21 the detention center and turn himself in.

22 Q Okay. Do you know if Brandon was ever asked to go
23 down to the detention center?

24 A No, sir. No, sir. Because this wasn't -- this
25 wasn't about Brandon.

1 MR. MUSSETTO: Okay. No further questions.

2 THE COURT: Anything on redirect?

3 MS. MAJOR: Briefly, Your Honor.

4 THE COURT: Yes, ma'am.

5 REDIRECT EXAMINATION

6 BY MS. MAJOR:

7 Q Ms. Sullivan, you said the Defendant has two kids and
8 you know one of -- his son's name is MJ?

9 A Yes, ma'am.

10 Q Are the daughters older or --

11 A Yes, sir -- yes, ma'am.

12 Q Okay. Can you remember their names? And, if not,
13 that's okay.

14 A Let's see.

15 Q I'll move on.

16 A I -- I don't remember his daughters names, I really
17 don't.

18 Q Did they come and visit y'all?

19 A They did come and visit sometimes. But they didn't
20 care for me, so they didn't come around very often.

21 Q Okay. Were they close with the Defendant?

22 A They were -- they were close to their dad. But once
23 I came into the picture, they wasn't.

24 Q Okay. Let's talk about Brandon's name coming up.

25 What do you mean by that? When -- when did this -- when

1 did this -- Brandon's name come up?

2 A All I -- the -- the first person that said something
3 to me about it was Michael.

4 Q Okay.

5 A He had told me that, you know, that they had said
6 something to him about him and [REDACTED] -- about him and [REDACTED] and
7 Brandon and [REDACTED]. So that's where I first got it from,
8 Michael.

9 Q So Michael gave you Brandon's name?

10 A Yes, ma'am.

11 Q And you said that Michael told you that they. Who do
12 you mean "they"?

13 A Ma'am?

14 Q Who do you mean by "they"? You said --

15 A I guess the girls, Tameka, and Shericka, and whoever
16 else is involved.

17 Q Okay. But you heard Brandon's name first from --

18 A Michael, yes, ma'am.

19 Q Okay. Did Brandon have any interest in being alone
20 with [REDACTED]

21 A No, not unless she wanted -- Brandon was never alone
22 with her, like, in the house. He always took her to the
23 park. That was their favorite place, the park. Brandon
24 and [REDACTED] would go to the park a lot.

25 Q Okay. Would they be in the house alone together?

1 A Not that I'm aware of. But if they did, wasn't no
2 reason why they shouldn't. Brandon was -- he's a -- he's
3 a good young man, trust me.

4 Q But, to your knowledge, were they ever alone? Can
5 you recall a specific incident when they were alone?

6 A No, ma'am.

7 Q Can you recall times that the Defendant was alone
8 with MINOR?

9 A Yes, ma'am. He was alone with MINOR a lot. Because,
10 like I said, he would watch her while I leave -- while I
11 left to go to bingo.

12 MS. MAJOR: Okay. Thank you.

13 No further questions.

14 THE COURT: Anything on recross?

15 MR. MUSSETTO: Very briefly.

16 RE-CROSS-EXAMINATION

17 BY MR. MUSSETTO:

18 Q How often would Brandon take MINOR to the park?

19 A Whenever he wasn't working or whenever she asked him.

20 Q Okay.

21 A Not like a certain amount of times. Just whenever he
22 had the free time. Because Brandon worked a lot.

23 Q And Brandon would, typically, always take her when
24 she'd ask him?

25 A If he had time.

1 Q And then if Brandon were to take her to the park,
2 that means Mr. Sullivan would be left at the house by
3 himself, if you're out at bingo?

4 A Oh, that -- that was never a part-time while I was at
5 bingo. That was at night when Michael -- Michael was left
6 with her. If he took her to the park, that was during the
7 day. It was never at nighttime.

8 Q Okay. How far away is the park from your house?

9 A It was only, like, two or three minutes from the
10 house.

11 Q And when they would go to the park together, how long
12 would they be at the park for?

13 A I mean, however long they want to play.

14 MR. MUSSETTO: No further questions.

15 THE COURT: All right.

16 MS. MAJOR: Nothing further, Your Honor.

17 THE COURT: All right. I have no questions.

18 Thank you, ma'am.

19 You can step down.

20 MS. MAJOR: Your Honor, may this witness be excused
21 from her subpoena?

22 THE COURT: Any objection?

23 MR. MUSSETTO: No objection.

24 THE COURT: All right. Can I see both of you?

25 (WHEREUPON, a bench conference was held.)

1 THE COURT: All right. Ladies and gentlemen of the
2 jury, the next witnesses testimony would probably be
3 rather lengthy. So I want to -- I wanted to stop at
4 12:30. It's 12:15.

5 So I'm going to excuse you now to go to lunch. I'm
6 going to give you an extra 15 minutes for lunch. I want
7 you back in your -- in your jury room no later than 2:00.
8 And, please, ma'am, and, please, sir, be in the jury room
9 by 2:00.

10 And then while you're at lunch, make sure that you
11 don't discuss the case with each other.

12 Those of you who are taking notes, make sure you
13 leave those notepads in the jury room during the lunch
14 break.

15 And don't discuss the case with each other. Don't
16 discuss the case with any family member, or anyone that
17 you may see. If, in fact, somebody comes up to you and
18 wants -- asks you about the case and is persistent about
19 it, you tell them you cannot talk. If they're persistent,
20 you get their name and you bring it back to me. And we'll
21 deal with that situation accordingly.

22 But, anyway, have a good lunch. And I will see you
23 back around 2:00.

24 (WHEREUPON, the jury was excused from open court at
25 approximately 12:17 p.m.)

1 THE COURT: All right. We're going to break for
2 lunch until 2:00. And I've instructed, I think,
3 Mr. Mussetto and Ms. Major that -- that I need you both
4 back, at least, a quarter until 2:00 in case there are any
5 matters that we need to address before we bring the jury
6 back.

7 And during lunch, I've, also, instructed Ms. Major,
8 as well as Mr. Mussetto to advise your respective clients
9 regarding the rules about talking about any of the --
10 discussing any of the testimony or talking to each other
11 during the break. Both of you know, specifically, exactly
12 what I'm talking about. So make sure that you do that.

13 Anything before -- from either side before we break
14 for lunch?

15 MS. MAJOR: No, Your Honor.

16 THE COURT: From the Defense?

17 MR. MUSSETTO: No, Judge.

18 THE COURT: All right. Have a good lunch. I'll see
19 you at a quarter of 2:00.

20 (WHEREUPON, a lunch break was taken.)

21 THE COURT: Counsel, anything we need to address
22 before we bring the jury back?

23 MS. MAJOR: Your Honor, I guess just scheduling
24 issues --

25 THE COURT: Yes.

1 MS. MAJOR: -- so I can tell my witnesses when to be
2 here. I have the -- Tameka Williams, who's the mother.
3 And then I'm going to call █████ Williams, the victim, and
4 then a law enforcement officer, who should not take very
5 long, then the investigator -- the lead investigator on
6 the case. And then Christine Carlberg just to lay the
7 foundation for the video. I don't think calling all of
8 those people that -- assuming that we get -- that I get
9 through all of them, that that will leave us time for the
10 blind expert.

11 So I'm wondering if --

12 THE COURT: Do you want to carry that over until
13 tomorrow?

14 MS. MAJOR: Yes.

15 She can't be here until 10:15. I still may have
16 other witnesses. I don't know if we'll get to, like,
17 Investigator Lyda, or -- or I don't know if I'll have time
18 for the video. So I may not -- I mean, it may not be an
19 issue of her not getting here until 10:15.

20 THE COURT: Well, we're going to -- we're going to do
21 a proffer on her anyway; right?

22 MR. MUSSETTO: Correct.

23 THE COURT: So, irregardless of where we are, I'll
24 just maybe take a short break, or something, and then do
25 her if she's -- you know, it depends on where we are in

1 the morning.

2 But you said she'll get here around 10:15?

3 MS. MAJOR: Yes. She can't be here until 10:15.

4 And so she's the only thing that I have left for
5 tomorrow. I'll tell her to get here at 10:15. But I
6 apologize that we wouldn't be able to start until then, if
7 we get through everything today. I don't know if we'll
8 have time --

9 THE COURT: All those -- all those names that you
10 just mentioned, you -- all those names that you just
11 mentioned, do you think we're going to get to them by
12 5:00?

13 MS. MAJOR: I just want -- yeah. I don't think that
14 we will. I just want to do worse case scenario, I guess.

15 THE COURT: Well, we'll see.

16 Mr. Mussetto, anything you've got?

17 MR. MUSSETTO: Are we on the record right now?

18 THE COURT: Yes. We're on the record.

19 MR. MUSSETTO: May we approach on a separate matter?

20 THE COURT: Okay. This is off the record, sidebar.

21 (WHEREUPON, a bench conference was held.)

22 THE COURT: All right. Ms. Major.

23 MS. MAJOR: Your Honor, it is -- I passed you up a
24 copy of my motion to admit the out-of-court statement,
25 which is the forensic interview pursuant to Section

1 17-23-175. And it's my understanding that Defense Counsel
2 has no objection to the admissibility of the video.

3 MR. MUSSETTO: That's correct, Your Honor.

4 THE COURT: All right. Let me put on the record that
5 I did have the opportunity yesterday -- and I appreciate
6 the lawyers providing the video to me. So I had the
7 opportunity to review it yesterday. As a matter of fact,
8 I looked at it twice. And my law clerk looked at it.

9 And I, certainly, think after my reviewing it, the
10 prerequisites of 17-23-175 Subsection B, all of those
11 things that are set forth, whether the statement was
12 elicited by leading questions, the interview itself, and
13 whether the statement contained a detailed account of the
14 events, all those things that are contained in that
15 subsection, I find it to be appropriate.

16 So I will go ahead and -- and grant the admissibility
17 of the out-of-court statement.

18 MS. MAJOR: Thank you, Your Honor.

19 THE COURT: Okay.

20 MS. MAJOR: If I can just check on my witness,
21 please.

22 THE COURT: Okay.

23 (Pause.)

24 MS. MAJOR: The State's ready, Your Honor.

25 THE COURT: Is the Defense ready?

1 MR. MUSSETTO: Yes, Your Honor.

2 THE COURT: All right. Bring the jury out.

3 (WHEREUPON, the jury came into open court at
4 approximately 2:01 p.m.)

5 THE COURT: All right. Ms. Major, call your next
6 witness.

7 MS. MAJOR: Thank you, Your Honor.

8 The State calls Tameka Williams.

9 THE CLERK: Ms. Williams, please, come forward.

10 If you'll, please, pause at the end of the bench.

11 Place your left hand on the Bible and raise your
12 right hand.

13 WHEREUPON,

14 TAMEKA DENISE WILLIAMS,

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

16 THE CLERK: Thank you.

17 Please be seated.

18 State your name for the record.

19 THE WITNESS: Tameka Denise Williams.

20 THE CLERK: Thank you.

21 DIRECT EXAMINATION

22 BY MS. MAJOR:

23 Q Ms. Williams, where do you live right now?

24 A I stay in Duncan.

25 Q Who is your mother? What's her name?

- 1 A Vivian Patricia Sullivan.
- 2 Q Does she go by "Pat"?
- 3 A Yes, ma'am, she does.
- 4 Q All right. Do you have siblings?
- 5 A I do.
- 6 Q All right. Tell us their names and are they -- their
7 ages -- approximate ages, or the order of birth.
- 8 A I have a younger sister named Shericka McNatt. She's
9 25, I think. I have a baby sister named Janie Williams.
10 She's about 23. And I have a younger brother named
11 Brandon Williams. He's about 21.
- 12 Q And how old are you?
- 13 A I am 32.
- 14 Q Okay. So you're the oldest of all the siblings?
- 15 A Yes, ma'am, I am.
- 16 Q Do you know the Defendant?
- 17 A Yes, ma'am, I do.
- 18 Q How do you know him?
- 19 A He used to be married to my mom.
- 20 Q Do you have any children?
- 21 A I do.
- 22 Q All right. Who are your children?
- 23 A I have two. I have an -- an eight-year-old daughter.
- 24 Q What's her name?
- 25 A MINOR [REDACTED]. And I have a two-year-old son,

1

BROTHER

2

Q All right. What does your daughter go by?

3

A

[REDACTED]

4

Q And what is her birthday?

5

A Her birthday is [REDACTED]

6

Q And then your son, what is his birthday?

7

A

[REDACTED]

8

Q When did you first get to know the Defendant?

9

A I met Mike, I guess, about nine years ago. He was

10

dating my mom.

11

Q Did he, eventually, get married to your mom?

12

A He did.

13

Q All right. And did they live together once they got

14

married?

15

A Yes, ma'am.

16

Q Did he get married to your mother before or after [REDACTED]

17

was born?

18

A After [REDACTED] was born.

19

Q Okay. Do you know that for sure? You sounded

20

hesitant.

21

A No, ma'am. I'm not for sure.

22

Q Okay. So has he been in your family for, at least,

23

10 years now?

24

A Yes, ma'am.

25

Q All right. How was your relationship with him prior

1 to -- to these allegations?

2 A It was pretty decent.

3 Q Okay. Would y'all ever argue?

4 A Not -- no, not really argue. I mean, we would get
5 upset with each other every now and then for various
6 reasons, but nothing that lasted for an extended amount of
7 time, or nothing that was quite so serious.

8 Q Okay. Overall, did you like him?

9 A I did.

10 Q And then how was his relationship like with your
11 siblings? Was it similar to yours?

12 A Yes, ma'am.

13 Q Okay. Was he there when ■■■ was born? And I don't
14 mean physically in the room, but was -- was he a part of
15 your family when ■■■ was born?

16 A Yes, ma'am.

17 Q All right. Was your mother there for you when ■■■ was
18 born?

19 A Yes, ma'am.

20 Q When did you start working at BMW?

21 A I started working at BMW January the 4th, 2013.

22 Q Okay. When did you become a -- did you ever work
23 there as a -- as a temp, as a temporary worker?

24 A Yes, ma'am.

25 Q All right. When did that start?

1 A That's when it started, that date. I, actually, came
2 in as a temp MAU on January the 4th.

3 Q So how old was [REDACTED] when you started working?

4 A [REDACTED] was six months when I started working at BMW.

5 Q And I just want to make sure we get these dates
6 correct. You said January 4th, 2013?

7 A Let's see. It was probably 2012.

8 Q Okay. Let's go back. What day was -- what year was
9 [REDACTED] born?

10 A [REDACTED] was born on [REDACTED].

11 Q Okay. And how old is she --

12 A Okay. So I started working out there -- thank you.
13 I started working out there on January the 4th, 2011.

14 Q Okay. And that's been several years --

15 A Yes, ma'am.

16 Q What was your schedule when you first started working
17 there?

18 A I was working 12-hour shifts.

19 Q Okay. And which shift were you working?

20 A I was working third shift from 7:00 p.m. to 7:00 a.m.

21 Q And would you work every day, or what would a -- an
22 average week look like, or an average schedule look like?

23 A An average schedule would be one week, I would be
24 required to work 36 hours. And then the following week, I
25 was required to work anywhere between -- it was anywhere

1 between maybe 40 to 60 hours. The schedule kind of
2 fluctuated just on -- on the requirement. Because we deal
3 with cars and production.

4 So it's just the demand of what they needed. So it
5 just fluctuated.

6 Q Would it always be a 12-hour shift?

7 A Yes, ma'am.

8 Q Okay. So would it be some days on and then a couple
9 days off?

10 A Yes, ma'am.

11 Q Okay. What did you do for child care for MINOR

12 A My mom and Mike Sullivan took care of my daughter
13 while I worked.

14 Q Okay. Up until these allegations, did they -- were
15 you always working night shift?

16 A Yes, ma'am.

17 Q Would they always take care of her?

18 A Yes, ma'am.

19 Q And what would a typical schedule -- well, let's
20 first start -- did she go to preschool?

21 A She went to day care, yes, ma'am.

22 Q Okay. And how would she -- once she started going to
23 day care, how would that schedule look like?

24 A Once I would get off in the morning at 7:00 a.m., I
25 would go to my mom's house and Mike Sullivan's house and

1 pick my daughter up. And then I would take her to day
2 care, which was right up the street. And that's where she
3 would be for some hours while I rest.

4 And then I would go pick her up and start all over
5 again. Take her back home. I'd get ready for work, get
6 her ready to go back over to my parents house.

7 Q Okay. And would you drop her off?

8 A Yes, ma'am.

9 Q And where did she start going to 5K or kindergarten
10 once preschool was over?

11 A Once -- once she came out of day care, she started
12 going to [REDACTED] Elementary School.

13 Q Okay. Was she there for kindergarten?

14 A Well, excuse me. Once she left day care, she started
15 going to Fuller Normal School.

16 Q Okay.

17 A And that's where she went for K4. And then once she
18 started going to K5, she started going to [REDACTED]
19 Elementary School on East North Street.

20 Q And is that a public school?

21 A Yes, ma'am. That's a public school.

22 Q All right. Did she go there for kindergarten --
23 first grade as well?

24 A Yes, ma'am, she did.

25 Q Okay. Does she have to be there at a certain time

1 at -- at [REDACTED] -- at I guess, you know, real
2 school, did she have to be there --

3 A Yes, ma'am. She had to be there by 8:00 a.m.

4 Q Okay. And were you still dropping her off at your
5 mother and Mike's house?

6 A Yes, ma'am.

7 Q Was it that same schedule?

8 A Yes, ma'am.

9 Q So on average, how many nights a week would she spend
10 over there?

11 A A week -- one -- one week -- one week, she may stay,
12 at least, three nights. And then the following week, she
13 would probably stay, at least, four or five nights.

14 Q Okay. And your son, when was he born again?

15 A [REDACTED]

16 Q Okay. So he was not around during a lot of these
17 years?

18 A No, ma'am.

19 Q How was your relationship -- or how was [REDACTED]'s
20 relationship with your mother?

21 A Great.

22 Q All right. What would they do together?

23 A My mom would take her to the park. She would, you
24 know, spend time with her. We all go to church together.
25 We would eat together. She -- she did multiple things

1 with my daughter as far as taking her to fun places.

2 Q Was [REDACTED] the only grandchild for a while?

3 A Yes, ma'am, she was.

4 Q Do you know how -- approximately how long she was the
5 only grandchild?

6 A Let's see. She's eight now, and the next grand that
7 was born is three now. So I guess maybe about five years.

8 Q Okay. What was her relationship like with the
9 Defendant?

10 A It was pretty good.

11 Q Did she appear to like him?

12 A Yes, ma'am, she did.

13 Q All right. What kind of things would they do
14 together?

15 A He would do some of the same things. He would call
16 and ask me if it's okay to come and pick her up to take
17 her to get ice cream, or if it was okay to --

18 Q Would he be the only one in -- when he would pick her
19 up sometimes?

20 A Yes, ma'am, he would be.

21 Q What kind of things would they do? Ice cream you
22 said?

23 A Yes, ma'am. He would ask -- if a football team was
24 playing that he liked, he -- especially Clemson, he would
25 ask if she can -- if he can come and pick her up and bring

1 her over to watch the -- the game. Because by this time,
2 she's so used to him and she knows that he loves Clemson.
3 So he got so excited about Clemson that she got excited
4 about Clemson.

5 So any time Clemson was playing, he would ask if he
6 could come and get her and bring her back to the house so
7 she can watch the Clemson game with him. And just other
8 things like he asked to take her to the park and,
9 actually, go to her school and eat with her, you know, if
10 she asked him to, several things like that.

11 Q Okay. And would he be alone with her on some of
12 these occasions?

13 A Yes, ma'am.

14 Q As far as you knew?

15 A Yes, ma'am.

16 Q Did you trust him with her?

17 A I did.

18 Q Did you see any signs that she -- he was mean to her?

19 A No, ma'am.

20 Q Or would yell at her?

21 A No, ma'am.

22 Q What kind of car did he drive?

23 A The two that I remember is a gold Honda Accord, and
24 then, also, a black Honda Accord.

25 Q Where were he and your mother living at the time that

1 [REDACTED] was five and six years old?

2 A [REDACTED].

3 Q Okay. And where were you living?

4 A [REDACTED].

5 Q Was that relatively close to each other?

6 A Yes, ma'am, about three minutes away from each other.

7 Q I'm going to show you what's been marked as State's
8 Exhibit Nos. 2, 3, 4, 5, and 6. Just look through those.
9 And tell me if you recognize all of those pictures.

10 A Yes, ma'am, I do.

11 Q Okay. What are those pictures of?

12 A A picture of my mom's and Mike Sullivan's home.

13 Q Okay. And is that the [REDACTED] home?

14 A Yes, ma'am, it is.

15 Q Do they fairly and accurately represent the house as
16 it was back in 2017?

17 A Yes, ma'am, pretty much.

18 MS. MAJOR: Okay. Your Honor, at this time, the
19 State would move State's Exhibit Nos. 2, 3, 4, 5, and 6
20 into evidence.

21 THE COURT: All right. Any objection?

22 MR. MUSSETTO: No objection.

23 THE COURT: All right. So entered without objection.

24 (WHEREUPON, State's Exhibit Nos. 2, 3, 4, 5, and 6 were
25 admitted into evidence.)

1 MS. MAJOR: Your Honor, I would request permission to
2 publish to the jury.

3 THE COURT: Any objection?

4 MR. MUSSETTO: No objection.

5 THE COURT: All right.

6 BY MS. MAJOR:

7 Q Ms. Williams, what is that a picture of? And we're
8 looking at State's Exhibit No. 2.

9 A That's a picture of my mom's and Mike Sullivan's home
10 at [REDACTED].

11 Q Okay. And what is that a picture of? And I'm
12 referring to State's Exhibit No. 5.

13 A That is one side of the main living room.

14 Q Okay. Is that the -- and I'll let you look at it
15 here because there's a bit of a glare. But is that the
16 front door?

17 A No, ma'am. That's one of the back doors.

18 Q Okay. And what is State's Exhibit No. 6? What is
19 that a picture of?

20 A That would be the other side of the living room.

21 Q Of this room?

22 A Yes, ma'am.

23 Q Okay. And then what is that a picture of?

24 A That is a picture of -- I guess we would call that
25 the sitting room. Once you walked in the door in the

1 garage, it was, like, a sitting area.

2 Q Okay. And then do you -- what room -- what is that a
3 picture of?

4 A That's a picture of my mom's and Mike Sullivan's
5 bedroom.

6 Q Okay. Thank you.

7 So let's go to the day that you learned about the
8 sexual abuse allegations. Do you remember what day it
9 was, or what was going on that day?

10 A That day, my daughter had, actually, spent the night
11 at her best friend's house, [L.R.] which is Shannon's
12 daughter. And so that -- she stayed that night before.

13 So that next morning, I, actually, called my mom
14 because I was off of work. And I was planning to take my
15 mom to breakfast since I was off of work. So I called my
16 mom that morning and was letting her know that I wanted to
17 take her to breakfast. But she informed me that she was
18 already cooking breakfast.

19 So it was just me and my son at home. I told her
20 that we would just throw some shoes on and come in our
21 night clothes and come over there and eat breakfast there.
22 And she was okay with that.

23 Once I got there, it was just a -- you know, normal,
24 us talking, my mom cooking.

25 Q Who was over at the house? You, and your son, and

1 your mom?

2 A My son, my mom, me, of course. And Mike was back in
3 the back room. That's all I remember that was there.

4 Q What happened next?

5 A My phone rung. And it was Shannon. And she was
6 asking me what I was doing and if I could talk. And I
7 told her, Yes. And she said that she wanted to tell me
8 something that she had just heard [REDACTED] say.

9 And so I told her to go on. And she had mentioned
10 that [REDACTED] had said that she didn't like going to her
11 grandparents house. And so she asked [REDACTED] why. And [REDACTED] said
12 that her papa -- that's what she used to call Mike
13 Sullivan -- her papa touches her. And so as soon as I
14 heard that, I just immediately took the phone from my ear
15 and just started screaming Mike's name at the top of my
16 lungs several times.

17 And then he, finally, came out of the room. And I
18 asked him, I said, Have you touched my daughter? And he
19 was, you know, just mortified.

20 What? You know, what do you mean?

21 Did you -- I kept asking him, Did you touch my
22 daughter?

23 And, of course, he was denying it. And I was letting
24 him know -- I said, Well, I have Shannon right here on the
25 phone. And she's saying that [REDACTED] said that you have

1 touched her, you know. And I just kept asking, Did you
2 touch my daughter? And he was in denial about it.

3 And so I got back on the phone. And I told Shannon
4 to bring my daughter to me.

5 Q Okay. You're talking calmly now saying that you said
6 his name. Were -- were you upset?

7 A I was very upset.

8 Q Okay. Were you yelling?

9 A Yes, ma'am. I was -- yeah.

10 Q Okay. Could he tell that you were mad about these
11 allegations?

12 A Yes, ma'am, he could.

13 Q Okay. What did you do -- what did -- what did your
14 mom do.

15 A My mom, basically, was just kind of trying to take it
16 all in, I guess, trying to, you know, figure out, you
17 know, what was kind of happening right then and there. So
18 me and my mom kind of got upset with each other.

19 Q How come?

20 A Because I'm getting a phone call saying that my
21 daughter has been touched by somebody that we trusted.
22 And I can understand that this was her husband and, you
23 know, this is all happening so fast.

24 And she was more wanting me to calm down and, you
25 know, try to be more rational about it. And it was -- it

1 was none of that going on in my mind. I mean, the only
2 thing that I know is that I'm receiving a phone call
3 saying that my daughter has been touched by Mike Sullivan.

4 So it just caused a lot of tension. So I ended up
5 leaving my mom's home and going to my house. And I had
6 already asked Shannon to bring my daughter to me so I
7 could talk to my daughter face-to-face.

8 Q Okay. So did you go to your house?

9 A Yes, ma'am, I did.

10 Q And who met you there?

11 A Shannon came and brought my daughter to me. And it
12 was me and it was [REDACTED]. And at that point in time, I talked
13 to [REDACTED]. Because I wanted her to tell me exactly what she
14 told Shannon.

15 Q Were you still upset at this point?

16 A Yes, ma'am. I was still very upset and very hurt.

17 Q Were you crying?

18 A Yes, ma'am, I was.

19 Q Were you yelling?

20 A Yes, ma'am, I was.

21 Q Okay. And did [REDACTED] disclose sexual abuse to you?

22 A Yes, ma'am, she did.

23 Q Did she say where it happened?

24 A Yes, ma'am.

25 Q Where did she say it happened?

1 A She said it happened at her grandparents house.

2 Q Did she say when it happened?

3 A No, ma'am. She didn't say when.

4 Q Okay. What was her demeanor like when she was
5 telling you this?

6 A She was -- she was crying. I mean, she was -- you
7 know, she was crying. She was hurt.. But I think she was
8 more of feeling as if she was scared as if -- I don't know
9 if she felt like maybe if she had done the right thing or
10 not by, you know, releasing this information.

11 Q Was she laughing?

12 A No, ma'am.

13 Q Was she yelling about it?

14 A No, ma'am. She -- my daughter's not -- she's not a
15 yeller. She's a pretty calm person.

16 Q Okay. And what did you do after she told you what
17 happened?

18 A I picked up the phone and I called Mike Sullivan's
19 phone. And I told him he needed to get to my house right
20 now. And the reason I did that is because I wanted my
21 daughter to tell me everything that she told me right in
22 front of him.

23 Q Why did you want her to tell in front of him?

24 A Because I believed -- I believed the information from
25 the jump start. But I just -- I wanted him to see. I

1 wanted him to hear the same thing that she had told me and
2 told Shannon. And I know if -- you know, outside of her
3 being scared and crying and feeling whatever way that she
4 was feeling, if she was able to still be able to say those
5 same things in front of him while he was there, then, I
6 mean, it was more of just confirmation on top of
7 confirmation for me.

8 Q So what happened? Did Shannon leave?

9 A No, ma'am. Shannon -- Shannon stayed there. I -- I
10 can't recall -- I can't remember if Shannon was still
11 there or not.

12 Q Do you know -- was your son still there?

13 A Yes, ma'am. My son was still there.

14 Q Okay.

15 A So I think -- I'm -- I'm almost sure that Shannon
16 still was there. Because I asked Shannon to take my son
17 with her while I took my daughter to the hospital.

18 Q So did Mike come over?

19 A Yes, ma'am, he did.

20 Q And are you still upset at this point?

21 A Yes, ma'am, I am.

22 Q Did you yell at him when he came over?

23 A I asked him -- I asked my daughter to tell me exactly
24 what she told -- you know, to say in front of him exactly
25 what she told me and exactly what she told Shannon. And

1 as she was starting -- you know, as she was saying these
2 things, of course, she's crying, you know.

3 But what struck out the most to me is how nonchalant
4 he was about the whole situation when she was saying
5 what -- you know, was telling some of the things that he
6 did to her. He was just more fumbling in the candy bowl
7 that I had on my coffee table and just being real -- just
8 careless, basically, about what was going on right then
9 and there.

10 Q Did he look surprised?

11 A He looked like he didn't care.

12 Q Okay. And did he deny --

13 A He did. His whole story was she's a six-year-old.

14 Are y'all going to listen to a six-year-old? I can
15 remember -- I can recall him saying it could have been
16 something that she dreamed about that -- that she thinks
17 she knows, as if my daughter would have a reason to even
18 be sitting around dreaming, or talking, or thinking about
19 things like that.

20 So that was his whole story at that point in time was
21 she's just six. Are y'all going to believe a
22 six-year-old?

23 Q Okay. Did your daughter indicate that the sexual
24 abuse had happened more than one time?

25 A No, ma'am. She never said how many times it

1 happened. She just said what she remembered.

2 Q Okay. And, again, throughout this, are you upset?

3 A Yes, ma'am, I am.

4 Q Did he leave, eventually?

5 A Yes, ma'am. I put him out of my house.

6 Q All right. What did you do after that?

7 A I asked Shannon to take my son while I take my
8 daughter to the hospital. And that's what I did.

9 Q Okay. And what happened at the hospital?

10 A Once we got to the hospital, I let them know what was
11 going on. And I wanted them to check her. But the
12 information that they gave me was because they didn't have
13 a time frame of when this assault happened and being that
14 it was possibly outside of 48 hours that even if there was
15 evidence there, they wouldn't be able to gather anything
16 because evidence -- as far as, I guess, the type of
17 evidence that they was talking about doesn't last longer
18 than 48 hours..

19 Q Okay. And what was the nature of the abuse that she
20 said happened?

21 A What she told me was that --

22 Q Was it -- did she say that he had touched her?

23 A Yes, ma'am.

24 Q Okay. Did you speak with police officers at the
25 hospital?

1 A Yes, ma'am, I did.

2 Q Okay. And is that how the criminal process got
3 started?

4 A Yes, ma'am.

5 Q Okay. Did you communicate with the Defendant after
6 this?

7 A No, ma'am, I didn't. He tried to contact me, but.

8 Q Do you remember what day this came out?

9 A The whole --

10 Q What day you took her to the hospital, what day
11 she -- she talked about the abuse?

12 A I want to say January the 16th.

13 Q Okay. And then approximately how many -- how -- how
14 much longer after that did he reach out to you?

15 A I can recall a text message that he sent on -- a
16 couple days after, maybe January the 18th.

17 Q Okay. I'm going to show you what's been marked as
18 State's Exhibit No. 1. Tell me if you recognize that.

19 A Yes, ma'am, I do.

20 Q Okay. What is that?

21 A That's a text message that Mike Sullivan texted my
22 phone a couple of days after [REDACTED] came out with the
23 information about him touching her.

24 Q Okay. And is he plugged into your phone as Mike
25 Sullivan?

1 A Yes, ma'am, he is.

2 Q And before this, would y'all communicate via text?

3 A Yes, ma'am, we would.

4 MS. MAJOR: Okay. Your Honor, at this time, I would
5 ask that State's Exhibit No. 1 be moved into evidence.

6 THE COURT: All right. Any objection?

7 MR. MUSSETTO: No objection.

8 THE COURT: Without objection, State's Exhibit No. 1
9 is so admitted.

10 (WHEREUPON, State's Exhibit No. 1 was admitted into
11 evidence.)

12 MS. MAJOR: And I would request permission to publish
13 it to the jury.

14 THE COURT: Any objection, Counsel?

15 MR. MUSSETTO: No objection.

16 THE COURT: All right.

17 BY MS. MAJOR:

18 Q Ms. Williams, if you'll just read that out to us.
19 Did he initiate the text conversation?

20 A Yes, ma'am, he did.

21 Q Okay. And what day was that?

22 A January the 18th, 2017.

23 Q Okay. What did he write to you?

24 A He texted, Hey, Meka. Call me, please. We both
25 getting played by someone close to the family. And I

1 didn't respond.

2 Then he texted again, he said, Think about it, the
3 timing of the incident was too perfect. And I didn't
4 respond.

5 And he texted again, he said, Everything is going the
6 way they planned it. And I didn't respond.

7 Q And then it looks like there's a message prior to
8 this. Was this prior -- was -- the message that was sent
9 before what you read, was that sent before these
10 allegations came out?

11 A Yes, ma'am. It was on January 15th, so yes, ma'am,
12 it was.

13 Q Okay. Ms. Williams, does -- was -- the timing of
14 this disclosure of [REDACTED] telling Shannon these things, was
15 there anything significant about the timing?

16 A No, ma'am, it wasn't.

17 Q Was there anything going on in the family at that
18 time?

19 A No, ma'am, it wasn't.

20 Q Is there anybody close to the family that wants to
21 hurt you?

22 A No, ma'am, there's not.

23 Q And, to your knowledge, is there anyone close to the
24 family that wants to hurt Mr. Sullivan?

25 A No, ma'am.

1 Q Did that text message make any sense to you?

2 A It made absolutely no sense.

3 Q Okay. What is [REDACTED] like as a child?

4 A Happy.

5 Q Have you ever had any trouble with her or issues,
6 besides normal kid behavior?

7 A No, ma'am.

8 Q Okay. And did you change shifts at work after this?

9 A Yes, ma'am, I did.

10 Q Okay. To what?

11 A I requested to go to A shift to start working from
12 7:00 a.m. to 7:00 p.m. so I could be at home with my kids.

13 Q Okay. And after this, did you allow the -- allow [REDACTED]
14 around Mr. Sullivan?

15 A No, ma'am.

16 MS. MAJOR: Okay. Please answer any questions the
17 Defense has.

18 THE COURT: Cross-examination.

19 CROSS-EXAMINATION

20 BY MR. MUSSETTO:

21 Q Ms. Williams, going back to the layout of
22 Mr. Sullivan's house where he lived with your mother. Can
23 you describe kind of the layout? Is it a ranch-style
24 house?

25 A Yes, sir.

1 Q Okay. When you walk into the front door, what room
2 would you be entering?

3 A When you walked into the front door, you would walk
4 into a room that, I guess, my parents considered another
5 sitting room. It was a room that had couches and a TV as
6 well.

7 Q Okay. Is that -- is that this room?

8 A No, ma'am -- I mean no, sir. I apologize.

9 Q Is it this room?

10 A No, sir.

11 Q Where -- was that room photographed?

12 A No, sir.

13 Q Okay. So that room was not photographed?

14 A No, sir.

15 Q So you enter the first sitting room, and then where
16 do you go?

17 A It was two ways out of that room. Once you
18 entered -- once you exited through the right, you would
19 come into the kitchen. If you exited through the left,
20 you would come into a hallway that led down the hall to
21 the bedrooms.

22 Q So if you were entering the house from the front
23 door -- so if you were entering the house here at the
24 front door, the bedrooms would be on this side of the
25 house?

1 A Yes, sir.

2 Q Okay. What would be on this side of the house?

3 A That would be the -- the living room, one of the
4 sitting rooms that you would walk in once you entered the
5 first door. Once you exited through the -- once you
6 exited out of that room, to the right, it was, like, a --
7 connected to that sitting room was, like, a small dining
8 area. And once you entered -- exited out that door, you
9 would come into the kitchen.

10 And then from the kitchen, you could go right and go
11 down a couple of steps. And that's where the -- the other
12 sitting room that had the sectional brown couch in the
13 photo, that's where that room was.

14 Q Okay. Is the master bedroom on the front side of
15 this house or the backside of the house?

16 A The master bedroom was on the -- the left side of the
17 house. Coming through the front door, it's on the left
18 side.

19 Q On the front side?

20 A It would -- it would sit more on the backside.

21 Q Okay. So neither this window or this room is the
22 master?

23 A No, sir.

24 Q So the master bedroom window would be on the backside
25 of the house?

1 A Yes, sir.

2 Q Looking out to the backyard?

3 A Yes, sir.

4 Q What rooms would be right here?

5 A I think that the last room was my brother -- my
6 youngest brother's room.

7 Q And what's his name?

8 A Brandon Williams.

9 Q Okay.

10 A And that other room, at one point in time, was my
11 sister's room. And then it turned into, like, another
12 sitting place. It was different rooms at different times.

13 Q Okay. And so there's a total of three bedrooms in
14 this house?

15 A Yes, sir.

16 Q Okay. And where would [REDACTED] normally sleep when she
17 would stay over at your mother's and Mr. Sullivan's house?

18 A I'm not sure.

19 Q You have no idea?

20 A No, sir.

21 Q When you would --

22 THE COURT: Make sure you say "yes" or "no."

23 BY MR. MUSSETTO:

24 Q When you would come over in the morning, did you ever
25 wake [REDACTED] up?

1 A My mom or somebody -- or usually my sister -- at one
2 point in time, my sister was there. They would already
3 have her ready and dressed for me. So I would just go and
4 pick her up and take her to daycare.

5 Q Okay. And this went on for how many years?

6 A Let's see. I started there when she was six months.
7 And when all this happened, she was six years old, so.

8 Q So for approximately five and a half years, you did
9 not know what room she slept in at night?

10 A No, sir. Like I say, as far as every night, no, sir.
11 I don't know every night what room she slept in. I do
12 know that when my sister was staying there that she did --
13 she did sleep with my sister.

14 Q Okay. And would your sister -- is this the bedroom
15 that you were referencing where your sister stayed?

16 A Yes, sir.

17 Q Okay. But then that was -- changed to another
18 sitting room as well?

19 A Yes, sir, once my sister moved out.

20 Q Do you know the -- what year did your sister move
21 out?

22 A I don't know.

23 Q Do you have any estimation?

24 A No, sir. Because I have two sisters and both of them
25 was back and forth to my mom's house.

1 Q Okay. Do you think this room has been a sitting
2 room, say, for the last -- last year?

3 A The last year that they was living there, I would say
4 so.

5 Q No. Has this room been a sitting room in the last
6 year?

7 A They haven't lived there in the last year.

8 Q So it would have been a sitting room?

9 A Yes.

10 Q Okay. Two years, has it been a sitting room?

11 A Two -- yeah, two years ago.

12 Q Three years?

13 A No. Because I think one of my sisters was still --
14 was staying there at that time.

15 Q So somewhere between the two to three-year range?

16 A Yes, sir.

17 Q When this room was a sitting room, can you describe
18 the furniture in the sitting room?

19 A I just recall the couch being in there.

20 Q Okay. Do you know if [REDACTED] slept on a couch, a bed, a
21 crib when she would stay at this house?

22 A When she would stay in that house when my sister was
23 staying there, she would sleep in the bed with my sister.

24 Q Okay. And then they haven't stayed there in two or
25 three years, so you don't know if [REDACTED] slept on a couch,

1 bed, crib after they moved out?

2 A No, sir. I can't say every night I know where she
3 slept.

4 Q Okay. [REDACTED] could have slept in this front room that
5 was your brother's?

6 A No. She wouldn't have never slept in the room with
7 my brother.

8 Q Okay. Would she have slept in the back master
9 bedroom?

10 A My mom's and Mike Sullivan's room?

11 Q Correct.

12 A It's a possibility she could have.

13 Q Is it possible that she slept in this sitting room by
14 herself --

15 MS. MAJOR: Objection, Your Honor. She -- she has
16 said that she doesn't know where she slept. And now,
17 she's just speculating.

18 THE COURT: I'm going to -- overruled. I'm going to
19 allow the question.

20 BY MR. MUSSETTO:

21 Q You can answer the question.

22 A Could you say it again?

23 Q Sure.

24 Is it possible that she slept in this sitting room?

25 A The sitting room where -- where the garage is?

1 Q This sitting room that I'm pointing to right now that
2 we've been talking about for the last five minutes.

3 A It's a possibility.

4 Q Okay. How often would ^{SIR} go over to L.R.'s house?

5 A Every now and then, whenever they wanted to have a
6 sleepover, or if it was one of the girls birthdays, she
7 would go over.

8 Q Once a month? Once every two months? Once every
9 three months?

10 A Maybe once every three months.

11 Q Okay. And did she meet L.R. in school?

12 A She did.

13 Q Okay. And did you ever visit L.R.'s house?

14 A I have never been over to L.R.'s house.

15 Q Okay. Do you know what men live in L.R.'s house?

16 A No, I don't.

17 Q Do you know if L.R.'s mother's married?

18 A No. She's not married.

19 Q Okay. Do you know if her -- she has a boyfriend that
20 lives there?

21 A She did not.

22 Q Okay. Do you know of any other men that could have
23 lived in the house at this time?

24 A No, sir.

25 Q When you first met Mr. Sullivan, what year was that?

1 A I don't recall the year.

2 Q Okay. Do you recall the year that they got married?

3 A I don't recall the year.

4 Q If I told you 2008, would you think that would be a
5 correct year?

6 A I don't recall the year.

7 Q Okay. What was -- what was Mr. Sullivan like with
8 your mother when they dated?

9 A From what I seen, pretty good. By this time, I'm way
10 grown and out of the house. So I never really just had
11 that many encounters with Mike Sullivan because I was
12 working. And I didn't have to interact with him as much
13 as my younger siblings did because I was older and gone.

14 Q Would you say that you saw him treating your mother
15 well?

16 A Yes, sir.

17 Q Did your mother ever disclose to you that she wasn't
18 being treated well by Mr. Sullivan?

19 A No, sir.

20 Q Okay. So Mr. Sullivan and your mother started
21 watching [REDACTED] when she was around six months; is that
22 correct?

23 A Yes, sir.

24 Q Okay. And how would you describe -- prior to these
25 allegations, how would you describe them as babysitters?

1 A Great.

2 Q Okay. What would they do with MINOR.

3 A As far as in home, at home, or just in general?

4 Q In general.

5 A They would babysit her. They would take her to
6 church, like, on Wednesdays when I had to work. They
7 would take her to church on Wednesday nights.

8 Q What church would they go to?

9 A Fairforest Baptist Church.

10 Q Do you know how long they've been members of that
11 church for?

12 A I don't know.

13 Q Did Mr. Sullivan hold any sort of position or office
14 within that church?

15 A He did.

16 Q What position was that?

17 A A deacon.

18 Q Do you know how long he had held that position for?

19 A I don't.

20 Q Okay. What else -- what else would they do with MINOR

21 A They would take her to eat. I guess anything that --
22 any type of errands or anything that they needed to run, I
23 guess they would.

24 Q Were you aware that your mother would go to bingo on
25 certain nights?

1 A Yes, sir.

2 Q How'd you feel about that?

3 A I was okay with it.

4 Q Okay. Because you never had any concerns about
5 Mr. Sullivan?

6 A No, sir.

7 Q No red flags ever came up?

8 A No, sir.

9 Q You would trust him with your child?

10 A I did.

11 Q Okay. When Lauren's mother first made this
12 disclosure to you -- and I understand -- well, when
13 L.R. 's mother first made the disclosure to you, why did
14 you automatically assume that the disclosures were true?

15 A Because it's my daughter. It's my daughter. And
16 she's six. And she has no reason to even know about
17 anything like that, unless it's something that has
18 happened to her. And she's my daughter. So I was going
19 to believe it.

20 Q Did the thought cross your mind that this is maybe
21 something that her and L.R. had talked about the night
22 before?

23 A No.

24 Q Did the thought cross your mind that this is
25 something she may have seen on television?

1 A No, sir.

2 Q You felt that this was absolutely the truth?

3 A Yes, sir.

4 Q Has **MINOR** story changed from when the disclosure was
5 first made up until today?

6 A No, sir.

7 Q What were the -- when the disclosures were first
8 made, it was that there was some touching?

9 A Yes, sir.

10 Q To your understanding, it was over her underwear?

11 A Over her underwear, yes, sir.

12 Q Okay. Was that the extent of the allegations?

13 A Yes, sir.

14 Q Okay. And **MINOR** has not told you anything different
15 since the disclosures were first made?

16 A No, sir.

17 Q You talked a lot about how sometimes Mr. Sullivan
18 would call you up and say, Hey, can I come get **MINOR**. Would
19 your mother be around when he would then bring her back or
20 go take her to do things?

21 A I don't know. He would just call my phone and he
22 would say, Hey, what's **MINOR** doing? Have you got any plans
23 for **MINOR** today? And if I'd say, No, he'd say, Well, I want
24 to take her to go get ice cream, or Clemson's playing
25 today. I know she likes Clemson. Do you mind if she

1 comes over and watches the game?

2 And, of course, I mean, I trusted him. I mean, I
3 didn't have a reason not to trust him. So it was always,
4 Yeah. Or I would even ask [REDACTED] Do you want to go with your
5 papa to get ice cream or to watch the game? And, of
6 course, she was excited, you know, yeah.

7 Q What did she refer to Mr. Sullivan as?

8 A Papa.

9 Q Papa?

10 A Papa.

11 Q Did your mother ever come over with Mr. Sullivan when
12 he would come pick up the child?

13 A No, sir.

14 Q It was always him by himself?

15 A Yes, sir.

16 Q Would she ever -- would your mother ever talk to you
17 about -- or reference the fact that Mr. Sullivan came over
18 and got the child?

19 A No, sir.

20 Q Okay. Why didn't you want to talk to [REDACTED] first after
21 these disclosures were made before deciding that these
22 allegations were true?

23 A I didn't -- I didn't -- I told you, when I received
24 the phone call -- from the phone call I received from
25 Shannon, I told you from the jump start, I believed it.

1 So I didn't have to talk to [REDACTED] first. I believed it once
2 I received the phone call.

3 Q Okay. So for years, there were no red flags at all?

4 A No, sir.

5 Q And then you get a call from [REDACTED] L.R.'s mother saying
6 that there might have been touching by Mr. Sullivan and,
7 at that point, you believed it to be 100 percent true?

8 A Yes, sir.

9 Q Okay. How would you describe your emotional state at
10 that point after receiving the call?

11 A After receiving the call, I was upset and I was hurt.

12 Q Would you use the word enraged?

13 A I was upset and I was hurt.

14 Q Okay. On a scale of being upset and hurt, were
15 you -- did you see red? Did you see black? Were you able
16 to still keep your composure?

17 A I was very angry. And I wanted answers.

18 Q Okay. Would you say that you were in control of your
19 emotions at the time?

20 A I was in control of my emotions.

21 Q Okay.

22 A And I knew what emotion I was feeling. And I was
23 upset. And I was hurt.

24 Q Okay. Did you on the direct exam -- direct
25 examination by the Solicitor say that you knew that you

1 were not being rational?

2 A I was -- I was -- I was upset. And I was in full
3 control of what I was saying, and what I was doing, and
4 how I was feeling. And how I was feeling was very upset
5 with the phone call that I had just received about my
6 daughter, my six-year-old.

7 Q Okay. So then when you saw [REDACTED] was she hesitant to
8 disclose these allegations to you?

9 A No, ma'am -- no, sir, she wasn't. I asked her and
10 she told me.

11 Q When you asked her, where were you in the house?

12 A When I -- she -- I was at home. I had made it back
13 to my residence. And Shannon had brought her home.

14 Q Okay. And what room were you at in your house?

15 A In my living room.

16 Q And who all was witnessing this conversation?

17 A Shannon.

18 Q So it was Shannon, you, and [REDACTED]

19 A Shannon, me, and Mike Sullivan. I called Mike
20 Sullivan over and he came as well.

21 Q Okay. And so you, originally, were at the Sullivans
22 for breakfast?

23 A Yes, sir.

24 Q You got the call from Lauren's mother?

25 A Yes, sir.

1 Q Then you left to go back to your house?

2 A Yes, sir.

3 Q You had the conversation with [REDACTED]. And then you
4 called Mike Sullivan to tell him to come over, too?

5 A I had already had the conversation with my daughter.
6 Once my daughter got to the house, I asked her to tell me
7 exactly what she told Shannon. And once Mike Sullivan
8 came to the house, I asked her to say -- to say what she
9 told me and Shannon in front of Mike.

10 Q Okay. And from the time that you called Mike to say
11 come over, approximately how long was that?

12 A It was not even 10, 15 minutes. They just stayed
13 right up the street.

14 Q Okay. That was going to be my next question. How
15 far away did they live -- do you live from them -- or did
16 you live from them?

17 A Maybe three minutes away.

18 Q Okay. And he came over willingly?

19 A Yeah.

20 Q Okay. Did he offer to take you or ride with you and
21 [REDACTED] to the hospital?

22 A No, sir.

23 Q He did not?

24 A No, sir.

25 Q And you described his reaction as nonchalant?

1 A Yes, sir.

2 Q Can you go into some detail about that?

3 A Careless. He was careless. Like I said, I asked --
4 my daughter was saying things that he did to her and
5 saying the things that she had told me and Shannon. He
6 was just -- I had a candy bowl on my coffee table. He was
7 fumbling around in the candy bowl trying to find what
8 specific piece of candy he wanted.

9 And I -- I told him, I said, Are you even listening
10 to her? And he was -- you know, he said that he was
11 listening. But his whole thing was, you know, he didn't
12 care because the only thing he kept referencing to is that
13 she's six, she's six. And I don't understand how y'all
14 are going to go off of what a six-year-old is saying.

15 So that was his whole thought and what he was saying.
16 So his whole demeanor showed that -- it's just like I'm
17 not taking this serious because she's six. And I don't
18 see why y'all are, basically.

19 Q But he was over at the house per your request?

20 A Yes, sir.

21 Q He was talking to you about the allegations?

22 A Yes, sir.

23 Q But you said that he just reacted nonchalant?

24 A He just -- his -- his whole answers was just, you
25 know, his whole demeanor, like I said, was just -- it was

1 nonchalant. He didn't show no type of strong emotion that
2 you would show if you're getting accused of something that
3 you're saying is not true.

4 Q What type of reaction do you think he should've had?

5 A I personally feel like if it wasn't true, then he
6 would be upset, or be a little bit more caring about the
7 situation. It was just more of -- he just didn't care.
8 He just didn't care, like, his whole demeanor was just so
9 emotionless.

10 Q Okay. At some point, [REDACTED] gave what's called a
11 forensic interview?

12 A Yes, sir.

13 Q And where was that forensic interview done?

14 A The Julie Valentine Center.

15 Q And what kind of conversation did you have with [REDACTED]
16 prior to her giving that interview?

17 A Honestly, I -- I don't even think we talked about it
18 again. We didn't even talk about it again.

19 Q Did you drive her to the interview?

20 A I did.

21 Q So, at the time, she didn't know where she was going?

22 A No, sir. She was, of course, at the hospital when I
23 took her to the hospital. And when a person from the
24 Julie Valentine Center came in, of course, they talked to
25 me about bringing her and wanting to meet with her. And

1 she was in a room.

2 But as far as knowing what the Julie Valentine Center
3 was, she didn't know exactly what it was and exactly where
4 she was going.

5 Q Did you go over her story with her before the
6 interview?

7 A Did I go over her story? No, sir. Like I said, we
8 didn't even talk about it again.

9 Q Do you know why one of the first questions out of her
10 mouth in the interview was that she was there to talk
11 about her papa touching her?

12 A Do I know why that was the first question?

13 Q Do you know why she would have said that as one of
14 the first things out of her mouth?

15 A Because she knew what was going on.

16 Q So when did -- when did she find out that -- what she
17 was there to do?

18 A I want to say once they started asking her questions.

19 Q The interviewer?

20 A The interviewer.

21 Q In the actual interview room?

22 A I guess that's what they did in the interview room.
23 I wasn't allowed to go in, so.

24 Q Did you watch it over closed circuit television?

25 A No, sir.

1 Q Have you seen the interview?

2 A No, sir.

3 Q Okay. Who is Sharon Black?

4 A My aunt.

5 Q Okay. And that would be your mother's sister?

6 A Yes, sir.

7 Q Does she live in town?

8 A Yes, sir.

9 Q Describe Sharon Black's relationship with
10 Mr. Sullivan?

11 A My opinion was fairly decent.

12 Q Okay. You weren't aware of Ms. Black's strong
13 disliking Mr. Sullivan?

14 A No, sir.

15 Q Okay. When he sent you this text message -- I'm
16 referencing State's Exhibit No. 1. When he said, Think
17 about the timing of the incident, think about it, the
18 timing of the incident was too perfect. Everything is
19 going the way they planned it. Do you know who he's
20 referring to when he says "they"?

21 A I do not.

22 Q Okay. And up until this point, your testimony is
23 that Mr. Sullivan and Ms. Black had a good relationship?

24 A I didn't say they had a good relation -- I just
25 wasn't aware if it was a bad relationship.

1 MR. MUSSETTO: Okay. No further questions at this
2 time.

3 THE COURT: Anything on redirect?

4 MS. MAJOR: Yes, Your Honor.

5 REDIRECT EXAMINATION

6 BY MS. MAJOR:

7 Q Have you talked about the details of what happened
8 with Mr. Sullivan touching your daughter with MINOR Is it
9 something that comes up often?

10 A No, sir -- no, ma'am.

11 Q Okay. I mean, how many times since this has come out
12 do you think that you've talked about it with her?

13 A Maybe twice.

14 Q Okay. Does MINOR lie as a -- as a child? Has she
15 lied -- has she lied up until -- prior to this disclosure?

16 A No, ma'am.

17 Q Have you seen any lying behavior since this
18 disclosure?

19 A No, ma'am.

20 Q Has she ever accused anybody else of this?

21 A No, ma'am.

22 Q Is Mr. Sullivan the only one that she's accused of
23 this?

24 A Yes, ma'am.

25 Q Okay. The Defense attorney asked you if she has seen

1 this on television. Has -- to your -- to your knowledge,
2 has she ever been exposed to pornography?

3 A No, ma'am.

4 Q Has she ever seen an old man touching a little girl
5 on TV?

6 A No, ma'am.

7 Q All right. You said that you were the one who drove
8 her to the Julie Valentine Center?

9 A Yes, ma'am.

10 Q Did you just drop her off there?

11 A No, ma'am.

12 Q Did you walk in with her?

13 A Yes, ma'am.

14 Q Did she know why she was going there?

15 A No, ma'am. Like I said, when we was at the hospital,
16 prior to that, someone from the Julie Valentine Center did
17 come in to talk to us, and then let -- did let us know
18 that they wanted to meet with MINOR and to bring MINOR to the
19 Julie Valentine Center. So she did hear that information.

20 But as far as knowing why -- exactly why she was
21 going, I don't think my baby knew exactly why she was
22 going.

23 Q Okay. And you were not present for the interview?

24 A I was in the building, but I wasn't allowed to go in
25 on the interview.

1 Q Did anybody from the Julie Valentine Center tell you
2 what was said in the interview?

3 A Yes, ma'am.

4 Q Did they tell you details?

5 A Some, yes, ma'am.

6 Q Okay. You said that you were upset and angry with
7 the Defendant when you heard this. Did you hit the
8 Defendant?

9 A No, ma'am.

10 Q Did you want to?

11 A Yes, ma'am.

12 Q Okay. But did you control yourself?

13 A Yes, ma'am, I did.

14 Q Sharon Black, who is she again?

15 A My aunt.

16 Q And where does she live?

17 A In Greenville.

18 Q Okay. How often before the -- up until these -- once
19 these allegations were out, how often did you see her?

20 A We all go to the same church, so at church.

21 Q Okay. How often would she see MINOR

22 A At church.

23 Q Who was present at church? Is it you and the whole
24 congregation?

25 A Yes, ma'am.

1 Q Okay. Is Sharon Black ever alone with [REDACTED] that you
2 know of?

3 A No, ma'am.

4 Q All right. Does Sharon Black have any reason to get
5 your daughter to make these allegations up?

6 A No, ma'am.

7 MS. MAJOR: Okay. Thank you.

8 THE COURT: Anything on recross?

9 MR. MUSSETTO: No, Your Honor.

10 THE COURT: All right. I have no questions.

11 Thank you, ma'am.

12 You can step down.

13 Do y'all need a break, or do you want to continue?

14 (WHEREUPON, there was no response.)

15 THE COURT: Everybody's good?

16 (WHEREUPON, the jurors indicated in the affirmative.)

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

18 MS. MAJOR: Thank you, Your Honor.

19 And may she be released from her subpoena?

20 THE COURT: Any objection?

21 MR. MUSSETTO: No objection.

22 THE COURT: All right.

23 MS. MAJOR: Your Honor, the State calls [REDACTED] Williams.

24 (Pause.)

25 MS. MAJOR: Your Honor, if I may have a moment.

1 THE COURT: Yes.

2 (WHEREUPON, MINOR [REDACTED] entered the
3 courtroom.)

4 (Pause.)

5 MS. MAJOR: Your Honor, may we have a -- a break?

6 THE COURT: Let's take about -- let's take about a
7 15-minute break. Please don't talk to anyone about the
8 case.

9 (WHEREUPON, the jury was excused from open court at
10 approximately 3:00 p.m.)

11 THE COURT: Could you get somebody to take her back
12 out for a minute?

13 MS. MAJOR: Come on. Let's come on down.

14 (WHEREUPON, MINOR [REDACTED] exited the
15 courtroom.)

16 THE COURT: Can I see the two of you for a second?
17 We're off the record.

18 (WHEREUPON, a bench conference was held.)

19 THE COURT: We're going to take a 15-minute break.

20 (WHEREUPON, a break was taken.)

21 (WHEREUPON, MINOR [REDACTED] entered the
22 courtroom and was seated on the witness stand.)

23 THE COURT: All right. Put her back up there.

24 And then before we bring the jury back, I need to see
25 the two of you again.

1 (WHEREUPON, a bench conference was held.)

2 EXAMINATION

3 BY THE COURT:

4 Q MINOR how are you doing?

5 A Good.

6 Q How old are you?

7 A Eight.

8 Q Eight. Okay. What school do you go to?

9 A

10 Q Green Ridge?

11 A

12 Q Okay. Do you -- do you like school?

13 A Kind of.

14 Q Kind of. Yeah, I understand.

15 Did Santa Clause bring you a lot of stuff?

16 A Yes.

17 Q He did. He didn't bring me too much of anything.

18 I'm still waiting a little bit.

19 But you're a pretty little girl.

20 A Thank you.

21 Q All right. Now, let me ask you this. You -- you've
22 got little friends at school; right?

23 A Yes.

24 Q And you've got your little best friend; right, that
25 you talk to?

1 A Yes.

2 Q Your little best friend. I think the young people
3 call it your little bestie, I think that's the word they
4 use; right?

5 A (There was no verbal response.)

6 Q So you know the difference between telling the truth;
7 right?

8 A Yes.

9 Q And you know the difference between telling the truth
10 and telling something that's not true; right?

11 A Yes.

12 Q Okay. And you know what I want you to do for me
13 today? I want you to tell the truth. Are you going to do
14 that for me?

15 A Yes.

16 Q And see these nice people, this nice lady right here.
17 And there's going to be a gentleman up here. And they're
18 going to -- they're going to be nice to you. And they're
19 going to ask you some questions.

20 And I hear you like Coke. And I'm going to have a
21 lot of Coke on standby. Okay. You can get as much Coke
22 as you want. We're going to have a lot of Coca-Cola on
23 standby.

24 But what I want you to do for me is to tell the truth
25 today when they ask you questions.

1 Okay. You see that little -- that little thing with
2 the black right in front of you there? That's called a
3 microphone.

4 A (Witness pointed.)

5 Q Yeah. And just -- when you talk, just kind of speak
6 into that. Because if you speak into that, then I can
7 hear you. You see what I'm saying? And then this -- this
8 young lady here, she's the court reporter. She takes down
9 what you say. So we want to make sure that she hears you,
10 too.

11 Okay. Are you good?

12 A Yes.

13 Q Are you ready?

14 A Kind of.

15 Q Kind of. Okay. Well, just do the best you can.

16 Okay.

17 A Okay.

18 THE COURT: Okay. Anything?

19 MS. MAJOR: No, Your Honor. I will be standing
20 close.

21 THE COURT: All right. We're going to bring the jury
22 back now.

23 (WHEREUPON, the jury came into open court at
24 approximately 3:31 p.m.)

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

1 MS. MAJOR: Thank you, Your Honor.

2 DIRECT EXAMINATION

3 BY MS. MAJOR:

4 Q Will you tell us your name?

5 A [REDACTED]

6 Q All right. What's your -- what's your -- like, your
7 real name, your full name?

8 A [REDACTED]

9 Q Okay. But you go by [REDACTED]?

10 A Yes.

11 Q Okay. Would it help you, [REDACTED] if I stood here, or do
12 you want me to stand right here? What would you like?

13 A Right there.

14 Q Right there. Okay. And you can turn your chair just
15 as far as you want as long as you just talk into that
16 microphone.

17 [REDACTED] how old are you?

18 A Eight.

19 Q Eight. And when is your birthday?

20 A [REDACTED].

21 Q Of what year?

22 A [REDACTED] and -- like when I was born?

23 Q Yes.

24 A 2010.

25 Q Yeah. We just had a new year. So sometimes that

1 gets a little confusing. 2010.

2 And where do you go to school?

3 A [REDACTED] Elementary School.

4 Q What grade are you in?

5 A Third.

6 Q What's your favorite subject?

7 A Math, writing.

8 Q Do you like school?

9 A Kind of.

10 Q Kind of. Do you have friends at school?

11 A Yes.

12 Q Okay. What kind of things do you like to do with

13 your friends?

14 A Just play.

15 Q Okay. Did you get some presents for Christmas?

16 A Yes.

17 Q Did you get some slime?

18 A Yes.

19 Q What color was the slime?

20 A Blue, red, and -- and kind of a mermaid color.

21 Q All right. What is your mother's name?

22 A Tameka.

23 Q All right. And what is your grandmother's name?

24 A Pat.

25 Q All right. What do you call her?

1 A Grandma.

2 Q Okay. Where do you live now?

3 A Spartanburg.

4 Q Okay. Did you live in Greenville at one time?

5 A Yes.

6 Q Okay. And right now, who do you live with?

7 A My mom.

8 Q Anybody else?

9 A No -- well, my [inaudible] dad.

10 Q Okay. Anybody a little bit smaller than you that you

11 live with?

12 A My brother.

13 Q And how old is he?

14 A Two.

15 Q Do you have fun with him?

16 A Yes.

17 Q Does he bother you sometimes?

18 A Yes.

19 Q Yes. Okay. Now, your grandmother who you call

20 grandma, who was she married to?

21 A Mike.

22 Q All right. And what did you call him?

23 A Papa.

24 Q All right. Was he your grandfather?

25 A Yes.

1 Q Okay. How long have you known him?

2 A I don't know.

3 Q Do you ever remember a time when you didn't know him?

4 A No.

5 Q So as long as you can remember?

6 A Yes.

7 Q All right. Would you -- where does your grandmother
8 live now?

9 A In Greenville.

10 Q Okay. Does she -- did she live at somewhere
11 different before a couple of years ago?

12 A Well, yes.

13 Q Okay. So when she was married to Mike, where did
14 they live, like, an apartment, or a house, or a trailer?

15 A A house.

16 Q Okay. Do you know what color it was or what it
17 looked like?

18 A It was -- it was long and it was brown. It was a
19 pretty house.

20 Q Okay. Would you go over to that house?

21 A Yes.

22 Q And why would you go over there?

23 A Because my mom had to work.

24 Q Okay. And when did your mom work?

25 A (There was no response.)

1 Q Like, would she work in the daytime or the nighttime?

2 A Night.

3 Q Nighttime. And so what would you do when you went
4 over there?

5 A Watch TV.

6 Q Okay. Would you sleep over there?

7 A No. I took a -- little bitty naps probably until she
8 comes.

9 Q And then she'd come get you?

10 A Yes.

11 Q Okay. Did that happen a lot that you would stay over
12 there?

13 A Yes.

14 Q Okay. Did you ever go over there when your mom
15 wasn't working like for fun to see your grandma?

16 A Yes.

17 Q Okay. And would -- and what do you call him now?
18 Mike or papa? Or what do you want to call him?

19 A Mike.

20 Q Mike. Would Mike be over there?

21 A Yes.

22 Q Okay. Who else lived over there?

23 A My aunt.

24 Q What's her name?

25 A Shericka.

1 Q Okay.

2 A And I think my uncle.

3 Q Did your uncle live over there then?

4 A I don't know.

5 Q Okay. What's your uncle's name?

6 A Brandon.

7 Q Okay. Do you remember if there were different rooms
8 in the house?

9 A Yes.

10 Q Did your grandma and Mike have a bedroom?

11 A Yes.

12 Q Did your aunt have a bedroom?

13 A Yes.

14 Q Did anybody else have a bedroom over there?

15 A Yes.

16 Q Who?

17 A My aunt had -- my aunt, I think she stayed -- I don't
18 know what it's called, but the living room, I think.

19 Q Okay.

20 A And I think my uncle lived there and he would
21 probably stay -- I forgot.

22 Q Okay. So what kind of things would you do when you
23 went over to your grandma and Mike's house?

24 A I watched TV or play with something.

25 Q Okay. Let's see. When -- were you -- where did you

1 go to first grade?

2 A [REDACTED].

3 Q Okay. And were you going to [REDACTED] when you
4 would go stay over there?

5 A Yes.

6 Q Okay. How was your relationship and how is your
7 relationship -- do you know what that means? -- with your
8 grandma? Like, what kind of things do y'all do? Do you
9 see your grandma now?

10 A Yes.

11 Q Have you seen your grandma since as early as you can
12 remember? Like, do you ever remember a time where you
13 didn't see your grandma in your life?

14 A No.

15 Q She's been around a long time?

16 A Yes.

17 Q What kind of things would you -- do you do and would
18 you do with your grandma?

19 A We would probably, like, go somewhere.

20 Q Okay. When Mike lived with your grand -- with your
21 grandmother, do you remember that time in your life?

22 A Yes.

23 Q All right. Were you younger than you are right now?

24 A Yes.

25 Q Has it been a long time since he's been around?

1 A Yes.

2 Q Okay. What kind of things would you do with him?

3 A We would watch TV.

4 Q Okay. Was Mike nice to you?

5 A Yes.

6 Q Would he ever yell at you?

7 A No.

8 Q Would he ever hit you?

9 A No.

10 Q Did he take you to get ice cream ever that -- or

11 anything like that?

12 A Yes.

13 Q Okay. So when you went to [REDACTED] who was

14 your best friend then?

15 A L.R. [REDACTED].

16 Q Okay. And are you still friends with L.R. [REDACTED]?

17 A Yes.

18 Q And who is L.R. [REDACTED]'s mom?

19 A Shannon.

20 Q Okay. And do you still see L.R. [REDACTED]?

21 A Yes.

22 Q But do y'all go to different schools now?

23 A Yes.

24 Q Okay. So when you -- when Mike would be over at your

25 grandma's house, would you ever be alone with him?

1 A Yes.

2 Q Okay. And do you know why we're here today?

3 A Yes.

4 Q Okay. Why are we here today?

5 A Because of Mike.

6 Q Okay. Did he ever do anything to you that you didn't
7 like?

8 A Yes.

9 Q All right. What would he do?

10 A He would do stuff inappropriate.

11 Q Okay. And what does "inappropriate" mean?

12 A Like, I don't know.

13 Q Okay. What would he do to you?

14 A He would tell me to get on his lap and bounce, and
15 stuff.

16 Q Okay. And how old were you when that happened?

17 A I don't know.

18 Q Okay. Tell me -- tell me about that. What -- what
19 would he -- where would you be when this would happen?

20 A In the game room.

21 Q Okay. And what would he do?

22 A Like, he would just hold me by my side and tell me to
23 bounce.

24 Q Okay. And where would he -- where would you be?

25 A On his lap.

1 Q Okay. And would you be, like, facing him or, like,
2 looking face to face at him, or facing away from him?

3 A Facing away from him.

4 Q Okay. And how would his clothes be?

5 A They would be on.

6 Q Okay. How would his pants be?

7 A They would be on.

8 Q All the time?

9 A Sometimes, I guess.

10 Q Okay. Sometimes, when they weren't on, how were
11 they?

12 A All I felt was his pants.

13 Q You felt his pants. Did you ever feel his -- were
14 his pants ever down?

15 A Sometimes.

16 Q Okay. Tell us about that.

17 A Like, sometimes he would pull down his pants. But he
18 wouldn't pull down, like, his underwear.

19 Q Okay. Did you ever see his private part?

20 A No.

21 Q Okay. Would you see his underwear?

22 A No.

23 Q How would you know his pants would be off?

24 A Well, sometimes, I would feel it.

25 Q You'd feel what?

- 1 A Like, his legs.
- 2 Q Okay. And how would you bounce?
- 3 A Like, I would just bounce.
- 4 Q Okay. Would he ever bounce you, or did you bounce?
- 5 A He just told me to bounce. He never bounced me.
- 6 Q Okay. What did you -- how would your clothes be?
- 7 A They would stay on.
- 8 Q Okay. And how often did this happen?
- 9 A Every time I go there.
- 10 Q Okay. Where would your grandmother be?
- 11 A At bingo.
- 12 Q Okay. How often did she go to bingo?
- 13 A I don't know.
- 14 Q Okay. Would it be -- like, did she go to bingo one
15 time, or more than one time?
- 16 A Like, I don't know.
- 17 Q Okay. And where would your auntie be?
- 18 A At work.
- 19 Q All right. And where would your uncle be?
- 20 A At work.
- 21 Q Okay. Was anybody ever else ever around?
- 22 A No.
- 23 Q Okay. Did anybody ever see what happened?
- 24 A No.
- 25 Q Did anybody ever almost see what happened?

1 A No.

2 Q Okay. Did your grandma ever walk in when it happened
3 or almost walk in?

4 A No.

5 Q Did he ever tell you to get off of his lap?

6 A Yes.

7 Q Okay. How would that happen?

8 A So, like, any time when we -- like, he would hear
9 something, like, if she would pull into the garage, he
10 would tell me to get off his lap and act like we were just
11 watching TV.

12 Q Okay. But you weren't just watching TV?

13 A No. Like, I would watch TV when he would tell me to
14 do that, but.

15 Q All right. Wait right here. And you can just turn
16 your chair if you need to.

17 I'm just going to show you a couple of pictures. And
18 I'm going to show you what we -- what we call it that's
19 been marked as State's Exhibit No. 2. Do you know what
20 that is?

21 A Yes.

22 Q What is that?

23 A My grandma's house.

24 Q And is that her house now or her house back then?

25 A Back then.

1 Q Okay. And then I'm going to show you this. Do you
2 know what that is?

3 A Yes.

4 Q What is that?

5 A Their room.

6 Q Okay. Whose room?

7 A My grandma's and Mike's.

8 Q Okay. I'm going to show you -- and that what I just
9 showed you was State's Exhibit No. 3. I'm going to show
10 you State's Exhibit Nos. 5 and 6. Do you know what those
11 are pictures of?

12 A The first living room.

13 Q The first living room. Would he ever make you bounce
14 on his lap in here?

15 A No.

16 Q Okay. I'm going to show you what's been marked as
17 State's Exhibit No. 4. Do you know what that is?

18 A Yes.

19 Q And what's that?

20 A The third living room.

21 Q The third living room. Y'all had a lot of rooms in
22 there.

23 A Yeah.

24 Q What -- what would happen here?

25 A He would do -- like, tell me to do all that stuff in

1 that room.

2 Q Okay. And when you said that his pants would be
3 down, could you see his legs?

4 A No.

5 Q How did you know his pants were down?

6 A Either my legs would be, like, right beside his legs.

7 Q Okay. What would you be wearing?

8 A Regular clothes.

9 Q Okay. And can you hear when somebody pulls into the
10 house?

11 A Yes.

12 Q Is there a garage?

13 A Yes.

14 Q Did he ever touch you anywhere else, like, when y'all
15 were not in the house, but anywhere else?

16 A Like, when we would go in the -- in the car, he
17 would, like, rub my private.

18 Q Okay. So what car would you be in?

19 A A black Honda.

20 Q Okay. And was that his car?

21 A Yes.

22 Q And where would he be sitting?

23 A In the front seat.

24 Q And where would he be sitting?

25 A In the driver's seat.

1 Q And would anybody be there?

2 A No.

3 Q All right. And what would he do?

4 A He would, like, be driving and then just start
5 rubbing on my private.

6 Q Okay. And what was he rubbing on your private with?

7 A His hands.

8 Q And would he do it -- what would -- would his hand be
9 moving or staying still?

10 A Moving.

11 Q And how was it moving?

12 A Like, back and forth.

13 Q Okay. Would your clothes be on?

14 A Yes.

15 Q All right. Did he say anything when he was doing
16 these things to you?

17 A No.

18 Q Okay. Did you -- did he tell you not to tell
19 anybody?

20 A Yes.

21 Q Tell me about that.

22 A Like, so once he did it, he said, Don't tell nobody
23 about this.

24 Q Did you want to tell somebody?

25 A Yes.

1 Q Okay. And you were younger back then. Did you know
2 that something --- did you feel like something wasn't
3 right?

4 A Yes.

5 Q And why didn't you tell?

6 A Because I thought he was going to get, like, mad at
7 me and start yelling.

8 Q Okay. Do you remember how you, eventually, told
9 somebody?

10 A Yes.

11 Q Okay. Tell us about that.

12 A So Shannon was talking about how L.R. was going
13 over to her grandparents house. And I said, Sometimes, I
14 don't like going over to my grandma's house.

15 And then she said, Why?

16 And then I said, Because my papa does inappropriate
17 stuff to me.

18 Q Okay. And what did Shannon do?

19 A She called my mom.

20 Q Okay. And what did your mom do?

21 A (There was no response.)

22 Q Did she laugh?

23 A No.

24 Q Okay. What did she do?

25 A She started yelling.

1 Q Okay. And where did you go after that?

2 A I went home.

3 Q Okay. And who was there?

4 A Me, my grandma -- well, no, I think so, and she and
5 Mike.

6 Q Okay. And was your mom there?

7 A Yes.

8 Q Okay. And how was she?

9 A She, I guess, was mad.

10 Q How did that make you feel seeing your mom like that?

11 A Sad.

12 Q Okay. Let's see. And has anybody ever done anything
13 else like that to you?

14 A No.

15 Q Okay. How many times did he -- did he touch you?

16 A Every time, like, I would go over there and in the
17 car.

18 MS. MAJOR: All right. If you can hold on just one
19 minute. Okay.

20 (Pause.)

21 BY MS. MAJOR:

22 Q MINOR I have just a couple more questions. Where would
23 his hands be -- when y'all would be at the house and he
24 would make you bounce, where would his hands be?

25 A On my side.

1 Q Like, here?

2 A Yes.

3 MS. MAJOR: Okay. Like on your -- sometimes, we call
4 that a waist.

5 All right. Please answer any questions that the
6 Defense attorney has. Okay.

7 THE COURT: Cross-examination.

8 CROSS-EXAMINATION

9 BY MR. MUSSETTO:

10 Q [REDACTED] my name is John. I'm just going to be asking you
11 some questions. Okay.

12 A Okay.

13 Q You talked about taking naps over at your
14 grandparents house?

15 A Yes.

16 Q What rooms would you take naps in?

17 A Either -- on the couch.

18 Q Okay. Was the couch listed on those pictures?

19 A Yes.

20 Q Okay. Let's look to see. I'm referring to State's
21 Exhibit No. 6. Would it have been that couch?

22 A No.

23 Q Okay. I'm referring to State's Exhibit No. 5. Would
24 it have been that couch?

25 A No.

1 Q Okay. I'm referring to State's Exhibit No. 4. Would
2 it have been that couch?

3 A Yes.

4 Q Okay. And when you would sleep on that couch, you
5 said that you took naps?

6 A Yes.

7 Q Did you ever spend the night over there?

8 A No.

9 Q Okay. You mentioned that your Uncle Brandon lived
10 there?

11 A Yes.

12 Q Do you know what room he lived in?

13 A No.

14 Q Okay. Would he be over there sometimes when you
15 would go over?

16 A No.

17 Q Okay. Would Brandon ever take you to the park?

18 A Yes.

19 Q Okay. And how often would you go to the park with
20 Brandon?

21 A Sometimes.

22 Q Okay. How long would you stay at the park?

23 A For a little while, I guess.

24 Q Okay. Did he drive you to the park?

25 A Yes.

1 Q Do you know what kind of car Brandon drove?

2 A No.

3 Q Do you remember the color, by chance?

4 A No.

5 Q Okay. When Brandon would drive you in the car, would
6 it be you and him only?

7 A Yes.

8 MR. MUSSETTO: Okay. Thank you for answering my
9 questions.

10 THE WITNESS: You're welcome.

11 MS. MAJOR: Your Honor, I don't have any questions.
12 I'll walk her down.

13 THE COURT: All right. Thank you, [REDACTED].

14 THE WITNESS: You're welcome.

15 THE COURT: Okay. Do good in school for me. Okay.

16 THE WITNESS: Okay.

17 (Pause.)

18 THE COURT: All right. Next witness.

19 MS. MAJOR: May it please the Court.

20 Your Honor, the State calls Deputy Pelicano.

21 THE COURT: All right.

22 THE CLERK: Sir, if you'll, please, come forward.

23 If you'll, please, pause at the end of the bench.

24 Place your left hand on the Bible and raise your
25 right hand.

1 WHEREUPON,

2 JOSEPH PELICANO,

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

4 THE CLERK: Thank you.

5 Please be seated.

6 And, please, state your name for the record.

7 THE WITNESS: Joseph Pelicano.

8 THE CLERK: Thank you.

9 DIRECT EXAMINATION

10 BY MS. MAJOR:

11 Q Deputy Pelicano?

12 A Yes, ma'am.

13 Q Okay. How long have you been employed with the
14 sheriff's office?

15 A Four years.

16 Q All right. And in what capacity, in what role?

17 A I work in uniform patrol.

18 Q What are your duties in uniform patrol?

19 A In uniform patrol, we respond to emergency calls and
20 calls for service, such as calls for initial
21 investigation.

22 Q How did you become involved in this case?

23 A On January 16th, 2017, shortly after I came on shift,
24 it was about 3:00 in the afternoon, I got a call from
25 dispatch that there had been a possible sexual assault.

1 victim who was at the emergency room hospital at Saint
2 Francis Eastside. So I went out there, was pointed to the
3 ER, and met with the mother of the victim, Tameka
4 Williams.

5 Q Okay. You said you responded to the emergency room.
6 And which hospital?

7 A Saint Francis Eastside.

8 Q Okay. Where did you speak with Ms. Williams?

9 A I met her out in the hallway outside the room where
10 the victim was inside.

11 Q Okay. Did she tell you, generally, what was going
12 on?

13 A Yes.

14 Q Okay. What did you do next?

15 A I went in to speak with her -- to attempt to speak
16 with the victim. I just asked her why they were there, if
17 she could tell me anything about what happened.

18 Q Okay. Did you ask her about questions not related to
19 this, initially?

20 A Yeah. I asked her a few questions. Because given
21 her age, I was trying to build a little bit of a rapport
22 to help her not be afraid of, you know, me as a law
23 enforcement officer.

24 Q And how was she responding to those questions?

25 A She was -- she was fine. She was open. She was, you

1 know, smiling, laughing a little bit. We were kind of
2 having a back and forth.

3 Q Okay. Did you, eventually, ask her about these
4 allegations?

5 A Yeah. In very general terms, I asked her if she
6 could tell me why they were there.

7 Q Okay. Could she tell you why she was there?

8 A No. She seemed like she was kind of getting
9 emotional and holding back tears. And she didn't -- she
10 couldn't answer any questions directly or go into anything
11 in detail.

12 Q Was she upset?

13 A Yes.

14 Q Okay. What did you do at this point?

15 A I decided not to ask her any more questions since I
16 don't have any special training with children victims.
17 So, at this point, I went back out in the hall to speak
18 with the mother again.

19 Q Okay. And what did you do after that?

20 A Well, I -- in speaking with the mother, it was clear
21 to me that she saw the severity of the situation. My main
22 concern, of course, is to make sure the child would be
23 safe going forward. She made it clear to me that there
24 wouldn't be any further contact between the victim and the
25 Defendant.

1 And so I called my supervisor, briefed him of the
2 situation, and then advised the criminal investigation
3 division.

4 Q Okay. If you -- in these situations, if you feel a
5 parent is not protecting the child, what -- what's the
6 protocol?

7 A We'd absolutely contact DSS, the Department of Social
8 Services, get them involved. And then they would pursue
9 such things as a safety plan to make sure that the child
10 would be safe. But in this case, after speaking with the
11 mother, it was clear to me that she was very invested in
12 keeping the child safe.

13 And they were living -- they were not living in the
14 same home. So there was already an actual separation
15 there that they could put in place.

16 Q Okay. And what did you do next? Did that conclude
17 your involvement in the case?

18 A Yeah. I just documented the incident, wrote as
19 thorough report as I could. And then it was sent up to my
20 supervisor.

21 Q Okay. And after that, what happens to the case?

22 A At that point, then it is assigned to a criminal
23 investigator. And they take the investigation from there.

24 Q Okay. To your recollection, was anybody else at the
25 hospital? Was it just Tameka Williams and [REDACTED]

1 A That was it. I had a trainee with me at the time.
2 But there was no one else present, no.

3 MS. MAJOR: Okay. Please answer any questions the
4 Defense has.

5 THE COURT: Cross-examination.

6 MR. MUSSETTO: Thank you.

7 CROSS-EXAMINATION

8 BY MR. MUSSETTO:

9 Q Deputy Pelicano --

10 A Yes.

11 Q -- you said that you met with Tameka Williams at the
12 hospital?

13 A Uh-huh.

14 Q And can you, please, describe again your interaction
15 with her at the hospital?

16 A Well, she filled me in on what the allegations were
17 at first. And then I spoke with the victim.

18 Q How'd you describe her emotional state when you were
19 talking to her?

20 A The mother?

21 Q Correct.

22 A She was clearly taking it very seriously. She seemed
23 relatively composed when she was speaking with me.

24 Q And I might have misread this. Did you say that you
25 two were joking around at any point during --

1 A When I was speaking with the victim, I was trying to
2 create a rapport with her, so just trying to get her to
3 smile, laugh.

4 Q When you were speaking with MINOR not the mother?

5 A Correct.

6 MR. MUSSETTO: Okay. No further questions.

7 THE COURT: Anything else?

8 MS. MAJOR: No, Your Honor.

9 THE COURT: All right. And I have no questions.

10 Thank you, sir.

11 You can step down.

12 MS. MAJOR: May he be released -- released from his
13 subpoena?

14 THE COURT: Any objection?

15 MR. MUSSETTO: No objection.

16 THE COURT: All right. Thank you, sir.

17 Next witness.

18 MS. MAJOR: Your Honor, the State calls Christine
19 Carlberg.

20 THE CLERK: Ma'am, please, come forward.

21 Please place your left hand on the Bible and raise
22 your right hand.

23 WHEREUPON,

24 CHRISTINE CARLBERG,

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

1 THE CLERK: Thank you.

2 Please be seated.

3 And, please, state your name for the record.

4 THE WITNESS: Christine Carlberg.

5 THE CLERK: Thank you.

6 DIRECT EXAMINATION

7 BY MS. MAJOR:

8 Q Ms. Carlberg, where do you work?

9 A I am employed by the Greenville Department of Mental
10 Health and contracted -- contracted to work at the Julie
11 Valentine Center.

12 Q Okay. And what is your -- what's your educational
13 background?

14 A I have a Bachelor's of Science Degree in
15 Rehabilitation Services Education with a minor in
16 Psychology from the Pennsylvania State University. And I
17 have a Master's of Arts in Marriage and Family Therapy
18 from the Reformed Theological Seminary in Jacksonville,
19 Mississippi.

20 Q You said you're contracted with the Julie Valentine
21 Center. What is the Julie Valentine Center?

22 A The Julie Valentine Center is the local agency that
23 deals with sexual assault of both children and adults.

24 Q How is a child referred to the Julie Valentine
25 Center?

1 A Usually, by law enforcement or the Department of
2 Social Services.

3 Q And what is your role with the Julie Valentine
4 Center?

5 A I'm a forensic interviewer.

6 Q And what is a forensic interview?

7 A A forensic interview is a developmentally sensitive
8 manner of gathering information from children with regards
9 to allegations of abuse or witnesses to violent crimes.

10 Q Okay. Did you conduct a forensic interview with REDACTED
11 Williams?

12 A Yes, ma'am.

13 Q And how old was she when this interview took place?

14 A She was six.

15 Q All right. Was this interview recorded?

16 A It was.

17 Q All right. What day did you conduct this interview?

18 A I interviewed her on February 13th, 2017.

19 Q Okay. And I'm going to show you what's been marked
20 as State's Exhibit No. 8. Do you know what that is?

21 A That's a copy of the interview.

22 Q And have you reviewed it prior to this court date?

23 A I did.

24 Q And how do you know that that's the copy that you
25 reviewed?

1 A I initialled it and dated it after I watched it.

2 Q Okay. And from what you saw, had it been altered
3 or -- in any way?

4 A No, ma'am.

5 Q Did it fairly and accurately represent the interview
6 that day?

7 A Yes, ma'am.

8 MS. MAJOR: Your Honor, at this time, the State
9 requests State's Exhibit No. 8 be moved into evidence.

10 THE COURT: Any objection?

11 MR. MUSSETTO: No objection.

12 THE COURT: Without objection, so admitted.

13 (WHEREUPON, State's Exhibit No. 8 was admitted into
14 evidence.)

15 BY MS. MAJOR:

16 Q Ms. Carlberg, did [REDACTED] disclose sexual abuse to you in
17 the interview?

18 A Yes, ma'am.

19 Q Okay. When did she say that this happened?

20 A She said that it happened when she was five and six
21 years old.

22 Q And where did she say that it happened?

23 A She said that it happened at her grandmother's house
24 in the living room and the grandmother's room.

25 MS. MAJOR: I do not have any further questions.

1 Please answer any questions the Defense has.

2 THE COURT: Yes, sir.

3 MR. MUSSETTO: Your Honor, may we approach?

4 THE COURT: Yeah.

5 (WHEREUPON, a bench conference was held.)

6 THE COURT: Take the jury out for about five minutes.

7 (WHEREUPON, the jury was excused from open court at
8 approximately 4:07 p.m.)

9 THE COURT: There's a case -- we -- we're still on
10 the record -- State v. Chavis.

11 Give me that cite.

12 It's 412 SC 101, a 2015 case. I've got -- y'all want
13 to come up here for just a second? Come on this side.

14 (WHEREUPON, a bench conference was held.)

15 THE COURT: All right. Ma'am, I'm going to let you
16 have a seat back there, because we're going to do
17 something.

18 All right. Bring -- bring the panel back.

19 (WHEREUPON, the jury came into open court at
20 approximately 4:19 p.m.)

21 THE COURT: All right. Ladies and gentlemen of the
22 jury, we're going to adjourn for the day. And I want you
23 back in your jury room tomorrow morning at 10:00, 10:00
24 promptly, if you can.

25 Please, ma'am, please, sir, when you go home, please,

1 do not discuss this case with anyone. Don't discuss it
2 with each other and, certainly, don't discuss it with any
3 of your friends, relatives, anybody. Don't cut on the
4 television set looking to find out something about this
5 case. In other words, don't discuss it with anybody.

6 And I will see you back tomorrow morning at 10:00.
7 And have a good evening.

8 Oh, leave your note pads in the jury room. Do not
9 take them home.

10 (WHEREUPON, the jury was excused from open court at
11 approximately 4:20 p.m.)

12 THE COURT: All right. And per our instructions, we
13 will -- the jury is going to come at 10:00. And I want
14 the lawyers here at 9:30. I'll be here at 9:30 so we can
15 hash out any issues regarding the admissibility of the
16 video.

17 Okay. See you in the morning at 9:30.

18 (Pause.)

19 THE COURT: I was going to put on the record that I'm
20 going to let Mr. Sullivan remain out on bond. And he'll
21 be back. So he's with Mr. Mussetto.

22 (WHEREUPON, the proceedings were concluded at
23 approximately 4:22 p.m., to be reconvened on
24 Thursday, January 10, 2019.)
25

1 THURSDAY, JANUARY 10, 2019

2 THE COURT: Let's go back on the record in the State
3 v. Michael Sullivan, indictment #2018-GS-23-4165 and 4166.

4 Ms. Major, and, Mr. Mussetto, I think when we left
5 on -- yesterday evening, we had some colloquy or dialogue
6 regarding a couple of cases as it relates to the testimony
7 of the forensic witness. And let me hear from both sides.

8 Yes, ma'am.

9 MS. MAJOR: Your Honor, I'm -- I'm happy to play the
10 video --

11 THE COURT: Take your hat off.

12 Before you do that, anybody that's in the courtroom,
13 if you brought your cell phones in here, I want to remind
14 you so you'll have a heads up. If your cell phone goes
15 off for any reason at all, any reason at all, anybody
16 sitting back there, you won't get your cell phone back.
17 So I just want to make sure I tell you.

18 Okay. Go ahead.

19 MS. MAJOR: Thank you, Your Honor.

20 I'm happy to play the video this morning.

21 THE COURT: Okay.

22 MS. MAJOR: And I guess while Ms. Carlberg is on the
23 stand, my concern is the Defense attorney indicated that
24 he wanted to ask her follow-up questions.

25 THE COURT: Okay.

1. MS. MAJOR: Under State v. Kromah and State v.
2 Whitner, the -- the role of the forensic interview --
3 interviewer is extremely limited. I have not qualified
4 her as an expert. I have not asked her any of her
5 personal opinions, or beliefs, or -- about the interview.

6 And I -- I guess I'm concerned that if the Defense
7 opens the door to ask her any of those questions that it
8 could constitute, like, reverse vouching or trying to say
9 that she's lying. And then that would open the door to me
10 trying to rehabilitate any testimony, which would then
11 constitute vouching and would be reversible error.

12 THE COURT: Right.

13 MS. MAJOR: I don't know if we want to proffer what
14 his questions would be. But I'm just concerned that any
15 extended questioning is -- is just not proper.

16 And I have State v. Kromah and, also, State v.
17 Whitner. And I have copies for Defense Counsel and the
18 Court, if you would like --

19 THE COURT: I've got -- I've got Kromah. And, you
20 know, if -- if y'all --

21 And I'll hear from you in just a second,
22 Mr. Mussetto.

23 But, you know, if you look at Kromah and you go to
24 Page 10 of that opinion, I mean, the Court sets out a road
25 map for what you should -- what you should avoid. And

1 I'll -- and I'll just read it into the record. And I.
2 think -- and the reason they probably put this road map in
3 there is because they had several cases where that came
4 up. So they were trying to set a road map.

5 But let me just read into the record, Because the
6 admissibility of forensic interviews and the testimony
7 based thereon at trial has been the subject of several
8 recent appeals -- see, the Court's talking about that.

9 We believe it would be helpful to set forth, by way
10 of example, the kinds of statements that a forensic
11 interviewer should avoid at trial:

12 That the child -- that the child was told to be
13 truthful;

14 A direct opinion as to a child's veracity or tendency
15 to tell the truth;

16 Any statement that indirectly vouches for the child's
17 believability, such as stating the interviewer has made a
18 compelling finding of abuse;

19 Any statement to indicate to a jury that the
20 interviewer believes the child's allegations in the
21 current matter; or.

22 An opinion that the child's behavior indicated the
23 child was telling the truth.

24 Now, the Court, also, goes on to say that a forensic
25 interviewer, however, may properly testify regarding the

1 following. And this is -- this is the window that the
2 Court gives. A forensic interviewer can testify regarding
3 the following:

4 Time, date, and circumstances of the interview, which
5 would be proper.

6 The forensic interviewer can testify about any
7 personal observations regarding the child's behavior or
8 demeanor.

9 And, thirdly, a statement as to events that occurred
10 within the personal knowledge of the interviewer.

11 Now, I don't know what your questions would --
12 follow-up questions would be. But I think that this is --
13 this case sets out a road map. And I just think if you
14 stay within the parameters of this case, I think you'll be
15 fine.

16 But go ahead.

17 MR. MUSSETTO: And, Judge, I would be asking my
18 questions based upon point three that you just mentioned
19 about personal information.

20 THE COURT: Right.

21 MR. MUSSETTO: And the questions relate to, did she
22 disclose any abuse relating to a car? Was all her
23 disclosures made as it relates to allegations that
24 happened inside their house?

25 So kind of drawing a difference of were the

1 allegations made that the abuse happened inside a house?

2 Yes. Were there any allegations as to whether any abuse
3 happened in a car? No. No further questions.

4 THE COURT: All right. And -- and that would be
5 under -- you're -- you're operating under bullet point --
6 the last bullet point that I mentioned, which means a
7 statement as to events that occurred within the personal
8 knowledge of the interviewer?

9 MR. MUSSETTO: Correct.

10 THE COURT: What's your response to that, Counsel?

11 MS. MAJOR: Your Honor, I know it's a small question.
12 And -- and I don't mean to be ticky-tacky. I just -- I
13 don't think that that question is proper. Because I don't
14 think I could ask her, did she say any -- did she allege
15 that anybody else did this to her? Did she ever mention
16 anybody else's name? What -- all the things that she
17 didn't say, I can't ask her that.

18 And so I don't think it would be proper for the
19 Defense to ask her that.

20 THE COURT: Well, I -- I disagree. I disagree. I
21 think -- I read this case and I read Whitner. And I,
22 also, read the -- the other case that we talked about,
23 Chavis. And I even read a couple of cases from other --
24 from a couple other jurisdictions.

25 So I -- I disagree with you, Counselor. I think that

1 the window is open for him, Mr. Mussetto, to ask those
2 questions, as long as he stays within the parameters of
3 bullet point number -- the last bullet point that I made.

4 So I would respectfully disagree with you and would
5 allow that. I -- and I wouldn't use the word ticky tack.
6 I probably would use the word ticky, but not tack. But I
7 just think -- I would allow him to do that.

8 MS. MAJOR: Thank you.

9 THE COURT: Well, anything else -- oh, let's look --
10 while -- while we've got you both in here. My law clerk
11 is going to prepare a couple of verdict forms. She will
12 share that with you so both of you can take a look at it.

13 Are we charging anything other than the statute
14 and -- and the standard charge and the statute? Is that
15 pretty much where we are?

16 MS. MAJOR: Yes, Your Honor. That's -- that's -- I
17 don't have any additional charges.

18 THE COURT: Or do you want to think about it? I
19 mean, you don't have to tell me right now. I mean, you've
20 got some time to think about it.

21 MR. MUSSETTO: Your question was --

22 THE COURT: Well, my question --

23 MR. MUSSETTO: -- just CSC third and no lesser
24 included?

25 THE COURT: Well, that's what I'm asking you. You

1 know, we hadn't heard -- hadn't heard the entire case yet.
2 So you might want to -- do you want to hold off on that?

3 MR. MUSSETTO: Yes, please.

4 THE COURT: Regarding that issue?

5 MR. MUSSETTO: Yes, please.

6 THE COURT: Okay. And -- and I'm assuming -- come up
7 here just for a second. Let me ask y'all about something.

8 (WHEREUPON, a bench conference was held.)

9 THE COURT: All right. If there's -- the jury is not
10 going to be here until 10:00. So is there anything else
11 on either side that you can think of that we need to deal
12 with before the jury gets here?

13 Because I'm pretty much going to -- when the clock
14 strikes 10:00, we're going to move forward. I anticipate
15 that we should be finished with this matter today.

16 You've got how many witnesses, Ms. Major?

17 MS. MAJOR: Your Honor, I have Ms. Carlberg, just to
18 finish up her. If this is okay with the Court, this is
19 sort of what I was thinking was to play the video,
20 cross-examination of Ms. Carlberg. And then I have the --
21 Erica Van Wagner coming at 11:00. And I have to proffer
22 her testimony and then Investigator Lyda.

23 THE COURT: Okay. And you just have one?

24 MR. MUSSETTO: Correct.

25 THE COURT: All right. There is a chance that the

1 jury may get here around five till. And we may start a
2 little bit early.

3 MS. MAJOR: Okay.

4 THE COURT: And the bailiff is going to let me know.

5 Anything else that we -- oh, let me ask you this.

6 From a procedural standpoint with the video, I had the
7 opportunity to -- to review it, but it was very difficult
8 to hear.

9 Are we going to have that same problem in here?

10 MS. MAJOR: Your Honor, yesterday, I tested it out.

11 And we put the microphone to the speakers and it -- it
12 pipes in through there. And we were able to hear it as
13 best -- as best we could.

14 THE COURT: All right.

15 MS. MAJOR: One more --

16 THE COURT: Yes.

17 MS. MAJOR: -- I have -- I know the proffer of the
18 blind expert has not started yet and I don't know exactly
19 what the argument's going to be. But I have some cases
20 that I can go ahead and pass up to the Court.

21 THE COURT: All right. If there's nothing else,
22 we'll be -- we'll be at ease until we get some
23 instructions from the bailiff. You don't have to leave.
24 You can remain here since -- everyone can remain seated,
25 if you like.

1 (WHEREUPON, a break was taken.)

2 MS. MAJOR: Your Honor, is it okay if Ms. Carlberg
3 sits right here while the video is playing?

4 THE COURT: Yes.

5 MS. MAJOR: I was going to go right into the video.

6 THE COURT: All right. Everybody's here; right?

7 THE BAILIFF: Yes, sir.

8 THE COURT: Okay. You can bring the jury in.

9 (WHEREUPON, the jury came into open court at
10 approximately 9:56 a.m.)

11 THE COURT: Good morning.

12 Is the State ready to proceed?

13 MS. MAJOR: Yes, Your Honor.

14 Just for the record, Christine Carlberg, the forensic
15 interviewer, is in the courtroom, but just not on the
16 stand as -- while I play the video.

17 THE COURT: All right.

18 (WHEREUPON, State's Exhibit No. 8 was played in open
19 court.)

20 MS. MAJOR: Your Honor, may Christine Carlberg come
21 back up to the stand?

22 THE COURT: All right. Ms. Carlberg.

23 Swear her in.

24 THE CLERK: Ma'am, if you'll, please, place your left
25 hand on the Bible and raise your right hand.

1 WHEREUPON,

2 CHRISTINE CARLBERG,

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

4 THE CLERK: Thank you.

5 Please be seated.

6 And, please, state your name for the record.

7 THE WITNESS: Christine Carlberg.

8 MS. MAJOR: And, Your Honor, pursuant to the
9 questions and admitting the evidence in with her
10 yesterday, I don't have any further questions.

11 THE COURT: All right. Very well.

12 Mr. Mussetto.

13 MR. MUSSETTO: Thank you, Your Honor.

14 CROSS-EXAMINATION

15 BY MR. MUSSETTO:

16 Q Ms. Carlberg, I have two questions for you this
17 morning. What geographic location did [REDACTED] describe that
18 the alleged abuse occurred?

19 A She said that it happened at her grandmother's house.

20 Q Okay. Did [REDACTED] disclose whether any abuse ever
21 happened in a car?

22 A Not during that interview.

23 MR. MUSSETTO: Thank you, ma'am.

24 THE COURT: All right. Anything else?

25 MS. MAJOR: No, Your Honor.

1 THE COURT: All right. Thank you, ma'am.

2 MS. MAJOR: And may she be released from her
3 subpoena?

4 THE COURT: Any objection?

5 MR. MUSSETTO: No objection.

6 THE COURT: All right. Next witness.

7 MS. MAJOR: Your Honor, this is the -- Erica Van
8 Wagner.

9 THE COURT: All right. Is she here?

10 MS. MAJOR: Let me double-check. I asked her to come
11 a little early, if I may check.

12 THE COURT: Okay.

13 (Pause.)

14 MS. MAJOR: Yes, sir.

15 THE COURT: All right. Ladies and gentlemen of the
16 jury, I'm going to send you back to your jury room for
17 just a few minutes.

18 Please, ma'am, please, sir, do not talk about the
19 case to each other while you're back there.

20 (WHEREUPON, the jury was excused from open court at
21 approximately 10:32 a.m.)

22 (Pause.)

23 THE COURT: Yes.

24 MS. MAJOR: She's here. Are you ready for me to --

25 THE COURT: Oh, yeah, yeah.

1 MS. MAJOR: I apologize. Would you like me to just
2 proffer her testimony?

3 THE COURT: Yes.

4 MS. MAJOR: Okay. The State calls Erica Van Wagner.

5 THE COURT: All right. I'm sorry. I should have
6 looked up at you.

7 MS. MAJOR: I was -- I was confused.

8 THE CLERK: Ma'am, please, come forward.

9 If you'll, please, pause at the end of the bench.

10 Place your left hand on the Bible and raise your
11 right hand.

12 WHEREUPON,

13 ERICA VAN WAGNER,

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

15 THE CLERK: Thank you.

16 Please be seated.

17 And, please, state your name for the record.

18 THE WITNESS: Erica Van Wagner.

19 THE CLERK: Thank you.

20 THE COURT: All right. Before you get started, there
21 were some new people that came in before we got started.
22 I wanted to give you my cell phone admonition. If anyone
23 who came in subsequent to my admonition and you have a
24 cell phone, if your cell phone goes off during this
25 proceeding for any reason whatsoever, you will not get

1 your cell phone back.

2 So make sure everybody understands that. Make sure
3 you have your cell phone off.

4 All right. And just so the record will be clear,
5 Madam Solicitor, this is going to be by way of proffer.
6 And Mr. Mussetto will have an opportunity to
7 cross-examine.

8 MS. MAJOR: Yes, Your Honor. And I can proffer both
9 her qualifications as an expert and her actual testimony.

10 THE COURT: All right.

11 DIRECT EXAMINATION

12 BY MS. MAJOR:

13 Q Ms. Van Wagner, what is your occupation?

14 A I am a therapist.

15 Q Okay. And what is your educational background?

16 A I have a Bachelor's Degree in Social Work, as well as
17 a Master's Degree in Social Work.

18 Q Okay. And where are you employed?

19 A I work for the State Department of Mental Health at
20 the Greenville Mental Health Center.

21 Q Okay. What's your employment history since obtaining
22 your education?

23 A I did my internship during grad school through the
24 Department of Mental Health and became employed there. So
25 I've worked there since the year 2000. I worked at the

1 Columbia Area Mental Health Center until 2008 when I
2 transferred to the Greenville Mental Health Center.

3 Q Okay. Do you hold any licenses?

4 A I -- I'm a licensed independent social worker with a
5 clinical practice focus.

6 Q Okay. And just in your day-to-day occupation, what
7 are your duties? What -- what kind of things do you do?

8 A I just -- I provide individual family counseling. I
9 provide some group counseling. I supervise our DSS
10 program at the mental health center. So I work primarily
11 with kids that are involved with the Department of Social
12 Services, or kids that have experienced trauma.

13 Q Okay. And -- and what is your focus in providing
14 counseling? Is it to children?

15 A Yes. I work with children and adolescents.

16 Q Okay. What is meant by the term "trauma"?

17 A Trauma is an event or an experience in someone's life
18 where they feel like their life is threatened, or there's
19 a -- it's a significant event that could have a lasting
20 impact.

21 Q Okay. Can sexual abuse constitute a trauma?

22 A Yes.

23 Q Okay. Approximately how many children have you
24 provided therapy to over the course of your career?

25 A Somewhere over 3,000, I would say.

1 Q Okay. Have you attended trainings on child abuse?

2 A I have.

3 Q Okay. What are some of those trainings?

4 A I've gone to the Sara Schuh Conference in Charleston.

5 I have attended Project Best [phonetic] trainings, which
6 are primarily focused on how to provide interventions to
7 children who've experienced trauma. As part of my
8 licensure, I am required to get, at least, 40 hours of
9 continuing education credits every two years.

10 So most of those trainings are related to sexual
11 abuse or trauma in some sort of way.

12 Q Okay. And we're talking about trauma. Have you
13 provided therapy to victims of -- of sexual abuse?

14 A Yes.

15 Q And received -- have you received training specific
16 to sexual abuse?

17 A Yes. The -- most of the trainings that I do
18 participate in have that focus as far as how to treat
19 that, specifically, yes.

20 Q Okay. What protocol or method do you use in
21 providing therapy to children in treating them?

22 A I -- primarily, I use trauma focused cognitive
23 behavioral therapy, or TFEBT for short. It's an
24 evidence-based treatment that is focused on treating
25 trauma for children.

1 Q And what does "evidence-based" mean?

2 A It, basically, means that it's empirically supported.
3 So it's been researched. There have been clinical trials
4 to show that it's efficient and helpful. And so it is a
5 specific protocol to treat the children.

6 Q And have you been, specifically, trained to provide
7 this type of therapy?

8 A I have. I am trained and went through a rostering
9 process, which was a -- over a year long process of
10 getting consultation through the developers of the
11 treatment. And I'm on a state roster of clinicians that
12 provide TFEBT.

13 Q Do you discuss or consult with other professionals in
14 your field relating to a child who has experienced sexual
15 abuse and/or trauma?

16 A I do. I participate in an MDT staffing or
17 multidisciplinary team where we staff cases.
18 Additionally, I participate in a weekly treatment team
19 staffing with a psychiatrist, as well as a team of other
20 therapists where we address issues going on and staff
21 cases to consult with other peers in the field.

22 Q Okay. Have you been qualified as an expert before in
23 child sexual abuse dynamics?

24 A I have.

25 Q Do you know how many times?

1 A Approximately seven times in General Sessions Court
2 and approximately 10 times in Family Court.

3 MS. MAJOR: Okay. Your Honor, I don't have any
4 questions as far as qualifying her as an expert at this
5 time.

6 THE COURT: All right. What's your position? Do you
7 want to -- do you want to cross-examine her only on the
8 expert?

9 MR. MUSSETTO: No, I'm fine.

10 THE COURT: All right. So I deem she's qualified as
11 an expert --

12 In what field again?

13 MS. MAJOR: Child sexual abuse dynamics.

14 THE COURT: All right. Child sexual abuse dynamics.

15 All right. Go ahead.

16 MS. MAJOR: Thank you, Your Honor

17 BY MS. MAJOR:

18 Q Do you know any of the people involved in this case?

19 A I do not.

20 Q Have you ever met ^{MINOR} [REDACTED] or Tameka Williams?

21 A No.

22 Q Okay. What is meant by child sexual abuse?

23 A Child sexual abuse is when a person older or even the
24 same age touches a child inappropriately or in an
25 inappropriate sexual manner.

1 Q Okay. And what is meant by the term grooming in the
2 sexual abuse context?

3 A Grooming is the process that a -- an offender or
4 perpetrator would use to establish trust with the victim.
5 So doing things like buying gifts or, you know, kind of --
6 maybe even doing nonsexual touches that would make that
7 victim more comfortable and gaining that trust to be able
8 to carry out the sexual abuse.

9 Q Is the grooming process common in sexual abuse cases?

10 A Yes, it is.

11 Q And -- and why is that?

12 A Because that level of trust is required to be able to
13 carry out the sexual abuse that -- that does occur.
14 Typically, if the abuser goes straight to that abuse, then
15 it -- it's harder to have access to the child if they
16 haven't gone through that grooming process.

17 That grooming process can be with the parent and with
18 the child. So it's kind of establishing that trust with
19 the -- the caregiver or the parent of the person, which,
20 also, gives that person access.

21 Q Okay. What are the stages of disclosure of sexual
22 abuse?

23 A So the -- the disclosure is a process. And so,
24 typically, there are the five stages. The first being
25 denial or no report of any abuse.

1 The second stage would be a tentative stage of
2 disclosure where maybe they're giving bits of information
3 or some of the information about what's going on.

4 Then the third stage would be an active stage of
5 disclosure where they're giving all of the information.

6 Recantation is a -- is a stage of disclosure. And
7 then reaffirmation of the original allegations.

8 Q Okay. Regarding the -- the disclosure process -- and
9 I guess what I mean is once the alleged victim starts to
10 talk about what happened, are there different types of
11 ways that -- that that disclosure can come out? You said
12 tentative disclosure. Is it always just in -- in that
13 form or are there different ways?

14 A In regards to the tentative stage of disclosure, it
15 could be an accidental disclosure. So where a kid isn't
16 necessarily trying to communicate what happened. But
17 based on what's being communicated, someone else may have
18 some concerns and, say, ask follow-up questions, which
19 would then lead to some more information.

20 So there -- or -- or maybe they engage in a behavior
21 that is suspicious to a -- a care -- caregiver or parent.
22 And so there's more information that comes as a result of
23 that.

24 Q Okay. What is meant by the term "delayed disclosure"
25 as it relates to sexual abuse?

1 A Just not disclosing immediately or right away.

2 Q And why would a child not immediately tell?

3 A Depending on the kid's age or circumstance. It's
4 possible the kid might not know that this is something to
5 report. Or potentially the kid has been told not to share
6 this information. Or maybe they've been threatened of
7 what might happen if they did share that information.

8 Also, not knowing what's going to happen after
9 they've disclosed or, you know, kind of being uncertain of
10 the potential outcome of their disclosure.

11 Q Okay. And based on your training and experience, why
12 would a child, eventually, tell someone what's happening?

13 A Well, in the examples that I was giving earlier, if
14 it's accidental, maybe because they've been prompted to
15 share more information and that might be. Maybe they have
16 gotten more information from other sources about what's
17 going on and they've learned more information, and then
18 might choose to share that. So there can be a lot of
19 reasons.

20 Q Okay. How does a parents reaction affect -- affect a
21 child in the disclosure process and -- and just once
22 everything is out as well?

23 A So if a parent, say, is very supportive, then that
24 might facilitate the child being able to actively disclose
25 and share the information, you know. If the parent, say,

1 isn't supportive, then that might cause the child to pull
2 back, or shut down, or not share as much information. Or
3 maybe the parent is overwhelmed and becomes very
4 emotional. And that might impact the child that's
5 disclosing because they -- maybe they feel like they're
6 doing something that is causing the parent harm or -- or
7 upset.

8 So the response that the -- the parent -- or the
9 person that the child is disclosing to kind of makes a
10 difference in whether or not that child feels comfortable
11 continuing in their disclosure.

12 Q Does a child's age affect the nature of their
13 disclosure and the -- the process and their memory?

14 A Yes. So, you know, younger children have, you know,
15 different ways of communicating things. They have
16 different ways of sharing information or telling a story.
17 Their language is not usually as developed. And so that
18 can impact how they communicate or what they are
19 communicating.

20 Q Okay. And do children remember events in -- in
21 chronological order?

22 A Not always. I mean, kids can tell stories in a
23 chronological way. But in addition to that, you know, if
24 we're talking about sexual abuse -- because sexual abuse
25 is a trauma. And that impacts a person's brain. It,

1 also, impacts how memories are stored.

2 And so that could affect whether or not a kid tells
3 that from beginning to end in a chronological way. Also,
4 if the abuse is chronic versus, say, a one-time incident,
5 it may be more difficult or challenging to kind of put
6 that story together from beginning to end since there's so
7 many different pieces.

8 Q And you mentioned the way memory is stored. Can you
9 elaborate a little bit on that and the effect trauma can
10 have on that?

11 A Well, our memories are, typically, stored kind of
12 with emotions. So there are different things that -- or
13 sensory details, say, things that we smell, or taste, or
14 hear. And so there are times where those memories might
15 be triggered by environmental stimulus.

16 So if a kid hears a noise that reminds them of that
17 event that took place, then that might cause them to
18 recall a memory. Also, things that are more significant
19 stand out in our memory versus things that -- that we
20 remember but they weren't as significant.

21 So as we're recalling some events, it might then help
22 us to remember other events that were similar, but maybe
23 not as significant.

24 MS. MAJOR: All right. Please answer any questions
25 the Defense has.

1 THE COURT: Mr. Mussetto.

2 CROSS-EXAMINATION.

3 BY MR. MUSSETTO:

4 Q Ms. Van Wagner, what does recantation mean as it
5 relates to the different stages that you talked about?

6 A Recantation is to kind of pull that story back to say
7 that -- basically, to take back the allegation.

8 Q Do you have any opinions on when a child gives
9 conflicting accounts of abuse?

10 A How do you mean?

11 Q Say, for instance, regarding a location. If at one
12 point, the child said the abuse happened in X location and
13 then another -- another time she alleged that it happened
14 at a different location.

15 A Well, I think -- again, depending on age and
16 circumstance, you know, I think our -- we hold on to the
17 most significant piece of that event. And so the
18 location, you know, may not have been the most significant
19 part of the memory, whereas the event that took place is.

20 Q Would you say that if -- if a child gives conflicting
21 statements regarding the location of alleged abuse that a
22 child -- let me rephrase that question.

23 If a child gave conflicting statements regarding the
24 location of alleged abuse, would you say that a child is
25 being truthful in either one of those -- or from the

1 child's perspective, is the child being truthful in both
2 of those scenarios?

3 A I'm having a hard time understanding exactly what
4 you're asking.

5 Q No problem. So -- so from a child's perspective, if
6 the child gave conflicting testimony regarding the
7 location of alleged abuse, what would your opinion be on
8 the child's truthfulness as it regards -- as it relates to
9 those conflicting statements?

10 A I guess in my role -- my role isn't to say they're
11 absolutely telling the truth or not. But it's to address
12 kind of what they're reporting and symptoms associated
13 with that.

14 So as I'm hearing that story, if they're describing
15 abuse, then we're addressing what occurred and how that
16 impacted them. And I'm not trying to determine if it
17 happened in this location or that location.

18 Q Okay. Is it possible, though, if a child were to
19 give conflicting statements about where alleged abuse
20 happened that both of those statements are incorrect?

21 A It could be or it could be that both of those
22 statements are correct. So it could be either.

23 MR. MUSSETTO: Okay. No further questions.

24 THE COURT: All right. Anything else?

25 MS. MAJOR: No, Your Honor.

1 THE COURT: All right. And I have no questions.

2 All right. Yes, ma'am.

3 MS. MAJOR: Your Honor, I would ask that her
4 testimony be admissible. I've passed up to the Court
5 several cases.

6 THE COURT: Yes.

7 MS. MAJOR: The first case was State v. Weaverling.
8 And that was one of the first cases to address this issue,
9 whether behavioral -- or expert testimony on behavioral
10 science is admissible. And the Court found it was.

11 The most recent case was State v. Jones allowing this
12 type of evidence. And even expanding it to a -- to a
13 different area as far as non-supporting caregivers expert
14 testimony in that -- that field. We -- we don't have that
15 here. But that's just showing what the Court -- what type
16 of behavioral expert testimony the Court is allowing.

17 I passed up State v. Brown, which notes that numerous
18 jurisdictions have concluded it is more appropriate for an
19 expert to explain behavioral traits of child sex abuse.

20 State v. Berry. That case gives a legal history
21 of -- of admitting in this type of evidence.

22 State v. Anderson, it says it's a better practice to
23 have a blind expert, which Ms. Van Wagner is. She doesn't
24 know the family. She's not going to be bolstering the
25 victim's testimony.

1 And then, finally, State v. White. It -- it
2 emphasizes that expert testimony may be more crucial in
3 situations where the children are victims.

4 I think in this case it is important because there
5 are certain issues that are beyond the -- the juries
6 knowledge, beyond common knowledge. And Ms. Van Wagner
7 can explain -- explain those -- those issues.

8 THE COURT: All right. Mr. Mussetto.

9 MR. MUSSETTO: Judge, in these cases, I wrote down
10 what a child sexual abuse dynamic expert, typically, talks
11 about, and that's a child's strange demeanor, delay in
12 disclosing sexual abuse, recollection to become clear, the
13 child's secretive and frightened, the child has discipline
14 problems.

15 In this particular case, I don't see how Ms. Van
16 Wagner would be testifying as it relates to the facts in
17 this case as to any of those things.

18 My concern is that she is going to be saying that
19 conflicting testimony regarding the location of alleged
20 abuse is still credible. And, thus, she would be vouching
21 for the credibility of the child's statements and, thus,
22 improperly bolstering the child. And it gets back to that
23 Ms. Van Wagner would be commenting on the veracity of the
24 child's accusations.

25 THE COURT: Well, I think one of the -- one of the

1 questions that you asked her when you asked the question
2 about the different locations -- and I think -- and if I
3 misquote you, you let me know. But I think the witness
4 said that it could be either way. And it -- it was her
5 position she could not make a statement regarding the
6 truth of that. Because that's not her role.

7 And you know the cases are clear --

8 MR. MUSSETTO: Correct.

9 THE COURT: -- that she can't do that. Because I
10 think you do go into that whole area of bolstering the --
11 the testimony of the child. So I think -- that was her
12 answer.

13 But, you know, the thing about it in all these cases
14 that's consistent, if you look at all the cases --

15 And, Counsel, I appreciate you providing those cases
16 for me. I had two of them. But I appreciate you
17 providing them.

18 The consistent thing -- and I'm looking at the case.
19 And I'm going, specifically, to the language that's set
20 forth in the Weaverling case. And then I think they
21 also -- that language is, also, reiterated in the White
22 case that was given to me from the Court of Appeals.

23 But the consistent thing that it says -- and I'm
24 going to read this into the record. In that particular
25 case -- and I'm talking about the Weaverling case, it said

1 that the -- The challenged testimony is behavioral
2 evidence concerning rape trauma. Both expert testimony
3 and behavioral signs are admissible as rape trauma
4 evidence to prove a sexual offense occurred where the
5 probative value of such evidence outweighs the prejudicial
6 effect.

7 And I think the last bullet that I just mentioned
8 where the probative value outweighs the prejudicial
9 effect, that's -- that's all through these cases, all of
10 them. And so I think, you know, from what I'm hearing, I
11 want you to comment on that -- that piece, the probative
12 value versus the prejudicial -- prejudicial effect.

13 And I understand what you're talking -- your point
14 regarding the different locations. But it's my
15 understanding about the witnesses answer was she didn't
16 take a position one way or another on that. So I don't
17 think you can get into the whole argument of her
18 bolstering the testimony of the child.

19 MR. MUSSETTO: Sure. And as long as Ms. Van Wagner
20 speaks in general terms like she did --

21 THE COURT: Right.

22 MR. MUSSETTO: -- during the direct examination and
23 not necessarily about for the credibility --

24 THE COURT: And I don't think she did. I mean, I
25 listened very carefully.

1 MR. MUSSETTO: Sure. And that's -- and that was my
2 concern. And if she doesn't necessarily go down that
3 path, then I think we'll be -- we'll be fine.

4 THE COURT: All right. So all that we're -- we're
5 still in the proffer stage. I'm going to allow the
6 testimony. And I'll --

7 And anything else before we bring the jury back?

8 MS. MAJOR: Nothing from the State, Your Honor.

9 THE COURT: Anything, Mr. Mussetto?

10 MR. MUSSETTO: No, Your Honor.

11 THE COURT: All right. Bring the jury back.

12 (WHEREUPON, the jury came into open court at
13 approximately 10:59 a.m.)

14 THE CLERK: I'm going to put you under oath.

15 THE WITNESS: Do you want me to stand up?

16 THE CLERK: Yes, please.

17 WHEREUPON,

18 ERICA VAN WAGNER,

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

20 THE CLERK: Thank you.

21 THE COURT: Yes, ma'am.

22 MS. MAJOR: Thank you, Your Honor.

23 DIRECT EXAMINATION

24 BY MS. MAJOR:

25 Q Please state your name for the record.

1 A I'm Erica Van Wagner.

2 Q Okay. And what is your occupation?

3 A I am a mental health therapist.

4 Q What's your educational background?

5 A I have a Bachelor's Degree in Social Work, as well as
6 Master's in Social Work.

7 Q Okay. And do you hold any licenses?

8 A I do. I am a licensed independent social worker with
9 a clinical practice focus.

10 Q Okay. And after you completed your education,
11 what -- what was your employment history?

12 A I started at the Department of Mental Health in 2000,
13 and have been employed through -- until currently. I
14 worked at the Columbia Area Mental Health Center until
15 2008 and then transferred to Greenville.

16 Q What are your -- your duties? What do you do every
17 day in your job?

18 A I supervise our DSS program. And so I provide
19 individual and family therapy, some group therapy. I
20 supervise other clinicians that are providing therapy as
21 well. And then I coordinate services with the Department
22 of Social Services.

23 Q Okay. Do you have a focus on -- on who you,
24 typically, provide therapy services to?

25 A I work primarily with children and adolescents. And

1 I specialize in trauma given the client population that I
2 serve.

3 Q What is meant by the term "trauma"?

4 A Trauma is an event or an experience in a person's
5 life where maybe they feel like their life was being
6 threatened or that causes a lasting impact on a person.

7 Q Can sexual abuse be -- cause trauma?

8 A Yes.

9 Q Approximately how many children have you provided
10 therapy to over the course of your career?

11 A Somewhere around 3,000.

12 Q Have you attended trainings on child abuse?

13 A I have. I am required through my license to get, at
14 least, 40 hours of continuing education credits every two
15 years. And based on the specialty that I have, most of
16 the trainings that I get are related to child sexual abuse
17 or interventions to address trauma.

18 Q And what are some of those examples of trainings that
19 you have attended?

20 A So I've attended the Sarah Schuh Conference. I have
21 gone to the Project Best trainings, which is trainings
22 related to trauma initiatives in South Carolina.

23 Q How long is the Project Best program?

24 A So I participated in a year-long learning
25 collaborative through Project Best, which involves

1 learning the intervention, as well as participating in
2 case consultation with the developers of the intervention.
3 And it resulted in me being on a roster in the state of
4 clinicians that have completed that process and are
5 eligible to provide the service.

6 Q Okay. What protocol or model do you use in -- in
7 treating children in therapy?

8 A It is trauma focused cognitive behavioral therapy or
9 TFCBT.

10 Q And have you been trained to implement this --

11 A I have. That was through Project Best. Sorry. That
12 was the rostering process that I went through to be able
13 to provide TFCBT.

14 Q Is this model evidence based?

15 A It is.

16 Q And what does that mean?

17 A Basically, it means that it is empirically supported,
18 that it has gone through clinical trials and research to
19 prove its ethicsy [phonetic] and that it is -- shows
20 outcomes that are positive for treatment.

21 Q Do you discuss or consult with other professionals in
22 your field in treating a child who's experienced trauma?

23 A I do. I have a variety of inner agency team
24 staffings that I participate in on a weekly basis. I
25 participate in a multidisciplinary team where there are

1 people from a variety of professions, as well as a weekly
2 treatment team staffing with a psychiatrist and a team of
3 other clinicians where we discuss cases and get peer
4 consultation.

5 Q Have you ever been qualified as an expert in child
6 sexual abuse dynamics?

7 A I have.

8 Q And how many times?

9 A Approximately seven times in General Sessions Court
10 and approximately 10 times in Family Court.

11 MS. MAJOR: Your Honor, I have no further questions,
12 unless Mr. Mussetto has any questions for her on her
13 qualifications.

14 THE COURT: All right. Mr. Mussetto.

15 MR. MUSSETTO: As to her qualifications, no, Judge.
16 But for the record, I would like to renew my previous
17 objection.

18 THE COURT: Yes.

19 All right. I'll find her to be -- be qualified.

20 Thank you.

21 Go ahead.

22 MS. MAJOR: Thank you, Your Honor.

23 And just for the record, I would move to have her
24 qualified in the -- an expert in child sexual abuse
25 dynamics.

1 THE COURT: All right.

2 MS. MAJOR: Thank you

3 BY MS. MAJOR:

4 Q Do you know any of the people involved in this case?

5 A I do not.

6 Q Do you know MINOR or Tameka Williams?

7 A I do not.

8 Q Do you know the Defendant?

9 A I do not.

10 Q All right. What is meant by child sexual abuse?

11 A Child sexual abuse is an experience where a child is
12 touched inappropriately in a sexual way or in a way that
13 is sexually gratifying for the other person.

14 Q What is meant by the term grooming in the sexual
15 abuse context?

16 A Grooming is the process that an offender will use to
17 establish trust with either the victim or -- and/or the
18 caregivers of the victim. It is steps taken or behaviors
19 that are done with the intention of kind of breaking down
20 those walls and gaining access to the victim.

21 Q And how may a perpetrator groom? What --

22 A Examples?

23 So, sometimes, it might be buying gifts or doing
24 special things for the child. It could potentially be,
25 you know, kind of touches that aren't necessarily sexual

1 in nature, but that create a conformability with that type
2 of behavior, maybe, you know, doing things, like I said,
3 with a parent to have them trust the person that does
4 allow that access to the kid.

5 Q So is grooming that term just limited to the alleged
6 victim child or can it expand to other people involved in
7 that child's life?

8 A Oh, yes. It expands to, as I said, the caregivers or
9 other people that are involved. It's really all about
10 gaining that access to the child. So breaking down the
11 trust with the other -- maybe the caregiver to allow that
12 access to the child.

13 Q What are the stages of -- of disclosure in sexual --
14 in the sexual abuse context?

15 A So disclosing sexual abuse is -- is, typically, a
16 process. And so in that there are five stages. The first
17 stage would be denial or not reporting any abuse.

18 The second stage would be a tentative stage where
19 maybe they're giving some information or kind of giving
20 little bits and pieces of the story.

21 The third stage would be an active stage of
22 disclosure where we're getting all of the information
23 or -- or sharing the details in full.

24 Recantation is a possible stage of disclosure. And
25 then reaffirmation of the original allegations would be

1 the last stage.

2 Q Is recantation a -- a -- present in every case?

3 A No, it's not.

4 Q Do some kids not recant?

5 A Correct, yes.

6 Q Okay. You talked about a tentative disclosure. What
7 are some examples of that, and does every child
8 intentionally tell what happens?

9 A No. So in a tentative disclosure, it could be
10 accidental or it could be, you know, kind of I'm giving a
11 little bit of information just to see what the response
12 is.

13 So an accidental disclosure may be something like a
14 child displaying a behavior that creates a question or a
15 concern for the caregiver that they ask about or follow-up
16 with. And the child then begins to give more information.
17 Or maybe the parent hears the child say something that's
18 of concern. And then they follow-up again with more
19 questions or information that leads to a more active stage
20 of disclosing.

21 Q Okay. And you have -- describing active stage of
22 disclosing -- disclosure, does that -- what does that
23 encompass? Does that mean the child spills the beans
24 entirely? What -- what does that process look like?

25 A Not generally. You know, if a person's being

1 interviewed or asked questions about that, they are more
2 willing to share those additional details or -- or share
3 the information about what's happening.

4 Q What is meant by the term "delayed disclosure" as it
5 relates to sexual abuse?

6 A So children don't, typically, disclose the abuse
7 right away. There -- it's common for there to be some
8 delay, whether that's a couple of days, a couple of
9 months. I've even seen, you know, years and years. But
10 it is not reporting the abuse immediately.

11 Q And in your experience, what factors can cause a
12 child not to disclose immediately?

13 A Maybe the child, based on their developmental stage,
14 doesn't have the awareness of what's going on to know that
15 they need to disclose. A kid could have been threatened,
16 or, you know, been told not to disclose, or told what
17 would happen if they did tell somebody about what was
18 happening. Fear of the impact of disclosing.

19 So being unsure of what might happen if they do share
20 those details, not wanting to break up a family. So
21 there's a lot of reasons that a kid might not tell right
22 away.

23 Q And based on your training and experience, why would
24 a child eventually -- why does a child, eventually,
25 disclose what happened?

1 A Well, as I kind of explained before, sometimes, it's
2 accidental so that the child wasn't intending to make the
3 disclosure, but was asked directly about something and
4 then started sharing. Or maybe they've gotten some
5 education or information about safe touches or sexual
6 abuse and, now, they know that there's information to
7 disclose. Maybe it just happens chronically and they,
8 eventually, want it to stop and so they make a disclosure
9 at that time.

10 Q How does a parent's reaction -- what -- what -- how
11 does that affect a child?

12 A So if a kid is disclosing to someone and they are
13 supportive, then that's more likely to lead to that active
14 stage of disclosure where they're giving more information.
15 If a parent is non-believing or not supportive, then the
16 kid might pull back and not share any more details.

17 If a kid is sharing and the caregiver is not able to
18 handle the information, maybe they get overwhelmed or
19 upset, that might impact whether the child is able to
20 share any additional details. Kids are very much, you
21 know, aware of -- of the reaction of the other person and
22 may blame themselves for what their parent is
23 experiencing.

24 Q What affect is a child's age have on the disclosure
25 and their -- and their memory in sexual abuse?

1 A So, you know, the younger a kid is their ability to
2 kind of understand the concepts and things that are
3 happening, it could impact what they share or how they
4 share it. Because they may not know what's important or
5 not important to share, you know.

6 Also, kids don't necessarily tell the story in that
7 chronological manner. So you may end up getting kind of
8 bits and pieces of the story, but not necessarily always
9 in the order that it happened.

10 MS. MAJOR: Okay. One moment, please.

11 (Pause.)

12 BY MS. MAJOR:

13 Q What is meant by the term "chronic abuse" in sexual
14 abuse?

15 A So that's -- chronic abuse would be when it happens
16 over a period of time. It happens more than one time or
17 it's an ongoing situation, as opposed to, like, a single
18 incident.

19 Q Can -- can multiple incidents affect -- affect a
20 child and their disclosure?

21 A Yes. So if there is chronic abuse that happens, you
22 know, it's hard to necessarily recall every single
23 incident of something that happened. So if it's occurring
24 chronically, then maybe the recall of that information is
25 that the most significant events stand out. Or -- and it

1 might even not be what -- what the caregiver thinks is
2 most significant, but what was most significant to the
3 person experiencing that.

4 So, you know, there's different things that might
5 illicit different parts of the memory about that.

6 MS. MAJOR: Please answer any questions the Defense
7 has.

8 THE COURT: Mr. Mussetto.

9 Mr. MUSSETTO: Thank you.

10 CROSS-EXAMINATION

11 BY MR. MUSSETTO:

12 Q Ms. Van Wagner, can you, please, briefly go over
13 again the five steps of disclosure?

14 A Denial, tentative, active, recantation, and
15 reaffirmation.

16 Q Okay. Do you know if there was any denial in this
17 case?

18 A I don't know the details of this case.

19 Q Okay. Do you know if there's been any tentative
20 disclosures in this case?

21 A I don't know the details of this case.

22 Q Do you know if there's been any active disclosures?

23 A I would assume since we're here at trial, there must
24 have been some disclosure, yes.

25 Q Do you know if there's been any recantation?

1 A I don't know.

2 Q Okay. Do you know if there's been any reaffirmation?

3 A I do not know.

4 Q Okay. And you've never met MINOR

5 A Correct.

6 Q And you've never talked to my client?

7 A That's correct.

8 MR. MUSSETTO: Thank you.

9 No further questions.

10 THE COURT: Anything on redirect, Ms. Major?

11 MS. MAJOR: No, Your Honor.

12 THE COURT: All right. And I have no questions.

13 Thank you, ma'am.

14 You can step down.

15 MS. MAJOR: And may she be released from her
16 subpoena?

17 THE COURT: All right. Any objection?

18 MR. MUSSETTO: No objection.

19 THE COURT: All right. Thank you, ma'am.

20 Next witness.

21 MS. MAJOR: Your Honor, the State calls Investigator
22 Cheri Lyda.

23 THE COURT: All right. Ms. Lyda.

24 THE CLERK: Ma'am, if you'll please, place your left
25 hand on the Bible and raise your right hand.

1 WHEREUPON,

2 CHERI LYDA,

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

4 THE CLERK: Thank you.

5 Please be seated.

6 And, please, state your name for the record.

7 THE WITNESS: Cheri Lyda.

8 THE CLERK: Thank you.

9 THE COURT: Yes, ma'am.

10 MS. MAJOR: Thank you, Your Honor.

11 DIRECT EXAMINATION

12 BY MS. MAJOR:

13 Q Investigator Lyda, where are you employed?

14 A The Greenville County Sheriff's Office.

15 Q And in what capacity?

16 A I'm an investigator in crimes against children.

17 Q And what are your duties as an investigator in that
18 division?

19 A I investigate crimes of -- from birth to 17 years old
20 of children for sexual abuse, physical abuse, neglect, or
21 drug endanger.

22 Q What are the different ways in which you receive a
23 case?

24 A I can receive it from uniform patrol, or either
25 through the Department of Social Services, or either

1 someone can call in who is a mandated reporter.

2 Q Did you investigate this case?

3 A Yes, ma'am.

4 Q And how did you receive this case? How did it end up
5 on your desk?

6 A Through uniform patrol.

7 Q All right. What did you do first?

8 A After reading the initial report, I -- I sent a
9 referral to the Julie Valentine Center to schedule a
10 forensic interview.

11 Q And was that report from Deputy Pelicano?

12 A Yes.

13 Q Okay. And we've gone over this, but what is the
14 Julie Valentine Center? And what is your -- the sheriff's
15 office's relationship with the Julie Valentine Center?

16 A I use the Julie Valentine Center for forensic
17 interviews and, also, for medical exams, if needed. Any
18 time a child is under the age of 12, I will schedule an
19 interview forensically with one of the interviewers for
20 that case.

21 Q Okay. Is the Julie Valentine Center a separate
22 entity from the sheriff's office?

23 A Yes.

24 Q Okay. After you set up the referral for the forensic
25 interview, what -- what happened next?

1 A I waited to go watch the interview.

2 Q Okay. And did you attend the interview?

3 A I did.

4 Q We saw it. You weren't in the room. Where were you?

5 A I'm in a separate room. It's called a viewing room
6 to where it's on a TV screen where she showed the child --
7 or shows the children where the monitor is and that -- so
8 I can view it in case there's any questions or anything I
9 have for her to ask further.

10 Q Okay. So do you watch it live as -- as it's
11 happening?

12 A Yes, ma'am.

13 Q All right. Was [REDACTED]'s mother in that interview room?

14 A No.

15 Q Are family members or non-law enforcement ever
16 allowed to watch that video?

17 A No, no.

18 Q What did you do after the video -- or after the
19 interview took place?

20 A I then made contact with the -- I tried to make
21 contact with the mom, but didn't receive a call back. But
22 later on understanding that we were on different
23 schedules. I didn't realize at that time that she worked
24 third shift. And I was calling her during her sleep
25 hours. I made contact with [REDACTED]'s grandmother, Pat, and

1 spoke with her and asked to come out to the home to take
2 photographs.

3 Q Okay. And the photographs that have been entered
4 into evidence, you've seen them up on the stand. I can
5 let you review them. Are these the photographs that you
6 took?

7 A Yes, ma'am.

8 Q Okay. And where was this house located?

9 A At [REDACTED].

10 Q And is that in Greenville County?

11 A Yes, ma'am.

12 Q All right. Did you take any swabs for DNA at the
13 house?

14 A No, ma'am.

15 Q And why not?

16 A From what the report read and from -- from [REDACTED]'s
17 interview, there was -- there was no ever speaking
18 anything of DNA. And if -- DNA would have been there
19 anyway because that's where the Defendant lived, and
20 that's where the victim frequented often.

21 Q What did you do next?

22 A After taking the photographs, then I made contact
23 with the Defendant by telephone.

24 Q Okay. And do you know what date that was?

25 A The 17th of February.

1 Q Did you set up an interview with him?

2 A Yes, I did.

3 Q And what date was that?

4 A The Monday, the 20th.

5 Q Okay. Please describe the interview room.

6 A At our office, we have a separate room that,
7 actually, looks a lot like the Julie Valentine room. It's
8 just a plain four wall room with a desk and chairs in it.
9 It is audio-video recorded. And that is -- I explained
10 that to the Defendant when -- when he came into the room.
11 And I told him it was for his benefit and mine.

12 Q Did you review his rights with him?

13 A Yes, I did.

14 Q I'm going to show you what's been marked as Court's
15 Exhibit No. 1. And do you recognize that document?

16 A Yes, ma'am.

17 Q And what is that?

18 A That's the Miranda rights I read with the Defendant.

19 Q And did you review all of those with him?

20 A Yes, ma'am.

21 Q Did he indicate that he understood?

22 A Yes, ma'am.

23 Q And did he waive those rights?

24 A Yes, ma'am.

25 Q Okay. And does that document fairly and accurately

1 represent the original copy of that?

2 A It is -- yes. That's just a copy of it.

3 MS. MAJOR: Your Honor, at this time, I would move
4 Court's Exhibit No. 1 into evidence.

5 THE COURT: Any objection?

6 MR. MUSSETTO: No objection.

7 THE COURT: All right. Without objection, so
8 admitted.

9 (WHEREUPON, Court's Exhibit No. 1 was admitted into
10 evidence.)

11 BY MS. MAJOR:

12 Q Did the Defendant know why you were investigating
13 him?

14 A Yes.

15 Q All right. Did you ask him if he ever touched MINOR

16 A Yes.

17 Q And what did he say?

18 A He stated, No.

19 Q What did he say about his relationship with MINOR

20 A He said it was -- it was good.

21 Q What did he say about ever being alone with her?

22 A He stated that he would watch her alone.

23 Q Did he indicate how many times, or whether that was a
24 rare occurrence, or a common occurrence?

25 A He said it was a common occurrence.

1 Q Did he give a reason why he felt that this was
2 happening, that these allegations were coming forward?

3 A He gave some conspiracy theories that somebody --

4 MR. MUSSETTO: Objection, Your Honor, conspiracy
5 theories --

6 THE COURT: I'm going to -- I'm going to sustain the
7 objection.

8 You can rephrase your question

9 BY MS. MAJOR:

10 Q What was his response to your questioning about why
11 this was happening?

12 A His words were that somebody that had to be really
13 close to [REDACTED] and her family was making her say this.
14 Because they did not want he -- the Defendant and Pat, his
15 wife, to be together any longer.

16 Q Okay. Did he say who was behind these allegations?

17 A He used "they" several times. And I kept asking him
18 who "they" were. And he would never -- I -- he never gave
19 me a name of who -- I asked him, specifically, who
20 dislikes you that much or doesn't want you and Pat
21 together that they would go to a six-year-old child to
22 have you possibly placed in prison, lose your home, lose
23 your wife? Who -- who dislikes you that much? And he
24 never gave me a name. He just used the word "they."

25 Q Did he, eventually, say that he thought somebody did

1 it -- was behind this?

2 A Then he -- he blamed Pat. He said that he thought
3 that Pat would be having [REDACTED] say this. And then when I
4 tried to go into that, he then backed off of that and took
5 that back. He -- he said, Nah, he didn't want to say that
6 about Pat.

7 Q Okay. Did he leave after that interview?

8 A Yes.

9 Q Okay. What did you do next?

10 A I obtained warrants for his arrest.

11 Q Did you speak with Brandon Williams?

12 A Yes. The son who lived in the home, I did make
13 contact with him via telephone. After I introduced
14 myself, I told him what I was investigating. During our
15 conversation, he stated he never saw anything, heard
16 anything, didn't know anything. And I told him that,
17 based on our phone conversation, I didn't need to schedule
18 an appointment with him.

19 Q Okay. And you said that you obtained warrants for
20 the Defendant?

21 A Yes.

22 Q And did that conclude your involvement in this case?

23 A Yes, ma'am.

24 MS. MAJOR: Thank you.

25 Please answer any questions the Defense has.

1 THE COURT: Cross-examination, Mr. Mussetto.

2 CROSS-EXAMINATION

3 BY MR. MUSSETTO:

4 Q Ms. Lyda, you previously testified that you were in
5 another room when the forensic interview occurred?

6 A Yes.

7 Q So you were watching it live?

8 A Yes.

9 Q Have you since reviewed that video in preparation for
10 this week?

11 A No.

12 Q Okay. Were you in the courtroom when it was played
13 earlier today?

14 A Yes.

15 Q Okay. If you recall, what geographic location did [REDACTED]
16 describe that the alleged abuse occurred?

17 A In the home, the Defendant's home.

18 Q Okay. Did she make any disclosures about any abuse
19 happening in a car?

20 A No.

21 Q Did you ever speak with [REDACTED] about the allegations?

22 A No.

23 Q Okay. How far after you contacting Mr. Sullivan, and
24 asking him to come to the law enforcement center did he
25 come?

1 A I contacted him on the 17th, which was a Friday. He
2 came on the 20th, which was Monday.

3 Q Okay. Did he bring a lawyer with him?

4 A No.

5 Q Okay. He came freely and voluntarily?

6 A Yes.

7 Q Okay. In your investigation, did you ever look into
8 what type of car Mr. Sullivan was driving at the time?

9 A No, I did not.

10 Q Okay. Did you ever look into what type of car
11 Brandon was driving at the time?

12 A No, I did not.

13 Q And you did say that you did talk to Brandon?

14 A I did.

15 Q Okay. And, to your knowledge, was Brandon living in
16 the home at that time?

17 A Yes.

18 Q Okay. And why wouldn't you have wanted him to come
19 in for questioning if he's a male living in the home at
20 the time?

21 A No allegations were made against Brandon.

22 Q Okay. And how far after -- did Brandon pick up the
23 first time you called him?

24 A I -- I don't recall.

25 Q Okay. Is it your investigative technique to speak to

1 other individuals that weren't necessarily accused of a
2 crime when you're looking into pressing charges?

3 A Ask me that one more time.

4 Q Okay. When someone's alleged to have committed a
5 crime, do you always focus on that individual as a
6 possible perpetrator, or do you, also, look into whether
7 other people could have committed the crime?

8 A If the person states who did it to them, if they
9 can say, this is the person who did this crime to me,
10 there would be no reason for me to try to fish for other
11 people.

12 Q Okay. So because Mr. Sullivan was the accused, all
13 of your focus was on Mr. Sullivan; correct?

14 A Correct.

15 Q And not on other people?

16 A No.

17 Q Okay. Even though that there were other males living
18 in the house?

19 A The victim did not state anybody else did it to her,
20 except Mr. Sullivan.

21 Q Okay. Did you look into the type of vehicle that
22 Brandon was driving at the time?

23 A In the investigation, there was no mention of a
24 vehicle. So I did not look at peoples vehicles.

25 MR. MUSSETTO: Okay. Thank you.

1 No further questions.

2 THE COURT: Anything on redirect?

3 MS. MAJOR: Just briefly, Your Honor.

4 REDIRECT EXAMINATION

5 BY MS. MAJOR:

6 Q Was there ever any information that you received that
7 anybody other than the Defendant was the perpetrator in
8 this case?

9 A No.

10 MS. MAJOR: Thank you.

11 THE COURT: All right. Anything else?

12 MR. MUSSETTO: No, Your Honor.

13 THE COURT: All right. Thank you, ma'am.
14 You can step down.

15 All right. Any other witnesses?

16 MS. MAJOR: No, Your Honor.

17 The State rests.

18 THE COURT: All right. Any motions?

19 MR. MUSSETTO: Yes.

20 THE COURT: All right. Take the jury out.

21 Please, ma'am, please, sir, don't talk to each other
22 about the case.

23 (WHEREUPON, the jury was excused from open court at
24 approximately 11:26 a.m.)

25 THE COURT: Yes, sir.

1 MR. MUSSETTO: I do, Your Honor.

2 THE COURT: How long is --

3 MR. MUSSETTO: Probably long.

4 THE COURT: Pretty long. Longer than an hour probably?

5 MR. MUSSETTO: Absolutely.

6 THE COURT: Between direct examination and cross,
7 it's probably going to be about an hour and a half or so?

8 MR. MUSSETTO: Probably.

9 THE COURT: All right. Well, let me just ask this
10 question. I always -- since that's the only witness you
11 have, and I want to make sure that -- I just don't want to
12 break it up and, you know -- so you -- you could start now
13 and we can go until about -- we're looking at probably
14 1:00, based upon what I'm just -- what you were just
15 saying; is that right?

16 (WHEREUPON, there was no verbal response.)

17 THE COURT: Then we could break for lunch at that
18 time. And then let you do closing arguments when you come
19 back and go forward.

20 So what I'm suggesting is -- and you tell me. I
21 mean, you can put him up now and go to 1:00 or -- what's
22 your preference?

23 MR. MUSSETTO: We can keep going, Your Honor.

24 THE COURT: Let's keep going.

25 All right. Very well.

1 Bring them back in.

2 MS. MAJOR: Your Honor, if I may have a bathroom --

3 THE COURT: Hold on. Hold on a second.

4 MS. MAJOR: -- a bathroom break.

5 THE COURT: Okay. I forgot about bathrooms.

6 Let's take about a five-minute bathroom break. And
7 then we'll get back.

8 (WHEREUPON, a break was taken.)

9 THE COURT: All right. Anything else before we bring
10 the jury out?

11 MS. MAJOR: Nothing from the State, Your Honor.

12 THE COURT: All right. Bring the jury out.

13 (WHEREUPON, the jury came into open court at
14 approximately 11:41 a.m.)

15 THE COURT: Is the Defense ready to proceed?

16 MR. MUSSETTO: Yes, Your Honor.

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

18 MR. MUSSETTO: Your Honor, I would call Michael
19 Sullivan.

20 THE CLERK: Mr. Sullivan, please, come forward.

21 If you'd, please, put your left hand on the Bible and
22 raise your right hand.

23 WHEREUPON,

24 MICHAEL ANTHONY SULLIVAN,

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

1 THE CLERK: Thank you.

2 Please be seated.

3 Sir, please, state your name for the record.

4 THE WITNESS: Michael Anthony Sullivan.

5 THE CLERK: Thank you.

6 DIRECT EXAMINATION

7 BY MR. MUSSETTO:

8 Q Mr. Sullivan, how old are you, sir?

9 A I am 53 years old.

10 Q And where were you born?

11 A I was born and raised in Greenville, South Carolina.

12 Q Okay. Who were your parents?

13 A My parents is Carolyn Wofford and William Sullivan.

14 Q Okay. Do you have any siblings?

15 A I do. I have two girls and one boy.

16 Q And how old are your kids?

17 A My -- my oldest is 27 at the moment. My middle child
18 is -- is 24. And my youngest son is 22.

19 Q What did your parents do for work?

20 A Well, they -- they owned their own business. They
21 ran -- they ran, like, a guest house, so to speak.

22 Basically -- basically, like a semi-motel, bring guests in
23 for those who was coming in town or really just needed a
24 place to -- to live. That's the kind of work that my
25 parents was into.

1 Q Okay. Did you grow up in the upstate?

2 A I did.

3 Q Okay. Where'd you go to school?

4 A Middle school -- I went to League Middle School. I
5 graduated from J.L. Mann High School right here in the
6 upstate.

7 Q Okay. Did you go to any college?

8 A No, sir.

9 Q Okay. What'd you do after high school?

10 A I went straight to work.

11 Q Okay. Where did you start working?

12 A I -- I -- I spent the first few years in the
13 restaurant industry. I did that for, like, two or three
14 years. From there, I've been in manufacturing ever since.

15 Q Okay. Can you kind of go over with the jury what
16 your manufacturing background is?

17 A Well, my manufacturing background is -- is mainly
18 machine operator or either a forklift operator.

19 Q Okay. And what companies have you worked for and for
20 what duration?

21 A Most -- most of my employment was with -- with a
22 company in Greenville -- well, actually, Spartanburg. I
23 worked -- I worked for BMW. I -- I was their material
24 handler, basically, drove a forklift practically all day.
25 I had a few other jobs in between that up until this date

1 right here.

2 Q Okay. Where are you currently working?

3 A I am currently working for a distribution center in
4 the Greer area, which is called Speedway Distribution.

5 Q And what do you do for them?

6 A I am a material handler.

7 Q Okay. How long have you been at that job for?

8 A There, it's going on one year now.

9 Q Okay. Are you full-time?

10 A I am.

11 Q Okay. How many times have you been married?

12 A I've only been married twice.

13 Q Okay. When were you first married?

14 A I first got married, I want to say, in the year 2000.
15 I was married.

16 Q The first time?

17 A First time.

18 Q Okay. And who were you married to?

19 A A young lady by the name of Gwen Miller at that time.

20 Q Okay. And how long did you date Gwen for?

21 A We dated for about -- I want to say about two years,
22 maybe three years.

23 Q Okay. But Gwen isn't the mother of kids?

24 A Yes.

25 Q Gwen is the mother of your kids?

1 A Gwen is the mother of my kids.

2 Q Okay. And you have how many kids with Gwen?

3 A Three.

4 Q Okay. And how long were you married to Gwen for?

5 A We was married for about, like, 18 -- well, we was
6 together 18. We -- we -- no, I take that back. We was,
7 actually, married 18 years. So in total all, we was
8 together for about like -- maybe, like, 20 something
9 years.

10 Q Okay. I think your dates might be wrong. Because
11 you said that you got -- you married her in 2000.

12 A Well, we -- well, that's when we went to -- that's
13 when we went to Charlotte. I'm sorry. It could have
14 been -- it could have been back in '87, if I'm not
15 mistaken.

16 Q Okay.

17 A Yes, yes. I'm sorry.

18 Q Okay. I know you're nervous.

19 So you were married in the 80s to Gwen?

20 A Yes, yes.

21 Q You had some kids with Gwen?

22 A Yes.

23 Q Three kids?

24 A Three kids.

25 Q And did you help raise them to adulthood with Gwen?

1 A Oh, yes, sir.

2 Q Okay. What are your kids doing currently?

3 A My oldest -- my oldest is in New York. Right --
4 right after she graduated college, she moved to New York.
5 And she's been there -- she's been there ever since. My
6 middle child, she's in -- she's in the Army. She's in the
7 reserves. And my middle -- my son, he's employed at -- at
8 a Walmart in Atlanta.

9 Q Do you see them frequently?

10 A No, sir.

11 Q Do you talk to them frequently?

12 A I talk to my son often.

13 Q Okay. And then you and Gwen got divorced?

14 A Yes.

15 Q Okay. And how long were you single before you
16 started dating Pat?

17 A How long was I single? I would say about -- about
18 two years I was single.

19 Q Okay. And how did you and Pat first meet?

20 A Oh, I was -- I was -- I was coming back and forth
21 from Charlotte to Greenville.

22 Q Did your work take you to Charlotte?

23 A My wife's job transferred to Charlotte.

24 Q So Gwen's wife -- Gwen's job transferred?

25 A That's correct.

1 Q Okay. And what did she do for work?

2 A Gwen, she -- she work for a -- a telephone company,
3 which is -- which is called Concord Telephone.

4 Q So how long were you in North Carolina for?

5 A I was in North Carolina about seven or eight years.

6 Q Were you divorced in North Carolina?

7 A I was divorced in North Carolina. That's correct.

8 Q And then you remained in North Carolina?

9 A I remained in North Carolina for about -- I'd say
10 about a couple of years. I remained there.

11 Q And you said this was the Charlotte area?

12 A Yes.

13 Q Okay. And then you were single. And then you got to
14 meet Pat?

15 A That's correct.

16 Q And how'd you meet Pat?

17 A I met Pat when I was coming back and forth from
18 Charlotte, mainly -- mainly on the weekends that I
19 would -- that I would come down to Greenville. Because I
20 had family. And I would -- and I would come to see
21 family. And Pat -- Pat and my sister were best friends.
22 And when I came down to see my family, I met Pat.

23 Q Okay. And how long did you and Pat date for?

24 A Me and Pat dated for about, like, a year or so.

25 Q And y'all got married in what year?

1 A I want to say probably -- probably '09, we got
2 married.

3 Q Okay. If I said it was '08, would you disagree with
4 me?

5 A Well, I came home -- I came back home in '07. So it
6 was between -- it was between '08 and '09.

7 Q Okay. Can you describe the dating relationship that
8 you and Pat had?

9 A It was -- it was -- it was good at first. It was
10 good at first. Things -- things was -- things was smooth.
11 And at the latter end, it got kind of -- it got kind of
12 rotten. It got kind of shaky.

13 Q Later end of dating her or later end of the marriage?

14 A The later end of the marriage.

15 Q Okay. Let's talk about just the dating. So you were
16 dating her for approximately a year before you got
17 married?

18 A Yeah, yeah.. We dated for about, like, a year.

19 Q Okay. And where'd y'all get married?

20 A We got married in -- in Greenville.

21 Q Okay. What type of ceremony was it?

22 A It was a church ceremony.

23 Q Where at?

24 A We got -- we got married at Fairforest Baptist
25 church.

1 Q Okay. Did y'all go on a honeymoon?

2 A No, sir.

3 Q Okay. You and Pat don't have any kids together?

4 A No.

5 Q Okay. How many children does Pat have?

6 A Pat has four kids.

7 Q Do you know their names?

8 A Oh, yes, sir.

9 Q All right. What are their names?

10 A She has three girls and one son. The oldest -- the
11 oldest child is Tameka Williams. The other child is
12 Shericka McNatt. And the other child is Janie Williams.
13 And her son is Brandon Williams.

14 Q How would you describe Pat and her family as a -- as
15 a unit, in general?

16 A Oh, they're -- they're close.

17 Q Okay. How would you describe your relationship prior
18 to these allegations with Pat and her family?

19 A Prior -- prior to the allegations, they was good.

20 Q Okay. Tell me more about what you would do with
21 either Pat or with the kids.

22 A Oh, me and Pat, we -- we spent -- we spent a lot of
23 time at the casino. I didn't -- I'm -- I'm not really
24 into bingo. So I didn't never -- I did it once or twice.
25 That didn't last very long because that's not my thing.

1 Me and Pat, we -- when we were -- when we were dating,
2 we -- we went out to the nightclub a lot.

3 I got -- I got a change of heart once I -- once I
4 turned my life over to Christ. Once I turned my life over
5 to Christ, those things no long were exciting. So I
6 stopped. I stopped going out to the clubs. And I was
7 more into the church. She -- she -- she continued so
8 much -- not so much in the clubs she continued, but she --
9 she loved her bingo.

10 And as far as -- as far as for the kids, I mean,
11 we -- we did some things together. We -- we always went
12 out for -- for dinner after service. Like every -- like
13 every other Sunday, we was always out after -- after
14 service.

15 Q And you said that you were active in the church.
16 What church was that?

17 A At Fairforest Baptist church.

18 Q And that's the same church where y'all got married?

19 A That's correct.

20 Q When you say you were active in the church, how were
21 you active in the church?

22 A I am a deacon at the church and, also, taught Sunday
23 school -- adult Sunday school.

24 Q And how long did you do that for?

25 A I want to say, at least, six years or so.

1 Q Had you ever held a position at a church before?

2 A No, sir.

3 Q Okay. This was your first time?

4 A That's correct.

5 Q Okay. Do you still go to that church?

6 A No.

7 Q Why?

8 A And I miss it.

9 Q Why don't you go to that church?

10 A I -- I was -- I was court ordered not to -- not to be
11 within the vicinity of the -- of the Plaintiff. So with
12 that being said, I had to -- I had to step down my
13 position.

14 Q Do you go to a different church now?

15 A Yeah. I -- I attend a church in Fountain Inn,
16 Fountain Inn, South Carolina. I -- I really miss -- I
17 really miss Fairforest.

18 Q What church do you attend in Fountain Inn?

19 A Old Shady Oak -- Old Shady Oak Baptist Church.

20 Q And do you serve in any positions at that church?

21 A No, sir.

22 Q Okay. Can you, please, describe your marriage to Pat
23 when it was good and how it was good?

24 A We -- we had a lot of fun together. We -- like I
25 say, we would go out to eat. We'd go to the casino. She

1 loved to gamble. She'd spend more money than we'd make.

2 But we -- we just -- we, basically, just -- we didn't
3 do too much together. We -- we always wanted to do
4 really -- really -- really what she wanted to do. I'm
5 a -- I'm, basically, a home body, you know. I -- I watch
6 my -- I watch my sports. And I watch my -- my movies.

7 Q Okay. And when did you and Pat start having
8 problems?

9 A We started having problems, I want to say, like,
10 the -- the last four years of the marriage on the -- on
11 the latter end of the marriage. Because, like I say, I --
12 I didn't want to party anymore. I didn't want to go to
13 the casinos anymore, you know. So we kind of like -- we
14 kind of like -- there's distance from each other. We was
15 there with each other, but we wasn't there.

16 Q And you're still technically married to Pat?

17 A I am.

18 Q Even today?

19 A I am.

20 Q Okay. Does Pat have any siblings?

21 A Does Pat have any siblings? Yes.

22 Q Okay. Who are those siblings?

23 A Like I stated before, her oldest daughter is Tameka
24 Williams --

25 Q No. Who are her brothers and sisters?

1 A Oh, who are Pat's?

2 Q Correct.

3 A I don't -- she has a -- she has a sister by the name
4 of Sharon Black.

5 Q Sharon Black?

6 A Yes.

7 Q Okay. Does she have any brothers or sister? I mean,
8 excuse me. Does she have any brothers?

9 A Not to my recollection.

10 Q Okay. Tell me about Sharon Black.

11 A I think -- I think -- I think I got along on a -- on
12 a -- I got along with her from the -- from the first part
13 of the marriage. But on the latter end of the marriage,
14 she would -- she -- for some reason, she came -- dislike
15 toward me, I guess, because of my transition, you know. I
16 guess -- I guess -- I don't know.

17 Q Okay. And would you and her ever have disagreements?

18 A Yes, all the time.

19 Q About what?

20 A Basically, it's -- it's like I didn't want to -- I
21 didn't never -- I didn't ever want to do anything with her
22 sister anymore. I mean, you know, she'd call me boring,
23 you know. She always -- she always accused me of not --
24 of not being a good provider, you know, which I did the
25 best I can with what I had.

1 She always threatened me. Every -- and this is on
2 the latter end of the marriage, four years up until this
3 day that -- she always would say that you -- that you guys
4 won't be together long. That's what she always said every
5 Sunday when we went out to eat. She always said that you
6 guys won't be together long.

7 Q And when she was referring to "you guys," you took it
8 as you and Pat?

9 A That's correct.

10 Q Okay. And what would your response be when she would
11 say this to you?

12 A I would shun it off. Because I didn't -- I didn't --
13 I didn't see no problem besides her always going out to
14 bingo. I mean, she's always -- I didn't see no problem in
15 that. But for her -- for her to say that, it was very
16 hurtful. I didn't really know what -- I didn't really
17 know what she was meaning when she said it.

18 Q Did you feel that she was supportive of your marriage
19 to Pat?

20 A At the -- at the beginning of it, she was.

21 Q Do you know if she would express these same concerns
22 to Pat?

23 A Oh, yes.

24 Q Did Pat ever tell you or accuse you of not being a
25 good provider?

1 A All -- on the latter end of the marriage, she always
2 told me that I was lacking, you know. She always told me
3 that I was always broke. I don't make enough money. I
4 understand she was the breadwinner. She do have a good
5 job. I understand that. But she always accused me of
6 not -- of not -- of not being the provider that she
7 thought I was going to be.

8 Q Would you contribute to the monthly bills?

9 A With what I had.

10 Q Would you pay them yourself or give them to Pat -- or
11 give the money to Pat?

12 A I give the money to Pat.

13 Q And then she'd spend the money?

14 A Yeah.

15 Q Would you give her your whole check?

16 A It was in the bank.

17 Q Okay. Was it deposited into a joint account?

18 A It was.

19 Q Okay. When was [REDACTED] born?

20 A [REDACTED] was born, I want to say, like, in -- let me get my
21 dates right.

22 Q Was she born after your marriage to Pat?

23 A After the marriage?

24 Q Correct.

25 A No. She was -- she was -- she was born during the

1 marriage.

2 Q Was she born after your wedding ceremony?

3 A She was born after -- after our wedding ceremony,
4 that's correct.

5 Q Okay. Was she -- do you think she was born around
6 2010?

7 A That sounds about right.

8 Q Okay. And [REDACTED] is the daughter of who?

9 A [REDACTED] is the daughter of Tameka Williams.

10 Q Okay. Tell us about Tameka Williams.

11 A She's a great mother. She's -- she's an awesome
12 provider. She'll do -- she'll do anything for her
13 daughter.

14 Q Okay. Did you get to know her over the course of
15 your marriage to Pat?

16 A Oh, yes, yes. We -- we -- we went to church
17 together, sung in the same choir together. Like I say, we
18 always went out to eat after service. So we -- we had
19 some interaction time. She always come over to the house,
20 you know. She always bring her -- bring her baby over for
21 us to watch. So we -- we got very acquainted.

22 Q Would you say you were close to Tameka?

23 A I would say so.

24 Q Was she close to Pat during this time?

25 A Yes.

1 Q And how often would you see Tameka on a weekly basis?

2 A On a weekly basis, I would say I saw -- I saw Tameka,
3 at least, four, five times during the week.

4 Q And how long after [REDACTED] was born did you and Pat start
5 watching her?

6 A How -- what's the question again? I'm sorry.

7 Q Sure. How long after [REDACTED] was born did you and Pat
8 start looking after her?

9 A Oh, we -- what, after two months. After -- after her
10 birth. We was -- we -- I always -- we always played a
11 part in [REDACTED]'s upbringing.

12 Q And was she the only grandchild that Pat had at the
13 time?

14 A That's correct.

15 Q And then [REDACTED] would have been your step-grandchild?

16 A That's correct.

17 Q Okay. What was Pat's interaction with [REDACTED] upon [REDACTED]
18 being born?

19 A Oh, it was very -- it -- it was good.

20 Q Was she happy to be a grandmother?

21 A Oh, yes. She was -- she was very excited.

22 Q Did she go to the hospital for [REDACTED]'s birth?

23 A She was there.

24 Q Did you go to the hospital for [REDACTED]'s birth?

25 A If I'm not mistaken, I was there. I think I took off

1 work.

2 Q Okay. And then how many months after [REDACTED] was born did
3 y'all start watching her?

4 A I want to say, at least, about -- about the second
5 month.

6 Q Okay. And how did it transpire that y'all started
7 watching her?

8 A How did it transpire?

9 Q Correct.

10 A When Meka went back to work.

11 Q And when you say "Meka," you're referring to Tameka?

12 A Tameka. I'm sorry.

13 Q [REDACTED]'s mother?

14 A That's correct.

15 Q Okay. And where was she working at the time?

16 A I've always known her to work at BMW.

17 Q And what shift would she work?

18 A She would -- she would work at night.

19 Q What -- and you and Pat worked during the day?

20 A That's correct.

21 Q What -- approximately what time would Tameka drop [REDACTED]
22 off in the evenings?

23 A I would say around about -- around about 5:00 or
24 6:00, yeah, around about 5:00 or 6:00.

25 Q Had you helped raise an infant before?

1 A Oh, yes, sir.

2 Q And when did that happen?

3 A I got -- as I stated, I got -- I got three kids of my
4 own, you know. I raised them -- raised them from birth.

5 Q Did you change their diapers?

6 A Oh, yes, sir.

7 Q Did you change [REDACTED]'s diapers?

8 A No, I did not.

9 Q Who -- who changed [REDACTED]'s diapers?

10 A Pat -- Pat normally does that. I don't -- I'd do
11 it -- I'd do it every now and then, you know. I'm
12 not a -- I'm not a diaper man.

13 Q Would you change [REDACTED]'s diapers occasionally when Pat
14 was at bingo?

15 A I -- I would.

16 Q When you'd notice she had a dirty diaper?

17 A Yes.

18 Q Okay. And on -- when [REDACTED] was an infant, how often
19 would you and Pat watch [REDACTED]

20 A When [REDACTED] was an infant, like I say, we had her when
21 she was -- when she started coming over to the house in
22 about, like, her second month. We -- we watched her
23 pretty much a lot when -- when she had to go to work.

24 Q Did she have a crib at your house?

25 A No.

1 Q Where would [REDACTED] sleep when she was an infant?

2 A She would sleep -- she would -- we would put her on
3 the couch when she was -- well, we've got a couch in the
4 room. So -- so we would -- we would lay her on the couch.

5 Q Who provided [REDACTED] food when she was an infant?

6 A Oh, we both did.

7 Q When you say "we both did," who's we?

8 A Me and -- me and Pat.

9 Q You would use your own money to buy [REDACTED] food?

10 A Not -- not a whole lot. The mother would always have
11 the necessities that she needed.

12 Q Okay. And you and Pat watched [REDACTED] over the course of
13 years?

14 A Oh, yes, sir.

15 Q How many years did you and Pat watch her for?

16 A All the way up until this allegation.

17 Q Okay. [REDACTED] obviously, got to be older where she could
18 walk, talk?

19 A Yes.

20 Q Did you ever call Tameka and ask, Hey, can I come
21 over and get [REDACTED]?

22 A I -- I have. I have done it.

23 Q How would -- what would you do with [REDACTED]?

24 A We would -- we would go get ice cream or I'd take her
25 to the park, you know. A lot of times, we -- we'd watch

1 the ball game together. I think I turned her into a
2 Clemson fan.

3 Q And how often would you and [REDACTED] do things together?

4 A How often?

5 Q Correct.

6 A I would say at least -- at least, every weekend.

7 Q Okay. And where would Pat be?

8 A At bingo.

9 Q Okay. How many -- on an average week, how many times
10 would she go to bingo?

11 A There's seven days in the week. Pat went five days a
12 week.

13 Q And how long does bingo last?

14 A From at least -- I want to say -- she calls it the
15 early game, like, 6:00 p.m. until, like, 11:00 at night.

16 Q Okay. And you said that she did that five out of
17 seven days a week?

18 A Yes, sir.

19 Q And the other -- and during those days when she was
20 at bingo, you would, typically, be at the house?

21 A I'd be at the house.

22 Q Watching either movies or TV -- or sports?

23 A That's correct.

24 Q Would you say that you were an active grandfather or
25 step-grandfather in [REDACTED]'s life?

1 A Oh, yes, yes, sir.

2 Q Would you say that Pat was an active grandmother in
3 [REDACTED]'s life?

4 A When she was there.

5 Q Was [REDACTED] bonded with you?

6 A Oh, yes.

7 Q Were you bonded with [REDACTED]

8 A Yes, sir.

9 Q Tell the jury about that.

10 A We -- we -- like I said, we -- we did things
11 together. We'd go out -- go out to the park. I'd take
12 her to the park, take her to go get ice cream. Often --
13 sometimes, I'd -- I would take her to school. So we had
14 some bond time there.

15 Q When did you start taking her to school?

16 A Mainly -- mainly when she was, like, maybe when she
17 was like five, I want to say, four or five. And that's --
18 that's very rarely, though. That's very rare. Because
19 she'll -- she'll -- she'll get off work. She'll get off
20 work and she'll take [REDACTED] to school herself.

21 Q What was the address of the house you and Pat lived
22 in together?

23 A We lived in a couple of them. But -- but -- before
24 this allegation, we -- we stay on [REDACTED]

25 [REDACTED]

1 Q And referring to State's Exhibit No. 2, is this the
2 house?

3 A That's correct.

4 Q Okay. And when did you and Pat first move into that
5 house?

6 A We first moved in [REDACTED] I want to say --
7 maybe '12, 2012.

8 Q Okay. Did y'all buy that house or did you rent that
9 house?

10 A I -- we was renting.

11 Q Okay. And when y'all moved in, was it just you and
12 Pat in the house or did other people live there?

13 A Oh, there was -- there was her -- her kids and my --
14 you know, and her.

15 Q How many bedrooms was the house?

16 A It was a -- it was, actually, a -- a three-bedroom
17 house. But we -- we made some things -- we switched some
18 things around, you know. We had like -- we had, like,
19 three sitting areas in that house, which could be used --
20 which could be used as a bedroom, if needed be.

21 Q So you said that when you moved in, her kids moved
22 in, too. Did all of them move in at the same time?

23 A No. When we moved into the home, it was me, Pat,
24 Brandon, and Janie living there.

25 Q Who --

1 A Shericka -- Shericka was there once before she moved
2 out.

3 Q Okay. And you said Brandon moved in when y'all first
4 moved?

5 A Oh, yes, sir.

6 Q And who's Brandon?

7 A Brandon is her son.

8 Q Okay. How old was Brandon when he moved in?

9 A Brandon was about -- I want to say about 12, 13,
10 something like that.

11 Q So a young teenager?

12 A Yes.

13 Q Okay. And how long did Brandon live with y'all for?

14 A Brandon lived with us until he -- until he got his
15 own place. I think he got his own place when he was,
16 like -- I want to say, like, 19.

17 Q Okay. Who else lived in that house with y'all during
18 the period that you and Pat were together?

19 A Who else lived there?

20 Q Correct.

21 A Like I say, Shericka was there, you know, for a
22 while, until she moved out. But everybody else --
23 everybody else remained.

24 Q How did you feel about Pat's children living in the
25 house with you?

1 A I didn't have no problem.

2 Q Y'all got along?

3 A Oh, we got along great.

4 Q What kind of car did Brandon drive during this time?

5 A When he was -- when he purchased his car, he -- he
6 purchased a black Honda Accord.

7 Q What kind of car were you driving during this time?

8 A I was driving a black Honda Accord.

9 Q Do you remember when you first learned of these
10 allegations?

11 A Do I remember when?

12 Q Uh-huh.

13 A I want to say it was back in '15.

14 Q Where were you when you first learned about them?

15 A I was here in Greenville.

16 Q Well, specifically, what location in Greenville?

17 A I was -- I was in Greenville, Greenville, South
18 Carolina. I was -- I was living -- I was living -- we was
19 living in -- on [REDACTED].

20 Q Okay. How did you first find out about these
21 allegations?

22 A It was through a -- it was through a phone call.

23 Q Describe that phone call.

24 A Tameka came over on -- on one of her off days. It
25 didn't happen very too often. But on that particular day,

1 she came over. And she -- she -- she had received a phone
2 call. And in that phone call, she -- she got some very
3 disturbing news. And it was directly at me. So that's
4 when I -- that's when I learned of the allegation.

5 Q Was she over for breakfast?

6 A She was over for breakfast. She -- I -- I don't
7 think it was breakfast time. It was almost -- it was
8 almost time for me to go to work. So it wasn't -- it
9 wasn't -- it wasn't breakfast time. It was, like, in the
10 afternoon.

11 Q Okay. And you said Tameka was at the house with you?

12 A Yes.

13 Q Was Pat there?

14 A Yes.

15 Q Do you remember what day of the week this occurred?

16 A I'm not -- I can't recall the date.

17 Q All right. And do you know who Tameka received a
18 call from?

19 A She -- she received a phone call from [REDACTED]'s -- [REDACTED]'s
20 friend. She had -- she had spent the night over at her
21 friend's -- over at her friend's house. And she had
22 received a phone call.

23 Q And what were the allegations in that phone call?

24 A The allegation was that I had been -- that I had been
25 fondling her. And she -- and she -- and she told -- she

1 told her friend's mom about -- about the allegation.

2 Q Did Tameka immediately confront you with those
3 allegations?

4 A Oh, yes, sir.

5 Q And how did that go?

6 A She was -- she was very upset. She was very upset.
7 And I can't -- I can't blame her. I would have been
8 upset, too, if somebody called me with this -- with this
9 type of -- this type of news.

10 Q Describe the setting at this time. Tameka gets a
11 call, she confronts you. Just describe everything that
12 happened.

13 A Oh, she was -- she was down in the lower part of the
14 house. The way the house is -- was built that you could
15 come through the garage which -- which we made it out of a
16 sitting area, a television, couch. Once you -- once you
17 enter into that room, that's -- that's where she was at
18 when she received the phone call. If you -- if you
19 proceed up, it got a few stairs and you go up, which would
20 be the kitchen, the living room, and then our bedrooms on
21 back.

22 So when she got the phone call, she -- all I heard
23 was screaming. Because I was in the back room. And --
24 and when she got to screaming, I came out. I came out of
25 the room and we met. We met in the hallway. And that's

1 where -- that's when she was accusing me of -- of this
2 allegation.

3 Q What'd you say to her?

4 A I was -- I -- I immediately told her that -- that is
5 ridiculous, that I would never ever do nothing like that
6 to my grandbaby.

7 Q Did Pat hear this conversation?

8 A Yes.

9 Q What was Pat saying at this time?

10 A She was just -- she was really just really,
11 basically, listening. And she was asking -- she was
12 asking for us to calm down, you know, basically, her
13 daughter. She was asking her daughter to calm down. And
14 I was -- I was -- I was really, basically, telling her
15 that ain't me. I don't -- I don't do stuff like that.

16 Q How would you describe Tameka's mental state at that
17 time?

18 A Oh, she was -- she was -- she was -- she didn't --
19 she didn't lose it. But she was -- she was almost there.
20 She was almost there. And she -- she was in my face.

21 Q Were you and Pat able to calm her down?

22 A Not -- not really. Not really. She -- she -- she
23 stormed out of the house. She was telling her -- she
24 told -- she told the young lady to bring -- to bring the
25 child over to her house, bring [REDACTED] over to her house.

1 Q When you say the "young lady," this is L.R. [REDACTED]'s
2 mother?

3 A Yes.

4 Q Okay. Where [REDACTED] had been spending the night?

5 A Yes. She had spent the night that night.

6 Q Okay. And then what happened?

7 A She left. She was very upset when she left. I --
8 that's when me and Pat started talking. And -- and she
9 was asking me about it. And I was -- and I was,
10 basically, telling her that ain't me. I don't -- I told
11 her, you know. And she was like, Well -- well, why would
12 she say stuff like that?

13 And I was like, I really don't know, you know. I've
14 got an idea but, you know.

15 We -- we proceeded to go -- she -- she called me.
16 Tameka called me. And she asked me to come over to the
17 house. So I went over immediately. I mean, I supposed to
18 have been at work at 3:00. I called them on my way and
19 told them I was going to be late, you know.

20 She questioned me at her house. She said she was
21 going to take [REDACTED] to go get seen about. I offered -- I
22 offered to take her to go get [REDACTED] seen about. I was
23 willing to go to the doctor with -- with Tameka. That's
24 how -- that's how I was so much concerned about the
25 allegation.

1 Q Tameka said that when you came over, you were acting
2 nonchalant.

3 A That's -- that's -- no. No, I was -- I was very
4 upset, trying to convince her that I -- that I don't do
5 stuff like that. I don't know what's going on. I've got
6 a -- got a notion, got a -- got a hint of what was going
7 on.

8 But I was trying to convince her that I don't do
9 stuff like that. And I'm willing to go with you to the
10 doctor. I'm willing to drive you, if you don't want to
11 drive just to -- just to really prove my innocence.

12 Q Did she take you up on that offer?

13 A No, she did not.

14 Q So where did you go after that?

15 A I went to work.

16 Q Were you contacted again by Tameka?

17 A No.

18 Q Did you and Pat have any follow-up conversations
19 about what happened that day?

20 A Oh, we did, yes.

21 Q You felt like she believed [REDACTED]'s allegations?

22 A She -- well, her actions speak louder than words.
23 She -- she said that she didn't know what to believe. So
24 in that, she moved out the next day, not -- she -- she
25 didn't really want to -- she didn't really want to hear my

1 side. She didn't -- she didn't really want to hear that I
2 didn't do it. Her actions spoke louder than words.

3 Q And when were you contacted by Investigator Lyda?

4 A I was contacted. -- I want to say about a few days
5 later. I don't think a whole week went by that I was
6 contacted.

7 Q Did Investigator Lyda ask you to come to the law
8 enforcement center?

9 A She did.

10 Q How'd that conversation go?

11 A She just, basically, said that she was the -- the
12 Prosecutor of the case and she -- she needed me to come
13 down to the detention center.

14 Q What did you tell her?

15 A I said, You -- you make a date, I'll be there.

16 Q And when did that interview occur?

17 A On what day? What time?

18 Q Approximately how many days later after you got the
19 phone call --

20 A I want to say -- I want to say, at least, about four
21 days, five days later after -- after the allegation.

22 Q Is it possible that she called you on a Friday and
23 you showed up on a Monday?

24 A It sounds about right.

25 Q Okay. Did you go to that interview with a lawyer?

1 A No, I did not.

2 Q Why'd you want to go to that interview?

3 A Because I had nothing to hide. I wanted to -- I
4 wanted to do what was asked of me. I didn't have nothing
5 to hide.

6 Q What did you tell Investigator Lyda at the interview?

7 A I -- I told her that it's -- it got to be someone
8 close to ■■■ that's -- that's telling her to say these
9 things. Because, like I said, on -- on the -- on the --
10 on the latter end of the relationship, it was not good.

11 Q When you say that someone close had to be telling ■■■
12 these things, did you go into detail with Investigator
13 Lyda of who you believed might have been feeding her this
14 information?

15 A I did. I did. I -- I -- I told her that it had to
16 be -- it had to be Pat. It had to be Pat or Sharon, her
17 sister.

18 Q I'm going to hand you State's Exhibit No. 1. Can
19 you, please, look at that document.

20 A (Witness complied.)

21 Q What is that document?

22 A It's a text message that I -- that I texted her.

23 Q When you say "texted her," who is "her"?

24 A Tameka.

25 Q And when did you send Tameka the text message?

1 A It says on the 18th, January the 18th, 2017.

2 Q Why did you send that text message?

3 A Because I sent that -- I sent that text because I was
4 confused of the matter that was going on. And -- and I
5 know that she wanted some answers. So with that -- with
6 that text, my mind is all over the place at that time.

7 Q Had you met with Investigator Lyda yet?

8 A No.

9 Q Can you read to the jury what you texted Tameka?

10 A Yes. I said, Hey, Meka, call me, please. We both
11 getting played by someone close to the family. I said,
12 Think about it. The timing of the incident was too
13 perfect. Everything is going the way they planned it.

14 Q When you said "timing of the incident," what does
15 that mean?

16 A That means Meka came over on one of her off days,
17 which is very rare. But she's always -- because she's
18 always tired. She want to get some rest, you know. She
19 don't come over too often without -- without a probable
20 cause, you know, dropping -- dropping the baby off, or
21 whatever. But that particular day, she was there.

22 Q So after you met with Investigator Lyda, were you
23 then, subsequently, arrested?

24 A No.

25 Q Okay. How long after you met with Investigator Lyda

1 were you arrested?

2 A I spoke with her -- I want to say it had to be on a
3 Friday. Because I can remember going in and telling --
4 and telling my supervisor that I've got to go, I've got to
5 leave. When she -- when she called me and told me to come
6 down to the station, I -- I -- I -- I went.

7 Q How has these charges effected your life the last two
8 years?

9 A It's been very difficult. It's been very difficult
10 financially, emotionally. It -- I've -- I've -- I've been
11 through so much. I've -- I've lost my -- I lost my
12 apartment. I lost my car. Not only one car, I lost two
13 cars. It's been a very -- it's been a very rough two
14 years.

15 Q What do you want the jury to know about these
16 allegations against you?

17 A What I want the jury to know is that there's no way
18 possible that I would do something like this. I'm a --
19 I'm a -- what I do, I do to please the Lord. And if it
20 doesn't please the Lord, then I don't do it.

21 I know we all make mistakes, we all do. There's no
22 one perfect, but the son. What I want you guys to know is
23 that -- I wouldn't say being framed, but I'm -- she -- I
24 hate the fact that they -- they used a -- they used a
25 child in order for her to walk away from me. Don't use --

1 don't use an innocent child to do -- to do what you want
2 to do.

3 Q Mr. Sullivan, did you stick your hand down the pants
4 of [REDACTED]

5 A No, I did not.

6 Q Did you ever sexually molest her?

7 A No, I did not.

8 Q Were you in the courtroom yesterday when [REDACTED]
9 testified?

10 A Yes, I was.

11 Q Did you hear her talk about how sometimes you would
12 bounce her on your lap?

13 A I heard that.

14 Q What's your opinion of that?

15 A I was -- I was sick to my stomach. It's -- I would
16 never do nothing like that. That's not even my character.

17 Q When Brandon was living at the house, did Brandon
18 ever take [REDACTED] driving?

19 A Yes.

20 Q Where would they go?

21 A They would -- they would go to the park.

22 Q How far away was the park from your house?

23 A It's just right around the corner.

24 Q How often would Brandon take her to the park?

25 A Basically, whenever he had the chance, you know. I

1 mean, he's -- he's young. He's -- he's never at home most
2 of the time. But when he's at home, he -- he'd spend time
3 with [REDACTED].

4 Q How often would Brandon be there when you and [REDACTED]
5 would be at the house together?

6 A How often?

7 Q Correct.

8 A On a daily basis. I mean, he may not -- he may not
9 stay, but he'd be there with us all the time.

10 Q And this was when Pat would be at bingo?

11 A That's correct.

12 Q So it would be you and Brandon in the house with [REDACTED]

13 A That's correct.

14 Q And I know that -- going back. When [REDACTED] would come
15 over, would she spend the night?

16 A She would.

17 Q Would she spend the night until the next morning?

18 A She would.

19 Q And who would come pick her up in the morning?

20 A Her mom would come pick her up when she got off work.

21 Q Every time that [REDACTED] would be dropped off in the
22 evening, does that mean she was going to be sleeping there
23 that evening and getting picked up the next morning?

24 A That's correct.

25 Q Mr. Sullivan, is there anything that I've not asked

1 you here this morning that you would like to tell the
2 jury?

3 A Yes. You didn't ask me what -- what -- what
4 conclusion did I come up with that she wanted to leave the
5 relationship. That -- that -- that question -- the answer
6 to that question is not -- not -- before this allegation,
7 the -- there's a young man that attended the church. I
8 don't want to disclose his name. He always came over to
9 the house. We watched the ball game together very often
10 on days -- on days that I wasn't -- wasn't working. He
11 was definitely there.

12 Times that -- times that she would supposedly be at
13 bingo, she was not. You ask me why, how I know. Because
14 I used to ride -- I used to ride up -- I used to ride back
15 up to bingo to see if she was there. The car was there,
16 but she wasn't.

17 You're probably saying how -- how do I know this.
18 The -- the man in the church, one day after work, I got
19 off at 11:00, went to his house at 11:30. The way his
20 house is made, you would have to drive around to the back.
21 He never used the front door.

22 On one of -- I -- when I turned -- when I went
23 around, this is -- this is a day that -- when she moved
24 out of the house. She was no longer in the house. I was
25 there by myself. I went to this young man's house when

1 she supposedly had been at bingo and there her car sat in
2 his driveway at 11:30 at night. I don't want to disclose
3 his name because of the privacy of it. I don't know how
4 long -- I don't know how long the relationship had been
5 going on.

6 But I can tell you this, she used to call me when she
7 was at bingo every hour on the hour, What are you doing?

8 Oh, I'm just watching the ball game. The phone calls
9 went from a phone call to a text. This is a course --
10 this is a course over months.

11 The text let me know that she wasn't at bingo.
12 Because she used to call and I could hear the numbers in
13 the background. You know how they call out the numbers?
14 I could hear that on the phone call. But when she texted
15 me, I didn't know whether she was there or not. So when
16 the texts started coming, that's when I was led to believe
17 she wasn't there.

18 I -- you ask me -- you're probably saying that how --
19 how is that possible? Because, like I said, I went up
20 there on numerous occasions when she supposed to have been
21 at bingo and she wasn't.

22 Q Would she be texting you on these nights where she'd
23 said that she was at bingo and wasn't?

24 A She was supposed to have been at bingo, yes.

25 Q And you went there and saw that she wasn't there?

1 A What led me to believe she wasn't there?

2 Q Correct.

3 A I would -- I would sometimes ride up there. I mean,
4 not -- not every day. I wouldn't do it every day. I
5 probably would do it like twice a -- I probably would do
6 it, like, twice a week. Two days out of the week, I -- I
7 would do that.

8 MR. MUSSETTO: Mr. Sullivan, please answer any
9 questions that Ms. Major has for you.

10 THE WITNESS: Thank you.

11 THE COURT: All right. What we're going to do.
12 We're going to go ahead and break for lunch.

13 And I'll let you pick up cross-examination when we
14 return.

15 Ladies and gentlemen of the jury, we're going to
16 break for lunch right now. And I'm going to ask that you
17 be assembled in your jury room by -- no later than maybe
18 10 minutes after 2:00. I think that would give you time
19 enough to do that.

20 So, please, ma'am, and, please, sir, do not discuss
21 the case with each other. Don't discuss the case with
22 anyone. And if you take any notes, make sure you leave
23 your note pads in the jury room. And I'll see you back
24 around 10 after 2:00.

25 Enjoy your lunch.

1 (WHEREUPON, the jury was excused from open court at
2 approximately 12:37 p.m.)

3 THE COURT: All right. Anything before we break for
4 lunch?

5 MS. MAJOR: No, Your Honor.

6 MR. MUSSETTO: No, Your Honor.

7 THE COURT: All right. And, sir, you can come down.
8 And your lawyer will --

9 You'll talk to him about what he can talk about and
10 what he can't.

11 MR. MUSSETTO: Sure.

12 THE COURT: All right. We'll reconvene at about five
13 or 10 minutes after 2:00.

14 (WHEREUPON, a lunch break was taken.)

15 THE COURT: Anything before we bring the jury back?

16 MS. MAJOR: No, Your Honor.

17 THE COURT: Mr. Mussetto, anything?

18 MR. MUSSETTO: No, Your Honor.

19 THE COURT: All right. Bring the jury back.

20 (WHEREUPON, the jury came into open court at
21 approximately 2:12 p.m.)

22 THE COURT: All right. Cross-examination.

23 MS. MAJOR: Yes, Your Honor.

24 THE COURT: I'm sorry. Mr. Sullivan, come back up.
25 And you're still under oath.

1 THE WITNESS: Yes, sir.

2 CROSS-EXAMINATION

3 BY MS. MAJOR:

4 Q Mr. Sullivan, I'm Elizabeth Major, as you -- as
5 you've heard me introduce myself.

6 Let's first start with some things that we can agree
7 on. So you and Pat watched [REDACTED] as a baby; is that correct?

8 A That's correct.

9 Q All right. And this was while Tameka was at work?

10 A That's correct.

11 Q And y'all would watch her often?

12 A That's correct.

13 Q And that -- that went -- that schedule continued up
14 until these allegations?

15 A That's correct.

16 Q Okay. You and [REDACTED] had a good relationship?

17 A We did.

18 Q Okay. Did she appear to love you?

19 A Oh, yes, ma'am.

20 Q Did she appear to trust you?

21 A Yes, ma'am.

22 Q Would you take her to go get ice cream?

23 A I did.

24 Q Would you take her to the park?

25 A Yes, ma'am.

1 Q All right. Would you go and pick her up from
2 Tameka's house?

3 A I -- I would.

4 Q Okay. Alone in the car?

5 A I have.

6 Q All right. Is that how it would usually be when you
7 would take her to go do those fun things?

8 A Yes.

9 Q Would you call Tameka and ask to come pick her up?

10 A I would.

11 Q Okay. At the house, would you watch [REDACTED] when she was
12 alone?

13 A Do you mean at [REDACTED]?

14 Q Yes.

15 A Yes.

16 Q Okay. And would that be when Pat would go play
17 bingo?

18 A She would -- she would normally be at bingo, yes.

19 Q Okay. You drove a black Honda Accord?

20 A I did.

21 Q All right. Does [REDACTED] have any reason to make these
22 allegations up against you?

23 A Do she have any reason?

24 Q Just [REDACTED] as herself, did she love you?

25 A Yes.

1 Q Did she trust you?

2 A She did.

3 Q Did she hate you?

4 A No.

5 Q Does she have any reason to make these allegations
6 up?

7 A She don't have a reason, no.

8 Q Okay. Pat always worked at the post office while
9 y'all were married?

10 A Yes, ma'am.

11 Q And was she a good employee from what you could tell?

12 A Yes, ma'am.

13 Q She made steady money?

14 A She did.

15 Q Did she make good money?

16 A She made good money.

17 Q All right. You said that she was the bread winner in
18 the relationship?

19 A She was.

20 Q All right. And Tameka -- Tameka Williams, she --
21 from how you've described her was an excellent mother --
22 or is -- and is an excellent mother?

23 A Yes.

24 Q All right. Would she bring over any -- would she
25 bring over XXXX in -- in good condition? Was XXXX clean --

1 A Oh, yes, ma'am.

2 Q -- when she would bring her over there?

3 A Yes, ma'am.

4 Q Would she provide for her?

5 A She would.

6 Q Did she love MINOR

7 A Yes.

8 Q Would she ever do anything to hurt MINOR

9 A No.

10 Q And what about Pat? Was she a good grandmother?

11 A She was.

12 Q Does she love MINOR

13 A She does.

14 Q Okay. So now, let's move on to some things that I
15 just want to clear up. You said your marriage was rocky
16 for the last four years of your marriage?

17 A About the latter -- the latter part of the marriage,
18 yes.

19 Q Okay. So these allegations came out in 2017;
20 correct?

21 A The allegations came out in '15 -- 2015, if -- if I'm
22 not mistaken.

23 Q Not when the allegations -- not when she says it
24 happened. But -- but when were you arrested for this --
25 or when were you served with warrants for this?

1 A I want to say it was in the year 2015.

2 Q Okay. So four years ago?

3 A No, no, no, no, no.

4 Q We're in 2019. I know it gets --

5 A '17. I'm -- I'm sorry.

6 Q I know. Years sneak up on us. And it's hard to
7 remember things sometimes, isn't it?

8 A Yes, it is.

9 Q It is hard. Okay. So did these allegations come
10 out -- so the last four years. And these allegations came
11 out in 2017; correct?

12 A The allegations came out in 2017.

13 Q Okay. So would you say from 2013 to 2017, your
14 marriage was rocky?

15 A I -- yes.

16 Q And what do you mean by "rocky," like the brink of
17 divorce rocky?

18 A She -- she was -- she was always -- always
19 complaining about I didn't make enough money.

20 Q Did she marry you for your money?

21 A I wouldn't -- I wouldn't say that. I wouldn't say
22 that. She -- she -- when we first got together, I -- I --
23 when we was dating, I -- I used to -- I used to treat her
24 very well, you know. From what I had, I -- I treated her
25 well.

1 Q Well, you, also, gave her what you had when y'all
2 were married; right?

3 A Yes.

4 Q Okay. And so rocky -- I mean, what are we talking
5 about here, like, more than just regular financial
6 troubles? Or was there fighting every night? Was there
7 divorce talk?

8 A The fighting -- the fighting -- the fighting always
9 was about money.

10 Q And how often was the fighting?

11 A I would say at least -- at least, three or four times
12 out of the week. We always discussed bills and money,
13 that I'm not -- that I'm not making enough money.

14 Q Okay. But you didn't tell Investigator Lyda that
15 your relationship was rocky for the last four years, did
16 you, in that interview?

17 A I don't recall.

18 Q Okay. Would it -- would you agree that -- that you
19 didn't mention having a -- a rocky marriage?

20 A I -- I -- I can't remember if I -- if I said in the
21 interview that -- that -- that the relationship was rocky
22 or not on the latter part. I don't remember.

23 Q But is that what you're describing it now today as --
24 how are you describing your marriage? Those last four
25 years, how are you describing it?

1 A I'm -- I'm describing it that it was -- it was -- we
2 was constantly always talking about money.

3 Q Talking?

4 A Fighting, arguing about the bills, about the money.
5 That, you know, she -- she -- I -- I think -- I think that
6 she was on the verge of just really ending the
7 relationship because of money.

8 Q But you didn't tell Investigator Lyda that, did you?

9 A I can't recall.

10 Q Okay. This Sharon Black, she is who? Pat's sister?

11 A It is Pat's sister, that's correct.

12 Q Does Pat have any other sisters?

13 A The only sister that I know of is -- is Sharon.

14 Q Okay.

15 A No. Sharon and -- I'm sorry Sharon Renee Williams
16 that I -- that I -- that I know of.

17 Q That's all you know. Would it surprise you if she
18 had more siblings than that?

19 A No. It wouldn't surprise me.

20 Q Okay. Does she have any brothers?

21 A No.

22 Q Okay. No brothers. But she may have some other
23 sisters out there, but you know of Sharon Black?

24 A I do know of Sharon Black.

25 Q Okay. And Sharon Black did not like you, is that

1 your testimony?

2 A That is -- that is my testimony.

3 Q Okay. Do you recall telling Investigator Lyda that
4 everybody in the family loves you, that you don't have a
5 problem with anybody?

6 A I don't recall that.

7 Q Okay. Would it surprise you if you told her that
8 everybody loves you and that you don't have a problem with
9 anybody in the family?

10 A What's the question again? I'm sorry.

11 Q Could you have told Investigator Lyda that you don't
12 have a problem with anybody in the family?

13 A I don't -- I don't -- I don't recall saying that --
14 that I had any problems with anybody. But I did -- I did
15 point out the fact that -- that me and Sharon Black was
16 always -- at the latter part of the relationship, we
17 always was at each other.

18 Q Okay. And did you tell Investigator Lyda that Sharon
19 Black may be behind this?

20 A I did.

21 Q Do you remember Investigator Lyda saying, Well, let
22 me follow-up on that? And what did you say to that?

23 A She never -- she never said that she would follow-up
24 on it.

25 Q Isn't it true that you told her, Don't follow-up.

1 Don't go there. Don't ask her. Don't get her involved.

2 Didn't you tell Investigator Lyda that?

3 A I did not say that.

4 Q So you're denying that you told Investigator --
5 Investigator Lyda, Don't get Sharon involved, she doesn't
6 even know anything about this?

7 A Are you saying that I told the investigator not to
8 pursue Sharon Black?

9 Q Yes.

10 A No. I -- I -- I mentioned to her that -- that Sharon
11 Black could be possibly behind this allegation.

12 Q And Investigator -- and Investigator Lyda told you --
13 did she tell you that she was going to follow-up on that?

14 A No. She did not tell me she was going to follow-up
15 on that.

16 Q She didn't tell you that she was going to follow-up
17 on it and you did not say, Don't get her involved?

18 A No. I did not say that.

19 Q Okay. So we saw you get emotional on the stand
20 talking about your church. Was that upsetting to you?

21 A It's -- it's very upsetting to me.

22 Q Okay. And what is upsetting about it to you?

23 A I -- I -- because I love -- I loved the -- the fact
24 that I was serving -- serving God, the Lord. The
25 people -- the people there was great. They elected me to

1 be the Sunday school teacher. They -- they elected me to
2 be over -- over -- over a position in the church that is a
3 very important role.

4 Q Okay. And so you can get emotional at times as we've
5 seen, correct?

6 A That's correct.

7 Q Okay. Did you ever cry when you were first accused
8 of this?

9 A Yes, I did.

10 Q You cried when Tameka was yelling at you?

11 A I did.

12 Q Okay. Did you cry when you went over to Tameka's
13 house?

14 A I was.

15 Q You were crying?

16 A Very upset.

17 Q Okay. And so any characterization of you being
18 nonchalant would be inaccurate?

19 A That would be very inaccurate.

20 Q Okay. Did you cry when you talked with Investigator
21 Lyda about this?

22 A I did get emotional.

23 Q Did you cry when you talked to Investigator Lyda
24 about this?

25 A I -- I did. I'm pretty sure I did.

1 Q Okay. When -- when did you do that? Right when you
2 first walked in, or do you recall?

3 A No. It was probably in the middle -- in the middle
4 of the investigation that I broke down.

5 Q And how did you break down?

6 A I was very emotional, sobbing.

7 Q You were sobbing?

8 A We had to -- we had to actually -- we had to,
9 actually, pause for a minute.

10 Q Mr. Sullivan, you know that we have the recorded copy
11 of this video; correct?

12 A Yes.

13 Q And would that fairly and accurately depict you
14 breaking down and sobbing?

15 A I can recall -- I can recall me getting emotional.

16 Q Would it show you breaking and sobbing?

17 A I don't recall.

18 Q Okay. When you were first accused of this, isn't it
19 true that you asked Tameka, Why are you going to believe a
20 six-year-old?

21 A No. That was not my statement.

22 Q That was not your statement?

23 A No.

24 Q Okay. So any -- any statement by you about believing
25 a six-year-old would be inaccurate, why believe a

1 six-year-old?

2 A That was not my statement.

3 Q Okay. What was your statement?

4 A My statement was to the fact that I wouldn't do
5 nothing like this.

6 Q Okay.

7 A My -- my statement was to the fact that it's crazy
8 that the allegation is here.

9 Q And when did you -- that was at yours and Pat's house
10 when you first learned about this?

11 A Yes.

12 Q Okay. And then when did you break down crying?

13 A When did I break down crying?

14 Q Yes.

15 A I broke down crying at -- at Tameka's house.

16 Q Okay. But not at your house. I thought you just
17 said that you broke down crying when you were first
18 accused of this. No?

19 A Not -- not at -- at [REDACTED] when it first
20 came -- when the phone call first appeared. I was -- I
21 was, basically, trying to convince her that -- that
22 this -- this is a crazy accusation. It's when -- it's
23 when she called me and told me to come over to the house.
24 And we was talking.

25 Q Did you look for candy in the candy bowl?

1 A No, ma'am.

2 Q Okay. Were you there when [REDACTED] said in front of you,
3 and in front of her mother what she was accusing you of?

4 A Was I there?

5 Q Did you hear it? Did you hear [REDACTED] say it?

6 A Yes, yes, yes.

7 Q Okay. And you offered to take [REDACTED] to the hospital?

8 A I did. I volunteered.

9 Q Were you going to take her by yourself?

10 A No. I was going to ride with them or either they can
11 ride with me. I was willing to be late for work in order
12 to take care of this matter. I didn't have no problem at
13 all with that.

14 Q Do you think Tameka would have a problem with that --

15 A I didn't think she would. But --

16 Q Why not? Why not --

17 THE COURT: Hold up. Put and a pause between your
18 questions and his answers.

19 MS. MAJOR: Yes, sir.

20 THE COURT: To help the court reporter out.

21 MS. MAJOR: Yes, sir.

22 THE WITNESS: The question was?

23 BY MS. MAJOR:

24 Q Did you think Tameka would have a problem with the
25 person who her daughter has accused of sexually abusing

1 her would accompany her to the hospital?

2 A I didn't -- I didn't -- I didn't think she would have
3 a problem with it. But eventually -- evidently, she did.
4 She did not want me to -- to ride with her.

5 Q Okay. You said on the stand that you didn't know why
6 this was happening to you. But, now, you've got an idea,
7 and you've got a notion, and you've got a hint?

8 A Yes.

9 Q What is the -- what is the idea? What's the notion
10 or the hint?

11 A The idea, or the notion, or the hint was the fact
12 that I caught -- I caught my wife in another -- in another
13 affair.

14 Q Okay.

15 A I -- to the fact that her sister, Sharon Black, has
16 always stated that we would never be together long. So
17 that is my -- that is my notion.

18 Q Okay. Let's talk about this supposed affair. You --
19 you suspected your wife was not going to bingo when she
20 said she was going to bingo; is that correct?

21 A At times, yes.

22 Q And is this before the allegations came out?

23 A This was before the allegations came out.

24 Q Okay. Did you -- you said that you drove up to bingo
25 to check to see if she was there?

- 1 A That is correct.
- 2 Q Did ^{MINOR} accompany you in that car ride?
- 3 A No, ma'am.
- 4 Q Where was ^{MINOR}
- 5 A She was at home.
- 6 Q At whose home?
- 7 A She was at [REDACTED] with her auntie.
- 8 Q With her auntie?
- 9 A Yes.
- 10 Q Okay.
- 11 A At -- sometimes that -- when -- when Ricka [phonetic]
- 12 was not working, she stayed -- she -- she was there with
- 13 Ricka.
- 14 Q Okay. So she's there with Ricka so that you can go
- 15 drive up to bingo to check on your wife?
- 16 A That's correct.
- 17 Q All right. And then when you said that you caught
- 18 her at -- I'm going to -- please correct me if I'm wrong
- 19 from what -- from what I heard on direct. But it was my
- 20 understanding that you suspected that she was over at some
- 21 other man's house. And you went to this man's house and
- 22 saw her car there?
- 23 A Not suspect. It's a known -- it's a -- it's a fact.
- 24 Q Okay. When did that happen?
- 25 A That happened -- that happened before the

1 allegations. I don't know how long it's been going on.
2 Because, like I said, that it was numerous times that --
3 that he always came over to the house, you know. We'd sit
4 and -- we'd sit and watch the ball game together, and
5 stuff. That was -- that was the -- we always was together
6 at choir rehearsal. They had interactions all the time.

7 So I don't know if they was always -- if it -- if it
8 was going on then. It had to have been going on then.

9 Q When did you drive over to his house and see her car
10 there?

11 A I drove over one evening that I had -- when I had got
12 off. It was approximately at 11:00 when I got off. I got
13 over there around about 11:30.

14 Q Was this before the allegation or after the
15 allegation?

16 A It was before the allegation.

17 Q Okay. I thought you testified on direct that it --
18 this was after the allegation?

19 A No, ma'am. This -- the -- the affair was going on
20 before the allegation had appeared.

21 Q Okay. But you never told Investigator Lyda that;
22 correct?

23 A That's correct.

24 Q Don't you think that's something pretty important
25 that would give Pat a reason to divorce you, that she

1 wants to leave you. If that's your whole theory, that Pat
2 wants to leave you so she's getting [REDACTED] to make this up,
3 isn't it important that she's having an affair?

4 A I didn't -- I -- I never mentioned the affair. I
5 mentioned -- I mentioned her sister, Sharon Black, to --

6 Q But -- excuse me. Go ahead.

7 A Go right ahead.

8 Q But you're mentioning it now. So, clearly, this is
9 something important to you. But you never mentioned it to
10 Investigator Lyda; is that correct?

11 A That's correct.

12 Q Okay. And, in fact, in the interview, didn't you say
13 that you thought Pat was behind this, but not for the
14 affair reason that -- that you determined, eventually,
15 that Pat was behind this?

16 A That's correct.

17 Q But then didn't you say that, no, Pat wouldn't do
18 that, she wouldn't do that?

19 A I was praying and hoping that it wasn't -- it wasn't
20 her being involved.

21 Q And that's when you moved on and threw out Sharon
22 Black's name; correct?

23 A That's correct.

24 Q Okay. But you couldn't remember her last name in the
25 interview; correct?

1 A I was so -- I was so -- my mind was so
2 discombobulated --

3 Q When did Sharon --

4 A -- that I couldn't think of her last name.

5 Q When did Sharon Black see [REDACTED]

6 A When did she see [REDACTED]

7 Q Uh-huh.

8 A She saw [REDACTED] all the time.

9 Q Where?

10 A It was every -- every week she saw -- she saw [REDACTED].

11 Q Where?

12 A On Wednesday -- on a couple of occasions on Wednesday
13 night and on Sunday -- and on Sunday mornings during --
14 not only that during -- during -- during choir rehearsals,
15 she would see [REDACTED].

16 Q At what location would she see [REDACTED]

17 A It would be at church.

18 Q How many other people are at church?

19 A At that time, no more than about -- about 12, 13
20 individuals.

21 Q So is it your theory that she would pull [REDACTED] aside and
22 told her to make this up about you?

23 A It's -- It's very possible.

24 Q You told us how this has affected your life. How has
25 this affected [REDACTED]'s life?

1 A She -- she -- she don't understand why she was pulled
2 into it. I hate the fact that she is pulled into it. But
3 then she -- she have to have a reason for the relationship
4 to end. Because, like I said, I did -- I did the best I
5 could with what I had. Evidently, it wasn't enough. And
6 she just couldn't -- my theory, she just couldn't --
7 she -- she just wanted the relationship to end.

8 Q [REDACTED] wanted the relationship to end?

9 A No. Pat.

10 Q Pat wanted the relationship to end so she used her
11 granddaughter to make up these allegations against you?

12 A That's correct.

13 Q Okay. Are you still married legally to Ms. Sullivan,
14 Pat Sullivan?

15 A I am.

16 Q So [REDACTED]'s plan and Pat's plan really hasn't worked?

17 A Well, it -- it did work. Because when she got the
18 allegations, the next day, she moved out. Pat moved out
19 of the house. That broke up -- that broke up the
20 relationship right there.

21 And -- and from that point on, that's when -- that's
22 when I knew -- I knew something was going on between her
23 and the -- and the individual at the church. Because if
24 I -- if -- if I'm mistaken -- if I'm correct, she said she
25 was staying in apartments, or whatever, that -- that she

1 delivered to. That is incorrect.

2 Q I'm sorry. What does that have to do with anything?

3 A You said that how did the relationship affect ^{MINOR} and
4 the relationship. Isn't that not the question?

5 Q The question was, how has this whole allegation
6 affected -- has ^{MINOR} been affected by this allegation?

7 A Emotionally, yes, she has.

8 Q Okay. Has Tameka been affected by this allegation?

9 A Yes, she has.

10 Q Okay. And has Pat been affected by this allegation?

11 A Yes, she has.

12 Q But Pat orchestrated all of this?

13 A I -- I'm -- I am -- I am convinced that Pat had
14 something to do with it.

15 Q Now, was it Pat or was it Sharon Black at church?

16 A It was -- it was -- it was -- it was both. They
17 are -- they are sisters. They -- every time we went out
18 to eat, Sharon would make a statement to the fact that
19 y'all will not be together long. And in that statement,
20 Pat was so -- so nonchalant. She would not make a
21 statement to my defense. So that let's me know that
22 they -- that they had something going on.

23 Q So the timing -- who arranged this timing? Who --
24 who perfected the timing of it?

25 A Who perfected the timing?

1 Q You said the timing was significant. I mean, you
2 said it here, Think about the timing. The incident was --
3 think about the timing of the incident was too perfect.
4 And on direct, you told us that the timing of the
5 allegation coming out when Tameka was over there was --
6 was just right. Who orchestrated that? Who orchestrated
7 that timing?

8 A It -- to me, I'm -- I'm thinking that it was -- it
9 was so orchestrated. Because Meka -- Meka rarely --
10 rarely came over to the house when she was off. But on
11 that particular day, she was there.

12 So, therefore, Pat was off. She was there. So in
13 orchestrating it, it could have -- it could have easily
14 been -- it could have easily been said, okay, I'm here at
15 the house. You -- you -- you should -- you should come
16 over. Perfect timing.

17 Q Because [REDACTED] would have known when exactly to talk
18 about these allegations, tell somebody these allegations.
19 Is that your theory?

20 A Yes.

21 Q Okay. So [REDACTED] and Pat orchestrated [REDACTED] going over to
22 her friend's house and for it to come out in the way it
23 came out?

24 A I wouldn't say she orchestrated her going over there
25 spending the night. It's just that -- it's just that.

1 when -- when she was there at the babysitter's house,
2 Meka -- Meka came over to the house. I mean, you know,
3 like I said, it's very rare that she came over to the
4 house. Because knowing -- okay -- that we always going to
5 be there, meaning Tameka, myself, and Pat.

6 Q Okay. So, first, when you get -- when you talked to
7 Investigator -- Investigator Lyda, you -- you did not say
8 that it was definitely Pat; is that correct?

9 A I -- I mentioned -- I mentioned that it -- it could
10 be a possibility that it was Pat.

11 Q But -- but, at first, initially, you -- you didn't
12 know who it was. You just thought it was somebody close
13 to the family; correct?

14 A That's correct.

15 Q And as the interview went on, then you said, It's got
16 to be Pat; correct?

17 A It's got to be Pat. And I mentioned, also, her
18 sister, Sharon.

19 Q Okay. And then as the interview progressed, you said
20 Pat wouldn't do that, didn't you?

21 A I was -- I was hoping -- yes, I said that. Because I
22 really didn't want to believe that Pat could be -- could
23 really be behind it.

24 Q Okay. And, now, today, we're back to Pat is behind
25 it?

1 A Today, I'm -- I'm telling you that from my -- from
2 my -- from my experience, from what I seen and what
3 I've -- have witnessed that it had to be Pat.

4 Q Okay. And this affair was never mentioned to
5 Investigator Lyda; correct?

6 A No.

7 MS. MAJOR: I don't have any further questions.

8 THE COURT: All right. Anything on redirect?

9 MR. MUSSETTO: Yes, Your Honor, briefly.

10 THE COURT: All right.

11 REDIRECT EXAMINATION

12 BY MR. MUSSETTO:

13 Q Mr. Sullivan, did you ever confront your wife about
14 seeing her car parked at another man's house?

15 A I did.

16 Q And how did you do that?

17 A I -- I -- I asked her -- I asked her why would you
18 say you were going somewhere else? Why would you say
19 you're going somewhere and be at another person's house?

20 Q Did you ever send her a text message?

21 A Did I ever send her a text message?

22 Q Correct.

23 A I -- I did send her a text message.

24 Q What'd that text message say?

25 A That text message read that it was me who pulled up

1 in your driveway. It was my horn that you heard. And
2 then I stated the individual's name. If you could not be
3 with the daughter, go ahead and go for the mother. That's
4 what the text message read.

5 Q Since these allegations were made against you, have
6 you been trying to figure out why these allegations were
7 made?

8 A I -- I really didn't know -- I didn't know then why.
9 But, now, I know why.

10 Q And these are your opinions, correct?

11 A These are -- these are -- these are my opinions.

12 Q Okay. And you don't have any proof?

13 A Well, the proof -- the proof I have is the text
14 message that -- when I said -- when I sent it as I was --
15 as I was coming out of the residence of this individual.
16 That's the only evidence that I do have.

17 MR. MUSSETTO: Nothing further, Your Honor.

18 THE COURT: All right. Anything else?

19 MS. MAJOR: I don't have anything else.

20 THE COURT: All right. And I have no questions.

21 You can step down.

22 MR. MUSSETTO: The Defense rests.

23 THE COURT: All right. Does Counsel want to go
24 directly into closing arguments, or do you need a break?

25 MS. MAJOR: I'm ready, Your Honor.

1 THE COURT: All right.

2 CLOSING ARGUMENTS

3 MS. MAJOR: Ladies and gentlemen, at the beginning of
4 this case, I told you that this case was about secrets.
5 It was about a secret that the Defendant thought that [REDACTED]
6 would keep forever. He didn't think that she was ever
7 going to tell what he was doing to her.

8 And I, also, told you at the beginning of this case
9 that it's my job to prove to you that he is guilty of
10 these crimes beyond a reasonable doubt. It is not beyond
11 all doubt, beyond any doubt. It's just beyond a
12 reasonable doubt. So I'd like to review the evidence with
13 you and show you how we've proven this case beyond a
14 reasonable doubt.

15 So, first, we have two indictments, as you know.
16 Both are charges of criminal sexual conduct with a minor
17 third degree. They are the same charge, but they include
18 different time periods.

19 The first indictment includes a time period between
20 July 16th, 2015, when [REDACTED] turned five and July 15th, 2015,
21 just before she turned five. The second indictment --
22 excuse me, just before she turned six while she was still
23 five.

24 Two second indictment is for July 16th, 2016, when
25 she turned six through January 16th, 2017, when these

1 allegations came out.

2 So you've heard lots of dates. So let me briefly go
3 over a timeline with you. September 2008, the Defendant
4 and Pat married. July 16th, 2010, [REDACTED] is born. January
5 4th, 2011, Tameka starts working at BMW, starts working on
6 the third shift. [REDACTED] [REDACTED]'s little
7 brother is born. January 16th, 2017, [REDACTED] tells Shannon
8 Richards what the Defendant was doing to her. February
9 13th, 2017, [REDACTED] goes for the forensic interview at the
10 Julie Valentine Center. And then February 20th, 2017,
11 Investigator Lyda interviews the Defendant.

12 Let's go over the witnesses in this case. You,
13 first, heard from Shannon Richards. She was the first
14 adult that [REDACTED] told. You've heard her describe how this
15 came out, how [REDACTED] just merely said, I don't like going over
16 to my grandparents house. And for whatever reason,
17 Shannon -- that perked up Shannon's ears. She thought it
18 was weird. So she pressed [REDACTED].

19 And she told you about [REDACTED]'s demeanor, about how it
20 changed, about how she looked scared, how she didn't want
21 to talk about it. But she pressed her and pressed her and
22 said, You're going to tell me. And [REDACTED] told her.

23 Shannon does not know the Defendant. And she just
24 met Pat yesterday, I believe that was her testimony. She
25 has no reason to get -- to get [REDACTED] to make this up, to be a

1 part of this conspiracy plan.

2 You heard from Pat Sullivan, the Defendant's wife.
3 She told you how she met the Defendant. They married in
4 2008. And she told you how they had a relatively good
5 marriage. They'd argue about normal marriage issues,
6 including finances. But she wasn't looking to divorce
7 him. And she's worse off financially than she was when
8 she was with him.

9 There's no allegation of -- or -- or there was no
10 talk from her of an affair. And she has no reason to use
11 her granddaughter in this way. If she wanted to divorce
12 him, she would have divorced him. She has a good job.
13 She makes her own money. She told you how the Defendant
14 would be alone with [REDACTED] and how he would watch her alone.

15 You heard from Tameka Williams, [REDACTED]'s mother. And she
16 confirmed Pat's schedule as far as watching [REDACTED] how often
17 they would do that, and how she would drop her off at her
18 house.

19 She told you how the Defendant would call and pick up
20 [REDACTED] and take her to go get ice cream, or go to the park, or
21 come over to watch the football game. And it's the
22 Defendant initiating all of this alone time with [REDACTED].

23 She told you she had a good relationship with the
24 Defendant. They would argue or have disagreements, but
25 nothing important. She has no motivation. And the

1 Defendant agrees that he has no beef with -- with Tameka
2 and she wouldn't use her daughter in this way.

3 You heard from Deputy Pelicano. He's the officer who
4 responded to the emergency room. He told you that Tameka
5 looked concerned, but she was calm. He told you about
6 [REDACTED]'s demeanor. She was joking, and laughing, and
7 interacting with him, just talking about normal kid stuff.
8 And he was trying to establish a rapport.

9 And when he brought up the allegations, she gets
10 upset. And he knows he's not trained in these types of
11 cases, so he does not press her.

12 He forwards the case on to Investigator Lyda, who you
13 heard from. And she told you what she did in her
14 follow-up investigation, and that she interviewed the
15 Defendant, and watched the forensic interview.

16 So you also -- excuse me -- heard from [REDACTED]. You heard
17 from [REDACTED] in the courtroom and then you saw her forensic
18 interview.

19 Ladies and gentlemen, when she walked into the
20 courtroom, she was very emotional. And that was not an
21 act. That was raw emotion coming out.

22 She preferred to be facing this way so she was not in
23 the line of sight of the Defendant. You saw her demeanor.
24 And she told you what he did to her. Okay. She told you
25 how he would put her on his lap and bounce her. She said

1 sometimes his pants would be down. She told you where it
2 would happen. She knew exactly where it happened. She
3 knew that this was the house. She knew what each room
4 was. And when I asked her, What happened here?

5 She said, This is where it happened. And that's in
6 the living room. She knew where it happened.

7 And this bouncing is the best way an eight-year-old
8 can describe it and probably how the Defendant -- what the
9 Defendant told her to do. He would hold her waist. He
10 would sit on her -- have him -- have her sit on his lap.
11 His pants would be down. It would be while nobody was
12 out -- at -- there. Grandma would be at bingo.

13 She said it happened all the time, like, every time
14 she'd go over there. She told you how if they heard a car
15 pull into the garage that he would get her off of his lap
16 really quick. This is not a loving grandfather having a
17 fun time with his grandchild, bouncing his grandchild up
18 and down. That's not what this is. This is not a case of
19 mistaken perception. Obviously, it is not illegal to
20 bounce a child on you lap, obviously. This is not a war
21 on grandfathers.

22 This is him using her body to arouse himself. That
23 was his purpose in doing that. And you know that from
24 what she says about it, about the details. When nobody
25 was around, his pants would be down. When somebody would

1 pull in the driveway, he'd push her off.

2 We, also, know this is not a case of mistaken
3 perception because what he -- what ^{MINOR} told you he would do
4 in the car. And she told you that it was a black Honda.
5 She remembered the car. She was in the car alone with him
6 often. And she described how he would touch her. And she
7 said up there in my private, rubbing his hand up and down.

8 You saw the forensic. And that was done two years
9 ago right after she disclosed what happened. And she
10 didn't mention the bouncing or the touching in the car.
11 And I don't know why she -- she didn't do that. I don't
12 know if she was still traumatized by the disclosure coming
13 out. She saw her mom so upset. She told you up here that
14 it made her mom sad -- or it made her sad to see her mom
15 upset. So maybe she just wanted to say as little as
16 possible and get out of there.

17 But she told you details. She told you that it would
18 happen -- or she told Christine Carlberg it would happen
19 when she was alone. It would happen when grandma was at
20 bingo. It is always when grandma is at bingo. That is
21 what sticks out in her head. That is when he had access
22 to her.

23 She knew the couch that he would touch her. She said
24 in the living room on the brown couch. She described that
25 it happened one time in grandmother's room and she knew

1 that couch was green. And then, ladies and gentlemen, she
2 described -- described it as digging in my pants with his
3 hand. She is six at the time that she is giving that
4 interview. She said he would go up and down. A -- a
5 six-year-old does not know those kind of details, unless
6 it has happened to her.

7 Again, she was six when this happened. And her
8 memory is not perfect. It happened a lot. She said it
9 happened every time that she went over there.

10 Clearly, she does not remember everything from when
11 she was six. She even got up there and said she didn't
12 remember spending the night at her grandparents house,
13 that she would take naps there when everybody says that
14 she spent the night there. And think about when you were
15 six years old, you remember certain things. Certain
16 things stick out. And then certain things you -- you have
17 no recollection of. But -- but it happened.

18 She has always been consistent that it was the
19 Defendant who touched her, that it was him when grandma
20 was at bingo when nobody else was around. She told
21 Shannon that's where the sexual abuse happened. She told
22 the -- Christine Carlberg, the forensic interviewer, and
23 then she told you on the stand.

24 You heard from Erica Van Wagner, the counselor, the
25 expert in child sex abuse dynamics. And the purpose of

1 her testimony is just to explain the dynamics of sexual
2 abuse. This is -- this is not common knowledge. It's not
3 a normal thing.

4 She told you about the stages of disclosure and the
5 types of disclosure. And this is a total accidental
6 disclosure. She didn't say I don't want to go over to my
7 grandparents house because she was trying to get the
8 Defendant in trouble. She just said it. And Shannon
9 pressed her. She wasn't trying to get her grandfather in
10 trouble. She wasn't trying to talk about it. She didn't
11 want to talk about it. She looked scared when she was
12 talking about it. She didn't mean for it to -- to blow up
13 like this.

14 She told you about the different stages of disclosure
15 and that recantation when a child says, no, it didn't
16 happen can be a part of the disclosure process and then
17 reaffirmation. ■■■ has not recanted. She has not said
18 that this did not happen. So she has not -- that is not
19 part of her disclosure process.

20 You heard Ms. Van Wagner discuss what grooming is and
21 how the perpetrator will build the trust of the victim.
22 And how he will give her gifts or take her to do fun
23 things. And then, also, how that perpetrator builds trust
24 and grooms the caregiver so that he can have access to the
25 child. And that's exactly what the Defendant did in this

1 case. He groomed [REDACTED]. And he groomed Tameka. He -- he
2 gained their trust.

3 You heard Ms. Van Wagner talk about delayed
4 disclosure and why a child may not tell immediately. They
5 may not understand it's wrong. She was six years old.
6 She may not have been able to process what was going on.
7 And -- or they can be -- the child can be fearful.

8 She, also, told you about how a child's age can
9 affect memory and how chronic abuse can -- can affect
10 recollection. And, also, how a parent's reaction may
11 affect a child's disclosure. [REDACTED] didn't want to see her
12 mom sad. But she has always maintained that this happened
13 and that it was the Defendant.

14 So we've heard from the Defendant in several ways.
15 Tameka told you about his reaction. Now, he disagrees
16 with his reaction. He's got a lot of motivation to paint
17 himself in the best light.

18 Tameka got up here and told you his reaction. What's
19 her motivation to lie about it? She said he was
20 nonchalant. She remembered him looking through the candy.
21 She was sick over it. He's just looking through the candy
22 bowl while her daughter has disclosed and told what awful
23 things he is doing to her. Where's the outrage? He
24 claims he was crying. She claims he was nonchalant.

25 Who's got the motivation to accurately describe what

1 happened? Who's got the motivation to lie? Tameka told
2 you that he said, Why would you believe a six-year-old?
3 He denies that. But, again, what motivation does Tameka
4 have to lie about that?

5 And then when the why would you believe a six-year-old
6 defense wasn't working for him, apparently, he moved on to
7 throw Brandon's name out there. And you heard Pat say
8 that Brandon's name came up. But then when I asked her,
9 How did Brandon's name come up?

10 She said, Well, it was from Mike.

11 So he tries to move on to the Brandon defense. And
12 that didn't create much traction.

13 So after that, he moves on to the conspiracy, someone
14 close to the family, getting played by somebody close to
15 the family. So that is the story that I guess he is
16 sticking with today.

17 The text message is ridiculous. It -- it just
18 doesn't make any sense. He's trying to make it make sense
19 now. I don't know if he felt that he could get Tameka off
20 the trail, that she would latch on to his theory, but she
21 didn't because it doesn't make any sense. There's nothing
22 unique about this timing. Nothing was going on. I guess
23 he is trying now to say that it happened when they were
24 all over at the house and that's the perfect timing.

25 He kept up that defense with Investigator Lyda.

1 First, he said he didn't know who it was, but it was
2 somebody close to the family. Then he says it's Pat. And
3 then he thinks about it and says, No, Pat wouldn't do
4 that. Of course, Pat wouldn't do that to her
5 granddaughter. And then now we're back again to it's Pat.
6 And you heard him testify to that.

7 And he is, also, throwing Sharon Black's name out
8 there, the aunt. So he's trying to throw anything against
9 the wall to see if it will stick. And it's not -- it's
10 not reasonable. It's not reasonable.

11 Sharon Black wasn't around MINOR. So at church, would
12 she pull her aside? She's six years old. You've got to
13 be pretty good to convince a six-year-old and to still
14 convince a now eight-year-old about what happened. Their
15 defense theory just doesn't make any sense.

16 MINOR he admitted, had no reason to -- to make this up
17 against him. She loved him. She trusted him. She had no
18 hatred towards him. And no six-year-old is going to
19 concoct this elaborate lie. It's the truth because it's
20 the truth.

21 His theory is someone got her to make it up. I guess
22 now he's saying that Pat got her to make it up, that Pat
23 would use and abuse her granddaughter this way. She
24 wouldn't. He agreed that she's a good grandmother. She's
25 raised four children. She raised Tameka, who is an

1 excellent mother. Pat's not going to use her
2 granddaughter in this way. If she wanted a divorce, she
3 would have divorced him. She had good -- she made good
4 money. She's been with the post office for 29 years. It
5 seems he's trying to throw her under the bus that she had
6 a gambling problem and that he was high and mighty. She
7 didn't have a gambling problem. She admitted she went to
8 bingo. She liked to play bingo. Maybe she spent some
9 money, but it's her money. And she still has a good job.
10 She's a good employee.

11 Bringing Sharon Black into this, it just doesn't make
12 any sense.

13 And what does ^{MINOR} get out of -- out of lying about
14 this, if she's going to go along with it? She had to go
15 to the emergency room. She had to go to the Julie
16 Valentine Center. She had to see her mom so upset. She
17 had to lose her grandfather. She caused -- because of
18 this, her grandparents get divorced, because of a lie. A
19 six-year-old is not going to do that.

20 She had to come to court. She didn't want to come to
21 court and be here. But she came up here and she told the
22 truth about what happened.

23 Ladies and gentlemen, the Defense theories, they are
24 just not reasonable. And in life, the simplest answer is
25 usually the correct one.

1 So is this some big conspiracy between [REDACTED] and Pat,
2 and [REDACTED] Pat, and Sharon, and Shannon Richards getting in
3 here, too, with the timing and someone close to the
4 family, or is it simpler than that? And it's that he was
5 touching her. And she accidentally told somebody and was
6 forced -- and it was forced out of her. And this is what
7 happens. These are the consequences that -- that
8 happened. That is what happened. It is just that simple.
9 It is not complicated like he wants it to be. It's not.

10 The Defendant gained [REDACTED]'s trust. He gained Tameka's
11 trust. And he gained Pat's trust. And he exploited that.
12 He took advantage of a young vulnerable child. And he
13 needs to be held accountable for that. And so I ask that
14 you find him guilty.

15 THE COURT: Mr. Mussetto.

16 MR. MUSSETTO: Your Honor, permission to move this
17 lectern.

18 THE COURT: Yes.

19 MR. MUSSETTO: Ladies and gentlemen of the jury, some
20 peoples stories are incorrect and some peoples
21 recollections are wrong.

22 On behalf of Mr. Sullivan and myself, I would like to
23 thank each and every one of you for your undivided
24 attention during this trial. Y'all have been an extremely
25 attentive jury. And many of you have taken notes.

1 And thank you. Again, thank you for your attention
2 here today.

3 Yesterday, I told y'all a story about a neighbor in
4 my -- where I live who was picking up trash and thought it
5 was someone that was throwing garbage in his yard every
6 Sunday morning. But it turns out this individual was
7 doing a good deed and helping clean up the road. My
8 neighbor's perception was wrong. His -- his story was
9 wrong at first.

10 And I'd like to submit to you today that the story
11 that ^{MINOR} told us in this courtroom is wrong as well. And I
12 want to point out some marked, marked differences in the
13 story that was first told by ^{MINOR} and then the story that
14 was told here in the courtroom.

15 If you recall, what ^{MINOR} told in the courtroom
16 yesterday -- and we all can agree that she is an
17 absolutely precious, precious child. There's no question
18 about that. But she got her story -- the story that she
19 told yesterday and the story that she told on that
20 forensic interview, they're two very, very, very
21 remarkably different stories. And they're just not
22 general stories that she got wrong.

23 She went into specific details about what supposedly
24 happened at the grandparents house and what supposedly
25 happened in this black Honda Accord. For example, she

1 said yesterday that she would go into the car, this black
2 Honda and her grandfather would rub her privates when she
3 would be sitting in the front seat or when Mike -- when
4 Mr. Sullivan would be in the front seat -- or in the
5 driver's seat and she would be in the passenger seat. She
6 said that he would be driving and rubbing on her privates.

7 And the Prosecutor wanted to detail -- or attempted
8 to ask her, Did this happen anywhere elsewhere? Where
9 else did this happen? In hopes that she would say, oh, it
10 happened at my grandfather's house, too. She never made
11 any allegations yesterday, not one, that these touchings
12 occurred at her grandparents house. She went on to say
13 that it only happened in the black Honda Accord.

14 However, if you recall the forensic interview that
15 you saw this morning, the first thing that she said to the
16 forensic interviewer when it was asked, Do you know why
17 you're here today? She said, To tell you what my papa did
18 to me.

19 If you recall in her mother's testimony, Tameka
20 Williams, I asked her, Did you talk to [REDACTED] about why she
21 was going to the Julie Valentine Center?

22 She said, Absolutely not. I did not tell her
23 anything. She did not know why she was going.

24 But the first thing out of [REDACTED]'s mouth was -- Do you
25 know why you're here?

1 I'm here to tell you about what my papa did to me.

2 She said in the forensic interview that it happened
3 when both her and Mr. Sullivan were sitting and watching
4 football games. She said it happened on a couch in the
5 living room. She even went into detail that he was
6 drinking beer. She said that he put his hand in his [sic]
7 pants. And she said this happened every single time that
8 she went over there. Those stories are markedly,
9 markedly, markedly different.

10 And I would ask what else did [REDACTED] say that was
11 incorrect, not even relating to these allegations? She
12 said that she would only go over there and take short
13 naps. We all know that she stayed overnight for years.
14 So if her recollection is that she would only go over
15 there and take short naps and she got that wrong, what
16 else is she getting wrong as far as telling the story?

17 The burden of proof in this case is on the State.
18 And we've heard that the State has to prove their case
19 beyond a reasonable doubt. And when the closing arguments
20 are done today, the Judge is going to give you some jury
21 instructions and, also, tell you what reasonable doubt is.

22 Some people have thought reasonable doubt to mean
23 sufficient reason to doubt, meaning if you go back in your
24 jury room and are deliberating and if you have sufficient
25 reason to doubt that Mr. Sullivan committed these crimes,

1 the Judge will tell you, you must find him not guilty.
2 Other people have said you're truly not sure whether the
3 Defendant committed the crime -- and the Judge will tell
4 you if you're truly not sure, the State did not prove
5 their case. That is not beyond a reasonable doubt and you
6 must find the Defendant innocent.

7 Mr. Sullivan's story has not changed from the
8 beginning. The term face the facts, face the music, he
9 was there all along the way. He was there the morning
10 when the allegations were first made. He immediately went
11 over to Tameka's house. He offered to drive them to the
12 hospital where she could have got a forensic examination.
13 He went to the investigator's office at the law
14 enforcement center. He's here today.

15 And per the law, he has the absolute right to sit
16 over there and remain 100 percent silent throughout the
17 entire trial. And the Judge would -- if he did sit
18 silent, the Judge would say that can't be used against
19 him. But he wanted to come today. He wanted to address
20 each of you individually and tell you his version of what
21 has happened.

22 He's been searching for answers relating to whether
23 Tameka was behind it, Pat was behind it, if these stories
24 were being fed to [REDACTED]. I would submit that is irrelevant.
25 But what you should focus on is how [REDACTED] made two very,

1 wanted to tell you his story. And you can judge his
2 credibility.

3 Basically, this case is he said-she said. But "she"
4 is MINOR a six-year-old that has told conflicting stories.
5 One conflicting story in the forensic interview, and then
6 another conflicting story yesterday.

7 Michael has said, I'm a great-granddad. I love MINOR.
8 We had a great relationship. I was close with my wife,
9 Pat, through the majority of our marriage. I was close to
10 her children during the majority of our marriage. Yes, we
11 had disagreements [inaudible]. They even lived in my
12 house. I didn't mind that they lived in our house.

13 But that one phone call that one morning turned their
14 whole family dynamic upside down. And Michael's sitting
15 here two years later.

16 Some peoples stories are wrong. Some peoples
17 perceptions are incorrect.

18 Please find the Defendant not guilty.

19 MS. MAJOR: Your Honor, briefly.

20 Ladies and gentlemen, she was six years old when this
21 happened. Her stories are not conflicting. You heard
22 about how a child's memory -- the younger a child is, it
23 can affect the child's memory. You were six years old,
24 You may have six-year-olds.

25 Her stories are not conflicting. The abuse, it

1 probably happened -- or it did happen in those three
2 places. Okay. He put her on his lap. He bounced her up
3 and down. He abused her in the car. And he abused her at
4 the house. There -- her stories are not conflicting.

5 Shannon Richards was not an acquaintance. She was a
6 good friend. She came over and she took the baby.

7 And the Defendant's story has not changed. Are you
8 kidding me? The Defendant's story has changed all over
9 the place. He's all over the place. It's Pat. It's
10 Sharon. It's Brandon. His story's gone -- he has thrown
11 anything against the wall.

12 And absolutely you can judge credibility. You saw
13 the witnesses up here. You saw their demeanor. You know
14 what motivations they have to lie.

15 And Your Honor will charge you on beyond a reasonable
16 doubt standard. It is not a reason to doubt. Listen to
17 what the Judge says about that standard. It is not
18 impossible. You must be firmly convinced of the
19 Defendant's guilt. And I submit to you that you have the
20 evidence to do that.

21 THE COURT: All right. Ladies and gentlemen of the
22 jury, that concludes the closing arguments on behalf of
23 the State, as well as the Defendant.

24 I'm going to send you back in your jury room for just
25 a little bit to take up some matters with the lawyers.

1 And when I bring you back out, I will charge you on what
2 the law is in this particular case.

3 Here again, do not discuss the case with each other.
4 I know you've heard closing arguments. But, please,
5 ma'am, please, sir, do not discuss the case with each
6 other. And I'll have -- bring you back out here shortly.

7 (WHEREUPON, the jury was excused from open court at
8 approximately 3:11 p.m.)

9 THE COURT: All right. I am going to -- let's just
10 talk about the charge. I've got -- do you want to come up
11 here and take a look at this?

12 I've got the verdict form. And we've got two
13 indictments, so we've got separate verdict forms. I want
14 you to take a look at them and see if there's any issues
15 regarding that.

16 (WHEREUPON, a bench conference was held.)

17 THE COURT: Are both sides ready?

18 MR. MUSSETTO: Yes, Your Honor.

19 MS. MAJOR: Yes, Your Honor.

20 THE COURT: All right. Bring the jury in.

21 (WHEREUPON, the jury came into open court at
22 approximately 3:24 p.m.)

23 CHARGE ON THE LAW

24 THE COURT: All right. Ladies and gentlemen of the
25 jury, first of all, before I charge you on what the law

1 is, I really want to thank you for being attentive
2 throughout this process. I -- I was observing you. And I
3 want to thank you for paying attention and being focused.
4 I'm extending that on behalf of the State, as well as the
5 Defendant. We appreciate your attentiveness.

6 Now, I am going to charge you on the law in the case.
7 And I'm just going to be talking a few minutes. And I
8 have a number of things I need to go over with you. So
9 I'm, again, asking you to pay attention to every word that
10 comes out of my mouth and listen very carefully. I'm
11 going to speak loud enough so the young lady with the
12 purple on the back row -- make sure that she hears me as
13 well. Because I know if she hears me, I know all of you
14 can hear me. Okay.

15 Now, you've heard -- ladies and gentlemen of the
16 jury, you have heard all of the evidence that you're going
17 to hear in this case. And you've heard closing arguments
18 from the State, and you've heard closing arguments from
19 the Defense.

20 Now, it is my duty to instruct you on the law that's
21 applicable to the facts in this case. And it is now your
22 duty, as the judge of the facts, to determine the facts
23 from the evidence that you've heard during the trial.

24 And to those facts, you must apply the law as I give
25 it to you. And you should not be concerned with what you

1 think the law should be, but what the law is. And you
2 should not be concerned with any undue sympathy, biases,
3 prejudices, or personal likes or dislikes that you may
4 have. And that means that you must decide this case
5 solely on the evidence before you and according to the
6 law. And you recall in your oath that you took at the
7 beginning of the trial, you swore to do exactly just that.

8 Now, in following my instructions, you must follow
9 them all and not single out some and ignore others.
10 Because they're all equally important. And do not read
11 into these instructions or anything that I may have said
12 or done during this trial as any indication as to what I
13 think the facts should be or what your verdict should be.
14 Because I told you at the outset, the Constitution in the
15 case says you're the judges of the facts, and I am the
16 judge of the law.

17 You decide what the facts are by evaluating and
18 weighing the evidence that you've heard during the trial.
19 And there's no way for you to do that in a literal sense.
20 I'm, certainly, not -- I'm not going to give you a set of
21 scales for you to go back and forth with experiments.
22 What I'm really talking about is evaluating the evidence,
23 using your good common sense, your sense of logic and
24 reason and your life experiences. Once you bring all of
25 those things to bear, then -- then you can evaluate the

1 evidence and make a logical decision.

2 I told you at the beginning of the case that evidence
3 came in two forms. Remember, I said that one of the
4 people -- one of the forms of evidence is the witnesses
5 testimony that testified in this witness box next to my --
6 to my left. And the other one is evidence in the form of
7 exhibits. And those are the exhibits that are on the
8 table right immediately in front of you.

9 You must judge the credibility of the evidence. And
10 when you judge the credibility of the evidence, not only
11 are you judging the credibility of the witnesses that
12 testified, because they're considered part of the
13 evidence, but you, also, can judge the credibility of --
14 of any exhibits.

15 Now, I will tell you that you may consider in
16 deciding credibility in such a way that you may believe
17 everything a witness says, or you may believe nothing a
18 witness says. Or you may believe part of a witnesses
19 testimony and not believe the other part. You may believe
20 one witness over several, or several over one. But I know
21 you will decide the matter of credibility using reason,
22 and logic, and your good common sense and not do it
23 arbitrarily.

24 Now, there are, also, two types of evidence -- two
25 sources -- let me say that -- two sources of evidence.

1 And what I'm talking about now is direct evidence and
2 circumstantial evidence. Direct evidence is the testimony
3 of someone who claims to have a direct and actual
4 knowledge of a fact, such as an eyewitness. Direct
5 evidence is evidence that if it is believed immediately
6 establishes the fact for which it was presented.

7 Circumstantial evidence is indirect evidence. Put
8 another way, circumstantial evidence is proof of a chain
9 of facts from which you could find that another fact
10 exists, even though it has not been proven to you
11 directly.

12 The law makes no distinction between -- makes no
13 distinction between the weight or value to be given to
14 either direct evidence or circumstantial evidence. You
15 must -- you can consider both kinds.

16 Now, ladies and gentlemen, there are certain things
17 that -- or certain witnesses who come in who are qualified
18 and described as experts. There was an expert witness in
19 this case. And these are people who by reason of
20 training, education, and experience have achieved a
21 certain expertise in a certain field. And they, unlike
22 other witnesses, are entitled to give their opinions about
23 things that they have observed.

24 However, expert witnesses share this with all other
25 witnesses, and that is you, the jury, are the sole judges

1 of their credibility. In other words, just because
2 they're an expert witness does not mean that you don't get
3 to judge the level of their credibility. That's still
4 within your purview. You may accept everything that an
5 expert witness says -- says, reject some of it. You're
6 not required to accept even the uncontradicted opinion of
7 an expert.

8 Now, there are certain principles that apply in
9 criminal cases. And, as I said to you at the outset, I
10 have two indictments. And, as I said at the
11 outside [sic], these indictments is what I term as the
12 tickets by which these matters come before the Court.

13 And the fact that a person, in this instance
14 Mr. Sullivan, is indicted doesn't constitute evidence of
15 any kind. The fact that a person is indicted doesn't even
16 create any suspicion of guilt. I explained to you that
17 the indictment is simply the formal matter -- manner in
18 which the case begins.

19 Mr. Sullivan, as it relates to both of these
20 indictments, has pled not guilty. And what that,
21 essentially, does, it puts the burden squarely on the
22 shoulders of the State to prove that he is guilty beyond a
23 reasonable doubt. And all 12 jurors must agree that the
24 State has proven each and every element of the charge
25 beyond a reasonable doubt. And I am going to read the law

1 to you that's applicable to this offense. When I read the
2 law to you, the law contains elements of the offense.

3 You must -- you must be satisfied that the State has
4 proven beyond a reasonable doubt the elements of the
5 offense upon which the Defendant is charged. This -- this
6 Defendant is presumed innocent. And that presumption of
7 innocence is not some legal technicality. It is a
8 fundamental right that every person enjoys in this
9 country. And it cannot be removed, unless the State
10 convinces you beyond a reasonable doubt as to every
11 element of the crime.

12 Now, what is a reasonable doubt? As Counsel
13 indicated earlier, I was going to define reasonable doubt
14 in my charge to you. A reasonable doubt is defined as the
15 kind of doubt that would cause a reasonable, sincere,
16 honest, and conscientious person to hesitate to act in an
17 important matter in their own affairs. Proof beyond a
18 reasonable doubt is proof that leaves you firmly convinced
19 of the Defendant's guilt.

20 The law does not require proof that -- that overcomes
21 every possible doubt. So if, based on your view of the
22 evidence, you are firmly convinced that the Defendant is
23 guilty of the crime charged, you must find him guilty. On
24 the other hand, if you think there is a real possibility
25 that he is not guilty, you must give him the benefit of

1 that doubt and find him not guilty.

2 A reasonable doubt may arise from the evidence or
3 lack of evidence. And the Defendant is entitled to every
4 doubt that may arise in the case. And that means that as
5 to any issue of fact that is essential to a finding of
6 guilt, you have -- and you have some reasonable doubt as
7 to how to resolve that issue, it is your duty to resolve
8 it in the Defendant's favor.

9 Now, in order to establish criminal liability, the
10 State must prove criminal intent. And criminal intent is
11 a matter that must be determined by you from the facts.
12 And there's no way to prove criminal intent to a
13 mathematical certainty.

14 The law says that criminal intent may be inferred
15 from the circumstances. It is not necessary to establish
16 intent by direct evidence. Intent may be established by
17 circumstantial evidence taken into account the
18 circumstances that are at issue.

19 Criminal intent is a mental state of conscious
20 wrongdoing. It is up to you to determine what the
21 Defendant intended to do based on the circumstances shown
22 to have existed.

23 Now, the first offense that I'm going to discuss with
24 you is that -- that the Defendant is charged with criminal
25 sexual conduct with a minor being in the third degree.

1 And that -- this indictment indicates that this Defendant
2 is in violation of Section 16-3-655 Subsection C of our
3 South Carolina Code of Laws as amended. And that statute
4 reads as follows, A person is guilty of criminal sexual
5 conduct with a minor in the third degree if the actor is
6 over 14 years of age and the actor willfully and lewdly
7 commits or attempts to commit a lewd or lascivious act
8 upon or with the body or its parts of a child under
9 16 years of age with the intent of arousing, appealing to,
10 or gratifying the lust, passion, or sexual desires of the
11 actor or the child.

12 This indictment that I just read indicates that --
13 alleges that the time frame was between July 16th, 2016,
14 and January 16th, 2017.

15 On the second indictment, the Defendant is charged
16 with having violated Section 16-3-655 Subsection C of our
17 South Carolina Code of Laws. This is the same exact
18 statute that I just read to you. But because I have two
19 indictments, I'm going to read the statute to you again.
20 Because it's applicable to this particular indictment.
21 And the dates that are alleged in this indictment is July
22 the 16th of -- dates between July 16th, 2015, and the 15th
23 day of July, 2016.

24 As it relates to this indictment, the statute reads
25 as follows, A person is guilty of criminal sexual conduct

1 with a minor in the third degree if the actor is over
2 14 years of age and the actor willfully and lewdly commits
3 or attempts to commit a lewd or lascivious act upon or
4 with the body or its parts of a child under 16 years of
5 age with the intent of arousing, appealing to, or
6 gratifying the lust, passion, or sexual desires of the
7 actor or the child.

8 Now, I will, also, charge to you what is considered a
9 lewd act on a minor. And I'm reading, specifically, from
10 Section 16-15-140 of our South Carolina Code of Laws. And
11 this is to give clarification to you on two words that are
12 used in the statute, the word "lewd" and the word
13 "lascivious."

14 The Defendant -- and this is -- and I'm going to read
15 the statute. But keep in mind, even though I'm reading
16 you this statute for those purposes, this Defendant is not
17 charged with a violation of this particular statute. But
18 me reading the statute will give you some degree of
19 clarification on two words that are contained in the
20 statute I did read, which is "lewd" and "lascivious." So
21 just listen.

22 The Defendant is charged with committing a lewd act
23 on a minor. A minor is a person under the age of 18. The
24 State must prove beyond a reasonable doubt the Defendant
25 was over the age of 14. Next, the State must prove the

1 Defendant willfully and lewdly committed or attempted a
2 lewd or lascivious act or -- with the body or its parts of
3 a child under the age of 16 years with the intent to
4 arouse, appeal to, or gratify the lust, passion, or sexual
5 desires of the Defendant or the child.

6 As you can see, this particular statute almost reads
7 identically to the statute you just heard, except listen
8 to what I'm getting ready to tell you. In -- contained in
9 this statute it says, Willfully means voluntarily and
10 intentionally with the specific intent to do something the
11 law forbids.

12 But here is a definition that's outlined in this
13 statute about lewd. The word "lewd" is used in the
14 previous statute. The word "lascivious" is used in the
15 previous statute. Lewd means obscene, lustful, and
16 indecent. Lascivious means tending to incite lust, lewd,
17 indecent, obscene, or tending to deprave the morals in
18 respect to sexual relations. And I'm going to read those
19 definitions again. Lewd means obscene, lustful, and
20 indecent. Lascivious means tending to incite lust, lewd,
21 indecent, obscene, or tending to deprive -- deprave the
22 morals in respect to sexual relations.

23 Now -- now, those are the principles of substantive
24 law that you must apply to this case. The -- I have
25 created two -- the Court has created two verdict forms.

1 There is a verdict form for each particular indictment.
2 On the top of the verdict form is the indictment number
3 for each one of the indictments. Contained in the verdict
4 form is the time frame -- the exact time frame of the
5 alleged offense that was contained in each one of the
6 indictments. The verdict forms mirror that time frame.

7 The verdict form -- one says, As to the charge of
8 criminal sexual conduct with a minor third degree
9 occurring between July 16th of 2016 and January 16th,
10 2017, we, the jury, by unanimous consent find the
11 Defendant, Michael Sullivan -- now, keep in mind, I have
12 two lines. One line says, Not guilty. The next line
13 says, Guilty. Pay no attention to the order that's
14 listed. I had to put them in some order, but that's why
15 they're listed that way. And then it has the Foreperson
16 of the juries name and to sign the verdict form once you
17 have deliberated and reached a decision.

18 On the second verdict form, it is the exact same
19 form. The only thing that's different is it alleges a
20 different date as -- that mirrors the indictment -- the
21 other indictment that I saw -- talked to you about
22 earlier.

23 Now, ladies and gentlemen of the jury, you were not
24 chosen to be a juror in this case to be a partisan or an
25 advocate for the State or the Defendant. You have been

1 chosen as a juror in this case because you agreed to
2 give -- be -- to listen and to be fair and impartial to
3 both sides. And that you could decide this case without
4 any kind of bias, prejudice, or any conceived notions --
5 ideas.

6 So you are the judges of the facts. And your sole
7 interest here today is to determine what the facts are,
8 take the law as I just gave it to you, and apply it to
9 those facts using your life experiences, your common
10 sense, and your sense of logic and reason. And once you
11 do that, you'll be able to reach a verdict.

12 Now, each of you -- each -- all of you, all 12 of you
13 have a vote in this case. And it's your vote. It's no
14 one else's vote. Each juror has a vote. And that's your
15 vote.

16 So don't be afraid to change your mind if you are of
17 a different mindset and discussion -- after the
18 discussions that you have had with your fellow jurors.
19 But don't change your mind simply to get the case over
20 with or to reach a unanimous verdict. It is extremely
21 important to both sides. It's important to the State, as
22 well as this Defendant that you be very conscientious.
23 The same degree of consciousness that you -- being
24 conscientious that you started with the case, you must
25 take it all the way through.

1 The record is now closed. And there is not going to
2 be any more witnesses. And there are not going to be any
3 more exhibits. So if something was referred to during the
4 trial that you want to have but you don't have back there
5 in the jury room as an exhibit, I can't get it to you. So
6 keep that in mind.

7 Now, do not start deliberating or talking about the
8 case until you get certain things from me. You will be
9 sent -- the bailiff will bring back to you the verdict
10 forms. And the bailiff will, also, bring back to you the
11 exhibits.

12 Once you receive both of those items, Mr. Foreman,
13 then you're free to move forward with deliberations. But
14 before you do that, I need to defer to Counsel for both
15 sides before I give you those instructions.

16 So, Mr. Bailiff, if you would take the jury panel
17 back to the jury room.

18 THE BAILIFF: Yes, Your Honor.

19 THE COURT: Please -- you're still -- at this point,
20 do not talk to any -- each other about the case until you
21 get some instructions from me.

22 (WHEREUPON, the jury was excused from open court at
23 approximately 3:46 p.m.)

24 THE COURT: Could you bring me the two alternates?
25 I'm going to do that first and then I'll hear from

1 you.

2 (WHEREUPON, Juror #47, Jesus Colon Carrasquillo, and
3 Juror #193, Michael Simms, entered the courtroom.)

4 THE COURT: If y'all would just stand right there.

5 I, certainly -- certainly, want to thank both of you
6 for your service as alternates in this case these last
7 couple of days.

8 And I hope that -- that you benefitted from your
9 service as jurors. And I hope you get an opportunity to
10 serve as a juror, not necessarily in a criminal case, but
11 in a civil case because I think it's an honor to do so.

12 So you're free to go. But -- and give the -- your
13 notepad -- well, you can take -- take it with you. But
14 you're free to go, but you can remain if you so like.
15 It's up to you. So it's up to each one of you.

16 Madam Clerk, do you want me to send them back
17 downstairs?

18 THE CLERK: Janine can make a work statement for your
19 work, if you need one.

20 THE BAILIFF: I've got the work statements.

21 THE COURT: All right.

22 THE BAILIFF: Anybody need work statements?

23 (WHEREUPON, there was no response.)

24 THE COURT: Okay. Just follow the bailiff.

25 Thank you.

1 (WHEREUPON, Juror #47, Jesus Colon Carrasquillo, and
2 Juror #193, Michael Simms, exited the courtroom.)

3 THE COURT: Any exceptions?

4 MS. MAJOR: Yes, Your Honor.

5 Can we can approach?

6 THE COURT: Yes.

7 Ms. MAJOR: I think I confused everybody. And I
8 apologize.

9 (WHEREUPON, a bench conference was held.)

10 THE COURT: All right. It's my understanding that
11 there's no exceptions to the charge from either the State
12 or the Defendant. So noted on the record.

13 And I have instructed the bailiff to take the
14 exhibits, along with the verdict forms, to the jury. And
15 they will begin deliberating.

16 It is approximately 3:51 p.m.

17 All right. And we'll be at ease until further
18 notice.

19 (WHEREUPON, the proceedings were recessed at
20 approximately 3:52 p.m.)

21 THE COURT: All right. Before we bring the jury out,
22 let me just -- this is directed to the people out there in
23 the -- seated.

24 Irregardless of what this verdict is, I will not
25 tolerate any outbursts of any kind. I want to just tell

1 you that on the front end so we don't have to deal with
2 that.

3 Everybody understands?

4 (WHEREUPON, occupants in the courtroom indicated in
5 the affirmative.)

6 THE COURT: All right. Bring the jury in.

7 (WHEREUPON, the jury came into open court at
8 approximately 4:36 p.m.)

9 THE COURT: All right. Mr. Foreman, has the jury
10 reached a verdict?

11 JUROR #126, STERLING LANEY: We have, Your Honor.

12 THE COURT: All right. Would you hand the verdict
13 form to the bailiff?

14 Madam Clerk, would you publish the verdict?

15 VERDICT

16 THE CLERK: Yes, sir.

17 Your Honor, in the case of 2018-GS-23-4166, the State
18 v. Michael Sullivan, as to the charge of criminal sexual
19 conduct with a minor third degree occurring between the
20 16th day of July, 2015, and the 15th day of July, 2016 we,
21 the jury, by unanimous consent find the Defendant, Michael
22 Sullivan, guilty.

23 In the case of 2018-GS-23-4165, as to the charge of
24 criminal sexual conduct with a minor in the third degree
25 occurring between the 16th day of July, 2016, and the 16th

1 day of January 2017, we, the jury, by unanimous consent
2 find the Defendant, Michael Sullivan, guilty.

3 This is signed by Mr. Laney, our Foreperson.

4 Ladies and gentlemen, if you agree these are the
5 verdicts you reached in your deliberation room, would you,
6 please, raise your right hand.

7 (WHEREUPON, all of the jurors raised their hand.)

8 THE CLERK: I thank you.

9 THE COURT: All right. Ladies and gentlemen of the
10 jury, I appreciate your service as jurors this week. And
11 I want to applaud you for being very attentive. I think
12 that you were a great jury. You worked and you listened
13 to everything. You evaluated everything.

14 I noticed a lot of you were taking notes. I'm
15 probably one of the judges that do allow note taking
16 because I think it helps you sort of put the facts
17 together. And I really think it helps your job as fact
18 finders. I think that's important. And I noticed a lot
19 of you were doing that.

20 And I applaud all of you for listening. I think
21 that's important. I don't think that the State or the
22 Defendant could ever say that all of you did not listen to
23 what was presented.

24 So I appreciate your service. I hope you have an
25 opportunity to serve as jurors again, whether it's in the

1 criminal court or whether it's on the civil side. I think
2 it's an honorable thing to do.

3 And I'm going to excuse you for --

4 Madam Clerk, do I need to send them downstairs?

5 THE CLERK: No. Their -- their statements are here.

6 THE BAILIFF: I've already distributed them.

7 THE CLERK: Yes, sir. Their statements are here.

8 THE COURT: All right. Well, I'm going to excuse you
9 for the week. This was the only matter, from my
10 understanding, that was still out here for the week. So
11 there's no need -- no need to have you -- and tomorrow is
12 Friday anyway. So we're not going to do a whole lot on
13 Friday.

14 So good luck to you. And you're free to stay, if
15 want to. If not, you're free to go.

16 Thank you. I appreciate it.

17 THE BAILIFF: Question. Are they allowed to take
18 their notes home with them, if they'd like?

19 THE COURT: They -- they can. I don't -- I don't
20 have a problem with that.

21 (WHEREUPON, the jury was excused from open court at
22 approximately 4:39 p.m.)

23 THE COURT: All right. Any -- any motions from
24 either side?

25 MR. MUSSETTO: Your Honor, it's my understanding of

1 the law that I have 10 days to make any motions.

2 THE COURT: Yes.

3 MR. MUSSETTO: That I don't necessarily need to make
4 a motion contemporaneous with today's verdict.

5 THE COURT: You're going to opt to do that?

6 MR. MUSSETTO: I would opt to do that.

7 THE COURT: All right. Very well.

8 Anything before sentencing?

9 MR. MUSSETTO: No, Your Honor.

10 THE COURT: All right. Bring the Defendant up and
11 Ms. Major.

12 Okay. I'll be glad to hear from both sides. I'll be
13 glad to hear from the State.

14 And I'll, also, be glad to hear from you,
15 Mr. Mussetto.

16 And then I'll, also, be glad to hear from you,
17 Mr. Sullivan.

18 MS. MAJOR: And, Your Honor, I was going to get his
19 prior record. I -- I do not believe he has anything
20 significant. It's just a 1990, driving under suspension;
21 1993, fraudulent check; '93, fraudulent check; '94,
22 fraudulent check. So that would constitute his record.

23 Your Honor, you heard the facts. You saw what this
24 victim had to go through to get up here to -- to testify.

25 The victim's mother would like to speak at the

1 appropriate time.

2 THE COURT: I'll be glad to hear from her.

3 MS. MAJOR: Ms. Williams, if you just want to stand
4 right at the bar and say your name for the record.

5 MS. TAMEKA WILLIAMS: Tameka Williams --

6 THE COURT: Speak loud enough so I can hear you.

7 Now, the court reporter has to hear, too.

8 I'll tell you what, she needs to move --

9 Can you see her, Hollie?

10 THE COURT REPORTER: Not good.

11 THE COURT: Not really.

12 THE COURTROOM DEPUTY: Do you want me to bring her up
13 here?

14 THE COURT: Yeah. Bring her up here so she can...

15 Yes, ma'am.

16 MS. TAMEKA WILLIAMS: I'm going to state my name for
17 the Court, Tameka Williams.

18 I just want to thank everybody for being able to
19 deliver this justice for my daughter. I mean, this has
20 been really tough on her, really tough on me.

21 Michael Sullivan, basically, robbed my baby of her
22 childhood. And I find myself having to tell her no over
23 all the things that a child would want to do like spend
24 the night with her friends, and go here, and do that, you
25 know. He have just put us in a position where I have to

1 tell my baby no more often to the things that she should
2 be allowed to do.

3 And I just wanted to just express the impact that
4 this has made on my daughter and on me as well. And, you
5 know, just to continue to express how, you know, she's --
6 how understanding my daughter is. She knows it's not
7 fair. But she do understand the reasons why. But it
8 still doesn't stop her from asking and wanting to do what
9 a typical eight-year-old would want to do.

10 And I just feel like he -- Mike Sullivan don't really
11 understand the -- what he took from her and what he took
12 from me, and how hard he has made this for us up to this
13 date and continuing forward. Because this is something
14 that we have to continue to -- to not dwell on, but it's
15 still going to be there.

16 And it's not -- it's -- we received justice today.
17 But it's not going to stop her from further asking
18 questions or -- I just don't know what's going to come of
19 this because of her still remembering what has happened to
20 her in the past.

21 And I just -- if anything, I just really hope that
22 Mike Sullivan would take that into consideration and just
23 understand what he took from my family. That's all.

24 THE COURT: Yes, ma'am.

25 All right. Anything else from your side? That's it?

1 MS. MAJOR: No. That was it.

2 THE COURT: Mr. Mussetto.

3 MR. MUSSETTO: Yes, Your Honor.

4 Judge, I would ask you to consider Mr. Sullivan's age
5 and his pretty much lack of a record. He's had a couple
6 fraudulent checks in the early 90s. And that's the extent
7 of his criminal background. As Your Honor heard, he
8 works. He was involved in church. This is a very
9 difficult case for -- for all parties, Judge.

10 I understand that with this sentence -- or with the
11 juries finding, he will be on the sex registry. And, Your
12 Honor, that in and of itself is going to be a lifelong
13 sentence for him.

14 This charge ranges from zero to 15. Obviously,
15 there's two counts. I would ask Your Honor to consider,
16 if Your Honor does decide to do some prison time, that the
17 charges be run concurrently.

18 Judge, given his lack of a record, I believe that
19 Mr. Sullivan would be a good candidate to have an
20 extremely lengthy prison time hanging over his head. And
21 that should he deviate from any sort of probationary
22 period in any way, he would know that he has a lot of
23 prison that he would be facing. Because he works, he
24 would be able to do electronic monitoring, the whole nine
25 yards.

1 And, Judge, like I said, the sexual registry in and
2 of itself is a lifelong sentence that he will have to face
3 every day no matter if he serves any time in prison or
4 not.

5 Do you want to say anything?

6 DEFENDANT SULLIVAN: Yes.

7 I would just like to say that I -- I really have been
8 wrongly accused. And this will -- this will affect my
9 life for the rest of my life.

10 THE COURT: All right. Anything else?

11 DEFENDANT SULLIVAN: I --

12 THE COURT: Go ahead.

13 DEFENDANT SULLIVAN: That's it.

14 THE COURT: All right. You know, there are matters
15 that -- that come before the Court where there are no
16 winners, just no winners. These type matters, there's
17 losers on both sides. Nobody wins. And these type
18 matters more than probably some others, at the -- at the
19 end of the day, families are torn apart on both sides,
20 both sides.

21 Anything else from the State?

22 MS. MAJOR: No, Your Honor.

23 THE COURT: Anything else from the Defense?

24 MR. MUSSETTO: No, Your Honor.

25 THE COURT: Any jail time credit?

1 MS. MAJOR: Two days, Your Honor.

2 SENTENCING

3 THE COURT: All right. On indictment
4 2018-GS-23-4165, the State v. Michael Sullivan, charged
5 with criminal sexual conduct with a minor third degree,
6 the sentence of the Court is that you be committed to the
7 South Carolina Department of Corrections for a period of
8 10 years.

9 On indictment 2018-GS-23-4166, the State v. Michael
10 Sullivan, charged with criminal sexual conduct with a
11 minor third degree, the sentence of the Court is you be
12 confined to the South Carolina Department of Corrections
13 for a period of 10 years.

14 These sentences shall be ran concurrent to one
15 another. Sex offender registry will be required on both
16 sentences.

17 Good luck to you, sir.

18 *****END OF TRANSCRIPT OF RECORD*****

19

20

21

22

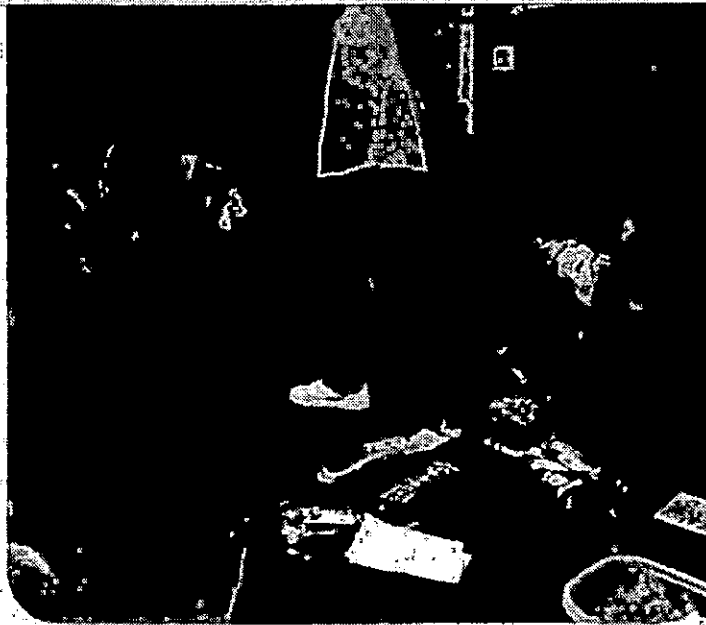
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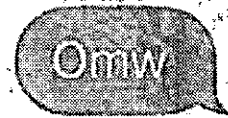
25



Mike Sullivan



Jan 15, 2017, 9:23 PM



Jan 18, 2017, 1:25 PM

Hey. Meka call me please we both getting played by someone close to the family

Think about it the timing of the incident was too perfect.

Everything is going THE WAY they planed it



Text Message



WITNESSES

Cheri Lyda

Greenville County Sheriffs Office

2/20/2017

ARREST WARRANT NUMBER
2017A2330201664

ACTION OF GRAND JURY
TRUE BILL

Clay Tuttle
FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury
Date:

Cheri Lyda

DOCKET NO. 2018-GS-23-
EEM

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

June TERM 2018

THE STATE

vs.

MICHAEL SULLIVAN

Indictment for

3661

CRIMINAL SEXUAL CONDUCT WITH A MINOR
3RD DEGREE

VIOLATION § 16-03-0655

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

INDICTMENT FOR
CRIMINAL SEXUAL CONDUCT WITH A MINOR 3RD DEGREE

At a Court of General Sessions, convened on _____ the Grand Jurors of Greenville
County present upon their oath:

JUN 05 2018

That MICHAEL SULLIVAN did in Greenville County, between the 16th day of July, 2016 and the 16th
day of January, 2017, being over the age of fourteen years, willfully and lewdly commit or attempt a
lewd and lascivious act upon or with the body, or its parts, of **MINOR** a child under the age of sixteen
years, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of
himself or such child. This is in violation of §16-03-0655(C) of the South Carolina Code of Laws
(1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

Elizabeth Meyer

SOLICITOR BAR # 74805

WITNESSES

Cheri Lyda

Greenville County Sheriffs Office

2/20/2017

ARREST WARRANT NUMBER
2017A2330201663

ACTION OF GRAND JURY
TRUE BILL

Clay Tuttle

FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury
Date:

[Handwritten signature]

DOCKET NO. 2018-GS-23-
EEM

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County of Greenville

COURT OF GENERAL SESSIONS

TERM 2018

June

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Against the peace and dignity of the State, and contrary to the statute in such case made and provided,

Elizabeth Mayo
SOLICITOR BAR # 74805

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,

This 8th day of April, 2020.

s/David Alexander
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

RECEIVED
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SC Court of Appeals